

**FOR A QUICK REVIEW OF THE MOST SIGNIFICANT POINTS  
IN THE COMMENTS, JUST DO “FIND #” AND ALL THE  
SPOTS INTERESTING FOR ANALYSIS WILL BE LISTED**

**VOLUME II**

(b) Autonomous Region of Krajina (“ARK”)

i. *Municipal level*

(A) Banja Luka

(1) Charges

1366. In relation to Banja Luka municipality, the Prosecution has limited the allegations in the Indictment to crimes associated with the Manjača camp (“Manjača”).<sup>4707</sup>

1367. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Banja Luka as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>4708</sup> Acts of persecution alleged to have been committed by Serb Forces and Bosnian Serb Political and Governmental Organs in Banja Luka include killings related to Manjača, as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at that facility.<sup>4709</sup> The Prosecution also characterises these killings as extermination, a crime against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.<sup>4710</sup>

1368. Other acts of persecution alleged to have been committed in Banja Luka by Serb Forces and Bosnian Serb Political and Governmental Organs include (i) torture, beatings, and physical and psychological abuse in Manjača as cruel or inhumane treatment,<sup>4711</sup> (ii) the establishment and perpetuation of inhumane living conditions in Manjača, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or

<sup>4707</sup> Indictment, fn. 1; Prosecution Rule 73 *bis* Submission, fn. 14; Pre-Trial Conference, T. 467 (6 October 2009); Rule 73 *bis* Decision, para. 6; Decision on Fourth Adjudicated Facts Motion, para. 28.

<sup>4708</sup> Indictment, paras. 48–49.

<sup>4709</sup> Indictment, para. 60(a)(ii). *See* Scheduled Incidents B.1.1, B.1.2, B.1.3, B.1.4; Scheduled Detention Facility C.1.2.

<sup>4710</sup> Indictment, para. 63(b).

<sup>4711</sup> Indictment, para. 60(b). *See* Scheduled Detention Facility C.1.2.

inhumane treatment;<sup>4712</sup> iii) unlawful detention in Manjača;<sup>4713</sup> as well as iv) forced labour at the frontline and the use of Bosnian Muslims and Bosnian Croats as human shields.<sup>4714</sup>

## (2) Lead-up

1369. Banja Luka is the largest municipality in BiH and is located to the east of Prijedor and Sanski Most and to the south of Bosanska Gradiška.<sup>4715</sup> According to the 1991 census, Banja Luka municipality had 195,139 inhabitants, of whom about 55% were Bosnian Serbs, 15% were Bosnian Muslims, and 15% were Bosnian Croats.<sup>4716</sup> **(The rest were the Serbs calling themselves Yugoslavs, which meant that the participation of the Serbs was close to 70%. In any case, if supposed that all the Muslims and Croats in Banja Luka were against Yugoslavia, certainly the rest of 70% were for the staying in Yugoslavia!)**

**1370.** In the multi-party elections of November 1990, the SDS won 64 seats of the 130 seats in the Municipal Assembly while the SDA secured 13 seats only.<sup>4717</sup> Predrag Radić, a member of the SDS Main Board, was appointed as the President of Banja Luka Municipal Assembly.<sup>4718</sup> Rajko Kasagić was appointed as the President of the Executive Board.<sup>4719</sup> In 1991, Župljanin was appointed the Chief of Banja Luka CSB.<sup>4720</sup>

**1371.** On 22 January 1992, the Banja Luka SDS established a Crisis Staff.<sup>4721</sup> **(Finally, the Chamber sees the difference between the Party CS and a municipality CS.)**

**1372.** The Banja Luka Crisis Staff was established in May 1992 and Radić was appointed as the the Accused of the Crisis Staff.<sup>4722</sup> **(This post is always “ex officio”)** By 15 May 1992, the Serbian Defence Forces (“SOS”) and at least three other Serb armed formations led by Nikodin Čavić, Vlado Jotanović, and Brane Palačković respectively operated in Banja Luka.<sup>4723</sup> **(#Contrary to Presidential orders#! All of them against the recommendations of the central authorities and the President. And all of them because of a great suspicion in the JNA and it’s impartiality, and capability to protect the people, see D11585, of 3 April 1992, just after the crisis in Bijeljina. The letter had been directed to the SDS, not to the President, since at that moment there was no president, and the BiH authorities were in charge;**

<sup>4712</sup> Indictment, para. 60(d). See Scheduled Detention Facility C.1.2.

<sup>4713</sup> Indictment, para. 60(g). See Scheduled Detention Facility C.1.2.

<sup>4714</sup> Indictment, para. 60(h). See Scheduled Detention Facility C.1.2. The Chamber notes that the Prosecution does not allege criminal responsibility for rape and other acts of sexual violence; forcible transfer or deportation; or appropriation or plunder of property in Banja Luka. Indictment, fn. 5, 6, 8.

<sup>4715</sup> P6135 (Map of BiH); D287 (SDA decision on proclamation of municipality Banja Luka–Stari Grad, September 1991).

<sup>4716</sup> D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), pp. 1–2; P5449 (Report of the MUP, Banja Luka RDB, February 1995), p. 2; P783 (Ethnic map of BiH). But see P4994 (Addendum to Ewa Tabeau’s expert report entitled “Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997”, 3 February 2009), pp. 21, 23–24, 29, 32, 35, 38 (reporting that in 1991, Banja Luka had 165,140 inhabitants).

<sup>4717</sup> D4110 (Article from Bosanska Krajina entitled “Second Round on 9 December”, 27 November 1990), p. 1; D4259 (Witness statement of Duško Jakšić dated 25 January 2014), para. 10 (stating that the SDS won 62 of 130 seats).

<sup>4718</sup> D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 3; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*, T. 7364, 7373; D4036 (Report on Situation in the ARK and Banja Luka, 15 May 1992), p. 2.

<sup>4719</sup> P6523 (Excerpt of Minutes of the 69<sup>th</sup> Banja Luka Executive Board Session, 8 May 1992), p. 1; D4064 (Excerpt of minutes of the 2<sup>nd</sup> Banja Luka Municipal Assembly session, 31 January 1992), pp. 3, 9; D4036 (Report on Situation in the ARK and Banja Luka, 15 May 1992), p. 1.

<sup>4720</sup> Christian Nielsen, T. 16301 (7 July 2011); P3773 (Witness statement of KDZ532 dated 31 October 2011), para. 11 (under seal); P1097 (CSB Banja Luka dispatch to SerBiH MUP, 20 July 1992); P2746 (Dispatch of Banja Luka CSB, 10 April 1992); D4071 (Summary of 15<sup>th</sup> session of ARK Assembly, 4 March 1992), p. 2; D4036 (Report on Situation in the ARK and Banja Luka, 15 May 1992), p. 1.

<sup>4721</sup> P2553 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 22 January 1992), p. 7.

<sup>4722</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*, T. 7379, 7384; P6524 (Excerpt of Minutes of the 19<sup>th</sup> Banja Luka Municipal Assembly Session, 23 June 1992), p. 1; D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 8; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 2.

<sup>4723</sup> D4036 (Report on Situation in the ARK and Banja Luka, 15 May 1992), pp. 1–2. See also Adjudicated Fact 2223.



Municipal Board  
SDS /Serbian Democratic Party/ of BH  
Bijeljina

We ask the organs of all Serbian Assemblies to support the decisions of the SAO /Serbian Autonomous District/ of Semberija and Majeveica Crisis Staff and Serbian National Guard commanders. The entire Serbian people is organised into Territorial Defence units in the area of our District, and the JNA /Yugoslav People's Army/ is expected to refrain from conflict with the Serbian people. We are prepared to justify our firm positions by argument.

8 April 1992, at 1750 hours

President  
Savo KOJIĆ

**(#LAWFUL AND OBLIGATORY#! #Due to the Law of All-people's defence#, the TO took task to defend, but not confident in the JNA as a part of previous system!)**

1373. During the republican referendum on independence on 29 February and 1 March 1992, the SOS blockaded the municipality building.<sup>4724</sup> **(#Illegal, anti-constitutional#! It wouldn't damage the truth if mentioned that this referendum was an illegal and anti-constitutional, since the Serbs as a constituent people didn't give their consent for it. The Serb position was that the Muslim/Croat alliance could make a plebiscite as the Serbs did in November 1991, but without any obligation to the others!)** The SOS in Banja Luka was under the command of Nenad Stevandić and included many well-known criminals from Banja Luka.<sup>4725</sup> On 3 April 1992, they erected check-points around town and issued a press statement calling on the president of the municipality to establish a crisis staff in order to pursue several goals of the SOS, including the dismissal of JNA Banja Luka Corps officers and public utility managers who voted "against Yugoslavia".<sup>4726</sup> The demands of the SOS were adopted by the SDS.<sup>4727</sup> **(#Incorrect#! This is not a correct assertion. It wasn't the SDS, but the municipal Crisis Staff. But the cited exhibit contains everything, from the correct quoting the institutions to the reasons why the SOS had been formed, let us see P06522:**

Members of the SOS, reservists from the JNA's /Yugoslav People's Army/ Banja Luka Corps, armed civilians and, as we have heard, men arriving from the Western Slavonian war zone, have presented their terms, insisting that Predrag RADIĆ form a Municipal Crisis Staff to carry these out. This was done and, after several hours of negotiations between representatives of the SOS, on the one side, and members of the Crisis Staff, the Territorial Defence, the JNA's Banja Luka Corps and from the institutions of the lawful authorities in Banja Luka, all the demands were later accepted, true, in a slightly modified form.

Fortunately, as we report this the situation, under the control of the SOS, is calm and no incidents have been recorded. At present, members of the SOS are behaving correctly towards the citizens who are bewildered by all that has happened and are trying to find out what is really going on.

**As it is clear, these men were the reservists returning from Western Slavonija, where they fought against the destruction of Yugoslavia, and had seen many atrocities against civilians, and inability of the JNA to protect them.**

We have also learned that the mobilisation of the SOS and the operation to block Banja Luka have come after a several-month long campaign to demonise and vilify the Serbs as a nation and that the "last straw" was BH government minister Jerko DOKO's address to the municipal assemblies, describing the reservists as outlaws and claiming that they were waging a "private" war. His statement aroused indignation and disgust among both reservists and civilians, who armed themselves and vigorously set demands, the acceptance of which practically means that the Republic of Bosnia and Herzegovina has ceased to function in these territories.

**All of that had been done without any knowledge of the central authorities, but on the basis of the rights of local authorities functioning in an emergency situation! Terrified by a statements of the BiH Minister for Defence Jerko Doko (a Croat) that these who obeyed the**

<sup>4724</sup> See Adjudicated Fact 2224.

<sup>4725</sup> P2855 (VRS Main Staff report on paramilitary formations, 28 July 1992), p. 4. See also Adjudicated Fact 2223.

<sup>4726</sup> See Adjudicated Fact 2225.

<sup>4727</sup> P6522 (Article from Glas entitled "SOS is not an illegal organisation", 4 April 1992), p. 1. See also Adjudicated Fact 2226.

**JNA call for mobilisation will be put “out of law”, they announced that they were capable of protecting themselves!)**

**For this we do have an additional document, #lately disclosed!!!!!!!!!!!!!!#**

1374. Upon the establishment of a municipal Serb Crisis Staff in the spring of 1992, Radić announced several measures, including that CSB employees had to pledge loyalty to the SerBiH or lose their jobs; the presidency of the SFRY would be requested to reinforce the JNA Banja Luka Corps and dismiss or transfer JNA officers who had not voted “for Yugoslavia”; and the directors of several public enterprises who pursued “an anti-Serbian policy” would be dismissed.<sup>4728</sup> Employers in Banja Luka were told to evict non-Serbs from employer-owned apartments in order to make space for families of fallen Serb soldiers.<sup>4729</sup> Those who attempted to protect non-Serbs in Banja Luka were reprimanded or even replaced.<sup>4730</sup> To enforce compliance with these orders, mixed patrols of the police, the TO, and the JNA were to take-over control of the roads from the SOS.<sup>4731</sup> **(That was a purpose for a temporary acceptance of the SOS demands, to compel the JNA to do it’s own job and protect the country, which was it’s constitutional obligation. It has to be taken into account what was happening in the neighboring Croatia, and the local authorities were obliged to preserve the peace. But, what is the purpose of those AFs, if this wasn’t in the Indictment? And what all of it has to do with the President? #No Karad’i’s liability#! )**

### (3)Scheduled Detention Facility C.1.2

1375. The Indictment refers to the use of Manjača as a detention facility in Banja Luka municipality between 21 April and 18 December 1992.<sup>4732</sup>

#### a. Establishment and control

1376. Manjača was located approximately 35 kilometres to the southwest of the town of Banja Luka and about 15 to 20 kilometres to the east of Ključ.<sup>4733</sup> Manjača was part of a large JNA installation called Mika Bosnić Barracks and had previously served as a military exercise field.<sup>4734</sup> Manjača consisted of farmland, six large stables, called “pavilions” by the guards, and a number of warehouses.<sup>4735</sup> There were mines, a fence, and several guard towers around Manjača.<sup>4736</sup> **(All of**

<sup>4728</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7379, 7384; P6524 (Excerpt of Minutes of the 19<sup>th</sup> Banja Luka Municipal Assembly Session, 23 June 1992), p. 1; D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 8; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 2; Adjudicated Fact 2226.

<sup>4729</sup> Adjudicated Fact 2228.

<sup>4730</sup> Adjudicated Fact 2228.

<sup>4731</sup> Adjudicated Fact 2226.

<sup>4732</sup> In its Final Brief, the Prosecution notes that the evidence led in relation to Manjača shows that it operated as a detention facility from 15 May 1992 until December 1992. See Prosecution Final Brief, Appendix B, p. 2, fn. 23.

<sup>4733</sup> KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5258–5260, 5333–5334; P3729 (Pictures and routes of Manjača camp); P3639 (Map entitled “Betornika-Manjača”). See also Adjudicated Fact 562.

<sup>4734</sup> P3488 (Witness statement of Atif Džafić undated), para. 100; KDZ026, T. 10392 (17 January 2011) (closed session); P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 107; D1846 (Order of the 5<sup>th</sup> Corps, 13 September 1991), p. 1.

<sup>4735</sup> P3488 (Witness statement of Atif Džafić undated), para. 100; P3499 (Drawing of Manjača); P3729 (Pictures and routes of Manjača camp); P3730 (Excerpt of video footage of Manjača camp); P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 7; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5261–5262; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 107.

<sup>4736</sup> Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7314; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7081; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5258, 5261–5263, 5332; P3499 (Drawing of Manjača); P3488 (Witness statement of Atif Džafić undated), paras. 100, 103; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6184–6185; P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 5; D1846 (Order of the 5<sup>th</sup> Corps, 13 September 1991), p. 1; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 7; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 2; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 107; P3755 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 November 1992), p. 1 (under seal).

**it established #far before the Republic of Srpska# was established, i.e. the JNA adjusted it's own facilities for the new situation of the war in Slovenija and Croatia. It had nothing to do with the President! #No liability#!**

1377. Around 15 September 1991, the Command of the 5<sup>th</sup> Corps of the JNA began using Manjača as a camp to hold POWs from the conflict in Croatia.<sup>4737</sup> In mid-May 1992, the 1<sup>st</sup> Krajina Corps assumed control of Manjača and from this point until its closure, Manjača remained under VRS control.<sup>4738</sup> In June 1992, the Command of 1<sup>st</sup> Krajina Corps was entrusted with the task of establishing a POW camp and assessing the needs for prisoner exchanges.<sup>4739</sup> In July 1992, Colonel Božidar Popović was appointed as commander of Manjača.<sup>4740</sup> Predrag Kovačević, nicknamed Špaga, was Popović's personal assistant; Kovačević was also in charge of the prison guards.<sup>4741</sup> Generally, military policemen guarded the detainees inside the camp whereas members of the MUP protected the external boundaries of the camp.<sup>4742</sup> However, the 1<sup>st</sup> Krajina Corps Commander and the Ključ and Sanski Most SJBs also agreed that members of the MUP be sent inside Manjača for short periods to assist.<sup>4743</sup> MUP members who were in Manjača were placed under the command of Popović.<sup>4744</sup>

1378. The authorities in Manjača drafted reports for the superior command on a weekly basis or more frequently when necessary.<sup>4745</sup>

1379. The number of detainees held at Manjača ranged from approximately 140 to 3,600 at a given time.<sup>4746</sup> In total, 4,403 detainees passed through the camp.<sup>4747</sup> The majority of the

<sup>4737</sup> P534 (ECMM Report, 3 September 1992), p. 5; KDZ026, T. 10392 (17 January 2011) (closed session); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5257, 5264; D1846 (Order of the 5<sup>th</sup> Corps, 13 September 1991), p. 1; D1847 (Order of the 5<sup>th</sup> Corps, 7 January 1992), p. 2; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 1.

<sup>4738</sup> P534 (ECMM Report, 3 September 1992), p. 5; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7614; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5350; Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 8084–8085; Petar Skrbić, P4523 (Transcript from *Prosecutor v. Popović et al.*), T. 15584; Dragomir Keserović, T. 40993 (8 July 2013); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3375, 3461 (under seal). See also Adjudicated Fact 562.

<sup>4739</sup> D1848 (Order of the 1<sup>st</sup> Krajina Corps, 15 June 1992), pp. 1–3.

<sup>4740</sup> KDZ024, P713 (Transcripts from *Prosecutor v. S. Milošević*), T. 30084 (under seal); P3491 (Excerpt of Tode Gajić's diary), p. 1; P5472 (Daily Report of Manjača Camp Operational Team, 18–20 August 1992), p. 1; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 2; P3724 (Manjača camp report to the 1<sup>st</sup> Krajina Corps, 8 August 1992), p. 2; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5261, 5264–5266; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), p. 26; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8144; P534 (ECMM Report, 3 September 1992), p. 1; D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 39. See also Adjudicated Fact 564.

<sup>4741</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6188; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2386–2388; P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 10; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 10; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), p. 31; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 11; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4798.

<sup>4742</sup> KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5265; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), p. 32; Faik Biščević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7081–7082; KDZ492, P3596 (Transcript from *Prosecutor v. Krajišnik*), T. 3878 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. S. Milošević*), T. 30085 (under seal).

<sup>4743</sup> P3734 (Report of Ključ SJB, 24 June 1992); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5267; KDZ163, P3716 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5274 (under seal). These civilian police officers would spend two or three days at Manjača and then return to their SJBs. KDZ163, P3716 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5274 (under seal). [REDACTED]. Likewise, Radomir Radinković stated that the civilian police was not allowed inside the camp. However, Radinković, later in his statement, conceded that members of civilian police interrogated the detainees in the camp. See D4204 (Witness statement of Radomir Radinković dated 8 December 2013), pp. 2, 4. The Chamber notes the reliable documentary evidence which indicates that inspectors from Ključ SJB and Sanski Most SJB were sent to Manjača in order to “process” the detainees. **#Investigations#! Certainly, the investigating activities were their obligation, and a basis to release, exchange or indict a detainee, which shows that there was no arbitrariness. And this could have happened under the authorisation of the camp authorities** See P3734 (Report of Ključ SJB, 24 June 1992); P3736 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 27 June 1992) (under seal); D3912 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 2 July 1992); D4170 (Witness statement of Mile Dobrijević dated 2 December 2013), para. 14. The Chamber also notes that according to a report compiled by the authorities in Manjača, Radenko Kaurin, who was a policeman, slapped two detainees because they had taken bread from the bread baskets which they had been forced to carry. See P3754 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 1 November 1992) (under seal). Given this evidence and in light of the inconsistencies displayed by [REDACTED] and Radinković during their respective testimonies, the Chamber rejects their assertion that the civilian police only entered the camp in situations of emergency.

<sup>4744</sup> [REDACTED].

<sup>4745</sup> D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 3.

<sup>4746</sup> P534 (ECMM Report, 3 September 1992), p. 2; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3374; Radomir Radinković, T. 45312 (18 December 2013); P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 6–8, 10; P3735 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 26 June 1992), p. 1 (under seal); P3736 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 27 June 1992) (under seal); P3737 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 1 July 1992), p. 1 (under seal); P3746 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 July 1992), p. 2 (under seal);

detainees at Manjača were Bosnian Muslims, though some Bosnian Croats and very few Bosnian Serbs were also held there.<sup>4748</sup> For the most part, the detainees were aged between 18 and 60, but there were also a number of minors and elderly individuals.<sup>4749</sup> On several occasions, those in charge of the security and intelligence at the camp proposed that individuals under 18 and over 60 as well as the seriously ill be released; these proposals, however, were largely ignored.<sup>4750</sup> Several Imams as well as a Catholic priest were also detained in Manjača.<sup>4751</sup>

**1380.** During mop-up operations in Bosnian Muslim villages, VRS detained the male population and handed them over to the Serb civilian authorities; the majority of such detainees were later brought to Manjača by Serb policemen.<sup>4752</sup> In some instances detainees were brought to the camp by the MP.<sup>4753</sup> Often, detainees were taken and held at Manjača without any reason for their detention having been recorded.<sup>4754</sup> **(#Combatants only#! That pertained to a late or lack of a temporaneous documentation, which didn't mean that there was no reason. For those without reason for detention, as resolved in Omarska through the investigation, there was no the reason to send them to Manjaca too, and it was 59% of investigated persons. The entire assertion about "the majority of such detainees" brought to Manjaca, is not correct. For instance, from Omarska, the majority (59%) was released and let to go home, while they have chosen to go to Trnopolje. There was no any arbitrariness in deciding who was to be transported to Manjaca. This was a result of a long and thorough investigations made by professionals in the state agencies. The most frequent reason was a direct participation in the armed rebellion, i.e. combatants. Although the detainees weren't a declared army, they acted clandestinely in a depth of the Serb territory, and thus should be treated as terrorists, but the Serb authorities treated them as a prisoners of war. For this category there is no need or possibility to have any documentation, except for those who committed crimes. For the ordinary combatants there was envisaged an exchange fr the Serb prisoners in the Muslim/Croat prisons. The second large group was detained for instigation, aid and abet the**

P3751 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 10 August 1992), p. 1 (under seal); P3755 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 November 1992) (under seal); P3725 (ICRC Communication to the Press, 14 November 1992); P3723 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 14 November 1992), p. 2 (under seal); P3726 (List of detainees at Manjača, 23 November 1992); P3727 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 14 December 1992), e-court p. 2; *see* Adjudicated Fact 2229.

KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5345, 5353; KDZ163, T. 20748 (1 November 2011), T. 20769 (2 November 2011).

P534 (ECMM Report, 3 September 1992), para. 21; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), para. 22; P3755 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 November 1992), p. 1 (under seal); *see* Adjudicated Facts 563, 566.

Radomir Radinković, T. 45317–45319 (18 December 2013); P3750 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 7 August 1992), p. 2 (under seal); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 5; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5282, 5289, 5357, 5387; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7761, 7808 (under seal). P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 116; P3733 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 June 1992), p. 1 (under seal); P3737 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 1 July 1992), p. 2 (under seal); P3739 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 5 July 1992), p. 1 (under seal).

P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992), p. 1 (under seal); P3739 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 5 July 1992) (under seal); P3733 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 June 1992), p. 1 (under seal); P3737 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 1 July 1992), p. 2 (under seal); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5289, 5291; P3738 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 4 July 1992), p. 1 (under seal); P3751 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 10 August 1992) (under seal); D1852 (Report of Manjača camp sent to 1<sup>st</sup> Krajina Corps, 12 August 1992) (under seal); D1862 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 3 July 1992) (under seal).

Radomir Radinković, T. 45329 (18 December 2013); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1905 (under seal); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5360; P3738 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 4 July 1992) (under seal); P3751 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 10 August 1992), p. 1 (under seal).

KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5275; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 7; KW545, T. 46955–46957 (12 February 2014) (closed session); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3377–3378, 3386, 3388, 3392–3393 (under seal).

KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5335; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 7.

KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5276, 5311, 5354; KDZ163, T. 20737–20738 (1 November 2011) (private session); P3723 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 14 November 1992), p. 2 (under seal); Christian Nielsen, T. 16285 (7 July 2011). Colonel Stevilović, a military police officer at Manjača, attempted to stop the influx of undocumented detainees from Ključ. [REDACTED]. On 19 August 1992, Župljanin ordered SJBs to create a file on every individual that had been transferred to Manjača by the police. D1864 (Order of Banja Luka CSB, 19 August 1992). On 23 August 1992, the Chief of the Prijedor SJB reported that the documentation for the detainees transferred from Omarska to Manjača had been forwarded to the commander of Manjača. D1866 (Prijedor SJB dispatch to Banja Luka CSB, 23 August 1992). On 27 August 1992, the Chief of the Sanski Most SJB sent to Manjača a list of detainees as well as official notes in relation to some of them. D1867 (Sanski Most SJB dispatch, 27 August 1992).



criminal activities of the armed attacks on the state personnel and facilities and civilians, and they had been treated as any other combatant, and fisible for exchanges! The third group was detained for financing those illegal activities. All of them were treated as a prisoners of war, i.e. participants in combats, although could be treated as terrorists, which would be worse for them.

But, as known to the Chamber, the central authorities didn't know anything about that, and even if they knew, they couldn't do anything, being unable to protect the people. Always it has to be kept in mind the domestic laws on the All-peoples defence, the Armed people, the rights to selforganize and selfdefend. Any objection should be directed to Tito, not to this President..<sup>4755</sup> The camp authorities distributed old JNA uniforms to some of the detainees.

While both the VRS and the Bosnian Serb civilian authorities described Manjača as a camp for POWs,<sup>4756</sup> documents sent from Manjača to the Command of 1<sup>st</sup> Krajina Corps do not refer to the detainees as combatants.<sup>4757</sup> (#EXCULPATORY!##Next level#! The exhibit (P03747) quatted in this foot note is the first class proof that there was no any systemic attitude towards capturing and detaining the people without reasons. Certainly, the detainees will not easily admit their misdeeds, but also certainly, somebody on the terrain could make a mistake, but a very next level would rectify it. Had the Serb authorities been adopted an attitude as alleged in the indictment, this rectification by the superiors wouldn't happen. Throughout the Indictment, and unfortunately the Judgment also, the evidence of the proper conduct of a different levels of the authorities are taken as a proofs of the Serb guilts, while it should be seen as a mistake, that had been observed and rectified. The superiors who corrected ommissions of their subordinates are also the Serb officials, while the Prosecution/Chamber see only mistakable subordinates as a Serb officials, and superiors as non-Serb authorities!#Official GOOD documents CONTRA. officials!#)

1381. In mid-1992, detention facilities such as Omarska were closed and the detainees were sent to Manjača.<sup>4758</sup> It hadn't been closed just like that, it had been closed after accomplishing the investigative phase, and a selection (triage) of the captured people, which resulted in 59% of the captured to be released. And this was a serious work of the professionals, and not an arbitrary arrests.

1382. Sometime during the first week of June 1992, members of the Sanski Most SJB and around ten SOS members transported a group of approximately 140 male detainees from Hasan Kikić sports hall, in Sanski Most municipality, to Manjača.<sup>4759</sup> On or about 7 June 1992, Serb members of the reserve police took approximately 400 detainees from Sitnica School, in Ključ municipality, to Manjača on foot.<sup>4760</sup> Sometime before 13 June 1992, the VRS transferred about

<sup>4755</sup> KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5318–5319; P3500 (Photograph of detainees at Manjača); P3488 (Witness statement of Atif Džafić undated), para. 113; P3756 (Excerpt from video clip from Banja Luka TV, with transcript), p. 1. Džafić who had been detained in Manjača, stated that the distribution of old JNA uniforms was a ploy by the camp authorities to make the detainees look as if they had been Bosnian Muslim soldiers. P3488 (Witness statement of Atif Džafić undated), para. 113.

<sup>4756</sup> Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stanišić*), T. 7923; KDZ474, T. 19335 (21 September 2011) (closed session); P534 (ECMM Report, 3 September 1992), p. 1; Dragomir Keserović, T. 42158 (29 July 2013); D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 39; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26203 (under seal).

<sup>4757</sup> P3747 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 23 July 1992), p. 1 (under seal); P3741 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 July 1992), p. 1 (under seal); P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992), p. 1 (under seal); P3746 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 July 1992), p. 1 (under seal); P3753 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 August 1992), p. 1 (under seal).

<sup>4758</sup> Christian Nielsen, T. 16285 (7 July 2011); Atif Džafić, T. 19747 (30 September 2011).

<sup>4759</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6164, 6252–6253; P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 5–6; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8105, 8122–8123, 8131–8132; P3327 (Order of Sanski Most Crisis Staff, 6 June 1992); Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5537; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7095; D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 39; Dušan Mudrinić, T. 47393 (19 February 2014); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 8, 16. See also Adjudicated Fact 583. See para. 2003.

<sup>4760</sup> P3488 (Witness statement of Atif Džafić undated), paras. 95–96; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10354–10355; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5259, 5333–5334. It took the detainees seven or eight hours to reach Manjača from Sitnica school. P3488 (Witness statement of Atif Džafić undated), paras. 96–101.

900 individuals, most of them Bosnian Muslims, from a prison in Stara Gradiška, in Croatia, to Manjača.<sup>4761</sup> On or about 25 June 1992, Bosnian Serb policemen from Ključ, took a number of detainees from Ključ SJB to Manjača.<sup>4762</sup>

**(#Wrong presentation#! This paragraph is an exemplary how it shouldn't be depicted. What does it mean "detainees" in a civil war? Without an information about the fights that the Muslim side started on 22 May in Prijedor (Hambarine) and on 27 May simultaneously on many spots in Ključ and Sanski Most, as well as in Bosanski Novi, all in the Sana River Valley, this looks like the Serb police and SOS have arrested innocent civilians and made them to be "detainees". That is far from correct presentation! The Serbs in SAO Krajina made a huge efforts to preserve the peace and find a political solution, offering the Muslim side to form their own municipalities and organise their authorities which wouldn't concern the Serbs and the Serb municipalities. This is well documented. #Two municipalities – peace#! But, the Muslim central authorities stopped all the talks, see: D3904, General S. Halilovic to his authorities:**

**UNA-SANA OPERATIONS GROUP  
BIHAĆ DISTRICT DEFENCE STAFF  
TO THE PRESIDENT OF THE BIHAĆ DISTRICT ASSEMBLY**

I have followed the development of the BH Army in the Bihać region with full attention, and in organising its embryo, the Patriotic League, I was in the region personally on six occasions. Therefore, the situation in the wider region from the pre-war days till today is completely familiar to me. I was even in a position to alert the government organs in that region that armed combat was being obstructed, since they waited rather long and, while war was raging in all of the RBH /Republic of Bosnia and Herzegovina/, in this region they were still negotiating with the aggressor.

**So, the genuine Serb population, after the Kelts and Japods the oldest population in Krajina, was treated as "aggressors" and forbidden to negotiate with, "while the war was raging in all of the RBH". The Chamber neglected this Muslim document, which can not be discounted as a Serb "strictly confidential" documents, as if it was aimed to public? Is it now clear that the Serb side wanted negotiations, and the Muslim side a war? Thus a conflict broke out, and those captured in the skirmishes become a POWs, and none of them before 27. may 92. while the civilians captured in the zone of combats had been recently released. If there existed any Joint Criminal Enterprise, why the Srbs would wait for two months, why they didn't capture as many Muslims as wanted much earlier, and expelled them? In front of this argument all the Prosecution allegations pertaining to the #“Municipalities” are falling apart#.**

1383. On 7 July 1992, under the escort of the civilian police from Sanski Most, a convoy of trucks with approximately 500 detainees from Betonirka factory garage, Krings Hall, and Hasan Kikić sports hall, arrived at Manjača.<sup>4763</sup>

1384. On 6 August 1992, the 1<sup>st</sup> Krajina Corps received reports that up to 1,000 detainees were going to be transferred from Omarska, in Prijedor municipality, to Manjača and that they were expected to arrive in the afternoon.<sup>4764</sup> That same day, at around 10 p.m., about 20 *Autoprevoz* buses, transporting approximately 1,300 detainees arrived at the gates of Manjača; they were

<sup>4761</sup> KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5279; P3718 (1<sup>st</sup> Krajina Corps combat report, 13 June 1992), p. 2; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4795–4796.

<sup>4762</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9158, 9162–9163, 9216 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. S. Milošević*), T. 30084–30085 (under seal).

<sup>4763</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7096; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5537; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6175; P3747 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 23 July 1992), p. 1 (under seal); P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992) (under seal); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5293–5294; P3773 (Witness statement of KDZ532 dated 31 October 2011), para. 28 (under seal); Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2999, 3019; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; Ahmet Zulić, T. 1030 (13 April 2010); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26130 (under seal); D4170 (Witness statement of Mile Dobrijević dated 2 December 2013), para. 14. [REDACTED].

<sup>4764</sup> P3757 (Official note from the Security Centre in Banja Luka, 10 August 1992), p. 1 (under seal).

escorted by two armoured personnel carriers.<sup>4765</sup> **(#Majority released#! And it was out of approximately 3,000 captured during the fights in Prijedor, which makes around 43% of all the captured.** During their transportation from Omarska to Manjača, the prisoners had been guarded by members of the intervention squad from Prijedor SJB.<sup>4766</sup> However, Popović did not allow the detainees to enter the camp and instead ordered that they stay on the buses for the night.<sup>4767</sup> That same day, Lieutenant Colonel Stevan Bogojević, the Chief of Intelligence and Security at Manjača, complained that a great number of the detainees from Omarska could not be characterised as “prisoners of war” **(#Combatants, terrorists#! This is the first class evidence that the detainees had to be a POWs! Because a number of them didn’t look like a POW-s – didn’t mean that they didn’t participate in a terrorist actions in the region of Prijedor, since they had been underwent a professional selection. The documentation was late, but it came, and only after that it could have been assessed whether they are detainee justifiably!)** and requested that such individuals be selected and eventually released.<sup>4768</sup> **(#Next level RECTIFIED#! Again, the document (P03720) shows that there were different levels, and that the next level of responsibility rectified mistakes of the lower levels officials. Had it been a system, there wouldn’t be any correction of such a mistakes, but rather the mistaken officials would be commended. As a matter of fact, there was a certain delay in sending the documents, because all of the POWs in Prijedor had been investigated and recorded by the professionals!)** In the morning of 7 August 1992, the detainees from Omarska were taken from the buses, and made to sit in a nearby field.<sup>4769</sup> Subsequently a roll call of the detainees was made and they were taken inside Manjača and registered.<sup>4770</sup> Two weeks later, between 170 and 180 additional individuals were transferred from Omarska to Manjača.<sup>4771</sup>

1385. On or about 28 August 1992, policemen in blue uniforms transferred 13 detainees from the SJB building and prison in Sanski Most and 36 detainees from Krings Hall to Manjača.<sup>4772</sup>

**1386.** Apart from these instances, detainees continued to be brought to Manjača from detention facilities in Sanski Most and Ključ; detainees were also brought to Manjača from detention

<sup>4765</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2749–2750 (under seal); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3370, 3376, 3500; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9218 (under seal); KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2340–2341; P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 9; P3757 (Official note from the Security Centre in Banja Luka, 10 August 1992), p. 1 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1839, 1928, 1940 (under seal); KDZ026, T. 10323, 10391, 10393, 10421 (17 January 2011) (closed session); P3719 (1<sup>st</sup> Krajina Corps combat report, 7 August 1992), p. 2; P2 (Predrag Radić’s interview with OTP, 16 July 2001), p. 28; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 6; P3502 (Photograph of Manjača’s main entrance); Mevludin Sejmenović, T. 20496 (27 October 2011); P636 (ECMM Report, 3 September 1992), p. 2; KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16770–16771; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 90; Željko Mejakić, T. 44216, 44259, 44273, 44281 (29 November 2013). *See also* Adjudicated Fact 2489.

<sup>4766</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3370; KDZ026, T. 10322, 10329 (17 January 2011) (closed session); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5309; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 12. For further detail on the intervention squad, *see* para. 1587.

<sup>4767</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3373; P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 9; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932 (under seal); KDZ026, T. 10322–10323 (17 January 2011) (closed session).

<sup>4768</sup> P3773 (Witness statement of KDZ532 dated 31 October 2011), para. 27 (under seal); P3720 (1<sup>st</sup> Krajina Corps report re selection of war prisoners in Manjača camp, 6 August 1992); KDZ163, T. 20737, 20739–20740 (1 November 2011) (private session). On 17 August 1992, the Chief of Prijedor SJB forwarded the personal details of 402 detainees and promised that the details of the remaining detainees would be sent to Manjača within a week. *See* P3752 (Report of Prijedor SJB, 17 August 1992).

<sup>4769</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932, 1940 (under seal).

<sup>4770</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3498; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932 (under seal); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 7.

<sup>4771</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3371; P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 10; KDZ026, T. 10421 (17 January 2011) (closed session); Željko Mejakić, T. 44281–44282 (29 November 2013). *But see* KDZ163’s assertion that after 7 August 1992, no more detainees were transferred from Omarska to Manjača. KDZ163, T. 20736 (1 November 2011).

<sup>4772</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6182–6183, 6258; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5536; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7077–7081; KDZ492, P3596 (Transcript from *Prosecutor v. Krajišnik*), T. 3858 (under seal).



facilities in Bosanska Dubica, Doboj, Derventa, Glamoč, Kotor Varoš, and Jajce.<sup>4773</sup> **(As a matter of rule, less than a half of the arrested, after the initial investigation ended to Manjača!)**

b. Conditions of detention and treatment of detainees

1387. The food provided to the detainees in Manjača was insufficient and consisted for the most part of a thin broth and a slice of bread twice a day.<sup>4774</sup> As a result, many detainees lost a substantial amount of weight.<sup>4775</sup> Some became so thin that they were unable to walk or even stand.<sup>4776</sup> Some detainees resorted to eating grass.<sup>4777</sup> With assistance from the ICRC and Merhamet, a local Bosnian Muslim humanitarian organisation, the food and the general situation improved slightly sometime after August 1992.<sup>4778</sup>

1388. There was also insufficient potable water at Manjača.<sup>4779</sup> During July and August 1992, twice each day, cups of water were provided; however, four detainees would have to divide one cup among themselves.<sup>4780</sup> There was no water for the purposes of personal hygiene.<sup>4781</sup> If they

<sup>4773</sup> D3911 (Report on the work of Sanski Most SJB, July 1992), p. 7; P3507 (List of Ključ SJB of persons being sent to Manjača, 22 July 1992); Radomir Radinković, T. 45312–45313 (18 December 2013); P3753 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 August 1992), p. 1 (under seal); P3749 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 29 July 1992), p. 2 (under seal); P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992), p. 1 (under seal); P3739 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 5 July 1992) (under seal); P3736 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 27 June 1992) (under seal); P3732 (List of detainees from Ključ Municipality, 19 June 1992); P3735 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 26 June 1992), p. 1 (under seal); P3737 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 1 July 1992), p. 1 (under seal); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 5; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8138; D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 28; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5279; P3718 (1<sup>st</sup> Krajina Corps combat report, 13 June 1992), p. 2; P4258 (Map of ARK); P722 (Third book of Ahmet Zulić's diary), p. 18; D1868 (Report of Kotor Varoš Military Post to Manjača camp, 10 December 1992); P3723 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 14 November 1992), p. 2 (under seal); D1861 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 24 June 1992), p. 2; D1863 (List of persons sent to the Manjača camp, 20 July 1992); Dragomir Keserović, T. 42015 (25 July 2013). *See also* Adjudicated Fact 565.

<sup>4774</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9166 (under seal); P3488 (Witness statement of Atif Džafić undated), para. 102; P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 5; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8142; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; Ahmet Zulić, T. 1032 (13 April 2010); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5400, 5402; D1858 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 18 June 1992), p. 2; Faik Bišević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7084–7086; Dragomir Keserović, T. 42015 (25 July 2013); *see* Adjudicated Fact 569. *But see* Radinković's claim that adequate food was provided to the detainees. D4204 (Witness statement of Radomir Radinković dated 8 December 2013), pp. 7, 10, 11; Radomir Radinković, T. 45316 (18 December 2013).

<sup>4775</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9166, 9169 (under seal); P3488 (Witness statement of Atif Džafić undated), para. 123; P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 6; **(This document, P03758, is another proof that the #authorities did their best# to react and improve the situation. Bear in mind that the Serb side was under a total sanctions, without food for the population, and particularly for the Army and POWs.)** Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8144; P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 8–9; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5400; P3695 (Excerpt from video clip of Manjača camp and interview with Radovan Karadžić); *see* Adjudicated Fact 569. One detainee lost approximately 50 kilograms. Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8144; P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 8–9. On 23 September 1992, the ICRC reported that in Manjača there were 300 detainees whose body mass index was below 17. D1874 (ICRC Work Report, 23 September 1992), p. 3.

<sup>4776</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6186.

<sup>4777</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 9; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), p. 32; P722 (Third book of Ahmet Zulić's diary), pp. 6, 10; *see* Adjudicated Fact 569. According to a report drawn up by the authorities in Manjača, a prisoner suffered from mushroom poisoning. P3755 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 November 1992) (under seal).

<sup>4778</sup> Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7316; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6189; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5346, 5350; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8141; Faik Bišević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7083–7084; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7615; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9166 (under seal). On several occasions, Merhamet delivered meat to the camp but the guards took the meat home. Faik Bišević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7085. If the camp guards at Manjača wanted to demonstrate to a delegation that the detainees were well-fed, they would slaughter calves and present them as meals for the detainees; however, the detainees would not actually receive such meals, which would instead be served to the command staff. Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8143.

<sup>4779</sup> P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; P721 (Second book of Ahmet Zulić's diary), p. 8; P722 (Third book of Ahmet Zulić's diary), p. 9; Dragomir Keserović, T. 42015 (25 July 2013). *But see* D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 7. Given the large body of accepted evidence to the contrary, the Chamber rejects Radinković's assertion that "sufficient quantities of drinking water were provided" to the detainees.

<sup>4780</sup> Ahmet Zulić, T. 1032 (13 April 2010); P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; P721 (Second book of Ahmet Zulić's diary), p. 8; P722 (Third book of Ahmet Zulić's diary), p. 9; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), p. 30; P3488 (Witness statement of Atif Džafić undated), para. 102.

<sup>4781</sup> P3488 (Witness statement of Atif Džafić undated), para. 102; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6186; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7.

tried to collect rain water, the camp guards would beat them.<sup>4782</sup> At one point, camp authorities refused to provide diesel for trucks that pumped water and transported it to the camp.<sup>4783</sup>

**(#General shortage OF EVERYTHING#! This is not correct, nor the Report (D1876) says that. The problem didn't depend of a good will of the camp authorities, but of a real shortage of oil, because of the sanctions. Wrong inference. As a matter of fact, the ICRC refused to give more fuel, see D01876**

Since the ICRC is no longer willing to provide fuel and the authorities claim that their reserves are very limited, prisoners now have to bring the water they need for drinking and cooking from the nearby lake in canisters.

**It says that the objective problems, such as embargo, produced many troubles, contrary to the good intentions of the camp authorities, see:**

8. One of the unfortunate things is hygiene and medical cover. We have tried as much as we could to satisfy articles 32 and 33 of the GC but the embargo has had its results.

From this point on, the only available water originated from a nearby lake, and its poor quality caused intestinal and stomach problems among the detainees.<sup>4784</sup>

1389. Initially, there were a number of barrels in each stable which served as toilets; later, however, the detainees dug holes outside and used them as toilets.<sup>4785</sup>

1390. Faik Bišćević who was a dentist and three detainees who were doctors by profession, namely, Emir Kapetanović, Enis Šabanović and Mehmed Derviškadić, as well as a Serb nurse, staffed a medical clinic; this clinic, however, suffered from a severe shortage of medicine and supplies and could not provide adequate medical care to the detainees.<sup>4786</sup> At times, the guards refused to allow the sick detainees to go to the clinic for up to a week.<sup>4787</sup> **(#Contrary to reports#! Why this wasn't reported to the ICRC? Because it wasn't true. And the witnesses continued to wage their war against the Serbs through such a statements. Looking to the ICRC reports, it is obvious that the situation was difficult, but not as an intention of the authorities, but because of the war and sanctions. But, somehow the testimonies of the resentful POW-s worth more before this Court than the ICRC reports, although the ICRC didn't exercise to much of sensitivity for the Serb cause.)** Some detainees did not receive any medical treatment for their pre-existing conditions or the injuries they sustained from the

<sup>4782</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6187; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7. **(#Contrary to official reports of the UN, ICRC armies#! Those testimonies are not supported by the ICRC reports, (see: D1876) and all of those witnesses were resentful and not objective. Simply, a shortage of water or food wasn't something coming out of a bad will of the authorities, but an objective problem.**

<sup>4783</sup> D1876 (ICRC Work Report, 5–18 November 1992), p. 1. **(#Contrary to reports#!) This is not correct, the Report didn't say that.**

<sup>4784</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4799; D1876 (ICRC Work Report, 5–18 November 1992), p. 1 **(#General shortage#!) The ICRC report (D01876) depicts this problem not as a bad will of the camp authorities, but as an objective problem, a shortage of the fuel, and so on, while the witnesses are resentful towards the authorities, which could be understood, but the Chamber should also discount this aspect of their testimonies, and rely upon the ICRC reports. Or the Chamber defends the Zuli's "right" to possess an illegal machine-gun and stolen 40 kg. of explosive, while he admitted the machine-gun before the Chamber???)**; P722 (Third book of Ahmet Zulić's diary), pp. 8, 16; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 11; Radomir Radinković, T. 45316–45317 (18 December 2013); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7086–7087. See Adjudicated Facts 570, 571. Diarrhoea and constipation were rife in the camp. P722 (Third book of Ahmet Zulić's diary), pp. 8, 16. On 27 July 1992, the 1<sup>st</sup> Krajina Corps Assistant Commander for Logistics was informed that the bacteriological tests of water in Manjača had shown unsatisfactory results and that repairs needed to be conducted. P3748 (Request of 1<sup>st</sup> Krajina Corps, 27 July 1992).

<sup>4785</sup> P3488 (Witness statement of Atif Džafić undated), para. 102.

<sup>4786</sup> P534 (ECMM Report, 3 September 1992), p. 3; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9163, 9167 (under seal); P3488 (Witness statement of Atif Džafić undated), para. 104; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4826; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6184; D1874 (ICRC Work Report, 23 September 1992), p. 4; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5276–5277; P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 7; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 7; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7087–7088; see Adjudicated Fact 572.

<sup>4787</sup> P3488 (Witness statement of Atif Džafić undated), para. 105.

beatings.<sup>4788</sup> **The P00534 doesn't say what is alleged in this para. On the contrary, this official report of the ICRC, should not be taken verbatim (see:**

**c. This report should not be taken as complete record of what was said. It is written with the aim of providing a feel for what concerned the men we spoke to. For that reason I have included my explanation and comment throughout the text.**

**What else is needed to interpret this report as the authors wanted it: to be seen as an emotional, not as a legal document?)**

1391. Initially, the detainees were unable to contact their families; later however, the ICRC facilitated the sending and receiving of messages between the detainees and their family members.<sup>4789</sup>

1392. The detainees were kept in large, crowded stables meant for livestock, where they sat or laid down for most of the day.<sup>4790</sup> Generally, detainees could not leave the stables freely, and the stable doors were kept closed.<sup>4791</sup> **(#Contrary to reports#! This is a matter of security, and a two hours periods of fresh air was obtained, see the ICRC reports, as much as it is provided to the UN detainees here!)**

1393. During the initial period after the establishment of the camp, there were not enough blankets in the stables for all of the detainees and some had to sleep on concrete; however, ICRC provided everyone with blankets in August 1992.<sup>4792</sup> Except for some old JNA uniforms referred to above, the camp authorities at Manjača did not provide clothing; detainees normally wore the same clothes they arrived in throughout their detention.<sup>4793</sup> Furthermore, Manjača had insufficient hygiene and was infested with lice.<sup>4794</sup> Leaking roofs, wet blankets, and persistent cold became part of the detainees' lives in the later months of 1992.<sup>4795</sup> **(#General shortage#! Nothing of that was due to any bad will, but a limitation of possibilities, as said in the OSCE report, P00534.**

1394. Detainees were also forced to work.<sup>4796</sup> They usually worked for eight to ten hours daily.<sup>4797</sup> **(#Contrary to report#! This wasn't true, let us see what was said in the exhibit**

<sup>4788</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8137–8138; P534 (ECMM Report, 3 September 1992), p. 4; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9166 (under seal); P3488 (Witness statement of Atif Džafić undated), para. 105; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5400; D1862 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 3 July 1992) (under seal); P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court pp. 6–7; D1869 (Logbook of patients at the Manjača camp, 11 June–23 August 1992).

<sup>4789</sup> D1858 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 18 June 1992), p. 2; P5472 (Daily Report of Manjača Camp Operational Team, 18–20 August 1992), p. 1 (reporting that ICRC delegates were informed that “in the future we would not allow messages to be received or sent, only when they are carrying out their regular camp inspection.”).

<sup>4790</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7082–7083; Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7314, 7317; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5262; KDZ026, T. 10325 (17 January 2011) (closed session); P3322 (Photograph of interior of Manjača); Radimir Radinković, T. 45313–45314 (18 December 2013); P3488 (Witness statement of Atif Džafić undated), para. 129; Atif Džafić, T. 19743 (30 September 2011); P604 (Photograph of detainees in Manjača); P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 7–8; Ahmet Zulić, T. 1031 (13 April 2010); Adjudicated Fact 567.

<sup>4791</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 9.

<sup>4792</sup> P5472 (Daily Report of Manjača Camp Operational Team, 18–20 August 1992), p. 1; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6186, 6259; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2395; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8169; P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 5; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7615. *See also* Adjudicated Fact 567.

<sup>4793</sup> Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7317, 7335; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5319, 5400; P3758 (Letter from Radovan Karadžić to Branko Đerić re ICRC visit, 7 August 1992), e-court p. 6. Between 17 September and 5 October 1992, the ICRC provided socks, shoes, hats, and underwear for all the detainees. D1875 (ICRC Work Report, 6 October 1992), p. 4.

<sup>4794</sup> P3488 (Witness statement of Atif Džafić undated), para. 106; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6186; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5402; P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 5. *See also* Adjudicated Fact 568.

<sup>4795</sup> D1876 (ICRC Work Report, 5–18 November 1992), p. 1.

<sup>4796</sup> P5549 (Request of 1<sup>st</sup> Krajina Corps for POW's from Manjača camp, 24 September 1992); P534 (ECMM Report, 3 September 1992), p. 2; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9167, 9228 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7093; P3488 (Witness statement of Atif Džafić undated), paras. 111, 128; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 127; P722 (Third book of Ahmet Zulić's diary), pp. 5–6, 9, 11, 17–18; D4204 (Witness statement of Radimir Radinković dated 8 December 2013), p. 6; D4205 (Order of 1<sup>st</sup> Krajina Corps, 10 October 1992); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5263–5264, 5305, 5351. On 22 September 1992,



**P00534:**

12. One of the activities of the headquarters of the camp is also to make PW work. I wish to assure you that we stick to article 50 of the Geneva Convention and we use them only for the type of work that is foreseen by the GC. We had problems that everyone wanted to work but we do not have that much work. Conditions of work are covered by article 51 of the Geneva Convention.

**in many other POW camps, the detainees wanted to work, because it was a part of the day they were out and got some benefits such as drink, cigarettes and food. Also, the President couldn't have known anything else but what was said in this document.**

1395. On arrival at Manjača, the detainees were ordered to lower their heads and keep their arms behind their backs with hands clasped, a camp rule that remained in effect throughout their detention.<sup>4798</sup> The detainees were also made to hand in their money, gold, and other valuables.<sup>4799</sup> **(#Legal and obligatory#! That was a regulation, and not a crime! Similar is in the UN DU, no detainee is allowed to possess any money. The guards are also searching and fining the trespassers.** The guards searched the stables and detainees frequently, appropriating any valuables they found while beating the detainees.<sup>4800</sup>

1396. The detainees were required to stand up whenever Kovačević entered the stables; these visits at times lasted a few hours and caused the weaker detainees to faint and fall to the ground.<sup>4801</sup>

1397. During the transfer of approximately 1,300 detainees from Omarska to Manjača on 6 August 1992, some of those detainees were severely beaten and humiliated by the guards who had accompanied them on the buses.<sup>4802</sup> **(#Contrary to reports#! The Defence has a firm reserves toward these statements of the witnesses, unless confirmed by somebody objective, as the OSCE, and with the physician's findings, because the witnesses had a motive to exaggerate!)** On one occasion, one of the buses stopped in front of a café at which point a number of drunken soldiers boarded the bus and beat the detainees inside.<sup>4803</sup> The detainees were forced to sing "Chetnik songs".<sup>4804</sup> They were also prevented from opening the windows of the buses.<sup>4805</sup> Due to the intense heat, an elderly detainee died on the way to Manjača.<sup>4806</sup> Upon arriving at Manjača, the detainees were forced to stay on the buses; despite the high temperature outside, the guards kept the heating on and closed the doors of the buses.<sup>4807</sup> During the entire

---

Colonel Vukelić authorised the daily use of 60 detainees in Manjača for work on a co-operative farm in Banja Luka. See D1873 (Order of the 1<sup>st</sup> Krajina Corps to the Manjača camp command, 22 September 1992). Though the Chamber received evidence that the detainees in Manjača were forced to work, this work is not covered by the Indictment as it was not conducted at the frontlines and did not include the

digging of trenches. **However, the Chamber noted this in the Judgment, and thus contributing to a bad picture of the Serbs. However, this wasn't true, see: P00534, an OSCE Report, that could have been checked!**

<sup>4797</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 127; D4205 (Order of 1<sup>st</sup> Krajina Corps, 10 October 1992).

<sup>4798</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9163 (under seal); P3488 (Witness statement of Atif Džafić undated), para. 124; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1940 (under seal); Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 3000; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5317–5318; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 97; Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7317–7318; P3756 (Excerpt from video clip from Banja Luka TV, with transcript).

<sup>4799</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6184–6185.

<sup>4800</sup> Faik Biščević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7081; P3488 (Witness statement of Atif Džafić undated), para. 101; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6188; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2387.

<sup>4801</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2386–2387.

<sup>4802</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2342; P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 9; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1930–1931, 1941 (under seal); KDZ026, T. 10323 (17 January 2011) (closed session); P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 8; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1930–1932 (under seal); see Adjudicated Fact 574.

<sup>4803</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3490.

<sup>4804</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2381.

<sup>4805</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3375; P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 9; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2341.

<sup>4806</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3375. This killing is not charged in Schedule B of the Indictment. See fn. 13.

<sup>4807</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932, 1941 (under seal); KDZ026, T. 10322–10324 (17 January 2011) (closed session).

night, the guards called out the names of detainees, took them outside and severely beat them.<sup>4808</sup> The beating of KDZ026 stopped only when Popović, upon hearing KDZ026's cries after he was stabbed in the stomach, came outside and shouted at the guards to stop.<sup>4809</sup> **(The #“next level”# represents the state and the VRS, more than a guard, so this and all such a cases shouldn't be used against the President, and the RS generally.)**

1398. On another occasion, an officer from the security service of the 1<sup>st</sup> Krajina Corps went outside the camp and saw that policemen were beating two detainees “sadistically”.<sup>4810</sup> **(#Next level#! The document P3750 exactly indicates that there was a misdeeds of the lower levels, but the “next level”, as the author of this report did responsible warning and asked for a correction of this practice. Therefore, this can not be used agains any RS official above the direct perpetrators, because such a felonies are expected in any war, but no president was kept liable for such a conduct of the lowestest level of policemen, who by the way, in a high degree hadn't been even minimally educated!)**

1399. The detainees were forced to run the gauntlet on arrival into the camp.<sup>4811</sup> Once inside, they were regularly beaten by members of the MP and the MUP.<sup>4812</sup> **(#Next level# The exhibit D01862 clearly shows that the superiors in the Manjaca camp were opposed to any irregularity and demanded a personal changes to quit the commission of felonies. This limits the liability to the perpetrators, not even to their superiors, let alone to the state organs and the President. What these officials did in stopping and preventing the felonies was in accod with the President's orders, and what the perpetrators of the crimes did was in a sharp contrast to everything what the President ordered this is the only reasonable inference, and the fact supported by everything the officials knew!)** Detainees were beaten with bare hands, batons, wooden poles, rifle butts, and electric cables.<sup>4813</sup> They were regularly interrogated about their involvement in military matters.<sup>4814</sup> During the interrogations, the guards beat the detainees, sometimes to the point that the detainees could no longer move.<sup>4815</sup> During the night, detainees were called out and beaten; at least five to ten detainees were called out every night.<sup>4816</sup> Detainees

<sup>4808</sup> P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 9; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1931, 1941 (under seal); KDZ026, T. 10323–10324, 10329 (17 January 2011) (closed session). According to KDZ163, the members of the MP inside Manjača were unable to stop the beatings carried out directly outside of Manjača by those who brought the detainees to the camp. KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5300.

<sup>4809</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932 (under seal); KDZ026, T. 10308, 10324, 10405 (17 January 2011) (closed session).

<sup>4810</sup> KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5308; P3757 (Official note from the Security Centre in Banja Luka, 10 August 1992) (under seal), p. 2; P3750 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 7 August 1992), p. 1 (under seal).

<sup>4811</sup> Radomir Radinković, T. 45331–45332 (18 December 2013).

<sup>4812</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9163–9165, 9219–9220, 9222 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7091–7092; P3488 (Witness statement of Atif Džafić undated), paras. 103, 108–109, 128; Asim Egrlić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4796; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6187; D1862 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 3 July 1992) (under seal); P3754 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 1 November 1992) (under seal); P3747 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 23 July 1992), p. 1 (under seal); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5300, 5400; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 123–126; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 3; Dragomir Keserović, T. 42015 (25 July 2013); Radomir Radinković, T. 45331–45332 (18 December 2013) (testifying that beatings and mistreatments occurred only during the initial period after the establishment of the camp); see Adjudicated Fact 573.

<sup>4813</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 123–126; see Adjudicated Fact 576.

<sup>4814</sup> P534 (ECMM Report, 3 September 1992), p. 4; P3488 (Witness statement of Atif Džafić undated), paras. 103, 107; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 118–119; P3733 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 June 1992) (under seal); P3735 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 26 June 1992), p. 1 (under seal); P3736 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 27 June 1992) (under seal); D1855 (Report of Manjača camp sent to 1<sup>st</sup> Krajina Corps), p. 1; D1856 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 15 June 1992); D1857 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 16 June 1992); D1859 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 20 June 1992). [REDACTED]. **So what? It would be a crime to keep people just like that, and not to find out whether a person in question is to be sued, exchanged or released.**

<sup>4815</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6188; P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 119. [REDACTED].

<sup>4816</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9168 (under seal); P3488 (Witness statement of Atif Džafić undated), para. 104; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8139; P721 (Second book of Ahmet Zulić's diary), p. 10; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7090–7091.

were also placed in isolation cells and on one occasion, the ICRC observed the traces of fresh human blood in one of those cells.<sup>4817</sup>

1400. Kovačević was in charge of the beatings; he was present and many times personally beat the detainees.<sup>4818</sup> He prepared lists of detainees to be beaten—a detainee could not be beaten until Kovačević ordered it.<sup>4819</sup> Because of his brutality, both the guards and the detainees feared Kovačević.<sup>4820</sup> Popović and Talić were aware of the mistreatment.<sup>4821</sup> On one occasion, Popović came to the scene and angrily dispersed the military policemen who had been beating the detainees.<sup>4822</sup> **(#Responsible official conduct#! Mr. Popovic, as a responsible man, a person in charge, was “President’s man”, he was doing on behalf of the state, not “Kovacevic” and other that Popovic was after them. Neither Popovic, nor any of the state instances could be responsible, because there was no any systemic basis for such a conduct!)**

1401. On 3 July 1992, the Command of the 1<sup>st</sup> Krajina Corps was informed that efforts to stamp out the wilful mistreatment of prisoners at the hands of MP were proving increasingly difficult.<sup>4823</sup> **(#Responsible official’s conduct#! This relies on the shown D1862, which proves that the superiors were doing their best to prevent the criminal conduct, and how this could be used to prove an allegedly criminal plan on the side of state, and this President?)** On 11 July 1992, during a meeting with senior MUP officials, Stojan Župljanin, Chief of Banja Luka CSB, stated that the conditions in Manjača were bad and that something had to be done.<sup>4824</sup> **(#Official good deeds against officials#! Again, one of the officials claimed towards an improvement of the conditions. Again another proof that the troubles the detainees met weren’t a plan of the state, but a result of the civil war, an unquittous poverty, embargo, a high number of POWs, all of which was a result of a “vice mayeure”)** On 16 July 1992, one of the camp authorities complained to the 1<sup>st</sup> Krajina Corps Command that the MP and the security commander, Staff Sergeant Mesar, “just don’t understand that the prisoners are humans and that they are protected by international regulations while in the camp”.<sup>4825</sup> In a separate report filed a week later, the same individual warned the VRS MP commander that Manjača was “not a torture house but a camp of war prisoners”.<sup>4826</sup> **(#Next level#! Exactly! A criminal conduct was not a part of policy, but a matter of individual aberrations that had been fought by the superiors!)** Furthermore, the ICRC reported that the beating of two detainees by the guards during a visit by the ICRC on 16 July 1992 resulted in the ICRC prematurely terminating its visit to the camp and that there were “frequent and widespread traces of recent and often severe beatings”.<sup>4827</sup> In the same report, the ICRC criticised the living conditions in Manjača and recommended that Manjača be closed down.<sup>4828</sup> This report was provided to the Accused on 25 July 1992.<sup>4829</sup> On 7 August 1992, the Accused forwarded to Branko Đerić, the RS Prime Minister at the time, a copy of the ICRC’s report; the Accused also requested that Đerić take prompt action with a view to improving the living conditions in prisons on RS held territory.<sup>4830</sup> **(#Proper official’s conduct#! And that was the only what the President could have done, to initiate the Government and other**

<sup>4817</sup> P3744 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 16 July 1992), p. 1 (under seal); P3745 (Report of 1<sup>st</sup> Krajina Corps, 16 July 1992), p. 1.

<sup>4818</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 10; P692 (Witness statements of Rajif Begić to Sanski Most Court, 16 April 1995), e-court p. 21.

<sup>4819</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 10.

<sup>4820</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2386; P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 10.

<sup>4821</sup> See Adjudicated Facts 578–580.

<sup>4822</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9221 (under seal).

<sup>4823</sup> D1862 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 3 July 1992) (under seal).

<sup>4824</sup> Čedomir Kljajić, T. 42212–42213 (30 July 2013).

<sup>4825</sup> P3744 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 16 July 1992), p. 1 (under seal).

<sup>4826</sup> P3747 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 23 July 1992), pp. 1–2 (under seal).

<sup>4827</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 5.

<sup>4828</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court pp. 5–6.

<sup>4829</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 4.

<sup>4830</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 1.

agencies to improve the matter in question. Nothing else he could have done, since he didn't have any service apart from the Government and it's ministries.)

c. Visits to Manjača and transfer of detainees

1402. On 18 June 1992, representatives from Merhamet, the VRS and the MUP as well as SDS officials from Banja Luka visited Manjača.<sup>4831</sup> (#Distortion#! This is an unacceptable shifting of facts. Some of them may have been SDS officials, but they had been keeping a state positions, and visited Manjaca in this capacity, not as the SDS officials!) Omer Filipović, a Bosnian Muslim detainee, told the visitors that the detainees had been taken from their homes and described the poor living conditions in the camp.<sup>4832</sup> (Mr. Filipovic was very known for his subversive activity and preparation of a pogrom against the Serbs in Kljuc! Therefore, it means nothing whether he was arrested at home or on a battlefield!) On 24 June 1992, representatives of Merhamet delivered food and medical supplies to Manjača but were barred from having contact with the detainees.<sup>4833</sup> On 6 July 1992, the Accused's of municipal, district and military courts in Banja Luka, together with prosecutors and the Military Legal Officer of the 1<sup>st</sup> Krajina Corps visited Manjača and discussed the possibility of instituting judicial proceedings against the detainees.<sup>4834</sup> In response to a written request to the command of the 1<sup>st</sup> Krajina Corps by Merhamet, approximately 100 minors, elderly, and sick detainees were released around 10 July 1992.<sup>4835</sup> (All of that happened without ant participation of the President, which confirms that it was in the competence of the 1<sup>st</sup> Krajina Corps! #No liability#!)

1403. In mid-July 1992, representatives from the ICRC, accompanied by medical personnel, visited Manjača.<sup>4836</sup> All of the detainees were registered and weighed by the ICRC.<sup>4837</sup> The process lasted a number of days.<sup>4838</sup> At the end of July 1992, Vojo Kuprešanin, the President of the ARK Assembly, visited Manjača and promised the detainees that the majority of them would be released promptly; this did not materialise and it caused unrest and anxiety amongst the detainees.<sup>4839</sup> Sometime at the end of July or in early August, Župljanin and a number of other Serb officials visited Manjača and went to the stables, where they talked with some of the detainees.<sup>4840</sup> (#Proper conduct# in the President's name! it had been heard in the court room that Kupresanin was helping the non-Serbs on behalf of this President, as his special representative!)

1404. The ICRC representatives again visited Manjača on 28 July 1992; during this visit, they distributed mail and cigarettes to the detainees and conducted a number of interviews.<sup>4841</sup> In early August, the ICRC once again visited Manjača and this time demanded that more water be

<sup>4831</sup> D1858 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 18 June 1992).

<sup>4832</sup> P3488 (Witness statement of Atif Džafić undated), para. 112.

<sup>4833</sup> D1861 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 24 June 1992), p. 1; D1870 (Record of medical supplies and medicines received at the Manjača camp, 24 June 1992); D1871 (Logbook of patients at the Manjača camp, 23 August 1992).

<sup>4834</sup> P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992), p. 2 (under seal).

<sup>4835</sup> P3743 (List of detainees to be released from the Manjača camp, 10 July 1992); P3741 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 July 1992), p. 1 (under seal); P3742 (1<sup>st</sup> Krajina Corps combat report, 10 July 1992), p. 1; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5297–5298; see Adjudicated Fact 582.

<sup>4836</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court p. 4; P3488 (Witness statement of Atif Džafić undated), para. 113; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 121–122; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 8; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5299, 5306; P3744 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 16 July 1992), pp. 1–2 (under seal); P3745 (Report of 1<sup>st</sup> Krajina Corps, 16 July 1992), p. 1; KDZ024, P713 (Transcript from *Prosecutor v. Brdanin*), T. 9221 (under seal).

<sup>4837</sup> P3488 (Witness statement of Atif Džafić undated), para. 118; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 8; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 121; P3746 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 22 July 1992), p. 2 (under seal).

<sup>4838</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 8.

<sup>4839</sup> P3488 (Witness statement of Atif Džafić undated), para. 125; Asim Egrlić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4806; P3724 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 8 August 1992), p. 2; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5310; KDZ163, T. 20740–20741 (1 November 2011); P3751 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 10 August 1992), p. 1 (under seal); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 10; Dragomir Keserović, T. 40992–40994 (8 July 2013).

<sup>4840</sup> P3488 (Witness statement of Atif Džafić undated), paras. 121–124.

<sup>4841</sup> P3749 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 29 July 1992), p. 1 (under seal).



provided to the detainees.<sup>4842</sup> Prior to this visit, pursuant to an order issued by Mladić on 3 August 1992, Major General Talić had ordered the authorities in Manjača to, *inter alia* (i) ensure cleanliness and medical care for the detainees; (ii) prepare accurate records of the detainees' arrival and release as well as records of deaths and findings on their causes; and (iii) select a number of prisoner representatives.<sup>4843</sup> **(#Proper conduct#! Also a good move in a good direction!)** On 8 August 1992, journalists, including members of foreign news agencies, were allowed to visit Manjača.<sup>4844</sup> During this visit, the journalists requested to see the detainees who had arrived from Omarska two days prior but were not allowed to see them.<sup>4845</sup> On 12 and 19 August 1992, foreign journalists again visited Manjača.<sup>4846</sup> On 22 August 1992, the Prijedor SJB reported the transfer of a number of individuals from Manjača to Trnopolje.<sup>4847</sup> **(That meant a release, since Trnopolje was a reception centre!)** On 24 August 1992, Milovanović ordered the authorities in Manjača to provide a list of the detainees and their places of residence so that such information could be forwarded to the ICRC.<sup>4848</sup> On 31 August, a delegation from CSCE visited the camp and the ICRC brought food from Zagreb.<sup>4849</sup> On the same day, a group of RS government representatives who had approval from Đerić took a tour of the camp in order to compile a report.<sup>4850</sup> In late August 1992, representatives from the Bosanska Dubica, Ključ, Banja Luka, Prijedor, and Mrkonjić Grad CSBs came to Manjača in order to discuss "tasks and instructions for joint work".<sup>4851</sup> In August and September 1992, more minors and elderly were released.<sup>4852</sup>

**1405.** On or about 1 September 1992, the ECMM visited Manjača.<sup>4853</sup> During this visit, Popović insisted that the camp authorities adhered to all provisions of the Geneva Conventions while the detainees told the visitors that they were entirely civilians and that all soldiers had already been shot.<sup>4854</sup> **(#Uncorroborated#! Where this shots happened? When? There is no evidence that anybody was executed out of the fights, and everything what the detainees (the Muslims) could have said to the internationals should be checked and corroborated by an objective documents. None of the detainees would admit that they took part in the armed rebellion and killing the Serb civilians, or the JNA soldiers prior to that.** In early September 1992, RS civilian and military officials and ICRC representatives discussed the steps needed for the exchange of the detainees and the closure of Manjača.<sup>4855</sup> On 11 September 1992, the President issued a decree, "granting amnesty from criminal prosecution" to 69 detainees at Manjača and Trnopolje.<sup>4856</sup> **(#COMMENDABLE#! and EXCULPATORY!!! The only side that made**

<sup>4842</sup> P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 7; P5460 (Order of 1<sup>st</sup> Krajina Corps, 3 August 1992), p. 1.

<sup>4843</sup> P5461 (VRS Main Staff Order, 3 August 1992); P5460 (Order of 1<sup>st</sup> Krajina Corps, 3 August 1992), p. 1; KDZ163, T. 20735–20736 (1 November 2011).

<sup>4844</sup> P3724 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 8 August 1992); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 8; P3488 (Witness statement of Atif Džafić undated), para. 127.

<sup>4845</sup> P3724 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 8 August 1992), p. 2.

<sup>4846</sup> D1852 (Report of Manjača camp sent to 1<sup>st</sup> Krajina Corps, 12 August 1992) (under seal); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 8; P5472 (Daily Report of Manjača Camp Operational Team, 18–20 August 1992), pp. 2–3; P3488 (Witness statement of Atif Džafić undated), para. 127.

<sup>4847</sup> D1865 (Prijedor SJB dispatch to Banja Luka CSB, 22 August 1992).

<sup>4848</sup> D1853 (Request for information on prisons from Manojlo Milovanović, 24 August 1992). The requested list was forwarded to the VRS Main Staff the following day. See D1854 (1<sup>st</sup> Krajina Corps dispatch, 25 August 1992).

<sup>4849</sup> P5577 (Note to RS MUP and Radovan Karadžić, 31 August 1992); P722 (Third book of Ahmet Zulić's diary), p. 14.

<sup>4850</sup> D1852 (Report of Manjača camp sent to 1<sup>st</sup> Krajina Corps, 12 August 1992) (under seal). On one occasion, KDZ026 saw the Chief of Prijedor SJB, Simo Drljača, in Manjača. KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 2047 (under seal).

<sup>4851</sup> P5472 (Daily Report of Manjača Camp Operational Team, 18–20 August 1992), p. 4.

<sup>4852</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7080; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6259; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 133; P534 (ECMM Report, 3 September 1992), p. 4; see Adjudicated Fact 582. In late August 1992, camp authorities compiled a list of 92 ill or underage detainees whose imprisonment they believed was attracting attention from the media and humanitarian organisations. P3491 (Excerpt of Tode Gajić's diary); Radomir Radinković, T. 45328 (18 December 2013).

<sup>4853</sup> P634 (ECMM Report, 1 September 1992), p. 1; P635 (ECMM Report, 1 September 1992), p. 1; P636 (ECMM Report, 3 September 1992), p. 1; P534 (ECMM Report, 3 September 1992), p. 1.

<sup>4854</sup> Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7316; P534 (ECMM Report, 3 September 1992), p. 7.

<sup>4855</sup> D1872 (Report of 1<sup>st</sup> Krajina Corps, 2 September 1992).

<sup>4856</sup> P3721 (Report of 1<sup>st</sup> Krajina Corps re decision by Radovan Karadžić, 11 September 1992); D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 55; KDZ163, T. 20741–20742 (1 November 2011) (private session).

**amnesty even several times was the Serb side and the President!)** On 16 September 1992, the ICRC visited Manjača for the seventh time; during this visit, Popović stated that the camp administration had taken steps to guarantee the mental and physical integrity of the detainees.<sup>4857</sup> ICRC representatives, however, were of the view that Manjača should be closed as soon as possible, its civilian detainees released **(#Wrong!#This is a trespassing of competences, since the ICRC couldn't establish that anyone was civilian!)** and the imprisoned soldiers transferred to suitable prisons.<sup>4858</sup> On 19 September 1992, detainees were taken out of Manjača and exchanged.<sup>4859</sup> Additional visits by the ICRC took place on 23 September and 30 September 1992.<sup>4860</sup> **(#ICRC#! As it can be seen, the ICRC had more influence and dealt more with the Manjaca camp than the President. The ICRC had an unhindered access to the Camp, and only in September 1992 the ICRC had at least four successful visits to Manjaca. All of their recommendations had been accepted and realised!)**

1406. On 1 October 1992, Kuprešanin wrote to the RS Presidency, requesting the pardon and release of 13 detainees held at Manjača.<sup>4861</sup> **And was this request met by the Presidency? Certainly it was, but why it is not mentioned here?** On 3 and 4 October 1992, the ICRC visited Manjača and brought letters for the detainees, and visited again on 7 October in order to obtain a list of sick detainees.<sup>4862</sup> On 12 October 1992, the ICRC arrived with a list of sick persons; these detainees were released and taken abroad for treatment.<sup>4863</sup> On 30 October 1992, the ICRC started working in the camp every day.<sup>4864</sup> In addition to the ICRC, other organisations and renowned individuals such as Bernard Kouchner and Elie Wiesel visited the detainees.<sup>4865</sup>

1407. On 31 October 1992, about 60 detainees were exchanged.<sup>4866</sup> Starting in November, preparatory measures were taken for the release and eventual transfer of all the detainees to third countries.<sup>4867</sup> On 13 November, the President ordered the release of approximately 700 individuals from Manjača.<sup>4868</sup> In the early hours of 14 November 1992, minors, elderly detainees, as well as those who were not considered to be “extremists” or “war criminals” by the camp authorities, were lined up; **(#Distortion#, a drastic one! What “minors” and “elderlies”? the minors of age of 14 were mobilised, as well as many elderlies. The main concern of the Serb military authorities whether these same POWs will appear on the front line a day after released or not, and this concern was legitimate. Only an exchange for the captured Serbs, or handing them to the UNHCR was an acceptable solution, although the Serb side unilaterally released many of the captured Muslims! But, how the Chamber could have afforded itself to put a “minors” in this Judgment, without any evidence, any name? ))** these detainees were told to sign a document which barred them from the territory of BiH and placed them under the

<sup>4857</sup> D1874 (ICRC Work Report, 23 September 1992), p. 1.

<sup>4858</sup> D1874 (ICRC Work Report, 23 September 1992), p. 2. ICRC reiterated its position again on 6 October 1992. See D1875 (ICRC Work Report, 6 October 1992), p. 3.

<sup>4859</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2750, 2766 (under seal).

<sup>4860</sup> D1875 (ICRC Work Report, 6 October 1992), p. 1.

<sup>4861</sup> P3722 (Request sent from Vojo Kuprešanin to Radovan Karadžić, 1 October 1992); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 10.

<sup>4862</sup> P722 (Third book of Ahmet Zulić's diary), pp. 15–17; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 135.

<sup>4863</sup> P722 (Third book of Ahmet Zulić's diary), pp. 17–18; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 9; Radomir Radinković, T. 45318 (18 December 2013).

<sup>4864</sup> P722 (Third book of Ahmet Zulić's diary), p. 18.

<sup>4865</sup> P3488 (Witness statement of Atif Džafić undated), para. 127; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7766 (under seal); P722 (Third book of Ahmet Zulić's diary), p. 10; D1877 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 29 November 1992), p. 1; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 8.

<sup>4866</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6260; Mirzet Karabeg, T. 18700 (13 September 2011).

<sup>4867</sup> KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5316, 5362; P3723 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 14 November 1992), p. 1 (under seal). According to KDZ163, many detainees relocated to Belgium and Germany. KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5362. See also P692 (Witness statement of Rajif Begić to Sanski Most Court, 16 April 1996), e-court p. 21 (stating that he was resettled in Germany).

<sup>4868</sup> D956 (RS President's Decision on Amnesty, 13 November 1992) (under seal); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 9.

authority of UNHCR for the purpose of their relocation to a Western European country.<sup>4869</sup> Prior to this, Popović told the detainees that if they were ever captured in the territory of BiH, they would be killed instantly.<sup>4870</sup> **(#Uncorroborated#! Without a document, this kind of assertions shouldn't be trusted by a serious chamber. Certainly, one of the conditions was that ssuch a unilaterally released detainees do not appear as a re-mobilised and re-recruited to fight against the Serbs, and that condition was completely legitimate. Anyway, the Muslim/Croat military coalition was already as twice more numerous as the Serb forces!)** With the assistance of the ICRC, these detainees were released and taken to Karlovac in Croatia.<sup>4871</sup>

**1408.** On 4 December 1992, the President indicated that he would order the release of all detainees held in Manjača provided that they be transferred to third countries.<sup>4872</sup> **(#Military necessity#! This is the condition, otherwise the VRS would have to capture them again in a new battlefields. And no president would be entitled to do such a thing to his own army.**

**1409.** On 13 December 1992, a group of 532 detainees was transferred from Manjača to Batković camp.<sup>4873</sup> From Batković camp, some of these detainees were transferred to Kula Prison.<sup>4874</sup> **(#Distorted#! A serious chamber would find out and notify the purpose of moving the prisoners to Kula, which was a regular prison in Sarajevo. It was for the purpose of exchange of those who preferred to be exchanged in Sarajevo! Such an incomplete assertion leaves a space for an inaccurate impression!)** On 14 December 1992, a number of local journalists visited Manjača.<sup>4875</sup> However, the detainees had been warned not to speak to the visitors for their own safety.<sup>4876</sup> The remainder of the detainees in Manjača, after signing documents which required them to leave for third countries, were released on 14, 16, or 18 December 1992 and taken to Karlovac.<sup>4877</sup> Manjača was then closed down.<sup>4878</sup>

#### d. Conclusion

**1410.** Based on the above, the Chamber finds that during the period between 15 May and 18 December 1992, Serb Forces detained a large number of Bosnian Muslim and Bosnian Croat men, including minors, sick, and elderly, at Manjača and regularly subjected them to beatings and mistreatment. The Chamber further finds that the detainees were held in poor conditions. These included lack of food and water, insufficient sanitary facilities and inadequate medical care. **(#Inference on inference, on inference#! This kind of summarising and making inferences afterward is not correct, and shouldn't be allowed. What does it mean "Serb Forces" did so**

<sup>4869</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3377; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1934–1935, 1951 (under seal); KDZ026, T. 10392–10393 (17 January 2011) (closed session); KDZ163, T. 2074420745 (1 November 2011) (closed session).

<sup>4870</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2343; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5539–5540.

<sup>4871</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3376–3378; D1876 (ICRC Work Report, 5–18 November 1992), p. 1; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5539–5540; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7004, 7093–7094; KDZ024, P713 (Transcript from *Prosecutor v. S. Milošević*), T. 30084–30085 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9165, 9169–9170 (under seal); Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7334; P3726 (List of detainees at Manjača, 23 November 1992).

<sup>4872</sup> D1851 (Letter from Radovan Karadžić to Daniel Shiffer, 4 December 1992).

<sup>4873</sup> P3727 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 14 December 1992), e-court p. 3; KDZ163, T. 20749 (1 November 2011); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 9; Asim Egrlić, T. 19980 (5 October 2011); Asim Egrlić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4796; Dragomir Keserović, T. 42026 (25 July 2013).

<sup>4874</sup> Dragomir Keserović, T. 42026 (25 July 2013).

<sup>4875</sup> P3727 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 14 December 1992), e-court p. 1.

<sup>4876</sup> P722 (Third book of Ahmet Zulić's diary), p. 11; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 131.

<sup>4877</sup> The ICRC assisted detainees in transferring from Manjača to Karlovac, Croatia, where they were handed over to UNHCR officials. P3725 (ICRC Communication to the Press, 14 November 1992); P692 (Witness statements of Rajif Begić dated 15 March 2000), e-court p. 8; Ahmet Zulić, T. 1035–1036 (13 April 2010); KDZ026, T. 10329 (17 January 2011) (closed session); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5362; Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 3001; P3727 (Manjača camp report to 1<sup>st</sup> Krajina Corps, 14 December 1992), e-court pp. 1–2; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2343, 2371, 2396; Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 3000–3001; P3488 (Witness statement of Atif Džafić undated), para. 128; P3931 (Report of 1<sup>st</sup> Krajina Corps, 16 December 1992), p. 1; Dragomir Keserović, T. 42026 (25 July 2013); P5468 (ICRC press release, 18 December 1992).

<sup>4878</sup> P3914 (Ewan Brown's expert report entitled "Military Developments in the Bosanska Krajina – 1992", 27 November 2002), p. 109; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3374; P5468 (ICRC press release, 18 December 1992); see Adjudicated Fact 582.

and so? We saw from all the documents cited in this part of the Judgment that there were individuals committing felonies, but it was condemned and fought against by the very #next level of superiors#! All up to the President, though Djeric, Kupresanin, Popovic, and others from the 1<sup>st</sup> Krajina Corps Command did their best to improve the conditions. The Chamber can not take for granted what the Muslim extremists were saying, because those who were transferred to Manjaca had already passed the first round of investigations, after which from 41 to 59% of the detained had been released. Those who had been transferred to Manjaca certainly were involved in the rebellion and killings of the Serb soldiers and civilians. Beside, both, the Chamber and the Prosecution didn't submit any evidence that those captivings weren't justified from a security standpoint. For instance, why there was no any detainee from Mrkonjic Grad, Gradiska, Srbac, Celinac, Laktasi, all the neighboring municipalities. While the Muslim Army initiated a synchronised attack on many points, (22 May in Hambarine, Prijedor, 27 May in many places in Sanski Most, Kljuc, Bosanski Novi..., as it can be seen from the exhibit D3904, a document of the Commander of the ABiH Sefer Halilovic. The Chamber had more than sufficient evidence that many Muslims hadn't any problem, even in Prijedor, Sanski Most and Kljuc, and that there was a crucial difference in their conduct: those who participated in the armed rebellion had been captured, and those who didn't fight, didn't have any problem, and many remained in the Serb areas to the very end of the war.)

e. Scheduled Incident B.1.1

1411. The Indictment refers to the killing of at least six men in front of Manjača after their transportation from Hasan Kikić Elementary School in Sanski Most on or about 3 June 1992.<sup>4879</sup>

1412. As mentioned earlier, sometime in the first week of June 1992, members of Sanski Most SJB and SOS loaded approximately 140 non-Serb detainees held at Hasan Kikić School, in Sanski Most municipality, onto two trucks and departed for Manjača. The trucks were extremely crowded with approximately 70 detainees standing in each truck.<sup>4880</sup>

1413. Approximately six to seven hours later, the trucks stopped on the road next to the entrance gate of Manjača but the detainees were not allowed to exit.<sup>4881</sup> After waiting for 30 to 60 minutes standing beneath tarpaulins, the detainees were ordered to exit the trucks one by one.<sup>4882</sup> A group of 20 armed men in mixed and camouflage military uniforms, including Daniluško Kajtez, waited outside the trucks as the detainees exited.<sup>4883</sup> (#A renegade#! Kajtez had been recognized by the witness G. Stojic as a criminal who intercepted him and several Croats) The armed men beat the detainees with batons, wooden handles of shovels, and wooden planks as they exited the truck.<sup>4884</sup> Six of the detainees, all Bosnian Muslim men, were subsequently separated from the

<sup>4879</sup> Indictment, Scheduled Incident B.1.1. In Annex B to its Final Trial Brief, p. 1, the Prosecution refers to 6 June 1992 as the date of Scheduled Incident B.1.1.  
<sup>4880</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8122–8123; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 6; *see* Adjudicated Fact 583.

<sup>4881</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 6.

<sup>4882</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 6; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8124.

<sup>4883</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8127–8128, 8130; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 7. Daniluško Kajtez was a member of the SOS. Members of the SOS, including Daniluško Kajtez, were later integrated into the 6<sup>th</sup> Krajina Brigade. *See* P3634 (Witness statement of KDZ490, undated) (under seal), pp. 20–22, 27, 30; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3315–3317 (under seal); P3519 (Indictment of the 1<sup>st</sup> Krajina Corps Military Prosecutor's Office, 2 June 1993), p. 1; P6542 (Report of Sanski Most SDS Municipal Board, 10 September 1993); P3520 (Decision of Banja Luka Military Court, 9 July 1993), p. 1. In a letter to Vlado Vrkeš, the President of Sanski Most SDS, Kajtez admitted to killing 12 individuals from Manjača on two separate occasions. *See* P6556 (Letter from Daniluško Kajtez to "Vlado"), p. 1.

<sup>4884</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 6.



rest.<sup>4885</sup> Two of these six detainees were handcuffed and taken near a small truck.<sup>4886</sup> The other four detainees were taken to different points approximately 15 metres away.<sup>4887</sup> Subsequently, three to five armed men surrounded each of the detainees and beat them for approximately 20 minutes with multiple objects; all six detainees were killed.<sup>4888</sup> The six bodies were then thrown into the small truck, and the rest of the detainees were taken to Manjača.<sup>4889</sup> **(#Renegades#! Certainly, a war crime, but the responsibility must stay with those who did it. We already know that Danilusko Kajtez had his small, but very mean group of criminal, they had been expelled from the 6<sup>th</sup> Sana Brigade and did several crimes as renegades. Eventually Kajtez had been arrested, but the crucial witnesses weren't available until the war ended! B. Stoji] was in the USA!)**

1414. The Chamber received forensic evidence which identifies six bodies as related to this incident.<sup>4890</sup>

1415. Based on the above, the Chamber finds that on 6 June 1992, Serb Forces killed six Bosnian Muslim men in front of the gates of Manjača. **(#Abuse of "The Serb Forces" obviously were several criminals#, who later had been processed. At that time there was no possibility to disarm and arrest the paramilitaries, since we the VRS was regulated as of 15 June, when the President signed an order of formation and organization of the VRS. Two days prior to this Order, on 13 June, the #President issued an Order on maintaining the Geneva Conventions and other international provisions in the VRS#, see D434, and to disband and arrest all the paramilitaries, whom the President disowned, see D93, and therefore couldn't be liable for their illegal conduct. That can not be neglected, and the RS civilian and military authorities can not be kept liable for a misdeeds of criminals so early, just after the forming of the Army.**

f. Scheduled Incident B.1.2

1416. The Indictment refers to the deaths of a number of prisoners who suffocated in trucks while being transported from Betonirka detention facility in Sanski Most to Manjača on 7 July 1992.

1417. In the morning of 7 July 1992, Serb policemen took approximately 64 detainees, most of them Bosnian Muslims, from the Betonirka factory garage, in Sanski Most municipality, and loaded them into a truck with tarpaulin cover.<sup>4891</sup> The detainees were crammed.<sup>4892</sup> The Serb policemen then pulled down and locked the tarpaulin cover, hermetically sealing the back of the truck.<sup>4893</sup> Under escort of the Sanski Most civilian police, the truck joined a convoy of trucks

<sup>4885</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 6–7; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8124, 8126. According to Muhić, the six detainees were: Ermin Bahtić, Jasmin Jelečević, Medin Hadžiahmetović (a.k.a. Hapač), Neron Mehadžić, Haris Biščević, and Fajko Pašić. P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 6–7; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8125–8126.

<sup>4886</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8125–8126; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 7.

<sup>4887</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 7; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8129.

<sup>4888</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 5, 7; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8125, 8127; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3408–3409 (under seal); see Adjudicated Fact 584.

<sup>4889</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 7–8; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8125, 8136.

<sup>4890</sup> These individuals were exhumed from the mass grave at Stričići-Manj, in Banja Luka municipality on 23 May 2007. P4853 (Updated Table 2 to the Report of Amor Mašović), p. 73.

<sup>4891</sup> Faik Biščević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5537–5538; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 86–88, 96; P721 (Second book of Ahmet Zulić's diary), p. 5; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5294; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26131 (under seal); see Adjudicated Fact 585. [REDACTED].

<sup>4892</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 88; P721 (Second book of Ahmet Zulić's diary), p. 5; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5294; see Adjudicated Fact 587.

<sup>4893</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 88.

transporting several hundred detainees from Krings Hall and Hasan Kikić sports hall, and together they headed for Manjača.<sup>4894</sup>

1418. The journey to Manjača lasted approximately 10 or 11 hours.<sup>4895</sup> It was very hot that day, and there was no ventilation for the detainees beneath the sealed canvas tarpaulin of the truck from Betonirka factory garage.<sup>4896</sup> During the journey, fumes from the exhaust pipe of the truck flowed in, making it difficult for the detainees to breathe.<sup>4897</sup> **Then, the tarpaulin wasn't sealed!** The detainees squeezed their shoes in between the tarpaulin and the truck frame in order to allow air in, but the policemen hit the shoes back inside the truck at the check-points.<sup>4898</sup> By the time the truck stopped a second time at a check-point in Vrhpolje, the detainees had finished the six litres of water given to them at the beginning of the journey, and the guards refused to provide them additional water.<sup>4899</sup> A detainee resorted to drinking his own urine.<sup>4900</sup> As the journey continued, a number of detainees began to faint and die.<sup>4901</sup> When the truck finally reached Manjača around sunset, the detainees were called out one by one by name.<sup>4902</sup> Of the detainees, 24 did not respond and remained lying on the floor of the truck.<sup>4903</sup> As the camp officials refused to take the dead and unwell detainees, they were taken back to Sanski Most along with Edin Bišćević, a detained Bosnian Muslim doctor who had volunteered to resuscitate those who were unwell.<sup>4904</sup> Edin

<sup>4894</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brdanin*), T. 7096; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5537; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brdanin*), T. 6175; P3747 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 23 July 1992), p. 1 (under seal); P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992) (under seal); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5293–5294; P3773 (Witness statement of KDZ532 dated 31 October 2011), para. 28 (under seal); Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2999, 3019; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 7; Ahmet Zulić, T. 1030 (13 April 2010); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26130 (under seal); D4170 (Witness statement of Mile Dobrijević dated 2 December 2013), para. 14. [REDACTED].

<sup>4895</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5538; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 7; Ahmet Zulić, T. 1030–1031 (13 April 2010) (testifying that the journey from Betonirka to Manjača should normally last two hours).

<sup>4896</sup> P3634 (Witness statement of KDZ490, undated), p. 118 (under seal); P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 87–88; P721 (Second book of Ahmet Zulić's diary), p. 5; KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5294; Radomir Radinković, T. 45334 (18 December 2013); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3419 (under seal). *See also* Adjudicated Fact 587.

<sup>4897</sup> Ahmet Zulić, T. 1031 (13 April 2010).

<sup>4898</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 88–91; *see* KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5294.

<sup>4899</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5538; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 89; P721 (Second book of Ahmet Zulić's diary), p. 5. *See also* Adjudicated Fact 587. An unknown woman tried to give the detainees water, but the guards prevented her from doing so. P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 89.

<sup>4900</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 92.

<sup>4901</sup> P721 (Second book of Ahmet Zulić's diary), p. 6; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5538; Dragomir Keserović, T. 41999 (25 July 2013).

<sup>4902</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 3000; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 94; P721 (Second book of Ahmet Zulić's diary), p. 6.

<sup>4903</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 3000; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 94; P721 (Second book of Ahmet Zulić's diary), p. 6; P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992), pp. 1–2 (under seal); P3744 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 16 July 1992), p. 2 (under seal); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5294, 5336–5337; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 5; Radomir Radinković, T. 45334 (18 December 2013); P3773 (Witness statement of KDZ532 dated 31 October 2011), para. 28 (under seal). *See also* Adjudicated Fact 588. According to a report compiled by two Bosnian Serb doctors, 20 detainees died from asphyxia during the transfer from Betonirka to Manjača. P724 (List of civilians killed during transport to Manjača), pp. 1–2. In light of this evidence, the Chamber finds that four of the detainees did not suffocate in the tarpaulin covered truck and were taken back to Sanski Most alive. The Indictment limits the victims of Scheduled Incident B.1.2 to “prisoners who suffocated in trucks while being transported from Betornika detention facility to Manjača”.

<sup>4904</sup> KDZ492, P3596 (Transcript from *Prosecutor v. Krajišnik*), T. 3861 (under seal); D4214 (Witness statement of Vinko Nikolić dated 13 January 2014), para. 23; P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992), p. 1 (under seal); P3741 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 July 1992), p. 1 (under seal); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5293–5295; P724 (List of civilians killed during transport to Manjača); P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 94–105; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 7; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 5; Radomir Radinković, T. 45334 (18 December 2013); P3634 (Witness statement of KDZ490, undated), p. 118 (under seal); P6466 (Article from Sanski Most Online entitled “Nedim Caressed the Bones of His Twin Brother Edin”, 20 April 2007); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26287 (under seal); D4170 (Witness statement of Mile Dobrijević dated 2 December 2013), para. 14; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3418–3419 (under seal); Dragomir Keserović, T. 41996–41999 (25 July 2013); D4387 (Witness statement of Dušan Mudrinić dated 15 February 2014), para. 20. According to a report compiled by two Bosnian Serb doctors, the detainees who died from asphyxia during the transfer from Betonirka to Manjača were Sevdaga Hukanović, Josip Mlinar, Vinko Matanović, Hivzo Hodžić, Ismet Memić, Fadil Kamić, Mirsad Halimović, Kemo Talić, Nedžad Muhić, Dževad Muhić, Ibko Muhić, Mustafa Hodžić, Mirhad Delić, Ramo Jusić, Atif Kerić, Nenad Čorak, Ivan Tutić, Ismet Hidžić, Muharem Pršić, and Zijad Mujadžić. P724 (List of civilians killed during transport to Manjača), pp. 1–2. [REDACTED].

Bišćević and the unwell detainees who were taken back to Sanski Most have never been seen alive again.<sup>4905</sup>

1419. The Chamber received forensic evidence which identifies a number of bodies as being related to this incident.<sup>4906</sup> Furthermore, the Manjača authorities reported to the 1<sup>st</sup> Krajina Corps Command on 8 and 9 July 1992 that 24 individuals had died during transportation to Manjača.<sup>4907</sup>  
**(#No cover up#! Therefore, no cover-up! There was not established any intent!)**

1420. Based on the above, the Chamber finds that on 7 July 1992, Serb Forces forced a number of Bosnian Muslim and Bosnian Croat men detained at Betonirka factory garage to board a tarpaulin covered truck which was bound for Manjača and that due to the lack of sufficient ventilation, 20 detainees suffocated during transportation. **(#No criminal intent#! Nothing to say! It was really pity and dreadful, but sure we see no intent to kill, but rather a negligence and an inhuman treatment. However, what the President has to do with it all, since neither he knew what was going on in this municipality, nor he could influence the course of events in any sense. The report of the Manjača officers to their superiors meant that nobody intended to cover up this case.**

g. Scheduled Incident B.1.3

1421. The Indictment refers to the killings of a number of men in front of Manjača upon their arrival from Omarska camp on or about 6 August 1992.

1422. As mentioned earlier, on the night of 6 August 1992, approximately 1,300 detainees were brought to the gates of Manjača from Omarska and made to spend the night in the buses in which they had travelled.<sup>4908</sup> At one point, members of the Prijedor SJB's intervention squad took out a number of detainees, including Dedo Crnalić and Jasko Alisić, from the buses, took them behind some agricultural machines nearby and slit their throats.<sup>4909</sup> One of the guards who killed Crnalić wiped his bloody knife on Crnalić's shirt.<sup>4910</sup> The next day, during the roll call of the detainees, Dedo Crnalić's name was called first.<sup>4911</sup> Members of the intervention squad who at that time were standing next to the bus began laughing and said: "There he is on top of that pile."<sup>4912</sup> Later, the detainees heard that in addition to Crnalić and Alisić, the members of the intervention squad had killed six or seven detainees in front of the gates of Manjača, including Nezir Krak, Nihad

<sup>4905</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5538; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7098. As noted above, the Indictment limits the scope of Scheduled Incident B.1.2 to "prisoners who suffocated in trucks while being transported from Betonirka detention facility to Manjača".

<sup>4906</sup> According to Mašović, the remains of 21 victims of Scheduled Incident B.1.2 have been identified. These victims are Jasmin Bajrektarević, Adam Delić, Mirsad Halimović, Hivzo Hodžić, Ismet Hodžić, Sevdaga Hukanović, Adem Jakupović, Ramo Jusić, Fadil Kamić, Vinko Matanović, Izet Mehić, Josip Mlinar, Dževad Muhić, Nedžad Muhić, Zijad Mujadžić, Kelo Talić, Edin Bišćević, Enver Burnić, Mirhad Delić, Ibrahim Mušić, and Ivica Tutić. The first 16 victims were exhumed from the Ušće Dabra mass grave, in Sanski Most municipality, on 17 July 2001 whereas the last five victims were exhumed from the Dragoraj mass grave, in Mrkonjić Grad municipality on 19 April 2000. P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 48, 73. See also P6690 (Addendum to Nicolas Sébire's report, 16 May 2003), pp. 71–73; P6689 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), e-court p. 206; P4408 (Death certificate for Zijad Mujadžić); P6466 (Article from Sanski Most Online entitled "Nedim Caressed the Bones of His Twin Brother Edin", 20 April 2007). The Chamber, however, notes that from the 21 victims referred to by Mašović, only 15 are included in P724 (List of civilians killed during transport to Manjača). These individuals are Sevdaga Hukanović, Josip Mlinar, Vinko Matanović, Hivzo Hodžić, Fadil Kamić, Mirsad Halimović, Kemo Talić, Nedžad Muhić, Dževad Muhić, Ibrahim Mušić, Mirhad Delić, Ramo Jusić, Ivica Tutić, Ismet Hodžić, and Zijad Mujadžić.

<sup>4907</sup> P3740 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 8 July 1992), p. 1 (under seal); P3741 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 9 July 1992), p. 1 (under seal).

<sup>4908</sup> See para. 1384.

<sup>4909</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3375; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9169, 9218 (under seal); KDZ074, P708 (Transcript from *Prosecutor v. Stakić*), T. 2385 (under seal); P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 10; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1933 (under seal).

<sup>4910</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3373–3374.

<sup>4911</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932 (under seal).

<sup>4912</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932, 1944 (under seal).



Basić, and a man by the name Djuzin.<sup>4913</sup> After Popović refused to accept the dead bodies into the camp, members of the Prijedor SJB loaded them on the buses and drove off in the direction of Banja Luka.<sup>4914</sup>

1423. The Chamber has received forensic evidence which identifies a number of bodies as related to this incident.<sup>4915</sup>

1424. Based on the above, the Chamber finds that on 6 August 1992, Serb Forces separated at least eight or nine Bosnian Muslims and Bosnian Croats from the group of detainees who had arrived at the gates of Manjača from Omarska and killed them. **(#Abuse of the “Serb Forces” term#! Again, the “Serb Forces” this was the beginning of the war, and those weren’t the Serb Forces, but the “armed people” as Tito wanted it, and there was no efficient control over everyone armed! #Armed people#!)**

h. Scheduled Incident B.1.4

1425. The Indictment refers to the killings of at least 10 men in Manjača between 1 June and 18 December 1992.

1426. On 10 July 1992, the guards at Manjača beat Emir Mulalić to death.<sup>4916</sup> The guards then called in a detainee who was also a doctor.<sup>4917</sup> Since Popović had ordered that the cause of death of the detainees who died from beatings be falsified, the doctor confirmed Mulalić’s death but reported that he had died from a heart attack.<sup>4918</sup> **(This is all dubious, and impossible for the Defence to check and challenge, and anyway it doesn’t have anything to do with this President. #No Karad’i’s liability#!)**

1427. On 24 June 1992, Zlatan Miškić was taken to Manjača and died some hours later.<sup>4919</sup> On the night of 29 July 1992, Željko Bulatović called out Omer Filipović and Esad Bender to the

<sup>4913</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1932, 1944 (under seal); KDZ163, T. 20738–20739 (1 November 2011) (private session); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), pp. 6, 8–9, 12; Radomir Radinković, T. 45334, 45339 (18 December 2013); P711 (Witness statement of KDZ074 dated 23 September 1994 and 16 May 2001), p. 10 (stating that approximately 15 persons were killed on the night of 6 August 1992 in front of Manjača). *See also* P3719 (1<sup>st</sup> Krajina Corps combat report, 7 August 1992), p. 2 (reporting that “there were deaths during transport to the camp”); P3757 (Official note from the Security Centre in Banja Luka, 10 August 1992), p. 2 (under seal) (reporting that eight prisoners had died during transportation to Manjača and that four of those prisoners “were probably killed in a cruel and inhumane manner”) **(#Individuals, not force units#!) The said document (P03757) indicates that there was an illegal and unlawful conduct of some of the Prijedor “Interventni vod”, which was composed of some reservists and certainly not educated policemen, later known as the perpetrators of the Koricanske stijene killings. But, what we see is that the Commander of Manjaca and his subordinates, certainly a higher officials than the perpetrators, tried to stop and prevent such a conduct, partially succeeding, and reporting further, which undoubtedly indicates that there was no any attempt to allow or cover up the incident. So, this can not be put on the account of the RS authorities, let alone of this Accused.**; P3750 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 7 August 1992), p. 1 (under seal) (reporting that a total of eight prisoners died on the way to Manjača and that three of them had most probably been killed because they displayed visible signs of violence).

<sup>4914</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3374; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 7; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9169 (under seal).

<sup>4915</sup> According to Mašović and Šebire, six victims of Scheduled Incident B.1.3 have been identified. These victims who were exhumed from the mass grave Novo Groblje, in Banja Luka municipality, on 4 July 2002, are Said Babić, Dedo Crnalić, Nezir Krak, Nihad Bašić, Kemal Jakupović, and Zvonko Tokmadžić. P4853, (Updated Table 2 to the Report of Amor Mašović), p. 73; P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002) (under seal), pp. 79, 94. *See also* P4850 (Witness statement of Amor Mašović dated 23 March 2012), para. 111, Annex A, pp. 1–2; P4869 (Record of identification for Kemal Jakupović and Nezir Krak, 29 July 2003); P4873 (Letter from BiH Commission for Missing Persons to the OTP re exhumations at Novo Groblje, 11 September 2006); P4874 (Bihać Cantonal Court record of Novo Groblje exhumation, 4 October 2002); P4875 (Autopsy reports of persons exhumed at Novo Groblje, 22 July 2002).

<sup>4916</sup> P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 7; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 118.

<sup>4917</sup> P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 7.

<sup>4918</sup> P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 7; *see* Adjudicated Fact 593.

<sup>4919</sup> D1861 (Manjača camp daily report to 1<sup>st</sup> Krajina Corps, 24 June 1992), p. 3. The Chamber has not received sufficient evidence as to the circumstances of the death of Zlatan Miškić to make a finding in relation thereto.

isolation rooms where they were severely beaten.<sup>4920</sup> Filipović died as a result of the beatings that night, but Bender was brought back around midnight. He crawled into the stable, bleeding and crying for help; no one assisted him out of fear of the guards.<sup>4921</sup> Around 7 a.m. the next morning, Dr. Eniz Šabanović checked Bender's pulse and confirmed he was dead.<sup>4922</sup> Later that morning, the bodies of Filipović and Bender were wrapped in blankets and loaded into a vehicle with a JNA license plate.<sup>4923</sup> The guards called out at least eleven other detainees, including a minor, at night and beat them to death.<sup>4924</sup> **(#Uncorroborated#! All of it is dubious and uncorroborated by any other proof. It is contrary to the official report of the Manjaca authorities, that there were only five (5) casualties, three of a natural causes and two after beatings, Filipovic and Bender. Why the official reports of a professionals is not trusted, and the statements of those willing to revenge to the Serbs are accepted?)**

1428. Around 10 p.m. on 3 August 1992, guards began beating a detainee named Stipo.<sup>4925</sup> Stipo fought back and Bulatović subsequently shot him dead.<sup>4926</sup>

1429. The Chamber took judicial notice between June and November 1992, at least 10 detainees died inside Manjača as a result of beatings or of sporadic killings.<sup>4927</sup> The Chamber also took judicial notice of the fact that Popović ordered that death certificates, giving a false account of the cause of death of detainees who were killed as a result of beatings inside Manjača, be issued.<sup>4928</sup> **(#Contradicted#! How possibly a witness, a Muslim could have known this? Had the Commander decided to do this forgery and a cover up, he certainly wouldn't chose a Muslim doctor to do it for him. This is a pattern of the false testimonies that were "successful" in this Court!)** In addition, the Chamber received forensic evidence which identifies two bodies as related to this incident.<sup>4929</sup> **(#Not established#! It is very easy, but not fair, to assert that, since there is no any possibility to check it. The Prosecution thus has an advantage over the Defence, obtained by the Rules established by the Court, which makes this trial unfair. A witness KDZ163 identified only five deaths in Manjaca, out of which three were of a natural causes, and two after beating (Filipovic, Bender) which also, though a crime, may not be intended to kill, but resulted in deaths.**

<sup>4920</sup> P3749 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 29 July 1992) (under seal); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4800; P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 8–10; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brdanin*), T. 8139; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), pp. 31–32; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), pp. 6, 12; D4235 (Witness statement of Jevto Janković dated 24 January 2014), para. 7. The camp officials considered Filipović to be the leader of SDA in Ključ and an organiser of “armed rebellion”. See D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 5.

<sup>4921</sup> P3488 (Witness statement of Atif Džafić undated), para. 126; Asim Egrić, T. 19969 (5 October 2011); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4800; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brdanin*), T. 8139–8140, 8168; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 9; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), p. 32; Ahmet Zulić, T. 1034 (13 April 2010); KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5348; D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 12; D4235 (Witness statement of Jevto Janković dated 24 January 2014), para. 7.

<sup>4922</sup> Atif Džafić, T. 19698 (30 September 2011); P3488 (Witness statement of Atif Džafić undated), para. 126; Asim Egrić, T. 19968–19969 (5 October 2011); P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 9; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brdanin*), T. 8168; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), p. 32; Ahmet Zulić, T. 1034 (13 April 2010); D4204 (Witness statement of Radomir Radinković dated 8 December 2013), p. 12; D4235 (Witness statement of Jevto Janković dated 24 January 2014), para. 7.

<sup>4923</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 9–10; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brdanin*), T. 8169.

<sup>4924</sup> According to Zulić and Muhić, these detainees were Zijo Avdić, Fadil Kamić, Hukanović, Adem Jakupović, Ivo Mlinar, Milić, Mirso Hlimović, Zikrija Talić, Senad, Supuk, and Ruski. P721 (Second book of Ahmet Zulić's diary), p. 10; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brdanin*), T. 8139–8140, 8168. **However, this witness had 40 kilos of explosive and a machine gun. On p. 4 of this document (P00721) he described how the killings had been “justified” by those who killed people during the transport, that it was during an attempt to escape. Even this detail shows that the perpetrators have hidden the real cause of those deaths, which further indicates that it was not acceptable to the Serb authorities.**

<sup>4925</sup> P722 (Third book of Ahmet Zulić's diary), p. 1.

<sup>4926</sup> P722 (Third book of Ahmet Zulić's diary), p. 1.

<sup>4927</sup> See Adjudicated Fact 592. But see KDZ163's claim that only five detainees died in Manjača and that of these deaths, only two were caused by violence. KDZ163, P3717 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 5348, 5353.

<sup>4928</sup> See Adjudicated Fact 593.

<sup>4929</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), p. 73; P533 (Autopsy reports for Esad Bender and Omer Filipović); P4872 (Ključ Municipal Court's record of exhumation of Kazaferija cemetery, 17 November 1998); P6690 (Addendum to Nicolas Sébire's report, 16 May 2003), pp. 41–42; Nicolas Sébire, P694 (Transcripts from *Prosecutor v. Brdanin*), T. 16718–16719.

1430. Based on the above, the Chamber finds that between 1 June and 18 December 1992, Serb Forces killed at minimum 15 Bosnian Muslim men detained in Manjača.

(B)Bosanski Novi

(1)Charges

1431. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Bosanski Novi as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>4930</sup>

1432. Acts of persecution alleged to have been committed in Bosanski Novi by Serb Forces and Bosnian Serb Political and Governmental Organs include (i) torture, beatings, and physical and psychological abuse, during and after the take-over as well as in the Mlakve football stadium, as cruel or inhumane treatment;<sup>4931</sup> (ii) the establishment and perpetuation of inhumane living conditions in the Mlakve football stadium, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or inhumane treatment;<sup>4932</sup> (iii) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes;<sup>4933</sup> (iv) unlawful detention in the Mlakve football stadium;<sup>4934</sup> (v) the appropriation or plunder of property, during and after the take-over in Bosanski Novi, during arrests and detention, and in the course of or following acts of deportation or forcible transfer;<sup>4935</sup> (vi) the wanton destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites;<sup>4936</sup> and (vii) the imposition and maintenance of restrictive and discriminatory measures.<sup>4937</sup>

1433. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>4938</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Bosanski Novi in which they had been lawfully present.<sup>4939</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, killing, destruction of houses, cultural monuments and sacred sites, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>4940</sup>

(2)Lead-up

1434. Bosanski Novi is a municipality in northwest BiH bordered by the municipalities of Bosanski Krupa, Sanski Most, Prijedor, and Bosanski Dubica.<sup>4941</sup> The Una River runs along the

<sup>4930</sup> Indictment, paras. 48–49.

<sup>4931</sup> Indictment, para. 60(b). *See* Scheduled Detention Facility C.4.1

<sup>4932</sup> Indictment, para. 60(d). *See* Scheduled Detention Facility C.4.1.

<sup>4933</sup> Indictment, para. 60(f).

<sup>4934</sup> Indictment, para. 60(g). *See* Scheduled Detention Facility C.4.1.

<sup>4935</sup> Indictment, para. 60(i).

<sup>4936</sup> Indictment, para. 60(j). *See* Scheduled Incident D.4.

<sup>4937</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services. The Chamber notes that the Prosecution does not allege criminal responsibility for rape and other acts of sexual violence or for forced labour at the frontlines in Bosanski Novi. Indictment, fns. 5, 7.

<sup>4938</sup> Indictment, paras. 68–75.

<sup>4939</sup> Indictment, paras. 69, 72.

<sup>4940</sup> Indictment, para. 71.

<sup>4941</sup> D484 (Map of BiH).

northwestern edge of the municipality, also forming part of the border between BiH and Croatia.<sup>4942</sup> In 1991, the population of Bosanski Novi was approximately 42,000, consisting of 33.7% Muslims, 60.2% Serbs, and approximately 6% other ethnicities.<sup>4943</sup> The Japra valley area in particular, including Suhača and Blagaj, was inhabited predominantly by Bosnian Muslims, while the villages of Maslovare, Gvozdeni, Vitasovci, and Radomirovac had large Serb populations, and the village of Jošava was exclusively a Serb village.<sup>4944</sup> The village of Blagaj is divided by the Sana River into Blagaj Japra and Blagaj Rijeka.<sup>4945</sup>

1435. Following the multi-party elections in 1990, the SDS won the majority of seats in Bosanski Novi.<sup>4946</sup> Gavro Bogić was elected as President of the SDS and Radomir Pašić was elected as President of the Municipal Assembly.<sup>4947</sup>

1436. Prior to the 1990 elections and the start of the war in Croatia, inter-ethnic relations between Bosnian Serbs and Bosnian Muslims in Bosanski Novi were generally good.<sup>4948</sup> However, following the start of the war in Croatia, there were increasing inter-ethnic tensions between them.<sup>4949</sup> When the war broke out in Croatia, border points were closed in Bosanski Novi, among other areas, and movement was restricted.<sup>4950</sup> **(#No Serbs in BiH liable#! This had nothing to do with the Serb local authorities, since it was a war between the SFRY and the two secessionist republics, Croatia and Slovenia. The tensions were increasing because the Muslim leadership supported the secessions and instructed their followers to sabotage the JNA mobilisations, while the Serbs were obliged to respond to these mobilisations.)**

1437. As early as 1991 and at the beginning of 1992, Bosnian Muslims began to be dismissed from their employment.<sup>4951</sup> **(#Distorted#! This was not true, since such a case would be widely publicised and used in the interethnic quarrels, except if there was an allocations of the posts among the parties, or if the Yugoslav federal security had some reasons to be cautious about some persons. Another reason could have been, i.e. if the Muslims didn't respect the inter-party agreement in another municipality, which was a pair with the B. Novi, then the authorities in B. Novi would be entitled to do the same. However, the Muslims themselves sabotaged the functioning of the common organs, such as the Executive board, as is noted in P02632:**

Simultaneously, a problem occurred with functioning of the Municipal Executive Board, due to a long sick-leave of its president, after which he resigned, while the SDA members obstructed the board's work. Therefore, pursuant to the proposal of the In mid-April 1992, the newly appointed Serb police chief dismissed all Muslim police officers in Bosanski Novi because they refused to sign an oath of loyalty to the Serb authorities; however,

<sup>4942</sup> D484 (Map of BiH).

<sup>4943</sup> P4994 (Addendum to Ewa Tabeau's expert report entitled "Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997", 3 February 2009), pp. 23, 104 (citing to the 1991 RS Population Census). See also P5449 (Report of the MUP, Banja Luka RDB, February 1995), pp. 8–9 (referring to Bosanski Novi as Novi Grad); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 6. But see D1913 (Intelligence report re review of security in Bosanski Novi municipality, undated), p. 1. The Chamber shall rely on the statistics for the ethnic composition of Bosanski Novi in 1991 from Tabeau's report which are based on the 1991 RS Population Census.

<sup>4944</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13959; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 9; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 18; P3802 (Map of Bosanski Novi with photographs).

<sup>4945</sup> See Adjudicated Fact 657.

<sup>4946</sup> D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 2.

<sup>4947</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 9; D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 2–3.

<sup>4948</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 9; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13959.

<sup>4949</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13959; KDZ011, T. 21214 (10 November 2011).

<sup>4950</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 10; KDZ011, T. 21199–21201 (10 November 2011). See also D1911 (Report of Banja Luka CSB, 11 July 1991).

<sup>4951</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13961. See also KDZ011, T. 21215–21216 (10 November 2011).

even the Muslims who signed this paper were fired and sent home as well.<sup>4952</sup> The remaining police officers were issued with a new camouflage uniform with a Serb flag on the epaulette.<sup>4953</sup> Bosnian Muslims who worked in companies, administrative organs, and institutions in Bosanski Novi were required to sign an oath and were also dismissed from their jobs.<sup>4954</sup> **(#Due to the ICFY#! It does fall in the subject of the oath segment. But, there was proclaimed the RS, on the basis of the results of the ICFY in the Hague in 1991, and the Lisbon Agreement. Even if there was no such an agreements, the Serbs were entitled to self-organize in an opposition to the unilateral and unlawfull secession of the BiH. Since the RS was proclaimed and enacted, an oath was an obligation for all the state officials with an authorisation. Anyway, as with all other events in the ARK, this President didn't have any leverage, not even knowledge. #No Karad'i's liability#! .**

**1438.** In April 1992, check-points manned by Bosnian Serb soldiers wearing JNA uniforms were established, including between Hozici and Donji Agici and between Suhača and Jošava.<sup>4955</sup> **(#Before VRS#! This is wrong assertion and any inference originating from it is wrong, because at that time there was the JNA, no matter from where were it's soldiers. Up until 20 May there was no the Bosnian Serb army. At that time the JNA was withdrawing from Croatia, and had a lot of troubles with security, and that was why it established the check-points and restricted movement.)** Movement was also restricted.<sup>4956</sup> The soldiers at these specific check-points only checked the papers of Bosnian Muslims.<sup>4957</sup> **(And how the JNA soldiers recognised who was a Muslim, and how they differentiated the Croats and Serbs from the Muslims? By a race? By a skin colour? That is how this AF or 92bis can work without any challenge.)**

**1439.** Pašić received the Variant A/B Instructions from the SDS Main Board,<sup>4958</sup> pursuant to which the SDS formed the Bosanski Novi Crisis Staff in April 1992.<sup>4959</sup> Bosanski Novi was a Variant A municipality as Bosnian Serbs were the majority in the municipality.<sup>4960</sup> After receiving the RS government instructions on the work of the Crisis Staffs, the Bosanski Novi Crisis Staff re-organised itself on 20 May 1992 to “take over the prerogatives and functions” of the Municipal Assembly.<sup>4961</sup> As a result, Pašić, who was President of the Bosanski Novi Municipal Assembly, became President of the Bosanski Novi Crisis Staff.<sup>4962</sup> **(#Legal, legitimate, necessary# So what? This was a usual move in a crisis. An alternative would be to let the Muslim extremist butcher the Serb people and join the Croatian Army.)**

<sup>4952</sup> Adjudicated Fact 2279; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 9–10. *See also* P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 50. **(#Deadly combination#! Impossible to comment or oppose to those “evidences”**

<sup>4953</sup> Adjudicated Fact 2279. **(#Deadly combination#! An allegations, derived from an AF or 92bis.**

<sup>4954</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13961, 14025; P2632 (Report of Bosanski Novi's Crisis Staff, undated), pp. 3–4. *See* Adjudicated Fact 2279. The Chamber received contrary evidence from Radomir Pašić that Muslims were not dismissed from employment and that such ultimatum did not occur and that moreover, it was still relatively peaceful in April 1992. He also testified that Bosnian Muslims “refused to work at the police station, although we asked them to”. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 20; Radomir Pašić, T. 41020 (9 July 2013). However, the Chamber does not find this evidence to be reliable. In reaching that conclusion, the Chamber considered that Pašić's evidence in this regard was marked with contradictions. **Now, it is clear: first AF, then 92bis, then discredit the only witness who knew that, and the Defence may only graze a grass. Because it is treated as a donkey.**

<sup>4955</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13961–13962, 13966; KDZ011, T. 21200 (10 November 2011).

<sup>4956</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13961–13962, 13966; KDZ011, T. 21200 (10 November 2011).

<sup>4957</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13962.

<sup>4958</sup> Radomir Pašić, T. 41011–41014 (9 July 2013).

<sup>4959</sup> Radomir Pašić, T. 41014 (9 July 2013); P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 9; KDZ011, T. 21202 (10 November 2011). *See also* P2632 (Report of Bosanski Novi's Crisis Staff, undated), p. 1.

<sup>4960</sup> Radomir Pašić, T. 41014 (9 July 2013).

<sup>4961</sup> P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992); P2632 (Report of Bosanski Novi's Crisis Staff, undated), p. 7.

<sup>4962</sup> Radomir Pašić, T. 41021–41023 (9 July 2013); P2632 (Report of Bosanski Novi's Crisis Staff, undated), p. 7.



1440. In the Muslim village of Suhača, in particular, discussions with SDS representatives from the village of Jošava about the handover of Muslim weapons began in late March 1992.<sup>4963</sup>

**(#Before VRS, before RS#! This is a lie, because at that time the only legal armed force was the JNA, and it was legitimate to disarm all the unlawfully armed individuals and groups. Had the SDS done it in March, there would be a big crisis and publicity!)**

At the end of April 1992, the SDA President in Suhača informed the villagers that he had reached an agreement with the SDS members in Bosanski Novi, including Ranko Balaban, President of the SDS in Jošava, that if they surrendered their weapons to the Serbs, they would be allowed to go on living as before.<sup>4964</sup> The next day, the Bosnian Muslims of Suhača surrendered their weapons to the Serb MP at a check-point between Suhača and Jošava.<sup>4965</sup>

**(#Before VRS#! However, if it was some MP, it must have been the JNA MP, because at that times there was no the Bosnian Serb army, and therefore no the Serb MPs either.)**

Following the surrender of weapons, the villagers were instructed to go to a field in Jošava while they waited for all of the houses in Suhača to be searched by Serb soldiers, accompanied by two Bosnian Muslim civilians.<sup>4966</sup>

1441. On 4 May 1992, the SDS in Bosanski Novi held talks with representatives from the SDA in an attempt to find a compromise that would compel all citizens, Serbs, Muslims, and Croats, in Bosanski Novi to hand in illegally held weapons to the TO or to the Bosanski Novi SJB; on the same day, the ARK government issued an order for mobilisation, instructing the surrender of weapons by 11 May 1992, and imposed a curfew for all citizens in the ARK.<sup>4967</sup>

**(“For all citizens in the ARK” is meant #regardless of their ethnic or other affiliation#. What was wrong with this? Certainly, this was aimed to preserve the peace and order. Whatever, the President didn’t know anything about this, and couldn’t influence in any terms. In the areas reachable to the President, there was no any curfew at all, but the local authorities were entitled to secure a peace the way they considered suitable!)**

In line with this order, on or around 9 May 1992, the Bosanski Novi Crisis Staff under Radomir Pašić issued an ultimatum over Bosanski Novi radio for Bosnian Muslims in the municipality to hand in their weapons within 24 hours.<sup>4968</sup> However, according to Pašić, a number of citizens ignored these orders and refused to turn in weapons and military equipment.<sup>4969</sup>

<sup>4963</sup> See Adjudicated Fact 2280.

<sup>4964</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13962–13964.

<sup>4965</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13962–13966; see Adjudicated Fact 2281. Sifet Barjaktarević organised the surrender of weapons in Suhača, which included approximately 300 weapons in total and were primarily hunting rifles, and pistols. KDZ011, T. 21228–21229 (10 November 2011). See also P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 61; P3817 (Memo re 5,000 Muslims from Bosanski Novi, 5 June 1992), p. 1.

<sup>4966</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13967–13968, 14025–14026; KDZ011, T. 21239–21240 (10 November 2011); see Adjudicated Fact 2281. See also P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 61; P3817 (Memo re 5,000 Muslims from Bosanski Novi, 5 June 1992), p. 1.

<sup>4967</sup> D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 4–5, 19; P2818 (Decision of ARK Regional Secretariat for National Defence, 4 May 1992). See also P2819 (Dispatch from Banja Luka CSB to all SJBs, 4 May 1992); P2632 (Report of Bosanski Novi’s Crisis Staff, undated), pp. 3–5; Ewan Brown, T. 21598–21599 (18 November 2011); D1921 (Report of Bosanski Novi SJB, 15 August 1992), p. 1; Milorad Sajić, T. 44134–44135 (27 November 2013); Adjudicated Fact 2283. See also P687

<sup>4968</sup> D1921 (Report of Bosanski Novi SJB, 15 August 1992), p. 1; Milorad Sajić, T. 44134–44135 (27 November 2013); Adjudicated Fact 2283. See also P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11.

<sup>4969</sup> D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 6. See also P3819 (UNPROFOR Memo, 29 May 1992), p. 4; D1921 (Report of Bosanski Novi SJB, 15 August 1992), pp. 1, 5.

### (3) Attacks against Bosnian Muslim villages

#### (a) Blagaj village

1442. After the deadline for the surrender of weapons expired on 11 May 1992, conflict started in the Blagaj area.<sup>4970</sup> At 1 a.m. on 14 May 1992, pursuant to orders from Pašić, Serb soldiers fired 13 shells on Blagaj from Izba, a hill overlooking Bosanski Novi.<sup>4971</sup> Shells were fired into the village for two days, wounding civilians.<sup>4972</sup> The shelling caused damage to houses of Bosnian Muslims but did not kill anyone.<sup>4973</sup>

**(#Before VRS#! In his testimony, Pasic denied any ingerence and authority over the Army, and he was right at least up until 20 May. No civilian authority would be tolerated to interfere in a military matters while the JNA was there. In the same report, (P02632) Pasic described the chaos that abrupted meanwhile, mainly under the influence of the fights in neighboring municipalities B. Krupa and Prijedor. Anyway, B. Novi was so close to the Croatian border, so that could be expected to be unrest because of the war in Croatia, a Croatiaan shells falling at the Serb settlements in BiH and a great number of the Serb refugees from Croatia.**

1443. On 14 May 1992, a Bosnian Muslim delegation went to speak with Drago Ninić, the SDS president of the neighbouring village of Petkovac, to tell the Bosnian Serbs that Bosnian Muslims

<sup>4970</sup> P2632 (Report of Bosanski Novi's Crisis Staff, undated), pp. 4–5. **(#Linguistic troubles#! , in this document (P02632) ther is a sentence that is incorrectly translated in English. Here is this sentence in the Serbian:**

Кризни штаб је на сједишници одржаној 22. маја прихватио на знање ставове СО СДС о пресељеном, те закључке од дан раније одржане сједишнице представника СДС и СДА на којој су прихваћени ставови и политичка опредјелања око добровољног пресељења. У циљу спровођења те активности у оквиру органа управе општине формирана је радна група која би радила на овим пословима, прикупљала потребне податке, давала корисне информације и вршила друга послове везана за пресељење.

**And the critical sentence is “SDS i SDA na kojoj su prihvaceni stavovi...” however, in English it says:**

At its session held on May 27<sup>th</sup>, The Crisis Staff acknowledged the stands of SO SDS on relocation and conclusions from SDS and SDA representatives' sessions held the previous day, at which stands and political decisions on voluntary relocation were excepted. In order to pass this activity within the organs of the municipality administration, a working group was formed to work on these tasks, gather the necessary information, give useful information and perform other duties regarding the relocation.

**First, it was not that “The Crisis staff acknowledged the stands of SO SDS...” but “taken note of the stands...” The municipal Crisis Staff was above the party board. Second, and the most important: “Excepted” should mean “excluded” which is contrary to what was really said. Therefore, the SDS and SDA had been discussing and agreeing the issues of removal of the population in an organized manner. To the other aspects, this document doesn't say what was explicated in the Judgment. Namely, it was explicitly said that a battalion of the soldiers originating from the B. Novi returned from Jasenovac, and put the Serb flag on the municipal buildings, contrary to the municipal authority's attitude, shows that there still was the JNA. Namely, Jasenovac is in Croatia, and there could not be any units of the Bosnian Serb TO, let alone of the VRS. Neglecting this fact, probably for a lack of knowledge, leads to a conclusion that Pasic wasn't frank and sincere. Since there was a constant tension between the civil authorities and the JNA, this intercept accusing Pasic for the order on attack on Blagaj should not be accepted without a reserve.**

See also P3819 (UNPROFOR Memo, 29 May 1992), p. 4; P6440 (Banja Luka CSB report, 12 May 1992), p. 2.

<sup>4971</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 19; P6436 (Summary of intercepted conversation, 11 May 1992); D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 20–21; Radomir Pašić, T. 41031–41038 (9 July 2013); see Adjudicated Facts 658, 2284. Despite an intercepted conversation between Major Željaja and Colonel Dević stating that Pašić ordered the attack on Blagaj, Pašić denied that the attack on Blagaj was carried out pursuant to his orders; according to Pašić, as the President of the Municipal Assembly and the President of the Crisis Staff, he did not have the authority to issue such orders or to activate anything in a military sense. Radomir Pašić, T. 41038–41043 (9 July 2013). See P6436 (Summary of intercepted conversation, 11 May 1992). However, the Chamber does not find Pašić's evidence on this issue to be reliable. In reaching this conclusion, the Chamber considered that Pašić's evidence in this regard was contradictory and concluded that he was evasive and lacked sincerity.

<sup>4972</sup> See Adjudicated Fact 2284.

<sup>4973</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 19; P2632 (Report of Bosanski Novi's Crisis Staff, undated), pp. 4–5. See also Adjudicated Fact 2290.



in Blagaj did not have weapons.<sup>4974</sup> The meeting with Ninić also included Bogić, Bosanski Novi SDS President.<sup>4975</sup> The Serbs did not want to speak to this delegation and demanded that three Bosnian Muslim men in particular be brought to them because they had weapons.<sup>4976</sup> These men went to talk to the Bosnian Serbs again, when they were also told that “Serbs and Muslims could not live together any longer”.<sup>4977</sup> They reached an agreement that the Bosnian Muslims would gather all of the weapons into the school.<sup>4978</sup>

**1444.** However, the shelling of Blagaj resumed at around 2 p.m., hours before the delegation had even returned from Petkovac.<sup>4979</sup> The shells originated from Huzeirovica Brda.<sup>4980</sup> That evening, a group of 500 villagers, including women and children, formed a column walking to a house of a Bosnian Serb, who had previously been on good terms with Bosnian Muslims, in Maslovare.<sup>4981</sup> They were stopped on the road by a group of 50 armed men led by Mićo Karlica; these armed men wore green camouflage uniforms with badges showing the four “S” insignia, and cockades on their hats.<sup>4982</sup> **(#Insignias#! Certainly, not under the Serbian authorities, since the RS didn’t allow any cockardes, which were the chetnik insignias from the WWII, and would mean a new ideological division of the Serbs.)** The villagers were told, at gun point, to surrender all weapons; they handed over all of their hunting weapons and were then allowed to continue to the house.<sup>4983</sup> **(#Armed civilians#! How come, they did have some weapons with themselves, while seeking shelter in a Serb home?)** Later, the same soldiers who confiscated their weapons came to the house and shot at the villagers; one Bosnian Muslim man was wounded, and another was shot dead.<sup>4984</sup> **(#Deadly combination# #Defence helpless#! Many of the inferences above, from fn. 4976 to 4995, are based on a 92bis statements, and few on an Adjudicated Facts, which leaves this Defence and this President without a word, and without any possibility to clarify what happened and who was responsible. And this is one of the major vices of this trial.)**

**1445.** The next day, 15 May 1992, Captain Bogdan Grab, wearing camouflage and a red beret, arrived in Maslovare with a group of approximately 20 soldiers, and started insulting the villagers.<sup>4985</sup> Later, Grab’s soldiers took 15 Bosnian Muslim men and made them walk in front of the Serbs to “clear” the village of Blagaj but did not find anything.<sup>4986</sup> There, the Bosnian Serbs placed flags depicting the four Cyrillic “S” symbols around the village.<sup>4987</sup> On the same day, the villagers were allowed to return to the village.<sup>4988</sup> **(#Before VRS#! Obviously, this was a sort of search that was announced, but the conduct of those soldiers wasn’t proper, and there still was the JNA in the region, #no liability# of the Serb local authorities, let alone the central one.** The shooting continued all around Blagaj and the villagers were surrounded and could not leave.<sup>4989</sup> On the same day, the mosque and houses of Bosnian Muslims were set on fire.<sup>4990</sup>

<sup>4974</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11.

<sup>4975</sup> P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 19.

<sup>4976</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11.

<sup>4977</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11.

<sup>4978</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11.

<sup>4979</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 19.

<sup>4980</sup> P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 19.

<sup>4981</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 19.

<sup>4982</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 11.

<sup>4983</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 10–12.

<sup>4984</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 12. The Chamber notes that these killings are not charged pursuant to Schedules A or B of the Indictment. *See* fn. 13.

<sup>4985</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 12. *See also* P687 (Witness statement of Hasan Alić dated 29 April 2003), e-court p. 6.

<sup>4986</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 12. The Chamber notes that forced labour, including the use of Bosnian Muslims and Bosnian Croats as human shields, is not charged in Bosanski Novi pursuant to the Indictment. *See* Indictment, para. 60(h), fn. 7.

<sup>4987</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 12.

<sup>4988</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 12.

<sup>4989</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 12.

1446. According to Alić, after 15 May 1992, Bosnian Muslims from Blagaj Japra were “taken away in droves for questioning” in Bosanski Novi by MP wearing red berets.<sup>4991</sup> **(#Deadly combination#! All the inferences and findings are founded on the 92bis and AFs, (except KDZ011) which leaves the President helpless. This is another proof that this was not a fair trial!)**

1447. On 24 May 1992, Bosnian Serb soldiers took valuables and money from Bosnian Muslims in Blagaj Rijeka and Blagaj Japra, and houses in Blagaj Rijeka were looted and set on fire.<sup>4992</sup> **(An Adjudicated Fact!?? What to say? Is it fair to put it as a fact in the case where it wasn't established?)**

(b) Suhača village

1448. Three days after the villagers surrendered their weapons in May 1992, Suhača was shelled beginning at 6:30 a.m. and continued for the next seven days.<sup>4993</sup> The shells were fired from the hills surrounding Suhača, from the direction of the villages of Jošava and Krslje, both Serb villages, mainly targeting areas of the village where the mosques were located.<sup>4994</sup> During the shelling of Suhača, its inhabitants took shelter in the basements of houses.<sup>4995</sup> **(#Local count down#! It was obviously a local count down, since there was no units deployed in the area. It is a miracle that the Chamber realised that KDZ011 was not frank. Had it tested other AFs and 92bis, it would have seen how many of it shouldn't be trusted. Those witnesses continued their war against the Serbs through this court!)**

1449. One day when there was no shelling, soldiers came to Suhača and told the villagers that the town would be attacked and that they could not protect the villagers.<sup>4996</sup> They were therefore told to leave and retreat towards Bosanski Novi where it would be decided where they would go.<sup>4997</sup> After the shelling of Suhača, Bosnian Serb soldiers entered the village and looted the houses.<sup>4998</sup> **(#Uncorroborated#! But this was the testimony of the same KDZ011. Why he**

<sup>4990</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 12.

<sup>4991</sup> P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 20.

<sup>4992</sup> Adjudicated Fact 658.

<sup>4993</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13967–13969; KDZ011, T. 21186–21187 (10 November 2011); Adjudicated Fact 660.

<sup>4994</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13959, 13968–13969; KDZ011, T. 21187, 21240 (10 November 2011).

<sup>4995</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13969. The Chamber notes that KDZ011 gave evidence in the *Brđanin* case that houses close to the mosques in Suhača were damaged during the shelling of the village; see KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13969. However, on cross-examination in this case, KDZ011 confirmed his testimony in the *Krajišnik* case, stating that houses in Suhača remained intact after the shelling, except for abandoned houses on the hills around the village. KDZ011, T. 21241 (10 November 2011). Based on KDZ011's conflicting evidence on this issue, the Chamber is not satisfied that houses in Suhača were damaged during the shelling of the village.

<sup>4996</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13969–13970. See also Adjudicated Fact 668.

<sup>4997</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13970. See also Adjudicated Fact 668.

<sup>4998</sup> See Adjudicated Fact 660. See also P2632 (Report of Bosanski Novi's Crisis Staff, undated), pp. 8–9. According to Pašić, there were no orders to do so from the official authorities and it was difficult to monitor “uncontrolled groups” who entered towns and Muslim houses for their own enrichment. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 23–24. However, the Chamber does not find this evidence to be reliable. In reaching that conclusion, the Chamber observed that Pašić's evidence was marked with contradictions and concluded that he was not a reliable witness. **How come, the Chamber did not find the Pašić's evidence reliable, in spite of the fact that the report, (P02632) was a contemporaneous document, in which was exactly established that the local TO staffs did the things “on their own”**

would be trusted anyway? Should it have been checked through a documents, or corroborated otherwise?)

(c) Other villages in the Japra valley

1450. The Chamber took judicial notice that on 11 May 1992, Bosnian Serb forces shelled the Bosnian Muslim village of Gornji Agići.<sup>4999</sup> **(“#Before VRS#! #No “Bosnian Serb forces” existed on 11 May 1992!!! It was either the JNA, or a local unit of the Territorial defence, without any command and control by the central authorities! Everything depended on their assumption of jeopardy, and they did have the right to defend themselves, since the state didng secure their survival!#Legal#! #Defence necessity#! )** On 23 May 1992, Muslim villages in the Japra valley, including Gornji Agići and Donji Agići, were attacked and houses were set alight; in Donji Agići, Bosnian Muslim property was looted and set on fire by Serb Forces.<sup>5000</sup>

(4) Scheduled Incident D.4

**#No Serb officials liable#! .**

Before this action started to be carried out more seriously, problems arose in the valley of Japra. The Regional Staff of TO Agić, Rujinka i Kršalj, that is members of their units turned a deaf ear to endeavours of the official politics and organs of the authorities, and started to solve things on their own. Armed activities, which included use of mortars, caused expulsion of Muslim civilians from the villages of G. Agić, Čelopek, Hozić, Suhača, and they were taken to the settlement of Blagaj. The Crisis Staff reacted briskly and issued the order to the TO Municipal Staff (25/05/92) that they should immediately place under its control all its members and units, and that their military police should disarm, arrest and pursue all persons in uniforms in the municipality area, who are not members of the TO units or war units stationed in this area, and undertake other necessary measures in order to establish order and control in the municipality area.

**Certainly, no a felony should be justified, but Mr. Pasic should be trusted in a several aspects: first, the civilian authorities didn’t and couldn’t influence any military happening while the JNA was there; second, the authorities could possibly influence the development in the town itself, but in the distant villages nobody could influence anything at that stage of the war. The local people acted in accordance with their own sense of security for their lives and lives their families. Not to forget what was happening in Croatia, or what had happened in B. Brod on 25 and 27 March, or I Bijeljina 31 March and 1 to 3 April this year. If the municipal (let alone central) authorities were not able to guarantee the security fot the people in those villages, they had every right to secure it for themselves. Now, the Chamber is discrediting every evidence ttah proves what was the authority’s attitude towards the events and particularly towards the crimes. Not even the municipal authorities and this Accused. . And no chamber is entitled to discredit everything that the Defence expose, particularly if a testimony is in accordance with a contemporaneous document. Or this is not a court, and in this case we do have every right to alarm the entire world on that. So, an honest report of the president of municipality is used against the civil authorities of the Serb side, just because the Chamber doesn’t care about the reality and the context.**

<sup>4999</sup> See Adjudicated Fact 661.

<sup>5000</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 61; P3817 (Memo re 5,000 Muslims from Bosanski Novi, 5 June 1992), p. 2; Adjudicated Facts 661, 2285. See also D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 17; P2632 (Report of Bosanski Novi’s Crisis Staff, undated), pp. 8–9. Pašić maintains that there was no shelling of these villages “to his knowledge” with heavy weaponry and that only searches for illegal weapons occurred; furthermore, Pašić testified that the authorities did not order or give instructions to destroy or burn property “just because it is Muslim”. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 6, 22–23; Radomir Pašić, T. 41043–41046 (9 July 2013). However, the Chamber does not find this evidence to be reliable based on the Chamber’s observations about his contradictory evidence and low credibility. **(#Impressions#! Does the Chamber have any evidence contrary to Pasic’s evidence, or is relying only on it’s impression of a low credibility. This is all a psychological matter, nothing objective. And this must not be that way!!!**

1451. The Indictment refers to the destruction of nine mosques in Bosanski Novi which occurred at least between March and June 1992.<sup>5001</sup>

1452. In May 1992, the old wooden mosque in Blagaj Rijeka and the mosque in Blagaj Japra were shelled and set on fire by soldiers, destroying their minarets.<sup>5002</sup> During the shelling of Suhača, the two mosques in the village, the Stara Suhača and the Suhača mosques, were also badly damaged.<sup>5003</sup>

1453. In early May or June 1992, the town mosque in Bosanski Novi, Gradska Džamija, was shelled, set on fire by Bosnian Serb soldiers, and destroyed.<sup>5004</sup> The walls were badly damaged but the minaret remained standing.<sup>5005</sup> Heavy machinery was brought from Prijedor in order to knock down the minaret.<sup>5006</sup> When the mosque was destroyed, trucks arrived to remove the rubble from the mosque and the site was then flattened and used as a parking lot; the tombs of the cemetery were also removed.<sup>5007</sup> The Vidorijska mosque was burned down in May 1992 and its minaret was destroyed.<sup>5008</sup> The mosques in Prekosanje, Urije, and Gornji Agići were also destroyed during the summer months of 1992.<sup>5009</sup> **(The only what misses is a proof that those minarets hadn't been abused by snipers, which regularly happened in all the cases!)**

1454. The Chamber has considered the evidence it has received which identified Serb Forces as responsible for the destruction of mosques in Bosanski Novi in May and June 1992.<sup>5010</sup> It also had regard to the fact that almost all mosques in the municipality sustained heavy damage or were completely destroyed after Serb Forces took over the municipality. Having weighed these factors, the Chamber is satisfied beyond reasonable doubt that Serb Forces were responsible for the attacks on and destruction of mosques in Bosanski Novi. **(Still, the Prosecution didn't prove that it was done by the legal and regular "Serb Forces". The Chamber didn't receive any evidence to that respect! But, this is a process against the President. How about his responsibility? No evidence whatsoever! Even if it was as the Chamber found, what does it have to do with the**

<sup>5001</sup> The Indictment refers to the following nine mosques: Stara Suhača mosque, the Suhača mosque, the mosque in Blagaj Japra, the mosques in Prekosanje, Urije, and Gornji Agići, the old wooden mosque in Blagaj Rijeka, the town mosque in Bosanski Novi (Gradska Džamija), and the Vidorijska mosque. Indictment, Schedule D.4.

<sup>5002</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 11–12, 16; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 20 (testifying further that on 15 May 1992, two men, including Veljko Lazarević from Blagaj Japra, first fired bullets at the mosque in Blagaj Japra and then set fire to it, including the wood minaret); KDZ011, T. 21195–21196 (10 November 2011). See Adjudicated Facts 662, 663, 2290. See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 35–36, 44–46; P4069 (Cultural destruction database), records 58–59. See also paras. 1444–1445.

<sup>5003</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14012–14013; KDZ011, T. 21187–21188, 21196 (10 November 2011). See Adjudicated Fact 664. See also P3803 (Photograph of destroyed mosque in Suhača); P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 31–34; P4069 (Cultural destruction database), records 74–75. See also paras. 1448–1449.

<sup>5004</sup> See Adjudicated Fact 666. As KDZ011 was leaving Bosanski Novi from Mlavke stadium in an open truck, he saw that both mosques in Bosanski Novi, the Gradska Džamija and Vidorijska mosques, were destroyed; however he saw that an Orthodox church in Bosanski Novi was still standing. KDZ011, T. 21196, 21214 (10 November 2011); KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14018. See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 47–51; P4069 (Cultural destruction database), record 64.

<sup>5005</sup> Adjudicated Fact 666.

<sup>5006</sup> Adjudicated Fact 666.

<sup>5007</sup> See Adjudicated Fact 666.

<sup>5008</sup> KDZ011, T. 21196 (10 November 2011); KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14018; Adjudicated Fact 667. See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 52–56; P4069 (Cultural destruction database), record 63.

<sup>5009</sup> Adjudicated Fact 665. KDZ011 also testified he saw that the minarets of the mosques in Prekosanje and Urije had been destroyed when he passed the towns on the train heading to Mlavke stadium in June 1992. KDZ011, T. 21195 (10 November 2011). See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 37–43; P4069 (Cultural destruction database), records 71, 73, 76.

<sup>5010</sup> See paras. 1444–1445, 1448–1449. In his final brief, the Accused argues that there is no evidence that official authorities in Bosanski Novi ordered or otherwise participated in the destruction of the mosques there. See Defence Final Brief, para. 1503. Furthermore, according to Pašić, there was no organised destruction of mosques and all mosques were set on fire by paramilitaries, or "unknown perpetrators". D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 18, 27. However, the Chamber has considered the evidence before it and given its findings on the destructions of mosques in Bosanski Novi as well as its assessment of Pašić's credibility, the Chamber does not find his evidence to be reliable in this regard. See fn. 4971.



**President, who issued all the necessary orders to prevent such a development? #No Karadžić's liability#! )**

1455. The Chamber therefore finds that nine mosques in Bosanski Novi municipality were destroyed or heavily damaged by Serb Forces in May and June 1992.

1103. Movement of the population within and from Bosanski Novi

1456. On 20 May 1992, the SDS Municipal Board adopted three decisions regarding the situation in Bosanski Novi: (i) all citizens who wanted to leave Bosanski Novi were “enabled to do so peacefully”; **(#EXCULPATORY!)** (ii) all measures and activities that could be aimed at driving out residents were strictly prohibited; **(#EXCULPATORY!)** and (iii) all citizens who wanted to remain were required to be loyal to RS.<sup>5011</sup> In line with these decisions, Pašić began to look for solutions, including negotiating with UNPROFOR and other representatives, “to enable Muslims who wished to leave Bosanski Novi”.<sup>5012</sup> **(#COMMENDABLE#! Here it should be mentioned that prior to that, there was an accord between the SDS and SDA, as it is written in P02632, (accepted, not excepted) and that was a basis for the Pašić's action.)**

1457. On 24 May 1992, between 8,000 and 10,000 Bosnian Muslim men, women, and children from various villages in the Japra valley, including 1,200 Bosnian Muslims from Suhača, left the valley in a convoy of cars, tractors, and horse-drawn carts.<sup>5013</sup> They headed to Blagaj Japra.<sup>5014</sup>

**1458.** Meanwhile, SDA President and representative of Suhača, Sifet Barjaktarević, negotiated with Bosanski Novi municipal authorities regarding the safe passage of this convoy to Croatia.<sup>5015</sup> An MP patrol sent the convoy towards Bosanski Novi, accompanied by two military trucks with Bosnian Serb soldiers.<sup>5016</sup> Bosnian Serb soldiers wearing JNA uniforms intercepted the convoy at Blagaj Japra bridge<sup>5017</sup> and demanded that they leave their property and board a train headed towards Banja Luka.<sup>5018</sup> When they refused, the convoy was forced to return to Blagaj where it remained guarded by armed Bosnian Serb soldiers until 9 June 1992.<sup>5019</sup> Freedom of movement was limited and special permission was required to leave the village, making it feel “like a prison camp”.<sup>5020</sup> **(#Feelings, believes#! As a matter of fact, the “Bosnian Serb soldiers” whoever they be, indicated that the population was expected to go to Banjaluka, meaning deeper in the RS, rather than to Croatia. And relocating any population within the same territory is not criminal, but a lawful obligation of the warring sides. However, the Muslim population preferred to go to Croatia, and further to Europe, and it was an obvious reason for stopping them by the “Bosnian Serb soldiers”.**

<sup>5011</sup> D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 7–8.

<sup>5012</sup> D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 8–9.

<sup>5013</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13971–13972; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21; P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 61; P3817 (Memo re 5,000 Muslims from Bosanski Novi, 5 June 1992), p. 2. See also KDZ011, T. 21204, 21207 (10 November 2011); P2632 (Report of Bosanski Novi's Crisis Staff, undated), pp. 8–9; Adjudicated Facts 669, 2286.

<sup>5014</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13971–13972; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21. See also Adjudicated Fact 659.

<sup>5015</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13972, 13975–13976; see Adjudicated Fact 669. See also D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 21.

<sup>5016</sup> See Adjudicated Fact 669.

<sup>5017</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13973. According to Kirudja, the soldiers were “persons in Serbian military uniforms and Serb paramilitary groups” and from the symbols on their uniforms, “it was deduced they were under the control of the SDS and Mayor Pašić”. P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 61.

<sup>5018</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13973; P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 61; P3817 (Memo re 5,000 Muslims from Bosanski Novi, 5 June 1992), p. 2. See Adjudicated Facts 669, 2286.

<sup>5019</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13973–13975; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21; P3817 (Memo re 5,000 Muslims from Bosanski Novi, 5 June 1992), p. 2. See Adjudicated Fact 669.

<sup>5020</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21.

**However, the Chamber constantly neglects the very crucial facts deriving from the Tito's doctrine of the armed people, and the Territorial Defence, which existed in every single village, and if there was no JNA in a region, this units were independent in acting. It acted in accordance with a local assessments about jeopardy for their population, and since the JNA withdrew almost suddenly, there was needed several months to put it under the control of the VRS, which was in a status of forming. This is visible from the exhibit P2632, Pasic's report, #for a unique command. #COMMENDABLE#!**

media. In order to further contribute towards disarming, the competent state organs are to take adequate and necessary measures. The TO forces must fall under strict control of the superior command, and all instances of lack of discipline and misconduct shall be severely punished.

**And this position of the local Serb official was exactly what the central Serb authorities and the President himself ordered!)**

1459. On 26 May 1992, Charles Kirudja, the Chief Civil Affairs Officer and Civil Affairs Coordinator for UNPROFOR in UN Protected Area Sector North, a UN protected area in Croatia adjacent to the northwestern boarder of BiH, met with Yugoslav Borojević, Mayor of Dvor in Croatia.<sup>5021</sup> Borojević told Kirudja that Pašić had requested the passage of 5,000 Bosnian Muslims from Bosanski Novi who were leaving the municipality "voluntarily" and would travel through Krajina to Austria and Slovenia.<sup>5022</sup> Kirudja asked how Serb authorities could speak about the desires of a group of Muslims without a single Bosnian Muslim representative being present, but he was only told to speak with Pašić on the phone, which he refused to do.<sup>5023</sup> **(This is irrelevant, since the Muslim representatives had agreed the arrangement with Pasic himself, and this move of Kirudja was irresponsible! Had he called, he would have known!)**

1460. The next day, a delegation from Bosanski Novi, including Pašić, arrived unannounced at Kirudja's office to discuss the request.<sup>5024</sup> Pašić admitted to Kirudja that Bosnian Muslims in Bosanski Novi had been put under pressure from "armed Serbian irregulars" to leave the area after refusing to sign loyalty oaths to the new SerBiH government or to disarm.<sup>5025</sup> **(#Loyalty, Disarming, safety!# That was a legal demand, "to be loyal, or to disarm", because no armed force could stand another disloyal armed group behind their backs. Nothing is unlawful in it!)** According to Pašić, the 5,000 Muslims had asked the authorities in Bosanski Novi for protection and conveyed their desire to travel in a convoy to Austria and Germany where they had relatives.<sup>5026</sup> Given that the Bosnian Muslims had refused to go to other parts of BiH because they were afraid of **#being mobilised,#** Pašić informed Kirudja that the Bosanski Novi authorities "wanted to do everything possible to accommodate their wishes" and to provide a peaceful and secure departure for the Muslim population from Bosanski Novi.<sup>5027</sup> Determining that the Bosnian

<sup>5021</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 2, 40.

<sup>5022</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 40–42; Charles Kirudja, T. 21259–21260, 21278–21280 (11 November 2011) (testifying further that when asked why a mayor in Croatia was speaking on behalf of the mayor of Bosanski Novi, Borojević told Kirudja that Bosanski Novi was now part of a "new reality", or the new reality of the "Serbian Republic of BiH", and the Bosnian Muslims did not want to accept this new Serb authority in Bosanski Novi). See also P3815 (UNPROFOR Memo, 8 June 1992), p. 2.

<sup>5023</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 43; Charles Kirudja, T. 21260–21262 (11 November 2011). See also P3816 (UNPROFOR Memo, 26 May 1992).

<sup>5024</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 45; D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 9. See also P3815 (UNPROFOR Memo, 8 June 1992), pp. 2–3.

<sup>5025</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 46–48, 50–51; Charles Kirudja, T. 21280–21281, 21283–21284 (11 November 2011); D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 9; Radomir Pašić, T. 41047 (9 July 2013). See also P3815 (UNPROFOR Memo, 8 June 1992), p. 3; P3818 (UNPROFOR daily report, 11 May 1992).

<sup>5026</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 45, 49. See also P3819 (UNPROFOR Memo, 29 May 1992), pp. 3–4; Charles Kirudja, T. 21292–21294 (11 November 2011). Pašić also informed Kirudja that two Muslim spokespersons from Bosanski Novi had been identified, Barjaktarević and Fikret Hamzagić, a member of the SDA and member of the Bosanski Novi municipal government, respectively; Kirudja later received information that they had been imprisoned in a school in Blagaj. P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 46, 61; P3817 (Memo re 5,000 Muslims from Bosanski Novi, 5 June 1992), p. 2.

<sup>5027</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 45; D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 9; P2918 (Order of Bosanski Novi's Crisis Staff, 8 June 1992). See also D1916 (Conclusion of Bosanski Novi Municipal Assembly, 18 June 1992) (referring

Muslims were not leaving Bosanski Novi voluntarily, Kirudja refused to provide UN assistance “to make refugees out of people still in their own homes”.<sup>5028</sup>

1461. In the beginning of June 1992, there were many rounds of negotiations between Muslim representatives, the Serb municipal authorities, and international representatives, to discuss the departure of Croats and Muslims in a convoy from Bosanski Novi.<sup>5029</sup> The negotiations took place in Pašić’s office, in Dvor, in Emin Purić’s house, **(A Muslim official!)** and on the bridge over the Una River.<sup>5030</sup> There was no discussion regarding the possibility for people to return.<sup>5031</sup>

**(#Return guaranteed#! The return was guaranteed by the central authorities, which accepted every single proposal, and even made many own proposals towards securing this right to return! In this case, it was obvious that the wish of the Muslims not to be loyal to the new authorities and not to disarm, but to leave towards the safe and rich European countries was crucial and was met by Pasic. #COMMENDABLE!#)**

1462. On 8 June 1992, the villagers in Blagaj were told by Bosnian Serbs to move out of the village.<sup>5032</sup> **(This is #not correct interpretation#: those weren’t the “Blagaj villagers”, but the villagers from several villages that had been returned after refusing to board a train for Banjaluka (see fn 5024). So, a correct interpretation would be that these were the villagers waiting to be allowed to leave out of the country! #Contrary to Chambers findings#, see fn: !)**

On the morning of 9 June 1992, a bus full of Bosnian Serb soldiers, a truck, and a tank drove through Blagaj from the direction of Svodna.<sup>5033</sup> In Troske village, the soldiers got off the bus and the tank turned around and stopped 500 metres from Blagaj, and pointed its cannon toward the village.<sup>5034</sup> The soldiers began firing infantry weapons at civilians in the village and there were explosions from houses and houses were shot at and burned.<sup>5035</sup> **But no casualties were reported? As it is visible from the exhibit P02632, it was fired as a warning fire in air. As said in the P02632, p. 5, after the military police was fired at!**

presented the current situation and said that TO Staff didn’t issue order to open fire on Bosanski Novi territory, except for Blagaj where warning shots were fired when the military police was attacked. He noted that he is unable to have control over the entire municipality territory, as certain groups are distancing themselves from the chain of command, are not obeying orders and are acting on their own initiative. Such large Th  
e attack lasted about two hours, and those staying in the village fled towards the bridge in the direction of Blagaj Rijeka in order to escape.<sup>5036</sup> However, at the bridge, the Bosnian Muslim men, women, and children were stopped by masked Bosnian Serb soldiers from neighbouring villages, some of whom wore civilian clothing while the rest were wearing green camouflage uniforms.<sup>5037</sup> The soldiers instructed them to hand over all of their personal belongings, including

*inter alia* to the decisions adopted by the SDS Municipal Board on 20 May 1992 referred to in paragraph 1456); D1917 (Bosanski Novi Red Cross announcement, 7 June 1992); Radomir Pašić, T. 41048–41050, 41057–41058, 41073–41076, 41090–41092 (9 July 2013) (testifying further that Bosnian Muslims wanted to leave voluntarily and the Serb authorities did not threaten anyone or forcibly remove anyone from their homes, nor did they have an objective to do so).

<sup>5028</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 52; Charles Kirudja, T. 21282–21283, 21298–21299 (11 November 2011); P3819 (UNPROFOR Memo, 29 May 1992), p. 5; P3815 (UNPROFOR Memo, 8 June 1992), p. 3. *See also* KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6789–6791 (under seal); D1918 (Letter to Radomir Pašić, 20 June 1992).

<sup>5029</sup> *See* Adjudicated Fact 2291. *See also* D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 24–25.

<sup>5030</sup> *See* Adjudicated Fact 2291. *See also* D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 24–25.

<sup>5031</sup> Adjudicated Fact 2291.

<sup>5032</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21.

<sup>5033</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13976; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13.

<sup>5034</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13976–13977; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13.

<sup>5035</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13977; P687 (Witness statement of Hasan Alić dated 21 August 1999), p. 13; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21.

<sup>5036</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13977–13978.

<sup>5037</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13. *See also* KDZ011, T. 21209 (10 November 2011).

money, gold, jewellery, identification cards, photographs, and papers and keys for cars.<sup>5038</sup> The soldiers threatened to kill anyone if they were later found with money or gold.<sup>5039</sup> **(#Masks and insignias, not Serb forces#! There is no any chance that they were “the Srb soldiers”, since any mask was forbidden. As it is said in the sentence, they may have been the Serbs “from neighbouring vilages”, but certainly not under any control and command of the official authorities. And why the President would be liable for everything that happened during the civil war, particularly since he himself predicted this chaos and asked the Parliament of BiH not to lead the society towards a war? Also, why so many assertions and findings are founded on the “imported” evidence” a Rule 92bis evidence, out of any possibility that the Defence could challenge it? #Deadly combination#!)**

1463. A man named “Zoran”, nicknamed “Red Beret”, wearing a JNA uniform, arrived and started separating the men from the women before they crossed the bridge.<sup>5040</sup> Soldiers wearing JNA uniforms waited on the other side of the bridge and searched the Bosnian Muslims again and separated some of the men from the group, while women and children were sent inside the Japra Company compound, which was surrounded by barbed wire.<sup>5041</sup> **(#Distorted#! Certainly, it wasn’t surrounded by barbed wire because of the people, but because of the Company, to protect it’s property. Otherwise, how long it would need to establish a fence had it been aimed as is suggested in this sentence. Anyway, is it so difficult for the Chamber to see that the KDZ011 sometimes lied, sometimes exaggerated?)**

1464. A group of the Bosnian Muslim men was instructed by soldiers to lie down in the road in two rows 50 metres away from the tank pointing at them and their pockets were searched again.<sup>5042</sup> A Bosnian Serb from Jošava, nicknamed “Trnka”, ordered Alić’s brother and two other men to leave the formation, and led them a way and shot them.<sup>5043</sup> **As always in such a cases, this crime is #solely individual#, and was not based on a religion, but strictly personal. Nobody can justify this, but nobody should address it to the officials.** While the remaining men were lying on the road, the tank was ordered to drive over them by a bearded man called “Vojvoda”.<sup>5044</sup> The tank began driving towards them but was stopped by an officer who came from the direction of the bridge and ordered that the people be removed from the road, stating that no one should be killed that way.<sup>5045</sup> **(#Next level rectify#! This one was a Serb official, and as ever, the superiors prevented crimes and rectified misdoings of subordinated or independent individuals! And this is #EXCULPATORY#, because this reflected the official policy of the Serb authorities!)** The men lying on the road were taken to the Japra Company compound.<sup>5046</sup> Later, the Bosnian Serbs soldiers called five men to step forward; however, only three of the five men were still alive and stepped forward.<sup>5047</sup> The remaining men were loaded onto train cars waiting at the compound by the soldiers.<sup>5048</sup>

<sup>5038</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13978; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21.

<sup>5039</sup> P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 21.

<sup>5040</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13978–13980.

<sup>5041</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13980–13981. *See also* KDZ011, T. 21209 (10 November 2011); Adjudicated Fact 631.

<sup>5042</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 13.

<sup>5043</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 13–14; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court pp. 21–22.

<sup>5044</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14.

<sup>5045</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 22.

<sup>5046</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14.

<sup>5047</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14 (stating that the five men called to step forward were Husein Ekić, Hasan Ekić, Saim Šumić, Kemal Alić, and Ismet Selimagić; however, Kemal Alić and Ismet Selimagić had already been killed by this point); P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 22; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13994–13995.

<sup>5048</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13994–13995; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 23. The Chamber notes that the above killings are not charged pursuant to Schedules A or B of the Indictment. *See* fn. 13.



1465. In total, approximately 4,000 to 8,000 Bosnian Muslims were loaded onto 22 train cars, used to transport cattle, at Blagaj Japra by members of the Municipal TO Staff and the MP.<sup>5049</sup> Women and children were loaded onto the train cars first and the men were loaded on after; the cars were tightly packed with people with no space left.<sup>5050</sup> Alić was one of the last ones to board and witnessed two individuals taken off the train and shot by a Bosnian Serb man.<sup>5051</sup> **(#”Some killed some”#! All impossible to challenge!)** Guarded by the members of the Bosanski Novi SJB, the train left in the direction of Banja Luka and stopped in Ostruzna, a village near Doboj, the next morning.<sup>5052</sup> In Ostruzna, the men were separated from the women and children by a soldier, nicknamed “Jovo” or “Joja”.<sup>5053</sup> The women, children, and men above 60 years old were put in the front part of the train and the remaining carriages were filled with men between 15 and 60 years old.<sup>5054</sup> The carriages were separated and the women and children were taken to Doboj, **(Also in the Republic of Srpska, therefore, #“internally displaced” not expelled#!)** while the men, numbering approximately 700 to 750, were loaded onto four train cars and sent to Banja Luka.<sup>5055</sup> **(Also, in the Republic of Srpska!)**

1466. The men spent the night on the train in Banja Luka, where they were mistreated and cursed at by Bosnian Serb soldiers.<sup>5056</sup> On the morning of 11 June 1992, the train continued to Bosanski Novi, stopping once in Blagaj where men on the train had water for the first time in two days.<sup>5057</sup> While in Blagaj, Alić saw Bosnian Serbs taking possessions from their houses.<sup>5058</sup> The men were then loaded back into the train cars and taken to Mlakve Football Stadium.<sup>5059</sup> No food was given to them during the entire period spent in the railway carriages and there were no hygienic facilities aboard.<sup>5060</sup> **There are somewhere in the file an evidence that the Muslims refused to be accommodated in Banjaluka, or the Doboj region, and demanded to be brought back, and that was why they had been transported back. See what is said in P02632, p. 9 about the Banjaluka possibility:**

government of the Serbian Republic of Krajina and UNPROFOR. The remaining possibility was to expedite a voluntary emigration towards Banjaluka and that a return to the valley of Japra was definitely impossible, but this population showed no willingness for it.

<sup>5049</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13995–13996; KDZ011, T. 21209–21212 (10 November 2011); P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14; Ewan Brown, T. 21599–21600 (18 November 2011); D1921 (Report of Bosanski Novi SJB, 15 August 1992), pp. 2–3. *See also* D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 10; Adjudicated Fact 631.

<sup>5050</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13995–13997; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14. *See* Adjudicated Facts 632, 633.

<sup>5051</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14. The Chamber notes that these killings are not charged pursuant to Schedules A or B of the Indictment. *See* fn. 13.

<sup>5052</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13991, 13994–13995, 14031; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 14; D1921 (Report of Bosanski Novi SJB, 15 August 1992), p. 3. *See also* Adjudicated Fact 633; KDZ011, T. 21209–21210 (10 November 2011).

<sup>5053</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13995; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 14–15; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 23.

<sup>5054</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13995–13997; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 14–15; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 23.

<sup>5055</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13997; KDZ011, T. 21210–21212 (10 November 2011); Ewan Brown, T. 21599–21600 (18 November 2011); P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 14–15; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 23. *See* Adjudicated Fact 633; D1921 (Report of Bosanski Novi SJB, 15 August 1992), pp. 3–4. *See also* D3849 (Witness statement of Radomir Pašić dated 5 July 2013), p. 22 (stating that there was a convoy of Bosnian Muslims travelling by train from Blagaj to Prijedor, Banja Luka, and Doboj, but that the number of people in the convoy was between 400–600).

<sup>5056</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13997–13998, 14032; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15. *See* Adjudicated Fact 633.

<sup>5057</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13998; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15.

<sup>5058</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15.

<sup>5059</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13998–13999. The Chamber notes that it will deal with the detention of people at Mlakve Football Stadium at the end of this section of the judgement.

<sup>5060</sup> *See* Adjudicated Facts 634, 635.

**And about the Mladve stadium, P02632, p.9:**

regardless of their immunity. For security reasons the military police had concentrated a large number of the civilians of military age at the “Mladve” stadium. They were to be held until the weapons sweep was completed and then interrogated. As the persons

**So, a #“security reasons#” are under the competences of the MP, and it may not be accurate, but if it was assessed that there were some security risks, the MP would undertake an adequate measures. What the President has to do with it? Anyway, the vast majority of this segment is based on 92bis and AF-s, i.e. #Deadly combination#! Within this, a data about casualties are unconvincing, but even such, it indicates that it was a kind of personal revenge, and #not an official policy#! The entire document P2632, here used against the Serb civilians, is highly #EXCULPATORY AND COMMENDABLE#!**

1467. At the end of June or beginning of July 1992, the Bosanski Novi Crisis Staff issued instructions regulating the conditions for people to be allowed to leave the municipality.<sup>5061</sup> On 6 July 1992, Pašić sent a letter to Kirudja repeating his claim that Bosnian Muslims from Bosanski Novi were leaving the municipality voluntarily, and stating that Bosnian Serb authorities had offered to provide buses and security for them.<sup>5062</sup> Between 7 and 10 July 1992, Kirudja met with officials from Dvor and Bosanski Novi and they informed Kirudja that Bosnian Muslims leaving Bosanski Novi were required to sign a statement indicating that they left voluntarily, and to prove that they had either sold, exchanged, or donated their houses and all other immovable property.<sup>5063</sup> **(There was #no any appropriation# whatsoever! There was only a register of what had been left behind!)** Persons who did not own property had to obtain an official document from the municipal land registry office certifying this and those who owned property were required to draft a contract either leaving the property to the Serbs or the Serb state, or simply renouncing it.<sup>5064</sup> Persons wishing to leave also had to provide a list of all the members of the household, obtain a certificate showing that they had no previous convictions, obtain a certificate showing that all utility bills were paid; obtain documentation from the municipal secretariat for national defence stating that they had completed military service; and obtain a document from the SJB allowing them to leave.<sup>5065</sup> **(#Obstacles to leave#! All of this was rather an obstacle to leaving than an incentive to do so!)** All documents had to state that the action taken was on a voluntary basis.<sup>5066</sup>

<sup>5061</sup> Adjudicated Fact 2292. See also D1916 (Conclusion of Bosanski Novi Municipal Assembly, 18 June 1992); P3835 (Letter from Bosanski Novi Crisis Staff, 6 July 1992).

<sup>5062</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 77–78; P3835 (Letter from Bosanski Novi Crisis Staff, 6 July 1992). See also P3836 (Order of Dvor na Uni Municipal Crisis Staff, 8 July 1992). However, according to Pašić, a number of Muslims who did not possess the requisite documentation also left the municipality. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 25–26; Radomir Pašić, T. 41079–41082 (9 July 2013).

<sup>5063</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 83–85; P3840 (Fax re Bosanski Novi: Dvor Issue and Refugee Flood, 12 July 1992), pp. 2–3; P3837 (UNPROFOR Memo, 9 July 1992); P3838 (UNPROFOR Memo, 8 July 1992), p. 1. See P6439 (Official record of Bosanski Novi Secretariat for Administrative and Social Affairs, 9 July 1992); P3841 (UNPROFOR Memo, 13 July 1992), p. 2; P3842 (UNPROFOR Memo, 13 July 1992), pp. 2–3. See also para. 1481.

<sup>5064</sup> Adjudicated Fact 2292. See also KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*, T. 7008–7009 (under seal)).

<sup>5065</sup> Adjudicated Fact 2292.

<sup>5066</sup> Adjudicated Fact 2292. According to Pašić, Bosnian Muslims leaving Bosanski Novi were allowed to make their own decisions regarding their property, including that they could take all of their personal property, including vehicles, with them. With regard to real estate, they were allowed to sell it, swap it, give it for safekeeping, or cede it to other refugees, and made decisions in this regard without any duress and influence from the municipal authorities. Moreover, according to Pašić, a majority of the property referred to in the certificates was “completely legally replaced” with Serbian assets from Croatia and the contracts signed by Muslims were only “temporary” until the situation calmed down. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 10–11, 25–26; Radomir Pašić, T. 41079–41086 (9 July 2013). However, the Chamber does not find this evidence to be reliable. In reaching that conclusion, the Chamber considered the significant body of evidence supporting that Bosnian Muslims were forced to sign over their property and finds that Pašić gave inconsistent and evasive evidence in this regard. **This is #wrong inference#, for a several reasons: first, had the Muslims want not to leave, they could simply not obtain any of so many papers required, and also could not sign the property papir, as happened with those Muslims who continued to live in B. Novi. Second, there was no a single example of appropriation or any kind of lost of property. All of that was regulated by the laws, with the guarantees of the authorities on the central level. So, no #“permanent removal”#, no appropriation, all of that is crap and garbage.**

But, this amount of documents required to be allowed to leave certainly could be obtained only on a voluntary basis. What would happen if somebody didn't submit all that was required? Who didn't want to leave could simply not submit any paper, and wouldn't be allowed to leave. So, no possibility to eat a cake and to have it. Nothing forceful was in it, except the civil war by itself. All the allegations about "handing over" property is null and vain, since this President issued such an order on 19 August. Anyway, there was no such demands from the authorities to give up property, but only to register what was left, and to allow the municipal authorities to use it temporarily, which was a regulation according to the law. There was no a single case of appropriation of private property by the authorities anywhere in the RS. A several issues, like the right to return, the property issue and the fundamental rights guaranteed by the international documents accepted by the former Yugoslavia, continued to be respected by the RS, and didn't depend of what some locals may be saying or wishing. There are many cases of an inferring of the President's standpoint from what somebody said somewhere. All of this examples have to be rebutted and disclosed to the Appeal Chamber.

1468. The Bosanski Novi authorities informed Kirudja that they had processed applications from 3,000 to 5,000 people who fulfilled the criteria.<sup>5067</sup> On the basis of this information, Kirudja concluded that the Bosnian Muslims were not leaving Bosanski Novi voluntarily and he informed the Serb authorities that UNPROFOR did not wish their departure if they did not want to leave.<sup>5068</sup> **(#Feelings, opinions, conclusions#! As a man, as a conclusion!** Moreover, Kirudja concluded that there was a strategy to ethnically cleanse the area by the Serb authorities and they were using the UN Protected Area in Sector North as an exit point.<sup>5069</sup> **(#How possibly his personal conclusions may become a judicial matter? And in a case it does not matter, why then it is in the Judgment? Where the Chamber/Prosecution so desperate with the evidence? This way anybody could express his own opinion and influence this process, since the facts, particularly introduced by a Serb or any Defence witness do not matter.**

1469. However, between 20 and 21 July 1992, Kirudja and other international authorities became increasingly concerned about the safety of the convoy and ultimately, the Croatian authorities agreed to accept the Bosnian Muslims and UNHCR agreed to organise the transportation with UNPROFOR's assistance, stating they "preferred 4,000 more refugees than 4,000 more bodies".<sup>5070</sup> **(Is such a nasty remark allowed in such a serious document as this Judgment is? One should expect that the Trial Chamber dealt only with the facts. This should be reported to the Appeal Chamber as an unfair attitude. Why it was understood that Kirudja became concerned about the safety, and not understood that Pasic was concerned about it too? UNTIL THAT DATE #NOTHING HAPPENED TO JUSTIFY THIS DRASTIC BIAS#!#)**

1470. Although originally intended to be 4,000 people, on 23 July 1992, a convoy of between 9,000 and 11,000 Bosnian Muslims and some Bosnian Croats, including between 600 and 700 detainees from Mlakve Football Stadium and a large number from Prijedor, Bosanska Kostajnica, and Bosanska Dubica, were ultimately transported to Karlovac, and later to third countries.<sup>5071</sup>

<sup>5067</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 84.

<sup>5068</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 80, 83.

<sup>5069</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 80. See also KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6789–6791 (under seal).

<sup>5070</sup> [REDACTED]; P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 94–98; P3847 (UNPROFOR Memo, 21 July 1992), pp. 2–3. See also P2940 (Reuters report, 27 July 1992), p. 1 (under seal); Adjudicated Fact 673.

<sup>5071</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 99 (testifying that although the original number of Bosnian Muslims to be transported was 4,000, the actual number exceeded 9,000, and as a result, the transportation took the entire day); KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6785–6787 (under seal); P2951 (Press release of Republic of Croatia Ministry of Information, 24 July 1992) (under seal); P2940

1471. The Bosanski Novi SJB reported that by 23 July 1992, it had “de-registered” 5,629 Muslims who had applied to leave the municipality “voluntarily”.<sup>5072</sup> **(This quotation marks are also a nasty thing. It is not up to the Chamber to make such a remarks. And there shouldn't be any doubt about “voluntary leave”, because it was not an easy thing to get an approval to leave, as we could see, how many papers one had to submit for that. #Obstacles to leave#!)** Of the approximately 14,000 Bosnian Muslims living in Bosanski Novi prior to the conflict, roughly 1,000 Muslims remained behind following the departure of the convoy to Karlovac on 23 July 1992.<sup>5073</sup> **(Why they didn't leave?)** In sum, by the end of 1992, the majority of Bosnian Muslims had left Bosanski Novi.<sup>5074</sup> According to KDZ011, not a single Bosnian Muslim remained in the town of Suhaća by the end of 1992.<sup>5075</sup> When Alić returned to Blagaj after the war, he found Bosnian Serbs living in his house, after being given permission by authorities.<sup>5076</sup> He observed that there were only 64 houses still in good condition after the war and they were all occupied by Bosnian Serbs.<sup>5077</sup> **(In a refuge themselves, because a domestic population was not allowed to use abandoned property!)**

1472. Having considered the totality of the evidence and assessed the circumstances in which departures occurred, the Chamber finds that Bosnian Muslims were forced to leave Bosanski Novi. **(#Wrong as devil#! This “finding” is completely wrong, for the several reasons. Had not there been fights initiated by the Muslims, attacking the MP while the JNA was there, see:P02632, there wouldn't be so...**

At the Crisis Staff session held 12<sup>th</sup> of May at 08:00 hours, during the briefing on the events that took place in the last 24 hours, Commander of the TO Municipal Staff presented the current situation and said that TO Staff didn't issue order to open fire on Bosanski Novi territory, except for Blagaj where warning shots were fired when the military police was attacked. He noted that he is unable to have control over the entire municipality territory, as certain groups are distancing themselves from the chain of command, are not obeying orders and are acting on their own initiative. Such large number of armed people should be placed under control. Simultaneously with the armed conflict, certain groups of people are engaging in looting, which can't be prevented or controlled. Various armed groups are arriving and are introducing themselves as regular units, military police and so on, when in fact they operate under no control or command and are engaging in looting activities.

**What else do we need to add to this contemporaneous document, stating all the problems of a small area surrounded by a fierce war in the neighbouring villages, municipalities and even republics (Croatia). Everything is in this document: irregulars, attack on the MP by the Muslims, a warning fire that was reported as a fire against civilians, see fn. 5040. However, the municipal authorities officially distanced themselves from those groups, see P2632:**

(Reuters report, 27 July 1992), p. 1 (under seal). See Adjudicated Fact 671. See also P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 16; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14018. See also para. 1482.

D1921 (Report of Bosanski Novi SJB, 15 August 1992), p. 4. See also Adjudicated Fact 2293.

See Adjudicated Fact 672. In August 1992, Kirudja and other international authorities were pressed by Serb authorities to assist in the evacuation of thousands more refugees, primarily Bosnian Muslims, from Sanski Most, Prijedor, Bosanska Krupa, and Bosanska Kostajnica through Sector North, claiming that if they did not assist, “the Muslims will suffer”. Pašić warned Kirudja that “[i]f we are left to resolve the matter by ourselves, we will resolve it very quickly”. However, the international authorities responded that they would not succumb to further “blackmail” and refused to assist in any further “evacuations” of non-Serbs out of BiH. P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 101–118; P2941 (Article from The Associated Press, 11 August 1992) (under seal); P3856 (UNPROFOR report, 5 September 1992), pp. 3–5.

In reaching that conclusion, the Chamber noted that by 1997, very few Bosnian Muslims had returned to Bosanski Novi. In 1991, approximately 33.7% of the population of Bosanski Novi was Muslim and in 1995, 4.8% of the population was Muslim and in 1997, Muslims only comprised 2.7% of the population. P4994 (Addendum to Ewa Tabeau's expert report entitled “Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997”, 3 February 2009), pp. 23–24, 104. See also P10 (Report of the MUP, Banja Luka SNB, May 1993), p. 2 (referring to Bosanski Novi as Novi Grad); P5449 (Report of the MUP, Banja Luka RDB, February 1995), pp. 8–9 (referring to Bosanski Novi as Novi Grad); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 7 (estimating that 500 non-Serbs remained in Bosanski Novi in 1995).

KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14018.

P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 16.

P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 16.



After the analysis of the current situation, the Crisis Staff distanced themselves from the activities carried out by such illegal groups and other paramilitary formations /Conclusion dated 13<sup>th</sup> of May 1992/ which arrive and operate on the territory of Bosanski Novi municipality, and which are not under the command of TO Staff nor the Police.

**and thus distanced the RS authorities as well, and exposed those groups to the military organs and MP to settle the things down, see the same P2632.**

#### (6) Scheduled Detention Facility C.4.1

1473. The Indictment refers to a detention facility at the Mlakve football stadium which operated at least between May and July 1992.

1474. On 2 June 1992, members of the Bosanski Novi TO and MP brought between 300 and 350 non-Serbs to the Mlakve football stadium (“Mlakve Football Stadium”) and detained them there for four days.<sup>5078</sup> On 6 June 1992, Kirudja was informed by members of the Danish UNPROFOR team in Sector North that they had seen 350 men gathered at the stadium; they were then seen being loaded onto buses and driven off to an unknown destination in BiH.<sup>5079</sup> The observers also saw that approximately 100 women and children, with their heads covered in clothes and carrying plastic bags, had been brought into the stadium with ten armed guards; Kirudja later learned that the women and children had likely been delivering provisions to the men held in the stadium.<sup>5080</sup>

1475. On 11 June 1992, the train coming from Banja Luka arrived at the stadium, where soldiers with machine guns ordered the men off the train and instructed them to go inside the empty stadium.<sup>5081</sup> From early June until the end of August 1992, at least 700 Bosnian Muslim civilian men, some elderly, from Bosanski Novi municipality were confined at the Mlakve Football Stadium; some of these men were transferred from the Omarska, Trnopolje, and Keraterm camps.<sup>5082</sup> **(#Reception centre, not detention#! If released from Omarska and Keraterm, it means that they had been released from any charges and prepared for an exchange, release to other parts of the RS or BiH, but as we know, they preferred Croatia and European countries. But, the proper information is that they didn’t want to go to Banja Luka, nor to Doboij, both within the Republic of Srpska, nor in the Muslim controlled territory because of fear from mobilisation, but decided to wait for the passage to Croatia. That was why they had ben “confined” at the Stadium.)**

1476. The detainees at Mlakve Football Stadium were guarded by Bosnian Serb soldiers, as well as reservists, including Ranko Balaban, former SDS President in Jošava, and Momčilo Kenjalo.<sup>5083</sup> Once a week on Wednesdays, the guards would change shifts.<sup>5084</sup>

<sup>5078</sup> D1921 (Report of Bosanski Novi SJB, 15 August 1992), pp. 1–2.

<sup>5079</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 55–57, 59. See also P3821 (UNPROFOR Memo, 6 June 1992), p. 2; P3815 (UNPROFOR Memo, 8 June 1992), p. 3; P3823 (UNPROFOR report, 20 July 1992), p. 7.

<sup>5080</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 58–59; P3822 (Fax from UNPROFOR, 6 June 1992); P3815 (UNPROFOR Memo, 8 June 1992), p. 2. See also P3823 (UNPROFOR report, 20 July 1992), p. 7.

<sup>5081</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13998–13999; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15. See Adjudicated Fact 634. See also paras. 1465–1466.

<sup>5082</sup> See Adjudicated Facts 628, 629. According to Pašić, Mlakve Football Stadium was not a “camp”, but a reception centre where “some non-Serbs, who possessed weapons and military equipment, were processed”. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 15, 27. However, the Chamber does not find this evidence to be reliable based upon its consideration that Pašić provided insincere and ultimately unsatisfactory evidence.

<sup>5083</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13999, 14004–14005, 14013. See Adjudicated Fact 630.

<sup>5084</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13999.

1477. For the duration of their detention, the stadium was fenced in and the detainees were not allowed to leave.<sup>5085</sup> Although no detainees were killed during their detention at the stadium,<sup>5086</sup> beatings did take place,<sup>5087</sup> and this included beatings when drunk Bosnian Serb soldiers returned from the front.<sup>5088</sup> **(#Not official policy#! Certainly, as an incident of a drunk people, and not as a part of the official policy. As many other charges and evidence, this is concerning a civil war as such, and not this President!)** As a result of the beating inflicted by a Bosnian Serb soldier, a detainee was blinded in one eye.<sup>5089</sup> **(No name, no checking!)** Detainees were also verbally mistreated; the guards cursed, taunted and threatened the detainees with death, and subjected them to ethnic slurs.<sup>5090</sup> A Bosnian Serb soldier with a gun forced detainees to graze grass like animals, for the purposes of humiliating them.<sup>5091</sup> **(#Somebody did something to somebody#!)**

1478. The quantity of food was not sufficient and detainees received at most two small meals a day; access to water was also limited to twice a day.<sup>5092</sup> Detainees lost considerable weight—Alić lost 18 kilograms and KDZ011 lost 11 kilograms—during their detention.<sup>5093</sup>

**(#Obvious lie#! In 50 days, Ali} lost 18 kilograms?!? How this lie can stand together with the fact that the families had been seen bringing in food and other stuff in plastic bags? The KDZ011 had already been caught by the Chamber in lies.**

1479. The detainees were confined to one part of the stadium, as a result there was a shortage of space for approximately 700 men.<sup>5094</sup> They slept on the floor with no blankets.<sup>5095</sup> Although the detainees could wash themselves, they did not have any facilities to wash clothes.<sup>5096</sup> Toilet facilities were also inadequate.<sup>5097</sup> Some of the detainees were ill and were not provided with medical care at any point; one man died of asthma while detained.<sup>5098</sup> Detainees were not allowed to move around the stadium but they had to perform labour to smooth the path around the stadium.<sup>5099</sup> Later, visits to the stadium were not permitted, letters and parcels were not allowed to

<sup>5085</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13999–14000; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15.

<sup>5086</sup> KDZ011, T. 21212 (10 November 2011).

<sup>5087</sup> See Adjudicated Fact 636. While KDZ011 and Alić testified that there were no beatings and that they were not physically mistreated or beaten while detained at Mlakve Football Stadium, in light of the conditions at the stadium as described by these witnesses, including verbal and psychological abuse, as well as the fact that hundreds of other detainees were held there, the Chamber is of the view that the evidence of KDZ011 and Alić does not rebut the presumption created by Adjudicated Facts 636, 637, and 638. See also para. 1481; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14016–14017; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 15–16.

<sup>5088</sup> Adjudicated Fact 638.

<sup>5089</sup> Adjudicated Fact 637.

<sup>5090</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14002; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 24; see Adjudicated Fact 639.

<sup>5091</sup> See Adjudicated Fact 640. **(#Not official policy#! Adjudicated fact?! There may have been some mistreatment by a drunk soldiers returning from the front, but this kind of Adjudicated facts couldn't be checked or challenged by this Defence! Certainly, if something happened, it was contrary to what this Accused meant, wanted and ordered. This is shameless to accuse a person on this position for everything that a "low level" persons may have done. When asked who may initiate a war, the President said: "somebody from the lowest stratum of society."**

<sup>5092</sup> KDZ011, T. 21192 (10 November 2011); P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 24; see Adjudicated Fact 644. According to Pašić, detainees at Mlakve Football Stadium received three meals per day and that it was the same food given to the military and TO staff. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), pp. 26–27. However, the Chamber does not find Pašić's evidence in this regard to be reliable given that his evidence was marked with contradictions and insincerity.

<sup>5093</sup> P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 24; KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13999–14000. See also Adjudicated Fact 644.

<sup>5094</sup> Adjudicated Fact 642.

<sup>5095</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 13999; see Adjudicated Fact 643.

<sup>5096</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14002; Adjudicated Fact 645.

<sup>5097</sup> Adjudicated Fact 645.

<sup>5098</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14000; see Adjudicated Fact 646. The Chamber notes that killings resulting from cruel and inhumane treatment at Mlakve Football Stadium are not charged pursuant to Schedule C of the Indictment. See Indictment, para. 60(a), fn. 4. See also fn. 13 of this Judgement.

<sup>5099</sup> KDZ011, T. 21192 (10 November 2011); KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14000–14002. The Chamber notes that forced labour at the frontlines, including the use of Bosnian Muslims and Bosnian Croats as human shields, is not charged in Bosanski Novi pursuant to the Indictment. See Indictment, para. 60(h), fn. 7.

be sent or received, and the detainees were not allowed to notify anyone of their location or detention.<sup>5100</sup> **(Then, how possibly the families knew where to bring the food and other necessities, as notified in the para 1474 of this Judgement? Where was a limit to the lies?)**

**1480.** From one side of the stadium, the detainees could see UNPROFOR vehicles across the Una River on the Croatian side and tried to signal for help with white flags; the UNPROFOR soldiers noticed them, however, the guards at Mlakve Football Stadium realised and forbade the detainees from further use of that section of the stadium.<sup>5101</sup> During their detention, the soldiers called out names of the detainees and brought them to the police station, the fire department, or Hotel Una for interrogation.<sup>5102</sup> **(#Interrogations#! This meant that they hadn't been detained arbitrarily. Otherwise, why the investigators would bother with the interrogations? And a mere interrogation was not a crime?)**

**1481.** On or around 22 July 1992, after approximately 45 days of detention, the detainees at the Mlakve Football Stadium were told by members of the Bosnian Serb MP that they would be released.<sup>5103</sup> For approximately 80 detainees who had family in the town of Bosanski Novi, close to the stadium, their family members could sign certificates to release them earlier than the other detainees.<sup>5104</sup> The remaining detainees were forced to sign certificates to be released, confirming that they would voluntarily surrender all of their movable and immovable property to the RS in Bosanski Novi.<sup>5105</sup> **(#No appropriation#! Since there was no any document corroborating this allegation, it shouldn't be taken seriously. There is nobody who can prove that anyone's immovable property had been appropriated.** After the certificates were signed, 15 detainees, all members of the SDA party, were singled out of the group and taken to the "fire house", where they were beaten.<sup>5106</sup> According to Alić, about nine men were killed.<sup>5107</sup> **(#Somebody, something#! That is how this goes in this court: Alic, obviously a Muslim extremist "said" something, no names, no proves, and this is mentioned in the Judgment, the most important for the future of the Serb people. It was completely free to lie in this court. Anyway, why the President would have known anything about that, since in 92 there was no possibility to communicate?)**

**1482.** On 23 July 1992, the detainees at Mlakve Football Stadium were released pursuant to an order by the Bosanski Novi Municipal Executive Board.<sup>5108</sup> An UNPROFOR vehicle arrived at the stadium; all of the detainees were then loaded onto buses and trucks and taken across the bridge to Dvor, Croatia.<sup>5109</sup> During this process, there were no soldiers around the detainees and they were guarded by UNPROFOR soldiers.<sup>5110</sup> **(#Security reasons#! Anyway, why the detainees had been kept on the stadium is something that was in the competence of the locals,**

<sup>5100</sup> KDZ011, T. 21191 (10 November 2011); P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 24.

<sup>5101</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14003; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15; P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 71. *See also* P3829 (UNPROFOR Memo, 22 June 1992), p. 2; P3830 (UNPROFOR Memo, 22 June 1992), p. 3; Charles Kirudja, T. 21344–21348 (11 November 2011).

<sup>5102</sup> *See* Adjudicated Fact 2287.

<sup>5103</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14014; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15; P687 (Witness statement of Hasan Alić to AID, 9 July 1998), e-court p. 24. *See* Adjudicated Fact 641 (stating that detainees were held at Mlakve Football Stadium for about 45 days).

<sup>5104</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14014.

<sup>5105</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14014–14016; KDZ011, T. 21194 (10 November 2011); P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 15.

<sup>5106</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14016–14017; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court pp. 15–16.

<sup>5107</sup> P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 16. The Chamber received evidence that nine detainees died in the Mlakve Football Stadium; however, the Chamber notes that killings at Mlakve Football Stadium are not charged pursuant to Schedule B of the Indictment, nor resulting from cruel and inhumane treatment pursuant to Schedule C of the Indictment. *See* Indictment, para. 60(a), fn. 4. *See also* fn. 13 of this Judgement.

<sup>5108</sup> D1921 (Report of Bosanski Novi SJB, 15 August 1992), p. 2 (stating that Mlakve Football Stadium was closed after the detainees were released).

<sup>5109</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14014, 14017–14018; KDZ011, T. 21194 (10 November 2011); P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 16.

<sup>5110</sup> KDZ011, P3800 (Transcript from *Prosecutor v. Brđanin*), T. 14017; P687 (Witness statement of Hasan Alić dated 21 August 1999), e-court p. 16.

and if they, wrongfully or rightfully, assessed that the detained had been jeopardizing the peace and lives in the region, nobody could interfere. There is no evidence that the central authorities had been informed, let alone approved or ordered any unlawful move. During the entire critical period Vojo Kupresanin was authorised by the President to do everything he could, on behalf of the President and the RS, to ease the situation of the civilians, and there is some documents confirming this. However, why it was forgotten that the same people rejected to be housed in Banja Luka or Doboj? Because they wanted to reach Croatia and further, the European countries. That was the only reason why they had been at the stadium, where the local authorities had a burden to obtain two to three thousands meals a day. Why would the authorities do this, while in a shortage of everything?#General shortage#!)

1483. The Chamber therefore finds that during the period between 2 June and 23 July 1992, members of the Serb Forces detained Bosnian Muslim men at the Mlakve Football Stadium, and subjected them to beatings and verbal mistreatment, including threats and ethnic slurs. The Chamber also finds that detainees held at Mlakve Football Stadium were not provided with adequate food or water, resulting in malnutrition, and that there was no medical care available to the detainees during this period. (#Deadly combination#! And those assertions are based on an Adjudicated facts and testimonies of the Muslim extremists as KDZ011, Alic and others. Thus this court is enabling those extremists to continue to wage a war against the Serbs. This is not correct, and there should be an investigation and an insight in the then collected investigation materials. But the most irregular was that the Chamber prevented the Defence to depict what the Muslim side was doing, which is an inherent part of the entire picture!)

(C)Ključ

### (1)Charges

1484. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Ključ as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>5111</sup> Under Count 1, the Prosecution further alleges that in certain municipalities, including Ključ, this persecutory campaign included or escalated to include conduct that manifested an intent to destroy in part the national, ethnical, and/or religious groups of Bosnian Muslims and/or Bosnian Croats as such.<sup>5112</sup>

1485. Acts alleged to have been committed in Ključ by Serb Forces and Bosnian Serb Political and Governmental Organs include killings during and after the take-over;<sup>5113</sup> killings related to detention facilities;<sup>5114</sup> and killings committed during, and deaths resulting from, cruel and inhumane treatment at scheduled detention facilities.<sup>5115</sup> The Prosecution characterises these acts as killing, an underlying act of genocide, under Count 1; persecution, a crime against humanity, under Count 3; extermination, a crime against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.<sup>5116</sup>

<sup>5111</sup> Indictment, paras. 48–49.

<sup>5112</sup> Indictment, para. 38.

<sup>5113</sup> Indictment, para. 60(a)(i). See Scheduled Incidents A.7.1, A.7.2, A.7.3.

<sup>5114</sup> Indictment, para. 60(a)(ii). Scheduled Incident B.10.

<sup>5115</sup> Indictment, para. 60(a)(ii). Scheduled Detention Facilities C.15.1, C.15.2, C.15.3.

<sup>5116</sup> Indictment, paras. 40(a), 60(a), 63(a), 63(b).



1486. Other acts alleged to have been committed in Ključ by Serb Forces and Bosnian Serb Political and Governmental Organs include torture, beatings, and physical and psychological abuse, rape and other acts of sexual violence, during and after the take-over and in scheduled detention facilities, as well as the establishment and perpetuation of inhumane living conditions in detention facilities, as cruel or inhumane treatment, an act of persecution under Count 3.<sup>5117</sup> In relation to Count 1, the Prosecution alleges that in scheduled detention facilities in Ključ thousands of Bosnian Muslims and Bosnian Croats were subjected to cruel or inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, and beatings by Serb Forces and Bosnian Serb Political and Governmental Organs; the Prosecution characterises this inhumane treatment as causing serious bodily or mental harm to members of the Bosnian Muslim and Bosnian Croat groups, an underlying act of genocide.<sup>5118</sup> In addition, under Count 1, the Prosecution alleges that members of the Bosnian Muslim and Bosnian Croat groups were detained under conditions of life calculated to bring about physical destruction, namely through cruel and inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, inhumane living conditions, forced labour and the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities.<sup>5119</sup>

1487. Under Count 3, other acts of persecution alleged to have been committed in Ključ by Serb Forces and Bosnian Serb Political and Governmental Organs include: (i) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes;<sup>5120</sup> (ii) unlawful detention in scheduled detention facilities;<sup>5121</sup> (iii) forced labour at the frontline and the use of Bosnian Muslims and Bosnian Croats as human shields;<sup>5122</sup> (iv) appropriation or plunder of property during and after the take-over, during arrests and detention, and in the course of or following acts of deportation or forcible transfer;<sup>5123</sup> (v) the wanton destruction of private property including homes and business premises and public property including cultural monuments and sacred sites;<sup>5124</sup> and (vi) the imposition and maintenance of restrictive and discriminatory measures.<sup>5125</sup>

1488. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>5126</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Ključ in which they had been lawfully present.<sup>5127</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killings, destruction of houses, cultural monuments, and sacred sites, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>5128</sup>

## (2)Lead-up

<sup>5117</sup> Indictment, para. 60(b), 60(c), 60(d) (specifying that the conditions included the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities). *See* Scheduled Detention Facilities C.15.1, C.15.2, C.15.3.

<sup>5118</sup> Indictment, para. 40(b).

<sup>5119</sup> Indictment, para. 40(c). *See* Scheduled Detention Facilities C.15.1, C.15.2, C.15.3.

<sup>5120</sup> Indictment, para. 60(f).

<sup>5121</sup> Indictment, para. 60(g).

<sup>5122</sup> Indictment, para. 60(h).

<sup>5123</sup> Indictment, para. 60(i).

<sup>5124</sup> Indictment, para. 60(j). *See* Scheduled Incident D.13.

<sup>5125</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement, the removal from positions of authority in local government institutions and the police and the general dismissal from employment, the invasion of privacy through arbitrary searches of homes, unlawful arrest and/or denial of the right to judicial process, and/or the denial of equal access to public services.

<sup>5126</sup> Indictment, paras. 68–75.

<sup>5127</sup> Indictment, paras. 69, 72.

<sup>5128</sup> Indictment, para. 71.

1489. The municipality of Ključ lies within northwestern BiH south of Sanski Most and southwest of Banja Luka.<sup>5129</sup> In 1991, the municipality included eight villages that were then inhabited primarily by non-Serbs: Velagići, Krasulje, Biljani, Prhovo, Crljeni, Pudín Han, Ramići, and Sanica, which each contained several hamlets.<sup>5130</sup> The population of Ključ numbered approximately 37,300 people in 1991, among which 49.6% were Serb, 47.3% were Muslim, and 0.9% were Croat.<sup>5131</sup> **(The remaining 2,2% were Yugoslavs, i.e. Serbs!)**

1490. Ethnic relations in Ključ were “quite harmonious” before the war.<sup>5132</sup> In November 1990, the SDS achieved a majority by winning 50.8% of the votes in the Ključ municipal elections, while the SDA won 32.8%.<sup>5133</sup> In accordance with the principle of “equal representation”, positions within the municipal administration were allocated according to an agreement between the SDS, the SDA, and the MBO.<sup>5134</sup> Jovo Banjac of the SDS was appointed President of the Municipality; while Omer Filipović, the leader of the Ključ MBO, was made Vice President of the Municipal Assembly as well as Banjac’s deputy; Asim Egrić, the President of the Ključ SDA, and Tihomir Dakić of the SDS became Chairman and Vice Chairman of the Executive Board of the Ključ Municipal Assembly, respectively.<sup>5135</sup> The rest of the municipal executive positions were evenly distributed to both SDA and SDS members.<sup>5136</sup> Vinko Kondić of the SDS became Chief of the SJB, while Atif Džafić, who was nominated by the SDA but was not affiliated with any party, became acting commander of the police.<sup>5137</sup>

1491. **Once the war in Croatia began during the summer of 1991, the Ključ Secretariat for People’s Defence began to issue mobilisation orders to Ključ’s male population.<sup>5138</sup> However, both local and national leaders of the SDA and MBO discouraged Bosnian Muslims from responding.<sup>5139</sup> (Which was an #illegal and anti-constitutional act#, and finally not fair towards the Serbs who responded to this mobilisation. Thay way the Muslim/Croat able bodied men were free and at home, organized in the Patriotic League and the Green Berets, while the Serbs were far away, warring what may happen to their families!)** Thus, Bosnian Muslims and Bosnian Croats generally did not respond to mobilisation into the JNA and for the frontline in Croatia, whereas Bosnian Serbs did.<sup>5140</sup> The lack of Bosnian Muslim response to the mobilisation led to the composition of the JNA becoming primarily Bosnian Serb.<sup>5141</sup> **(#Before**

<sup>5129</sup> Asim Egrić, T. 19926–19927, 19940 (5 October 2011); P3574 (Map of BiH, highlighted); D1729 (Map of BiH marked by KDZ192); P3855 (Map of Croatia and BiH marked by Charles Kirudja); P3492 (Map of ethnic composition of Ključ); D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 1; D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), p. 2.

<sup>5130</sup> P3488 (Witness statement of Atif Džafić undated), paras. 7–8; Atif Džafić, T. 19657–19658 (30 September 2011); D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), p. 2. *See also* P3575 (Map of Ključ).

<sup>5131</sup> D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 1; P3488 (Witness statement of Atif Džafić undated), para. 7; P3492 (Map of ethnic composition of Ključ); D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), p. 2. *See also* P1476 (Ratko Mladić’s notebook, 30 December 1991–14 February 1992), e-court pp. 64–65.

<sup>5132</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4638; Asim Egrić, T. 19938 (5 October 2011); D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 5; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9100–9101 (under seal).

<sup>5133</sup> P3488 (Witness statement of Atif Džafić undated), paras. 4, 10; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4637; KDZ192, T. 19430 (22 September 2011) (closed session). *See also* D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 4.

<sup>5134</sup> KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11658 (under seal); KDZ192, T. 19430–19431, 19433 (22 September 2011) (closed session).

<sup>5135</sup> P3488 (Witness statement of Atif Džafić undated), paras. 4, 10, 11; Atif Džafić, T. 19673–19674 (30 September 2011); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4635, 4637, 4638, 4681–4682; Asim Egrić, T. 19939 (5 October 2011); D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 4; KDZ192, T. 19431 (22 September 2011) (closed session).

<sup>5136</sup> D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), paras. 4–5; P3488 (Witness statement of Atif Džafić undated), paras. 10–11.

<sup>5137</sup> P3488 (Witness statement of Atif Džafić undated), paras. 4–5 (differentiating but not explaining the difference between the positions of SJB chief and police commander), 10; D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 4. *See also* Adjudicated Fact 933.

<sup>5138</sup> P3488 (Witness statement of Atif Džafić undated), para. 38; Atif Džafić, T. 19694 (30 September 2011); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4646; Asim Egrić, T. 19954–19955 (5 October 2011); P3422 (Minutes of the 2<sup>nd</sup> session of Ključ SDS Municipal Board Executive Board, 20 September 1991), p. 1; P3424 (Minutes of the 3<sup>rd</sup> session of Ključ Municipal Board Executive Board, 2 October 1991), pp. 1–2.

<sup>5139</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4936–4942; Asim Egrić, T. 19956–19957 (5 October 2011); P3488 (Witness statement of Atif Džafić undated), para. 38; P3576 (Announcement of Ključ’s MBO Municipal Board, 21 September 1991), p. 1.

<sup>5140</sup> KDZ192, T. 19437 (22 September 2011) (closed session); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4638, 4846; Asim Egrić, T. 19955, 19957–19958, 19961 (5 October 2011); P3488 (Witness statement of Atif Džafić undated), para. 39. *See e.g.* P3422 (Minutes of the 2<sup>nd</sup> session of Ključ Municipal Board Executive Board, 20 September 1991), p. 1; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11368 (under seal).

<sup>5141</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4641, 4844; KDZ192, T. 19439 (22 September 2011) (closed session).

**VRS#! Not correct, not Bosnian Serb, but the segment of the JNA was composed mainly from the Bosnian Serbs, while others from the rest of Yugoslavia were of all ethnicities.**

1492. The Bosnian Serb population of Ključ obtained arms through this mobilisation process, as those returning from the frontline in Croatia retained possession of their weapons.<sup>5142</sup> **(That was a case always, far before the war: reservists brought with them equipment till a new exercise!)** The SDS was also involved in distributing weapons to Bosnian Serbs in Ključ.<sup>5143</sup> The SDS Executive Board discussed the distribution of weapons multiple times between October 1991 and March 1992,<sup>5144</sup> when Veljko Kondić remarked that “we will undertake to get additional weapons”.<sup>5145</sup> Thereafter, the SDS Executive Board established record-keeping reflecting the weapons kept.<sup>5146</sup> **Just look at the domestic laws, particularly the #Law on All-peoples defence#. The fact that there existed a record-keeping shows that it was a legal distribution of weapons to those who would be obedient to the JNA. A more problematic would be weapons out of any record.**

1493. Between late 1991 and the spring of 1992, soldiers returning from the frontlines in Croatia often became inebriated and committed drive-by shootings, firing at local mosques in Ključ.<sup>5147</sup> While the SDS discussed these problems and made statements denouncing the use of firearms in public,<sup>5148</sup> Vinko Kondić ultimately returned weapons that had been seized from soldiers “engag[ing] in illegal acts”.<sup>5149</sup> **(And this was stated by the Kontić’s direct opponents, rather as a gossip, which this President and his defence can not check. Anyway, what does it have to do with the President?)** Additionally, during the latter half of 1991, Serb Forces established check-points at the various entrances to Ključ.<sup>5150</sup> **(This is false, because had this happened, there would be a big crisis. Only the JNA was entitled to control transport of a war material, because of the war in Croatia!)** Ethnic relations in Ključ deteriorated, compromising both the functioning of municipal organs as well as security in general.<sup>5151</sup> **(#Seciurity reasons#! The local**

<sup>5142</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4641–4642, 4663–4664; Atif Džafić, T. 19688 (30 September 2011); KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9109 (under seal). Members of the reserve police force, who had been mobilised at the same time as the TO, were also issued weapons. P3493 (List of Ključ SJB of persons who were issued weapons, undated); Atif Džafić, P3488 (Witness statement of Atif Džafić undated), para. 37. Several witnesses also testified that they had heard that weapons were delivered via military helicopter. KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4956–4957; KDZ075, T. 19015–19016 (16 September 2011). See also P3488 (Witness statement of Atif Džafić undated), para. 36; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4663–4664; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9109, 9200 (under seal); P3580 (Official Statement of Ključ’s MBO Municipal Board, 21 September 1991), p. 1.

<sup>5143</sup> See KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11489 (under seal).

<sup>5144</sup> P3424 (Minutes of the 3<sup>rd</sup> session of Ključ SDS Municipal Board Executive Board, 2 October 1991), pp. 1–2; P3428 (Minutes of 6<sup>th</sup> Session of Ključ SDS Municipal Board Executive Board, 23 December 1991), pp. 3–4 (reflecting that Jovan Kevac and Boško Bajić suggested to the “Crisis Staff” that Bosnian Serbs acquire arms).

<sup>5145</sup> P3435 (Minutes of the 9<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 12 March 1992). See also P3433 (Minutes of the 8<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 6 March 1992), p. 1 (recording that Ljuban Bajić had suggested that a training should be held).

<sup>5146</sup> P3436 (Minutes of the 10<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 23 March 1992), p. 1; P3493 (List of Ključ SJB of persons who were issued weapons, undated). The Chamber thus does not accept the testimony of Rajko Kalabić, who testified that the procurement of weapons was done by individuals rather than by the SDS. D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 14. For a discussion of the armament of Bosnian Muslims, see para. 1508.

<sup>5147</sup> P3488 (Witness statement of Atif Džafić undated), paras. 40–41; Atif Džafić, T. 19687–19688 (30 September 2011). See also Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4641–4642, 4661–4662, 4700; KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4956; KDZ075, T. 19035, 19037, 19039 (16 September 2011); P3584 (Joint Official Announcement of Ključ’s MBO Municipal Board and SDA Town Board, 24 December 1991), p. 1.

<sup>5148</sup> P3431 (Handwritten diary of KDZ192) (under seal), pp. 7–8; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11461 (under seal). See also P3580 (Official Statement of Ključ’s MBO Municipal Board, 21 September 1991), pp. 1–2 (stating its opposition to “uncontrolled arming” and proposing inter-party talks).

<sup>5149</sup> P3488 (Witness statement of Atif Džafić undated), para. 41; Atif Džafić, T. 19688 (30 September 2011). When asked about what action might be taken to curb such excesses, Vinko Kondić told Džafić that he was too busy and had “bigger fish to fry”. P3488 (Witness statement of Atif Džafić undated), para. 41.

<sup>5150</sup> P3488 (Witness statement of Atif Džafić undated), paras. 32–33; Atif Džafić, T. 19687 (30 September 2011). See also Atif Džafić, T. 19687–19688 (30 September 2011) (acknowledging that known arms smuggling routes, as well as routes taken by army deserters and sabotage groups transversed Ključ). Additionally, Bosnian Serb and Bosnian Muslim officers began to prefer working with members of their own ethnicity rather than with mixed patrols and with mixed personnel at check-points. P3488 (Witness statement of Atif Džafić undated), para. 28; Atif Džafić, T. 19690–19691 (30 September 2011).

<sup>5151</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4641, 4701, 4703; P3488 (Witness statement of Atif Džafić undated), para. 35; Atif Džafić, T. 19692–19693 (30 September 2011). See also P3422 (Minutes of the 2<sup>nd</sup> session of Ključ SDS Municipal Board Executive Board, 20 September 1991), p. 1; KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4955.

reservists of JNA (the Serbs) have taken a precautionary measures caused by the Muslim-Croat hostile attitude towards the common state, Yugoslavia and its Army, as can be seen, with a very good reason. That was their own right, to secure themselves under the auspice of JNA against possible hostile acts of those who were enemies of Yugoslavia against those who were faithful to the same Yugoslavia! What does it have to do with the President?)

1494. Throughout the fall of 1991, the SDA and MBO opposed the growing signs of regionalisation in Ključ. In late September, the SDA released a public statement rejecting the proclamation of the ARK as a “para-state” successor organisation to the ZOBK and warning that if “such an illegal decision” were implemented, the SDA would organise a referendum to establish a “separate Muslim commune”.<sup>5152</sup> **(#Two municipalities – peace#! They were entitled to form a separate Muslim commune, and even now there are two separate municipalities, the Serb and Muslim, while the Serb is called Ribnik.)**

<sup>5152</sup> P3577 (Public Statement of Ključ's SDA Town Board, 21 September 1991), pp. 1–2. See also P3578 (Information of Ključ's MBO Municipal Board, 17 September 1991) (negatively characterising the proclamation of the ARK by the SDS). The Ključ SDS Municipal Board had already voted to join the ZOBK at the beginning of 1991, but the matter had not been put to a vote at the Ključ Municipal Assembly. Asim Egrlić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4654–4655; P3577 (Public Statement of Ključ's SDA Town Board, 21 September 1991), p. 2; P3579 (Decision of Ključ Municipal Assembly, undated) (referring to a decision taken on 10 April 1991 to remain within the “Banja Luka Community of Municipalities”); D1889 (Decision of Skender Vakuf Municipal Assembly, 12 April 1991) (listing Ključ as a member of the ‘Bosanska Krajina’ Association of Municipalities).



1495. At the end of October 1991, the Ključ SDS received a telex message from Radoslav Brđanin which contained an “Order of the SDS Sarajevo” and outlined a number of instructions which had been subsequently adopted by the ARK government.<sup>5153</sup> These instructions included directions to, *inter alia*, (i) form a command of the town and establish round-the-clock duty; (ii) fully mobilise the TO; (iii) reassign all men under the age of 40 from Civilian Protection to the TO; (iv) re-subordinate the TO to “the Corps”; (v) take over management in public enterprises, including the banks, judiciary, and media; (vi) proclaim a wartime programme schedule on radio stations; (vii) ban the employment of able-bodied persons from war regions and fire any such persons employed at the date of the order’s issuance; (viii) collect all weapons and equipment from deserters; and (ix) disband all existing paramilitary formations and reassign them to the TO.<sup>5154</sup> The SDA and MBO released a joint statement publicising and denouncing the above order.<sup>5155</sup> When Asim Egrić, who was then the president of the Ključ Executive Board and had erroneously received the telex, asked Jovo Banjac about the propriety of such instructions, Banjac minimised their importance and suggested that Brđanin “was mad”.<sup>5156</sup> Nevertheless, Egrić observed that most of these items were eventually implemented.<sup>5157</sup> **(That was some dramatic move of the ARK leaders. However, it is not proven that the SDS ever suggested such an action even to the party structures, let alone to the state-municipal organs! The only duty of the Party organs was “round-the-clock duty, but it was ordered to all municipal boards, in order to inform about developments!)**

1496. When the decision to join the ARK was confirmed by the SDS delegates of the Ključ Municipal Assembly on 26 December 1991,<sup>5158</sup> the SDA representatives at the Municipal Assembly walked out rather than vote on the issue.<sup>5159</sup> Sometime in January or February 1992, Bosnian Muslim leaders formed a separate Assembly of Bosnian Ključ, headed by Omer Filipović.<sup>5160</sup> **(Had the Muslims got stick to this solution, there wouldn’t be a war in Ključ! Throughout the war there were two municipalities, and so now!)**

1497. Meanwhile, the Ključ SDS received the Variant A/B Instructions from the SDS Main Board.<sup>5161</sup> On 23 December 1991, the Ključ SDS Executive Board established a Crisis Staff.<sup>5162</sup>

<sup>5153</sup> P2548 (Telex entitled “The Sarajevo SDS Order”, 29 October 1991); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4668, 4943–4944.

<sup>5154</sup> P2548 (Telex entitled “The Sarajevo SDS Order”, 29 October 1991). **This is a forged document, this had never been concluded, nor recommended by the President or any other Party instance. Nor had it been sent to any other municipality of the SDS organ.**

<sup>5155</sup> P3582 (Joint Statement of Ključ MBO and SDA, 31 October 1991), p. 1 (strongly objecting that the telex contained instructions to “organise life in the conditions of war”).

<sup>5156</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4668, 4943–4944.

<sup>5157</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4668–4669, 4877.

<sup>5158</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4655; Asim Egrić, T. 19947 (5 October 2011); P3430 (Decision of Ključ Municipal Assembly, 16 January 1992) (referring to the decision taken on 26 December 1991); P3579 (Decision of Ključ Municipal Assembly, undated).

<sup>5159</sup> Asim Egrić, T. 19962 (5 October 2011); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11664–11665 (under seal); KDZ192, T. 19464 (27 September 2011) (closed session). The MBO and SDA also objected to the plebiscite held by the SerBiH Assembly on 9 and 10 November 1991, contending that it was “tantamount to breaking up the common State”, which violated the Constitution of BiH. P3419 (Handwritten diary), p. 12 (under seal); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11398 (under seal); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4695–4696; P3583 (Joint Official Announcement of Ključ’s MBO Municipal Board and SDA Town Board, 7 November 1991).

<sup>5160</sup> P3458 (Announcement of Bosanski Ključ Municipal Assembly, 31 January 1992); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11406–11407 (under seal). See also D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 3 (referring to the declaration of a Bosnian Muslim municipality in December 1991); P1476 (Ratko Mladić’s notebook, 30 December 1991–14 February 1992), e-court p. 66 (referring to intense work on forming a Bosnian Muslim municipality).

<sup>5161</sup> P3428 (Minutes of 6<sup>th</sup> Session of the Ključ SDS Municipal Board Executive Board, 23 December 1991) (recording that Veljko Kondić advised the attendees on the *Instructions for the organisation and activities of the Serbian people in BiH*). But see KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11416 (under seal) [REDACTED]. Moreover, the Chamber notes that Ključ SDS members took action pursuant to instructions 3 and 4 of the “first stage” of Option A within four days of the dissemination of the Variant A/B Instructions. P3470 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 2–3 (calling for the SDS Municipal Board to immediately establish a “Crisis Staff of the Serbian People” and to proclaim an “Assembly of the Serbian people” in the municipality).

<sup>5162</sup> P2592 (Minutes of 6<sup>th</sup> Session of the Executive Board of the Ključ SDS Municipal Board, 23 December 1991), p. 1; P2643 (Ključ Crisis Staff Report, 15 May – 29 July 1992), p. 2; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11671–11672 (under seal). At the same meeting, Milan Jovičić

Jovo Banjac became President of the Crisis Staff; other original members included the Chief of the Ključ SJB, Vinko Kondić; the Secretary of the National Defence Secretariat, Slobodan Jurišić; the TO Staff Commander, Boško Lukić; the President of the SDS Municipal Board, Veljko Kondić; the Deputy in the SerBiH Assembly, Rajko Kalabić; the Vice President of the Executive Board of the Municipal Assembly, Tihomir Dakić; Ljuban Bajić; and Dragan Smiljanić.<sup>5163</sup> In mid-May 1992, the Crisis Staff was expanded to include a number of new members and was transformed into a Crisis Staff of the Ključ Municipal Assembly.<sup>5164</sup> **(And only then it became the municipal CS, with the competence of the authorities.)**

1498. The frequency of mobilisation calls became constant at the beginning of 1992, increasing the number of soldiers present in the municipality.<sup>5165</sup> Some paramilitaries, including the Red Berets, arrived in Ključ around November 1991, while other groups such as the White Eagles arrived in Ključ around February 1992.<sup>5166</sup> During the same month, over the objection of SDA representatives to the National Defence Council,<sup>5167</sup> JNA units withdrawing from Knin were stationed in a compound in Lanište.<sup>5168</sup> **(#Legal and obligatory#! On what basis any political party could object any legal action of the JNA? No basis for that, and that was an unlawful and hostile action against the federal Army, as if the Confederal parties objected deployment of the Lincoln's army.)** The JNA's arrival at Lanište led to an increase in anxiety amongst the Bosnian Muslim population of Ključ,<sup>5169</sup> and, along with the arming of the Bosnian Serb population, contributed to the perception that a "war policy" was escalating in Ključ.<sup>5170</sup> **(#Illegal and criminal#! That could be a case only if the Muslims in Ključ had a plans that differ from the JNA plans, which was to preserve the common state of Yugoslavia. The Chamber noticed that the Muslims in Ključ mourned over the "common state" of BiH, and it's Constitution, while the Serbs thought that the priority belonged to the "common state of Yugoslavia," and it's Constitution. In such a case, there certainly must have been an ethnic tensions, but the Muslims were liable, since they wanted something that would change the whole life of others, while the Serbs wanted only to preserve the legal "status quo"!)**

1499. In February 1992, a special reserve unit of the Ključ police called the "Manoeuvring Unit" was sent to Manjača camp for special training.<sup>5171</sup> There only the Bosnian Serb members of

---

proposed that the Assembly of the Serbian Municipality of Ključ be proclaimed at the assembly session. P3428 (Minutes of 6<sup>th</sup> Session of the Executive Board of the Ključ SDS Municipal Board Executive Board, 23 December 1991), p. 2.

<sup>5163</sup> P3488 (Witness statement of Atif Džafić undated), paras. 4, 10, 54; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4637, 4681–4682; D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 4; KDZ192, T. 19431 (22 September 2011) (closed session); P3428 (Minutes of 6<sup>th</sup> Session of the Ključ SDS Municipal Board Executive Board, 23 December 1991), pp. 1–2; P3419 (Handwritten diary), p. 17 (under seal). *See also* Adjudicated Fact 2192.

<sup>5164</sup> P2643 (Ključ Crisis Staff Report, 15 May - 29 July 1992), p. 2.

<sup>5165</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4738.

<sup>5166</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4888–4889; P3488 (Witness statement of Atif Džafić undated), paras. 52–53 (stating that the Red Berets were well trained and assisted in conducting regular police activities); Atif Džafić, T. 19722 (30 September 2011). Atif Džafić was told that one "Dragan" was the commander of the Red Berets, and inferred that the Red Berets were under the control of the TO or had been summoned by the commander of the TO because they were regularly on duty at the TO premises. P3488 (Witness statement of Atif Džafić undated), paras. 51, 53. *See also* Adjudicated Fact 2426. The Chamber notes that although Marko Adamović denied that any paramilitary units, including the White Eagles, operated in the Ključ territory, Adamović did not state the basis for his knowledge. D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 24. Furthermore, as set out in more detail in fn. 5274, the Chamber is of the view that Adamović was often less than forthright with the Chamber and shall only rely on his evidence where it is corroborated by other reliable evidence.

<sup>5167</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4736; Asim Egrić, T. 20009–20010 (6 October 2011); P3432 (Minutes of the 6<sup>th</sup> session of Ključ SDS Municipal Board, 18 February 1992), p. 3; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11458–11460 (under seal); P3431 (Handwritten diary of KDZ192), p. 6 (under seal).

<sup>5168</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4733, 4736–4737; Asim Egrić, T. 20009 (6 October 2011). *See also* KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9202 (under seal); KDZ075, T. 19035–19036 (16 September 2011).

<sup>5169</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4738.

<sup>5170</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4733.

<sup>5171</sup> P3488 (Witness statement of Atif Džafić undated), para. 64. Manoeuvring units were usually used to prevent large scale disturbances of law and order, and thus their usual training covered crowd control techniques, riot control, and the use of chemical agents and firearms. P3488 (Witness statement of Atif Džafić undated), para. 64.

the unit received training on the use of mortars, Zoljas, heavy machine guns, hand to hand combat, mines, and cannons. This training had never previously been offered to the Manoeuvring Unit.<sup>5172</sup>

**(#Before VRS#! That was a new situation, with the Muslim/Croat sabotage of the defence of country, and none of them would accept any JNA training. Anyway, all of these activities had been in the competence of the JNA. Let us see what was said in the P03436:**

Vinko KONDIĆ: We shouldn't go to /?TALIĆ/ before we send 250 people to Lanište and that should be done first.

Conclusion:

- Engage all responsible organs to ensure that all Serbs report for the military exercise.

**As known, General Talic was a JNAE commander of the Corps. There is no doubt that it was the JNA activity, #legal, legitimate and obligatory# to the local authorities.** In early

March 1992, in order to prevent Bosnian Muslims from accessing TO weapons,<sup>5173</sup> the TO armoury was transferred to the Kula military depot in Mrkonjić Grad.<sup>5174</sup> The weapons were later used to arm the Ključ Battalion.<sup>5175</sup>

**1500.** The violence in the villages surrounding Ključ town intensified during March and April 1992.<sup>5176</sup> Inebriated Bosnian Serb soldiers who had returned from the Croatian front continued to fire rifles in Bosnian Muslim villages.<sup>5177</sup> Bosnian Muslim settlements began to form “loose defence night patrols” at the entrance and exit to the villages to guard against the occurrence of violent incidents,<sup>5178</sup> and Bosnian Serbs demanded that mixed ethnicity patrols be conducted in the mixed ethnicity villages.<sup>5179</sup> **(#EXCULPATORY!)** This was done for one or two nights, before conflicts arose and the process was halted.<sup>5180</sup> One day during March or April 1992, several buildings in Pudín Han burst into flames.<sup>5181</sup> **(By whom??? There are so many arguments against a civil war, and none against the President!)** Bosnian Serbs and Bosnian Muslims began to leave Ključ due to the escalating tensions.<sup>5182</sup> **(As in all other municipalities: there was #no “expelling”# by authorities, but a mutual fear and mistrust “ordered” citizens of both communities to leave!)**

### 3. Take-over

<sup>5172</sup> P3488 (Witness statement of Atif Džafić undated), para. 65. When Atif Džafić visited the training in late February 1992, a Bosnian Muslim officer told Džafić that at night, the Bosnian Serb officers had been drunk and had sung Serbian nationalistic songs while sharpening their knives, firing from their rifles, and making derogatory remarks about Bosnian Muslims. P3488 (Witness statement of Atif Džafić undated), para. 66.

<sup>5173</sup> KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11499–11500 (under seal); P3494 (Report of Miloš Group, 24 April 1992).

<sup>5174</sup> P3433 (Minutes of the 8<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 6 March 1992), p. 1; P3488 (Witness statement of Atif Džafić undated), paras. 48–49; Atif Džafić, T. 19719 (30 September 2011); P3436 (Minutes of the 10<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 23 March 1992), p. 1 (reflecting that the transfer of weapons was complete and that only ‘a small amount was left for [the SDS’s] needs’); P3437 (Minutes of the 11<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 30 March 1992), p. 1; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11499 (under seal); KDZ192, T. 19461 (27 September 2011) (closed session).

<sup>5175</sup> See fn. 5237.

<sup>5176</sup> P3488 (Witness statement of Atif Džafić undated), para. 71.

<sup>5177</sup> P3488 (Witness statement of Atif Džafić undated), para. 71.

<sup>5178</sup> P3488 (Witness statement of Atif Džafić undated), paras. 71–72; Atif Džafić, T. 19729 (30 September 2011); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4784; Asim Egrić, T. 19971 (5 October 2011).

<sup>5179</sup> P3488 (Witness statement of Atif Džafić undated), para. 71.

<sup>5180</sup> P3488 (Witness statement of Atif Džafić undated), para. 71. See also KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9102, 9198–9199 (under seal).

<sup>5181</sup> P3488 (Witness statement of Atif Džafić undated), para. 72 (referring to stables, garages, and a house). Although one person was arrested afterward, Džafić was suspicious that one person could have started all of the fires in such a short time. P3488 (Witness statement of Atif Džafić undated), para. 72. Additionally, the police had information that shots were fired into the spires of mosques and at the homes of veterans, but investigations were not carried out. Atif Džafić, T. 19729 (30 September 2011).

<sup>5182</sup> KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11538 (under seal); KDZ192, T. 19474 (27 September 2011) (closed session). See also Asim Egrić, T. 20000 (5 October 2011) (conceding that individuals of all ethnicities left the municipality before the war broke out); D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 3 (stating that 2,500 Bosnian Muslims moved away from Velagići prior to the outbreak of the conflict).

1501. By 29 April 1992, Bosnian Serbs had consolidated power within the municipality.<sup>5183</sup> **(The war in Sarajevo and along the Drina River and the Neretva River Valley already lasted for three weeks!)** That day, the SDS Municipal Board adopted a conclusion to “*first* prepare everything and coordinate with the army and, *when everything is prepared*, implement the change in insignia/loyalty of the police”.<sup>5184</sup> In accordance with a decision of the ARK government taken on 4 May,<sup>5185</sup> on the following day the President of the Ključ National Defence Council, Jovo Banjac, imposed a curfew in Ključ municipality.<sup>5186</sup> Throughout May, the Ključ Crisis Staff announced deadlines for citizens to surrender unlicensed weapons or face arrest.<sup>5187</sup> **“For citizens”, which obviously meant for all of them, #regardless of the fate and ethnicity#. Beside that, all of it was in his competence, i.e. in the competence of the president of municipality, who at the same time was a president of the National Defence council “Ex officio”. IS IT DIFFERENT IN ANY OTHER COUNTRY?)** Meanwhile, on 7 May 1992, units from the JNA 9<sup>th</sup> Corps based at Lanište and the 5<sup>th</sup> Corps (comprised of a battalion of the 6<sup>th</sup> Partisan Brigade and the 3<sup>rd</sup> Battalion of the 1<sup>st</sup> Partisan Brigade) secured the town before responsibility for security was taken over by the Serb TO and the reserve police.<sup>5188</sup> Serb Forces completed the military take-over swiftly, between 7 and 10 May, and without sustaining any losses,<sup>5189</sup> and the Serbian flag was hoisted on the municipal building and the local police station.<sup>5190</sup>

a. Expulsion of Bosnian Muslims from police, administrative organs and work force

1. On 7 May, Vinko Kondić called a meeting of all non-Serb officers in the SJB building, where the officers were asked to sign an oath of loyalty to the RS government as required by the law on internal affairs.<sup>5191</sup> They were also asked to accept changes incorporating Serbian insignia into their uniforms.<sup>5192</sup> None of the non-Serb officers wished to sign the oath.<sup>5193</sup> After consulting with two

<sup>5183</sup> P3438 (Minutes of the 8<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 29 April 1992) pp. 1–2. *See also* P3592 (Handwritten notes re organisation of Ključ Civil Defence), e-court pp. 9–10; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4792–4793 (identifying the handwriting in P3592 as Vinko Kondić’s and explaining his familiarity with the same).

<sup>5184</sup> P3438 (Minutes of the 8<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 29 April 1992) p. 4 (emphasis added).

<sup>5185</sup> P2818 (Decision of ARK Regional Secretariat for National Defence, 4 May 1992).

<sup>5186</sup> P3460 (Order of President of the Council for National Defence of Ključ Municipal Assembly, 5 May 1992) (providing an exception to the curfew for persons with official authorisation from the police, military police, or TO). *See also* Adjudicated Fact 2427. *See also* Slobodan Jurišić, D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 33; Slobodan Jurišić, T. 47093–47094 (14 February 2014).

<sup>5187</sup> [REDACTED]; D3901 (Public announcement of Ključ Crisis Staff, 9 May 1992), p. 2; P3439 (Minutes of meeting of Ključ Crisis Staff, 13–14 May 1992), pp. 1–2.

<sup>5188</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4756–4757 (testifying that in addition to securing the roads, the JNA units had already established control over strategic positions and institutions in town). *See also* P3586 (Order of the 6<sup>th</sup> Partisan Brigade, 18 May 1992); P3488 (Witness statement of Atif Džafić undated), para. 76; P3590 (Minutes of meeting of presidents of municipalities in the zone of responsibility of the 1<sup>st</sup> Partisan Brigade, 14 May 1992), p. 2; P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 5. When the JNA withdrew from the territory of BiH, the 6<sup>th</sup> Partisan Brigade was integrated into the VRS as part of the 1<sup>st</sup> Krajina Corps. P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 5; P3660 (Handwritten “War Record” of the 6<sup>th</sup> Krajina Infantry Brigade, undated), p. 3. *See also* Adjudicated Fact 2428.

<sup>5189</sup> P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 5.

<sup>5190</sup> P3488 (Witness statement of Atif Džafić undated), para. 76; D1724 (Public announcement of Ključ Crisis Staff, 8 May 1992), p. 1. *See* Adjudicated Fact 2428.

<sup>5191</sup> P3488 (Witness statement of Atif Džafić undated), paras. 74, 75, 78 (testifying *inter alia* that P3498 is an example of such an oath); P3498 (Solemn declaration of SerBiH official, 6 April 1992); P3468 (Excerpt from SerBiH’s Official Gazette, 23 March 1992); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11714 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9102–9103 (under seal). *See also* Adjudicated Fact 2429. After returning from a meeting in Banja Luka in March 1992, Vinko Kondić had warned his staff that he had signed a pledge of allegiance to the CSB in Banja Luka and that they too would soon have to pledge loyalty to the “Serbian authorities and the Serbian Republic”. P3488 (Witness statement of Atif Džafić undated), para. 63; Atif Džafić, T. 19724 (30 September 2011) (stating that after signing the oath, Vinko Kondić had stopped carrying out orders from Sarajevo and began acting on orders from Banja Luka instead). The Chamber understands Kondić’s reference to the “Serbian authorities” to refer to the authorities of the SerBiH.

<sup>5192</sup> P3497 (Public Announcement of Ključ Crisis Staff) (informing citizens of changes made to police uniforms on 7 May 1992); P3438 (Minutes of the 8<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 29 April 1992), p. 3.

<sup>5193</sup> P3488 (Witness statement of Atif Džafić undated), para. 75; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4745–4746; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9102, 9199, 9251 (under seal).



Bosnian Serb inspectors from the Banja Luka CSB who were also present,<sup>5194</sup> Kondić told the non-Serb officers to go on leave and to “think carefully” about their decision.<sup>5195</sup> The non-Serb officers were recalled to the SJB building approximately two weeks later, but since none of them had changed their minds about signing the oath, they were immediately relieved of their duties.<sup>5196</sup> Although the Ključ Crisis Staff publicly announced that the change in insignia would “not threaten the livelihood of those workers who did not sign the solemn oath [...] because attempts will be made to create conditions for their further work”,<sup>5197</sup> these words were not honoured.<sup>5198</sup>

**(#Lergal and obligatory#! The oath was necessary only for the officials with special authorisation, to arrest, investigate and so on! Without the oath they could work in MUPO, but not with the special power! Was there a sufficient time to see whether it would be honoured or not? If their and a conduct of other Muslim extremists went towards a violence, there couldn't be any time. It is obvious that the specially authorised public officers had to give an oath, and since it was announced that there will be another jobs within the MUP, it meant that they could have been working on a posts that didn't require the oath.)**

**1502.** Between late 1991 and early March 1992, the SDS had formed a personnel committee which was tasked with carrying out an analysis of the personnel structures in the municipality area.<sup>5199</sup>

**(#Legal#! What was wrong with that? Every single party has a Cadre Committee, or Personnel Commision, which analyses the achievements of the cadres posted by the Party to some posts, proposes continuation or replacements. Not a “federal case”!)** At an SDS

Executive Board meeting on 6 March 1992, the structure of the Public Auditing Service (“SDK”) in Ključ was characterised as “unfavourable”, which referred to the fact that a Bosnian Muslim was employed there.<sup>5200</sup>

**Let us see what really had been said in this document (P03433) at this meeting:**

not the time for that. He then talked about the conference regarding BH and canonisation. All revenues would belong to the region. The national bank would be based in Banja Luka. The prime minister designate of the Bosnian government was chosen and much will depend on him. Nikola ERCEG was elected. Certain services will be dislocated from Sarajevo. He spoke about the unfavourable structure of those employed in the SDK /Public Auditing Service/ in Ključ. The decision was made that all public funds would be held in Banja Luka. The decision was made about the

**(#All legal#! The decentralisation of BiH was on the table, and it was a way to avoid a war, and the Serb community in Ključ was ready for that! The Municipal board of the Party was informed about the ongoing conference on BiH, including “cantonisation” (not “canonisation”) and decentralisation of funds. In this context it was mentioned an “unfavourable structure” of the employed in the SDK, not specified whether it was due to their professionalism, ethnic structure or something else. Even if it was an ethnic structure, it should be balanced anyway. But, the Chamber decided to suggest that there shouldn't be any Muslim employed, which is not correct. If this disbalance in the structure would influence the future decentralisation, than it was worthwhile to be considered, no matter who occupied**

<sup>5194</sup> Several weeks earlier, on 8 April 1992, Stojan Župljanin, as Chief of the Banja Luka CSB, had held a press conference in which he stated that all MUP employees were required to sign a loyalty oath by 15 April 1992; if they did not, their employment would be terminated. KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11715 (under seal); P3469 (News bulletin, 8 April 1992).

<sup>5195</sup> P3488 (Witness statement of Atif Džafić undated), paras. 74–76, 78, 81. See also Atif Džafić, T. 19691–19692 (30 September 2011).

<sup>5196</sup> P3488 (Witness statement of Atif Džafić undated), paras. 78, 79, 81; Atif Džafić, T. 19691–19692, 19730, 19749 (30 September 2011); KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9102, 9199 (under seal); P3489 (Report of Banja Luka CSB, 28 May 1992) (order to all SJB Chiefs in the Banja Luka CSB stating that all SJB employees who had not signed the loyalty oath were considered dismissed as of 15 April 1992 and that their insurance and entitlements should be cancelled).

<sup>5197</sup> D1724 (Public announcement of Ključ Crisis Staff, 8 May 1992), p. 1; KDZ192, T. 19471 (27 September 2011) (closed session) (interpreting the announcement to mean that even those who did not sign the loyalty oath would be able to retain employment with the MUP).

<sup>5198</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4761; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9102, 9199 (under seal).

<sup>5199</sup> KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11433–11435, 11693 (under seal); P3419 (Handwritten diary), p. 22 (under seal); P3436 (Minutes of the 10<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 23 March 1992), p. 2 (including discussion of the activities of the Personnel Commission).

<sup>5200</sup> P3433 (Minutes of the 8<sup>th</sup> session of Ključ SDS Municipal Board Executive Board, 6 March 1992), p. 1; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11463 (under seal).

**what position.)** In the weeks preceding 7 May 1992, a Bosnian Muslim member of the SDK and the Bosnian Muslim editor-in-chief of the radio station were replaced by members of the SDS.<sup>5201</sup> Both men were told that “since there had been a take-over in Ključ, they had to be replaced by individuals from the SDS”.<sup>5202</sup> **(#Deadly combination#! Rule 92bis, no cross examination on this circumstance! But, if the previous editor-in-chief was sabotaging the peaceful Lisbon Conference on decentralisation, he could have been replaced for pursuing a private views on a public media!)**

1503. By the end of May 1992, most Bosnian Muslims in Ključ had lost or would soon lose their jobs.<sup>5203</sup> On 7 May 1992, Bosnian Muslim municipal employees had been told to leave the municipality building with the proviso that they would be called back if needed.<sup>5204</sup> Between mid-May and early June, the Ključ Crisis Staff concluded that “all management positions in enterprises must be filled by people absolutely loyal to” the SerBiH and that the replacement of all non-Serbs who were then employed in posts which encompassed the “protection of properties” was to be carried out by 1 June 1992.<sup>5205</sup> These principles were later recorded in the 21 July 1992 decision of the Ključ Crisis Staff, which had since been renamed the War Presidency,<sup>5206</sup> when it held that, in accordance with a prior decision of the ARK Crisis Staff,<sup>5207</sup> only Bosnian Serb officials could occupy managerial posts, posts that could provide access to information or involve the protection of public property, and posts that were important for the functioning of the economy.<sup>5208</sup> **(#Legal and obligatory#! Not kind, but it was obviously associated with the oath issue. Since at that times there was a war proclaimed by the Muslim-Croat Government against the Serbs, the assessment and feeling of security of the local authorities probably dictated this kind of measure. What would do any other country in such a case of war? Would they risk to be sabotaged and damaged in security? Those who didn’t accept the new organisation and the existence of the RS, certainly would be loyal to those who declared the war against the Serbs! But, what does it have to do with the President? The locals acted in accordance with the laws and due to their assessment of jeopardy. There was no president or any other authority who would be able to deny them this rights, since the state couldn’t protect them!)** On the same day, the Ključ War Presidency also issued a decision terminating the employment of “all employees who ha[d] failed to respond to the general mobilisation”.<sup>5209</sup> **(#Legal#! In any country this would be a very grave felony. Remember Muhamed Ali! Thus, the Chamber concludes that the war was illegal when the Serbs defended themselves, while it was legal when the Muslims initiated, started and prolonged the same war!!!)** Following these decisions, the War Presidency ordered the dismissal of several non-Serbs from municipal positions, including the positions of president and vice president of the executive board of the municipality.<sup>5210</sup> **(#Two municipalities – peace#! These persons opted for their Muslim (Bosnian) Municipality of Ključ, and therefore couldn’t occupy a post in the Serb municipality. But, again, what does it**

<sup>5201</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4738, 4756; Asim Egrić, T. 19994 (5 October 2011). See also Adjudicated Fact 2430.

<sup>5202</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4756.

<sup>5203</sup> Asim Egrić, T. 19935 (5 October 2011); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4756, 4762, 4765, 4885–4886; P3587 (List of employees of Ključ Municipal Assembly, 26 June 1992).

<sup>5204</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4744, 4756; Asim Egrić, T. 19965 (5 October 2011)

<sup>5205</sup> P2606 (Minutes from sessions of Ključ’s Crisis Staff, 27 May–10 July 1992), pp. 2, 15 (referring to the conclusions of the ARK Crisis Staff), 18 (referring to a working group reviewing the managerial vacancies left by Bosnian Muslims); P3431 (Handwritten diary of KDZ192), p. 26 (under seal). As a result, several Bosnian Muslim members of the National Defence Council were suspended immediately and SDS members were tasked with identifying suitable replacements to fill the vacancies created. P2606 (Minutes from sessions of Ključ’s Crisis Staff, 27 May – 10 July 1992), p. 3; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11555 (under seal) (identifying two Bosnian Muslims listed on p. 3 of P2606).

<sup>5206</sup> P2643 (Ključ Crisis Staff Report, 15 May – 29 July 1992), p. 2.

<sup>5207</sup> P7 (Decision of ARK Crisis Staff, 22 June 1992); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11734 (under seal) (conceding that the wording ARK Crisis Staff’s decision was similar to that used by the Ključ War Presidency in their decision taken in July).

<sup>5208</sup> P3464 (Decision of Ključ War Presidency, 21 July 1992); Asim Egrić, T. 19921–19922 (5 October 2011) (describing P3514 as “retroactively” covering “what had already been effected”); P3488 (Witness statement of Atif Džafić undated), paras. 76, 79; Atif Džafić, T. 19662–19663, 19749 (30 September 2011).

<sup>5209</sup> P3514 (Decision of Ključ War Presidency, 21 July 1992).

<sup>5210</sup> Adjudicated Fact 2431.

**have to do with the President?)** By 31 July, Vinko Kondić reported that only Serb workers were employed in business enterprises.<sup>5211</sup>

**1504.** Rajko Kalabić testified that Bosnian Muslims reported to their jobs without interference until late May 1992 and asserted that this timing suggested that they left their jobs of their own free will rather than under duress.<sup>5212</sup> However, while Asim Egrić acknowledged that his employer had been entitled to terminate his employment after he failed to report to work for five days, he explained that the same persons who terminated his employment for failing to report to work also imprisoned him in a camp, and that this termination occurred long after he ceased reporting for work as a result of the security conditions in Ključ.<sup>5213</sup> **(#Security reasons#! Right, not because of the religion, but because of the security reason. An assessment of a security risks may have been exaggerated, but still it presented a reality. Irrational fears are as strong as real, if not stronger. And what it has to do with this President?)** In light of the security situation prevailing in Ključ at the time, as well as the retroactive Crisis Staff decisions, the Chamber finds that, contrary to Kalabić's assertion, Bosnian Muslims were dismissed from their jobs on account of their ethnicity. **(Not at all, but on account of their refusal to accept the authorities and give an oath. And this kind of inferring is wrong, because it suggests that there was an unfounded animosity on a religious basis, while there was a strong #security# "insecurity," no matter real, or irrational, and as such, it has to be de-criminalised.)**

b. Outbreak of armed conflict in Ključ

**1506.** After 7 May 1992, Bosnian Muslims' freedom of movement was restricted both temporally and geographically, and Bosnian Muslims were required to identify themselves and to explain their movements at check-points.<sup>5214</sup> On 25 May 1992, Banjac, as President of the Ključ Crisis Staff, issued an order to bring the TO units in Ključ municipality up to strength and to set up civilian protection units in all local communes, including Bosnian Muslim ones.<sup>5215</sup> **(#EXCULPATORY#! Why not in the Muslim villages as well? The civilian protection was even more needed in the Muslim communes, since the Muslim secret army, Patriotic League and the Green Berets, initiated many skirmishes, and then escaped, leaving their civilians. The Civilian protection was not a combat unit, but a unit for helping people in needs!)**

**1507.** Armed operations in Ključ began with several incidents between Bosnian Muslims and Bosnian Serbs on 27 May 1992.<sup>5216</sup> Around 11 a.m., while responding to a report that a barricade had been erected on the road near Krasulje, the Assistant Commander of the Ključ SJB, Dušan

<sup>5211</sup> P5411 (Minutes of the 13<sup>th</sup> session of the Ključ Municipal Assembly, 31 July 1992). See also KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11696–11697 (under seal) [REDACTED]. The Chamber notes that although in his witness statement, Slobodan Jurišić claimed that all individuals left their jobs of their own free will, he later admitted that he had heard that disloyal individuals had been removed from executive positions pursuant to an ARK order. D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 35; Slobodan Jurišić, T. 47071 (13 February 2014). The Chamber therefore will not place weight on that part of Jurišić's witness statement.

<sup>5212</sup> D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 7.

<sup>5213</sup> Asim Egrić, T. 19936–19938 (5 October 2011); P3588 (Ruling of Ključ War Presidency, 21 July 1992) (terminating Egrić's services as chairman of the Executive Board); D1348 (Decision of Ključ War Presidency, 21 July 1992) (same); D1349 (Decision of Ključ War Presidency, 21 July 1992) (terminating the duties of Omer Filipović as Vice President of the Municipal Assembly). See also P3572 (Decision on termination of employment by Veleprodaja enterprise in Ključ, 28 October 1992); Asim Egrić, T. 19922, 19935 (5 October 2011) (testifying that P3572 reflected a decision that had already been taken in May or June).

<sup>5214</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4761; KDZ075, P3358 (Transcript from *Prosecutor v. Krajišnik*) T. 4961 (under seal) (stating that after the establishment of the check-point between Sanica and Biljani, the residents of Biljani could no longer reach Ključ or Sanica). See also Adjudicated Fact 2432.

<sup>5215</sup> D1726 (Order of Ključ Crisis Staff, 25 May 1992).

<sup>5216</sup> Asim Egrić, T. 19938 (5 October 2011); D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 6; KDZ192, T. 19476 (27 September 2011) (closed session). During the days preceding 27 May, Bosnian Muslims destroyed a television relay station near Krasulje. P3594 (Report of Ključ SJB, 25 September 1992), p. 1; KDZ192, T. 19477 (27 September 2011) (closed session); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11525–11526 (under seal); D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 11; Slobodan Jurišić, T. 47075 (13 February 2014); D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 5.

Stojaković, was fatally wounded during an “armed clash” with Bosnian Muslims;<sup>5217</sup> a military and a regular policeman were also wounded during the incident.<sup>5218</sup> **(#Who started skirmishes#! This was not just “an incident”, that was a planned and simultaneous attack of the Muslim forces against the local Serbs as well as the JNA which was leaving Knin and only passing through Ključ!)** Around 2 p.m. on the same day, a bus carrying members of the JNA who were returning from Knin to Banja Luka came under fire near Pudín Han, resulting in the deaths of four or five individuals.<sup>5219</sup> **Not simply “individuals” but soldiers, who were retreating unarmed, and didn’t represent any threat. What army would allow this kind of conduct? And what was the aim of those Muslim armed groups for doing this?** During the course of the day, a check-point at the intersection of the Ključ-Sanica road came under fire, and in the evening, a “squa[d] of extremists” attempted to blow up a road above Velagići.<sup>5220</sup> **(A Muslim extremists, why not to say it? When the Muslims do something, the Chamber names them as “extremists” without affiliation, and when the Serb extremists and renegades do something, they are named as the “Serb Forces”, although they had been arrested by the real Serb forces!)** In addition to the incidents that occurred that day, the Ključ SJB discovered that seven members of Serb Forces had been captured in Crljeni two days before.<sup>5221</sup> **(But, let us see what the main commander of the Muslim Army Sefer Halilović said about the situation in the Sana River Valley, see D3904, sent to the Una-Sana Operations Group, which indicates how strong those forces were:**

war days till today is completely familiar to me. I was even in a position to alert the government organs in that region that armed combat was being obstructed, since they waited rather long and, while war was raging in all of the RBH /Republic of Bosnia and Herzegovina/, in this region they were still negotiating with the aggressor.

We think that your region, taking into account the command of the Una-Sana Operations Group, the Bihać District Defence Staff, the municipal staffs in the region and other bodies, has a good personnel basis for a corps command.

**sent on 10 September 1992. It should be clear to everyone that the Muslim side waged the war against both the JNA and the Serbs in Bosnia, with a respectable forces and after a long preparations for war!)**

1508. The Chamber received conflicting evidence regarding the establishment and level of organisation of a Bosnian Muslim TO, as well as its involvement in the events of 27 May 1992. **(That could be a “conflicting evidence” only compared to the stereotypes established by the Prosecution and international media? Those are a genuine contemporaneous documents indicating that the #Muslim side planned, organised and initiated the turmoil and finally a war against the Serbs in the area.)** According to a Ključ SJB dispatch dated 25 September 1992, Bosnian Muslim forces began to obtain weapons through individual purchases in early 1992, and established a “Bosanski Ključ TO” in April 1992.<sup>5222</sup> Asim Egrić acknowledged that guards

<sup>5217</sup> See Adjudicated Fact 2433; D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 6; D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), paras. 6, 17; D4165 (Witness statement of Marko Adamović dated 1 December 2013), paras. 3, 7a–b; D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 6; D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 12.

<sup>5218</sup> KDZ192, T. 19476, 19480 (27 September 2011) (closed session); D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), pp. 6–7; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4857; Asim Egrić, T. 19989–19990 (5 October 2011); D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), paras. 6, 17; D4165 (Witness statement of Marko Adamović dated 1 December 2013), paras. 3, 7a; D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 6; D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 12; KDZ024, P713 (Transcript from *Prosecutor v. Brdanin*), T. 9206–9207 (under seal).

<sup>5219</sup> D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 7; KDZ192, T. 19476 (27 September 2011) (closed session); D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 7; D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 12.

<sup>5220</sup> D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 7. After the incidents, the “commander of these Muslim formations” surrendered at the invitation of Colonel Galić and was taken to the military remand prison in Banja Luka. D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 15.

<sup>5221</sup> D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 7; P3488 (Witness statement of Atif Džafić undated), para. 90; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4787, 4862; D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 4; D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 3.

<sup>5222</sup> P3594 (Report of Ključ SJB, 25 September 1992), p. 1. **This document shows exactly what happened, and have in mind that this was a strictly confidential document.** See also D1731 (Report of Ključ SJB, 3 June 1992), p. 1 (referring to the establishment of a Bosnian



had been assigned to various Bosnian Muslim settlements located north of Ključ since early 1992, but suggested that they lacked any military organisation.<sup>5223</sup> **(#Who started#! Still, these forces were capable of killing Mr. Stojakovic and several other policemen of the Serb ethnicity, as well as several unarmed JNA soldiers helplessly closed in a bus!)** Although he initially denied that a Bosnian Muslim TO existed and suggested that Bosnian Serbs considered the entire Bosnian Muslim population to be members of the TO, Egrić later conceded (i) that after Bosnian Muslim representatives were expelled from the Ključ Municipal Assembly around 10 May, they had established an office in Pudín Han in order to communicate with the population, and (ii) that Omer Filipović was appointed TO Commander.<sup>5224</sup> Even when shown an SJB report from July 1992 which estimated the numerical strength of Muslim forces in Ključ at the outbreak of the conflict as being approximately 1,300 to 1,500 men,<sup>5225</sup> and an official note of the 2<sup>nd</sup> Krajina Corps Command's Intelligence Department dated 11 July 1992 which described a fully-functioning staff,<sup>5226</sup> Egrić maintained that the Bosnian Muslim TO staff had not had time to set up any units.<sup>5227</sup> However, the Chamber finds that, in light of contemporaneous documents of the Banja Luka CSB and the Ključ SJB, the events of 27 May 1992 were carried out by Bosnian Muslim forces.<sup>5228</sup> **(#Who started#! This is the same Asim Egrić, whose assertions should be taken with a great reserve. The same is with the other members of the Muslim warring faction, and the Court shouldn't be a facilitator of the continuation of this war by a judicial means!)**

1509. Beginning at 8 a.m. on 28 May 1992 and continuing throughout the day, the Ključ Crisis Staff and the Ključ Defence Command<sup>5229</sup> issued orders to Bosnian Muslims to hand in their weapons and to hand over Stojaković's body, as well as those responsible for firing on the JNA convoy on the previous day.<sup>5230</sup> At 4 p.m., the Ključ Defence Command accepted Omer Filipović's request for an extension of the deadline to surrender weapons until 10 a.m. the following day in exchange for handing over the seven captured soldiers and Stojaković's body by

---

Muslim TO following the issuance of an order by Izetbegović) **(#Who started#! This document, (D1731) numbers several hundreds of the leaders of the armed rebellion with the criminal activities, mbushing and killing the policemen and soldiers. Among them there were all the former officials of the Ključ municipal authorities. That is why their dismissal was justified.**; D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 11 (referring to SJB employees acquiring and distributing arms to Bosnian Muslims).

<sup>5223</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4784; Asim Egrić, T. 19971 (5 October 2011). *But see* D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 5 (referring to an efficient system of command and control).

<sup>5224</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4784–4786, 4866–4867; Asim Egrić, T. 19965–19967, 19970–19971 (5 October 2011). Other members of the Bosnian Muslim TO included Amir Avdić and Mevzad Đerić as field co-ordinators, and Egrić as responsible for political affairs. D1350 (Lists of Muslim people in Ključ, 10 June 1992); P3594 (Report of Ključ SJB, 25 September 1992); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4790 (confirming that D1350 contains an accurate list of the Bosnian Muslim TO staff) and 4808 (confirming that he was a member of the TO); Asim Egrić, T. 19967 (5 October 2011). *See also* D1730 (Official note of Ključ SJB, 31 May 1992), p. 1. By contrast, the Bosnian Muslim “Crisis Staff” described in D1350 was never established because it was never confirmed by the deputies who were members of the Ključ Municipal Assembly. Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4790.

<sup>5225</sup> D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), pp. 9–10. *See also* Jovo Kevac, T. 46273 (30 January 2014) (testifying that a Bosnian Muslim TO of approximately 2,000 men was formed in 1992).

<sup>5226</sup> D1748 (Official note of 2<sup>nd</sup> Krajina Corps Command, 11 July 1992).

<sup>5227</sup> Asim Egrić, T. 19964–19967, 19970–19972 (5 October 2011); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4784–4786, 4819, 4855–4856, 4866–4867. *See also* Asim Egrić, T. 19973–19974 (5 October 2011) (observed that the statements comprising D1748 had been obtained from persons detained in Manjača who may have been under duress); D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), pp. 5–6 (describing a TO that was “primarily organised for defence operations”).

<sup>5228</sup> D1731 (Report of Ključ SJB, 3 June 1992), p. 2; D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 6 (suggesting that despite being primarily organised for defence purposes, a decision was taken to “change the concept from defensive to offensive operations”).

<sup>5229</sup> On 31 May 1992, Colonel Stanislav Galić, the Commander of the 30<sup>th</sup> Partisan Division, issued an order forming the “Ključ Defence Command”, which was to consist, *inter alia*, of the Commander of the 3<sup>rd</sup> Battalion of the 1<sup>st</sup> Partisan Brigade, the Commander of the newly-formed 4<sup>th</sup> Battalion of the 1<sup>st</sup> Partisan Brigade, the Commander of the Ključ Territorial Defence Staff, the Chief of the Ključ SJB, the President of Ključ Municipality and two or three members of the Ključ Crisis Staff. P3445 (Order of the 30<sup>th</sup> Partisan Division, 31 May 1992), p. 1; P3914 (Ewan Brown's expert report entitled “Military Developments in the Bosanska Krajina – 1992”, 27 November 2002), para. 2.46; D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 9. The primary task of the Ključ Defence Command was “the protection of the Serbian people in the greater area of the municipality” by, *inter alia*, deploying “in the areas where combat activities were conducted until recently (the areas populated by the [Bosnian] Muslims)”, controlling the routes of approach and points of entrance to the municipality, establishing the SerBiH Army on the entirety of the territory, and facilitating the functioning of the municipal authorities. P3445 (Order of the 30<sup>th</sup> Partisan Division, 31 May 1992), p. 1.

<sup>5230</sup> P3444 (Order of Ključ Crisis Staff, 28 May 1992); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11666–11667 (under seal). Anyone who did not comply would face “thorough measures [...] to disarm them”, which the Crisis Staff warned could have “disastrous consequences for their personal security and that of their property”. P3444 (Order of Ključ Crisis Staff, 28 May 1992). *See also* Adjudicated Fact 919.

5 p.m. on 28 May 1992.<sup>5231</sup> Filipović was also taken into custody.<sup>5232</sup> However, after the 4 p.m. announcement, the Ključ Defence Command issued a further statement at 8 p.m. ordering the residents of Pudín Han and Velagići to surrender their weapons by 9 p.m. that evening.<sup>5233</sup> Failure to comply with the provisions of the statement would result in a state of armed conflict.<sup>5234</sup>

1510. As a result of this “new security situation”,<sup>5235</sup> Banjac, as President of the Ključ Crisis Staff, issued an order prohibiting citizens from moving from one area to another within the municipality without special permission from the Ključ SJB.<sup>5236</sup> Additionally, the Ključ Battalion<sup>5237</sup> was deployed to “mop up” the town and surrounding settlements by disarming “all paramilitary formations in the direction of the attacks and to arrest members of these formations”,<sup>5238</sup> while the 1<sup>st</sup> Brigade of the 30<sup>th</sup> Partisan Division was also deployed in the area.<sup>5239</sup>

1511. At the same time, beginning on 27 May, the Serb Forces attacked Bosnian Muslim areas of Ključ, including Pudín Han.<sup>5240</sup> **(#Who started# Context#! This is not said correctly, since out of a context, that would mean that the Serbs attacked first. However, the day, 27 May was a day of a synchronized attack of the Muslim forces throughout the Sana River Valley. The entire area surrounding Ključ was militarized in a few weeks before 27 May, when they started their synchronised actions, and obviously under the pressure of the Main Headquarter of the ABiH and it's Commander General Halilovic, see D3904!)** As these operations ensued, members of Serb Forces collected weapons from Bosnian Muslim villages including Pudín Han, Velagići, Krasulje, Biljani, Sanica, and Kamičak.<sup>5241</sup> Bosnian Serbs were not required to turn in their weapons.<sup>5242</sup> **(Obviously, not those who joined the regular forces!)** In the morning of 30 May 1992, members of the Serb Forces, including the White Eagles,<sup>5243</sup> **(#Not “Serb Forces”#! The “White Eagles” were not a part of the regular Serb forces! There**

<sup>5231</sup> D1728 (Order of Ključ Defence Command, 28 May 1992); P3591 (Order of Ključ Crisis Staff, 28 May 1992); D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 7.

<sup>5232</sup> KDZ192, T. 19484 (27 September 2011) (closed session) [REDACTED]; KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11725–11727 (under seal) [REDACTED]. See also D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 8 (describing talks between Galić and Filipović and suggesting that, at the latter's request, Filipović was “escorted” to Ključ by the Chief of the SJB). See also para. 1508 (discussing the Bosnian Muslim TO in Ključ).

<sup>5233</sup> D4678 (Statement from the Ključ Defence Command, 28 May 1992). The deadline for residents of Krasulje and Gornji Ramići to surrender their weapons was also brought forward to 7 a.m. on 29 May. D4678 (Statement from the Ključ Defence Command, 28 May 1992).

<sup>5234</sup> D4678 (Statement from the Ključ Defence Command, 28 May 1992).

<sup>5235</sup> KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11557–11558 (under seal); KDZ192, T. 19479–19480 (27 September 2011) (closed session).

<sup>5236</sup> P3443 (Order of Ključ Crisis Staff, 27 May 1992).

<sup>5237</sup> The Ključ Battalion had been formed at the end of April 1992 and was integrated into the 1<sup>st</sup> Light Infantry Brigade of the 1<sup>st</sup> Krajina Corps as its 3<sup>rd</sup> Infantry Battalion, quartered in Sitnica. **(#Before VRS, JNA#! But, when formed, at the end of April, this was a unit of the JNA, since the 1<sup>st</sup> Krajina Corps was formed after the VRS was formed, i.e. after 20 May 92!)** P6543 (Report of 1<sup>st</sup> Krajina Corps, 2 November 1993), p. 2. See also D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), paras. 6–7; Slobodan Jurišić, T. 47125 (14 February 2014). Branko Ribić and Marko Adamović were appointed commander and deputy commander, respectively. P6543 (Report of 1<sup>st</sup> Krajina Corps, 2 November 1993), p. 2. After the 4<sup>th</sup> Infantry Battalion of the 1<sup>st</sup> Light Infantry Brigade was created on or around 1 June 1992, the Ključ Battalion joined the 17<sup>th</sup> Light Infantry Brigade, which was a unit of the 2<sup>nd</sup> Krajina Corps. P6543 (Report of 1<sup>st</sup> Krajina Corps, 2 November 1993), p. 3; P3914 (Ewan Brown's expert report entitled “Military Developments in the Bosanska Krajina - 1992”, 27 November 2002), para. 1.99.

<sup>5238</sup> P6543 (Report of 1<sup>st</sup> Krajina Corps, 2 November 1993), p. 3; P2606 (Minutes from sessions of Ključ's Crisis Staff, 27 May - 10 July 1992), p. 2.

<sup>5239</sup> P1171 (1<sup>st</sup> Krajina Corps combat report, 28 May 1992), p. 1; D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 8 (stating that “Galić's unit” from Mrkonjić Grad arrived in Ključ and set up check-points on the routes leading to Ključ); Stanislav Galić, T. 37154 (15 April 2013) (testifying that he was the commander of the 30<sup>th</sup> Infantry Division at Mrkonjić Grad). See also D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 14 (stating that a company was brought from the direction of Petrovac to control the Ključ-Petrovac road).

<sup>5240</sup> KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11559–11560, 11667, 11725–11727, 11729 (under seal); D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 7; P6543 (Report of 1<sup>st</sup> Krajina Corps, 2 November 1993), p. 3.

<sup>5241</sup> D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 10. Zgon, Velečovo, and Dubočani, were not subjected to weapons collection. D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 10; KDZ024, P713 (Transcripts from *Prosecutor v. S. Milošević*), T. 9105–9106 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 30069–30071, 30074–30075 (under seal); KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4957; D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 15.

<sup>5242</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9107 (under seal). ).

<sup>5243</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4960, 4985. On 28 May 1992, the White Eagles had been ordered to place themselves under the command of the “Ključ operations group”. P3444 (Order of Ključ Crisis Staff, 28 May 1992), p. 2; D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 37 (commenting that every individual and group had to be part of either the VRS or the civilian police). See also Adjudicated Fact 2434. The Chamber therefore finds that the White Eagles were acting under the direction of the Ključ Defence Command as of 28 May 1992.

**had been other JNA volunteers remained after the JNA withdrew!)** went from village to village, instructing villagers to hang white sheets from the houses to signal their loyalty and forcing military-aged men to walk in front of the Serb Forces to shield them from fire until the Serb Forces reached the next village.<sup>5244</sup> From there, the men were allowed to return home and the process was repeated with the men from that village.<sup>5245</sup> In Biljani, where Serb Forces searched the houses for weapons, their search yielded none.<sup>5246</sup>

c. Destruction of houses and looting of movable property

**1512.** Beginning while the combat operations were underway and continuing throughout 1992 some 3,500 houses in Bosnian Muslim villages including Pudin Han, Velagići, Biljani, and Prhovo were razed to the ground and burned.<sup>5247</sup> Furthermore, during the same period, members of the Serb Forces “illegally appropriat[ed]” Bosnian Muslims’ movable property, such as cattle, housing materials, and vehicles.<sup>5248</sup> **(This assertion about #“members of the Serb Forces”#, is also general and not supported. There could be anyone to do that. Once the fights start and people move, there may follow a plunder. A local authorities could do nothing to protect the abandoned property, since they couldn’t protect themselves and their families, and were in a constant expectations of an attack or firing.)** Although the Ključ Crisis Staff explained to Bosnian Serb citizens in June 1992 that property was considered “inviolable [and] should be protected from the wilfulness of individuals”,<sup>5249</sup> and the Ključ Executive Board passed a decision on 29 September 1992 transferring the ownership of movable and immovable property from those who had left the municipality to the state,<sup>5250</sup> a later military report stated that “illegal acts of

<sup>5244</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4958–4961.

<sup>5245</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4958–4961.

<sup>5246</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4961. *See also* Adjudicated Fact 2435.

<sup>5247</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4820; D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 11; *see* Adjudicated Facts 948, 949, 2448. *See also* P3662 (1<sup>st</sup> Krajina Corps report, 31 May 1992), p. 2; P2972 (Report of Ključ SJB, 28 September 1992), p. 1.

<sup>5248</sup> D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), p. 2 (attributing such actions to military personnel as well as police and local Serbs); D1352 (Report of Ključ SJB to Banja Luka CSB, July 1992), p. 11; P2972 (Report of Ključ SJB, 28 September 1992), p. 1. *See also* Adjudicated Fact 950; KDZ192, T. 19514 (27 September 2011) (closed session) (attributing the looting to “paramilitary individuals”). *But see* D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 16 (attributing the looting to “renegade individuals” who were not under the control of the army and police).

<sup>5249</sup> KDZ192, T. 19514–19515 (27 September 2011) (closed session) [REDACTED]. *See also* D1739 (Decisions of Ključ Crisis Staff, 30 June 1992), p. 1 (calling on all persons who had appropriated cars or valuables to return them to the army within a five day grace period or risk sanction); P3452 (Extract from Minutes of Ključ War Presidency, 10 July 1992), p. 1 (forming a commission to take in “war booty”); KDZ192, P3416 (Transcript from *Prosecutor v. Brdanin*), T. 11634–11635 (under seal) (stating that “war booty” referred to movable property that had been taken from Bosnian Muslims although some had stayed in Ključ without their property being disturbed).

<sup>5250</sup> D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), pp. 2–3. **(#No criminal intent#! However, this document is a genuine evidence that nothing what happened wasn’t an intention of the local authorities, but a “viss maieour” – a chaos that occurred after the war broke out. In this document there are proofs on many aspects: there was no sufficient food for the inhabitants; a lack of discipline and safety for the sitizens; #General shortage#!)**

- prices soar day and night; nobody is trying to curb them; citizens, with their modest income, cannot keep up.

- there are serious deficiencies in providing supplies for the families of soldiers who were killed. The records with necessary details about dead soldiers are not kept updated as they /the soldiers/ deserve. Pay for soldiers is sometimes late, while some soldiers do not receive it for several months.

**Anyway, this genuine document shows contrary to what is suggested in the Judgment, namely, that there were many weaknesses in exercising the rule of law and to make the municipal organs functioning, but exactly this document shows that it wasn’t because of any plan or an intention of the local, or central authorities. So, for how many times the Chamber accepted the Prosecution’s tricks to use against the Serbs all the Serb endeavours to make the things better? This is an absurd! Further, there was a full awareness of what was going on, and this was criticised and attempted to cease the unloawfulness, as we can see:**

appropriation of state property continued [...] [and] nothing was done to prevent further acts of unlawful appropriation".<sup>5251</sup> The 1<sup>st</sup> Krajina Assistant Corps Commander for Civilian Affairs reported that as late as 1 February 1993, such acts were occurring in "full co-ordinated action and co-operation of the Military and civilian police".<sup>5252</sup> The Chamber is therefore satisfied that such crimes continued to be perpetrated by members of Serb Forces even after the measures taken by the Ključ Crisis Staff and Ključ Executive Board in June and September 1992. **(#No liability#! #Individuals, not "Forces#! But, who would be liable for these felonies? The Serb authorities? It is clear from the very document that there was no any plan or any approval of the authorities for the perpetrators, had they been "members" of the Serb Forces, but certainly doing felonies out of the sight of commands, or civilians, in spite of the measures of the municipal authorities. Again, a document confirming the authority's rightful endeavours are used against this President, although the real officials, such as 1<sup>st</sup> Krajina Corps Commander for Civilian Affairs and the authorities of Ključ were a real "Serb Forces", while nobody could confirm that the perpetrators had been a legal Serb forces!)**

1104. Killings on or around 1 June 1992

a. Scheduled Incident A.7.1

1513. The Indictment refers to the killing of "a number" of people in Pudín Han on or about 28 May 1992.

1514. As the Chamber has previously noted, a Bosnian Muslim TO was headquartered in Pudín Han.<sup>5253</sup> At the time, Pudín Han was almost exclusively a Bosnian Muslim village located approximately three kilometres north of Ključ town.<sup>5254</sup> Even as the Ključ Crisis Staff issued its

---

Individuals and small and large groups of people began illegally appropriating Muslim property in Muslim villages and hamlets during combat operations in the local communes of Velagići, Sanica, Humići and Peći, and continued to do so when the operations ended. This was done by military personnel, members of the police and local Serbs. Later, acts of unlawful appropriation spread like an epidemic. This certainly happened although such acts have not been typical of the Serbian people throughout its history. There were cases of appropriation of cattle or buying /?them/ for next to nothing and of taking away all other movable property.

**Had it been a goal of the authorities, there wouldn't be any objection and attempt to rectify the misdoings. In addition to all the troubles the local authorities had also a very wide territory and couldn't easily communicate, let alone control the processes and events, see the same document:**

Since the authorities in Ključ have no contact with local communes, that is with the grassroots, it is perfectly evident that the lack of good communications with the grassroots may have serious consequences and cause immeasurable harm to those who live, work and produce there and the authorities that give guidelines and initiate progress.

The Humići local commune is the closest to the municipal authorities (four kilometres). Vrbļjani is the farthest (34 km), followed by Sitnica (24 km), Sanica (18) and so on. These figures are presented here not because the competent organs are unaware of the distances, but to remind them that good work and cooperation with local communes can only be accomplished with good communications.

**The entire document is genuine and frank, and can only confirm the local authorities tries to make the things better.**

<sup>5251</sup> D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), p. 3 (describing the appropriation of livestock, as well as any usable building materials that remained in Bosnian Muslim villages, by people who were "armed and dressed in military uniforms").

<sup>5252</sup> D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), p. 3.

<sup>5253</sup> See para. 1508.

<sup>5254</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4767. See Adjudicated Fact 918. See also P3488 (Witness statement of Atif Džafić undated), para. 8; Atif Džafić, T. 19657–19658 (30 September 2011) (describing Pudín Han as one of eight villages in Ključ municipality which was populated predominantly by non-Serbs).



ultimatum on 28 May 1992,<sup>5255</sup> Pudín Han had already begun to be shelled from locations controlled by Serb Forces on the previous day.<sup>5256</sup> **(#Before VRS#! However, depicted as it is here, it looks as if the Serb units attacked a peaceful place before the ultimatum expired. First of all, these units had been formed by the JNA, in April 92. Second, as evident from the P06543, this was an inevitable action against the paramilitary groups which already started to ambush and kill both, the JNA, the VRS, the police and civilians, see what was the task of these units, P06543, p.3**

2nd company and the anti-tank platoon attacked from their positions in Brežčice, the area of the village of /illegible/ -the village of Hadžići-the village of Pudín Han

The task of the companies was to disarm all paramilitary formations in the direction of the attacks and to arrest members of these formations.

Many people were hit by the shells as they tried to flee.<sup>5257</sup> While at his house on 28 May, KDZ024 could see smoke coming from the houses in Pudín Han.<sup>5258</sup> During the attack on Pudín Han, the mosque in Pudín Han was blown up and leveled.<sup>5259</sup> KDZ024 visited Pudín Han after it was shelled, and found everything burned, destroyed, and in ruins.<sup>5260</sup> Electricity poles had fallen down, and dead livestock littered the roads.<sup>5261</sup> **(However, in spite of fact that there was a well armed Muslim unit and their Headquarters, the Chamber missed to establish #who started# the fights. We already know that the Muslim side started the war in Ključ a day earlier, on 27 May, by a simultaneous attack on many spots. This contemporaneous document of the Prosecution is clear: the Serbs had been attacked from Pudín Han and it's hamlets!)**

**1515.** The Chamber notes that the Prosecution alleges that “a number” of people were killed in Pudín Han on or about 28 May 1992.<sup>5262</sup> The Chamber took judicial notice of the fact that, at a minimum, three civilians from Pudín Han died as a consequence of the shelling.<sup>5263</sup> Additionally, KDZ024 testified that on 30 May 1992, [REDACTED] found and buried the bodies of more than ten people, including children, who had been killed by the shelling.<sup>5264</sup> The bodies of eight Bosnian Muslims killed during the shelling of Pudín Han were exhumed from graves in Velagići in 1996,<sup>5265</sup> but the Chamber notes that five of those eight were last reported alive on 1 June

<sup>5255</sup> See para.1509. During a meeting at the youth centre in Pudín Han, the vast majority of inhabitants of Pudín Han were in favour of surrendering their weapons, and those who disagreed left for Bihać. Adjudicated Fact 920.

<sup>5256</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9117, 9209 (under seal); P6543 (Report of 1<sup>st</sup> Krajina Corps, 2 November 1993), p. 3. See also para. 1511; Adjudicated Fact 921; P3488 (Witness statement of Atif Džafić undated), para. 82. KDZ192 gave conflicting evidence as to whether Pudín Han was fired upon in order to induce the leader of the Bosnian Muslim TO to surrender. KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11559–11560, 11726–11727, 11729 (under seal); KDZ192 T. 19484 (27 September 2011) (closed session) (acknowledging that Bosnian Muslims maintained that Filipović had surrendered prior to the commencement of fire but testifying that the Serb Forces only fired to induce Filipović to surrender). See also P3450 (Video footage of TV Banja Luka depicting events in Ključ), at 00:02:27–00:06:41 (showing Vinko Kondić stating that Bosnian Muslim “extremists” in Pudín Han had refused to surrender their weapons). The Chamber notes that the Accused concedes that Pudín Han was shelled even prior to the expiration of the Crisis Staff’s ultimatum, and that at least three civilians died, but suggests that the shelling was not carried out by Serb Forces, who “had no interest in shelling since they had information that the Bosnian Muslim extremists who remained armed had left for Bihać”. Defence Final Brief, para. 1517. However, the Chamber is satisfied beyond reasonable doubt that, as stated in the main text above, the shelling was carried out by Serb Forces, not by any other armed group.

<sup>5257</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9117 (under seal).

<sup>5258</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9117 (under seal); Adjudicated Fact 2451.

<sup>5259</sup> Adjudicated Fact 2451; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9117 (under seal). See also paras. 1557–1558.

<sup>5260</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9118 (under seal).

<sup>5261</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9118 (under seal).

<sup>5262</sup> Indictment, Scheduled Incident A.7.1. See also Confidential Appendix B to Prosecution Pre-Trial Brief [Scheduled Incident A7.1] (listing 11 persons).

<sup>5263</sup> Adjudicated Fact 921. See also KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11725 (under seal) (testifying that Bosnian Muslims had made statements that five or six civilians had been killed in Pudín Han).

<sup>5264</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9118–9119 (under seal).

<sup>5265</sup> P6690 (Addendum to Nicolas Sébire’s report, 16 May 2003), e-court pp. 74–75 (naming eight persons listed in Scheduled Incident A.7.1 of Appendix G to the Prosecution’s Final Trial Brief as having been exhumed from a grave in Velagići that was linked to the Pudín Han incident in 1996); P4878 (List of mass graves and bodies exhumed in Ključ Municipality, 1996), p. 10 (listing the same eight); P4880 (Ključ Court record of autopsy and identification of victims exhumed from graves in Velagići and Ključ, 10–11 November 1996), pp. 5, 8–14 (giving details regarding the clothing found on and injuries sustained by the persons listed in P4878); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 6–7 (identifying these eight persons as Bosnian Muslims). The bodies of an additional four Bosnian Muslims who went missing from the Pudín Han area on 27 May 1992 were exhumed from graves in the same area, but the evidence before the Chamber is insufficient to conclude that they were killed by Serb Forces during this attack. P4853, p. 7 (identifying these four persons as Bosnian Muslims); P4878 (List of mass graves and bodies exhumed in Ključ Municipality, 1996), pp. 10–11 (listing the additional four); P4880 (Ključ Court record of autopsy and identification of victims exhumed from graves in Velagići and Ključ, 10–11 November 1996), pp. 8–9, 18.

1992.<sup>5266</sup> Accordingly, the Chamber concludes that, at a minimum, three civilians were killed by Serb Forces during the attack in Pudín Han and that the village—including the mosque<sup>5267</sup>—was destroyed on or about 28 May 1992. **(#Legal, military necessities#! However, the Chamber takes it as if this was an unprovoked attack on a civil settlement, regardless of the international provisions that guarantee the right to defend! It was a usual practice of the Muslim forces to deploy their heavy artillery in the settled areas and fire against the Serbs. Neither the Chamber established whether there was a military necessity on the Serb side, nor whether the mosque had been used as a military object. Presenting as if the Serbs attacked a peaceful settlement, and preventing the Defence to depict the other side's conduct makes any defence impossible and any trial unfair! Aside from all of that, there is a crucial question unanswered: what does it have to do with the President? All of those "wars" were a #municipal wars#, because started in a different times and because of different causes and incentives! #Nobody could unilaterally influence an attacked side#!)**

b. Scheduled Incident A.7.2

1516. The Indictment refers to the killing of at least 38 people in Prhovo village and further on the road to Peći on or about 1 June 1992.

1517. Around 1 June 1992, approximately 100 members of the Serb Forces armed with automatic weapons arrived in Prhovo,<sup>5268</sup> **(#Masks and insignias#! The masked civilians within this group weren't the Serb soldiers, nor the Serb Forces, but somebody who did some revenge and didn't want to be recognised and "awarded" by the Serb authorities. This can not be any responsibility of the Serb authorities!)** a village located northeast of Ključ town and southeast of the village of Peći which was then inhabited primarily by Bosnian Muslims.<sup>5269</sup>

1518. The Serb Forces ordered approximately 40 unarmed male residents of Prhovo, as well as a number of unarmed women and children, to line up facing the wall of Karanfil Osmanović's house, and then began to beat some of them.<sup>5270</sup> **#Adjudicated Fact!** Four Bosnian Muslim men were called out by name, told to run away, and then shot dead.<sup>5271</sup> **Adjudicated Fact#!**

1519. The Serb Forces ordered the approximately 30 remaining Bosnian Muslim men from Prhovo to form a column and walk to the nearby village of Peći.<sup>5272</sup> **Adjudicated Fact#!** On the way to Peći, three Bosnian Muslim men from the column were killed after they failed to drag a military vehicle out of the mud.<sup>5273</sup> **Adjudicated Fact#!** The commander of the unit, Marko Adamović,<sup>5274</sup> ordered that the village be set on fire and the women and children be killed.<sup>5275</sup> KDZ056 then heard shooting and an explosion from the village.<sup>5276</sup>

<sup>5266</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 6–7.

<sup>5267</sup> See paras. 1556–1558.

<sup>5268</sup> See Adjudicated Facts 2437, 922. Some of the Bosnian Serbs wore JNA camouflage uniforms, but there were also masked armed civilians. Adjudicated Fact 922.

<sup>5269</sup> P645 (Map of Prhovo marked by KDZ056); KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10334 (8 October 2002) (stating that Prhovo contained approximately 60 houses that were home to about 200 villagers); see Adjudicated Fact 2437.

<sup>5270</sup> Adjudicated Fact 2437; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10341–10342. See also Adjudicated Fact 923.

<sup>5271</sup> Adjudicated Fact 923; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10341–10342. See also Adjudicated Facts 924, 2437.

<sup>5272</sup> Adjudicated Fact 925; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10343–10344.

<sup>5273</sup> See Adjudicated Fact 925; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10344. The group left the bodies of the three dead men behind while the rest of the men continued the walk toward Peći. KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10344.

<sup>5274</sup> While testifying in this case, Marko Adamović denied that he was the commander of the operation in Prhovo and claimed that he only learned what took place there when a military officer who was crying arrived at the Crisis Staff meeting on the same day. D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 23; Marko Adamović, T. 44458–44459, 44464–44466, 44470 (4 December 2013). The Chamber notes that at the time of his testimony, Adamović was awaiting judgement in the re-trial of his case in BiH, which related to the events in Prhovo. Marko Adamović, T. 44457–44458

1520. Only 12 men from the column survived the trek to Peći.<sup>5277</sup> **Adjudicated Fact!** Sulejman Medanović, having survived the walk, died during the following night as a result of beatings he sustained while the group was detained overnight in a co-operative centre called “Dom”.<sup>5278</sup> **(#Deadly combination#! Adjudicated Fact! 92bis!!!** In the morning, the 11 survivors were taken to the Nikola Mačkić Elementary School, arriving around 11:00 a.m.<sup>5279</sup> **92bis**

1521. A total of 51 bodies identified as those of Bosnian Muslims who were killed in Prhovo on or around 1 June 1992 by Serb Forces were exhumed from two mass graves located in Prhovo.<sup>5280</sup> **92bis!** The Chamber also received forensic evidence that Sulejman Medanović died as a result of injuries consistent with the beatings he received while the group was detained en route to the Nikola Mačkić School,<sup>5281</sup> bringing the total number of bodies linked to the attack on Prhovo to 52.<sup>5282</sup>

1522. The Chamber therefore finds that Serb Forces killed 52 Bosnian Muslims in Prhovo and on the road to Peći on or about 1 June 1992. **(#Deadly combination#! All of that is based on many**

(4 December 2013). The Chamber thus considers that Adamović had an incentive to be less than forthcoming about his role in those events. Moreover, Adamović was evasive throughout his testimony, particularly when questioned about how he had come to know about what had happened in Prhovo. D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 23; Marko Adamović, T. 44459–44464, 44467–44473, 44478–44479, 44485–44487, 44489 (4 December 2013) (denying involvement but conceding that the minutes of the Crisis Staff meeting did not reflect that he was present); P2606 (Minutes from sessions of Ključ's Crisis Staff, 27 May–10 July 1992), pp. 7–8. The Chamber therefore shall not rely on Adamović's evidence in relation to this incident. Although Rajko Kalabić corroborated Adamović's testimony that a tearful military officer informed the Crisis Staff about the events in Prhovo on 1 June 1992, Kalabić, who was himself evasive throughout his testimony, was inconsistent regarding Adamović's presence at the meeting. Compare Rajko Kalabić, T. 44578–44580 (5 December 2013) (explaining that he had only disclosed that Adamović was present at the Crisis Staff meeting during the appellate phase of a case in BiH and not before because the Prosecutor had not asked about Adamović's presence during the trial) with Rajko Kalabić, T. 44582–44583 (5 December 2013) (accepting the possibility that the Crisis Staff had actually only learned about the events in Prhovo two or three days later, as Kalabić had testified in the *Brđanin* case). Accordingly, the Chamber finds that Adamović was present and in command of the Serb Forces in Prhovo. **(#Deadly combination#! So, the Chamber is deciding on a “negative basis”, i.e. no evidence that he wasn't there, therefor, he was there! And this way discredited several Defence witnesses.**

5275 Adjudicated Fact 2438; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10346 (testifying that the commander ordered that no one be left alive in the village). **Adjudicated fact!**

5276 KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10346. **92bis!** KDZ056 later learned that the Serb Forces in the village had killed the people who had remained behind. KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10346.

5277 See Adjudicated Fact 926. The Serb Forces killed two or three more Bosnian Muslim men when the group reached the crossroad junction for Sokolovo and Peći, and, after having ordered the remaining men to take off their shoes and clothing from the waist up, opened fire on them in a field, leaving only 12 survivors. KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10349–10351 (testifying that although 14 men originally survived, the soldiers shot the two youngest survivors after stating that 14 survivors were two too many for the soldiers to be able to exact “[their] revenge”). But see D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 8b (stating that he heard that Bosnian Muslims had opened fire on the Bosnian Serb unit from a small forest and that the unit had reacted by firing randomly in the direction of the forest). In light of the fact that the Bosnian Serb unit's acts could bear on Adamović's culpability in relation to this incident, the Chamber declines to rely on Adamović's evidence in this regard.

5278 KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10352–10353; P6690 (Addendum to Nicolas Sèbire's report, 16 May 2003), pp. 79–80 (stating that a post mortem examination of Medanović's body revealed that the cause of death was force trauma to the head and chest, including brain injury). See also Adjudicated Fact 927. The Serb Forces tied the surviving men's hands with wires and strings, beat them, and ordered them to lie down near an electricity pole, where the survivors were held overnight without access to food or water, and told them that they would all be killed in the morning. KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10352–10353.

5279 KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10353. See also Scheduled Detention Facility C.15.2.

5280 KDZ056 testified that the 27 persons listed in P531 were killed in Prhovo village, as well as on the road and in the field on the way to Peći. P531 (List of persons captured/killed in Prhovo), p. 1; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10346, 10357–10359. Autopsy reports and exhumation reports demonstrate that the bodies of these 27 persons, as well as the bodies of 24 others, were exhumed from two graves associated with the Serb Forces' attack on Prhovo on 1 June 1992; all of these persons died as a result of gunshot injuries to the head, thoracic cavity, and/or limbs. P622 (Record of autopsies of bodies from Prhovo, 13 May 1997) (recording the autopsy results for 36 persons killed by Serb Forces in Prhovo on 1 June 1992 who were wearing civilian clothing and who died of gunshot injuries to the head, thoracic cavity, and/or spine); P4882 (Bihać Cantonal Court record of Prhovo exhumation, 7 May 1997) (relating to the autopsies compiled in P622); P623 (Record of autopsies of bodies from Prhovo, 25 September 1999) (recording the exhumation of 15 bodies from a mass grave at Ciganska Dolina, 13 of whom were listed in P531). In light of the similarity in the causes of death and having cross-referenced P531 with P22 and P623, the Chamber concludes that all 51 persons included in P622 and P623 were killed by Serb Forces in Prhovo on or around 1 June 1992. See also P6690 (Addendum to Nicolas Sèbire's report, 16 May 2003), pp. 76–79; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4810–4812 (testifying that he attended the exhumation of a Prhovo gravesite); Adjudicated Fact 928. In addition to the exhumations of the 51 persons mentioned above, Amor Mašović recorded the exhumation of the body of one additional person who went missing from Prhovo on 1 June 1992 from the Ciganska Dolina grave. P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 7–8; P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, p. 5. However, this individual is not listed in P623 and no evidence in the record provides either an explanation for this omission or forensic information regarding the death. Accordingly, the Chamber cannot be satisfied that this person was killed by Serb Forces in Prhovo on or around 1 June 1992.

5281 See para. 1520, fn. 5278.

5282 The Chamber notes that the Accused concedes that the local authorities were informed that “a number of civilians” were killed during fighting in Prhovo. Defence Final Brief, para. 1518 (citing the witness statement of Slobodan Jurišić). Jurišić testified that the Crisis Staff was informed on 1 June 1992 that “a number of Muslim civilians” were killed in Prhovo, although he did not mention any fighting. D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 23.

**Adjudicated facts and evidence due to Rule 92bis, although some of it rebutted by the Defence witnesses, which, according to the Tribunal's Statute, should be sufficient to rebut it. Again, the Chamber didn't establish how many of those casualties had been a combat casualties, how many combat casualties had the Serb side, and left it to be interpreted as one like it. Finally, no answer how does it involve the President, who didn't have any communication with Kljuc for a long period? And if he had, how would he prevent the attacked Serbs to secure their safety? Of course, if "forgotten" that the Muslim side launched a synchronised attack on 27 May, an impression that the evil Serbs did their attacks without any reason!**

1105. Arrests, detentions, and killings associated with detention facilities

a. Scheduled Detention Facility C.15.3 and Scheduled Incident B.10.1

1523. The Indictment refers to the use of the Velagići School as a detention facility at least between 30 May and June 1992,<sup>5283</sup> and to the killing of at least 77 men at the school on or about 1 June 1992.<sup>5284</sup>

1524. On the evening of 1 June 1992, approximately 100 unarmed Bosnian Muslim men who had surrendered to members of Serb Forces at the check-point in Velagići, a majority Bosnian Muslim village,<sup>5285</sup> arrived at the Velagići School,<sup>5286</sup> which was guarded by soldiers.<sup>5287</sup> The men's names and dates of birth were recorded.<sup>5288</sup> Two soldiers ordered the group to line up, raise their hands, and empty their pockets, and collected any documents or money that had been discarded in the process.<sup>5289</sup> **#Combatants, not civilians#! The Chamber missed to establish whether those "who had surrendered" had been in combat prior to the surrender! Certainly they had been, otherwise they would be at their homes! All other was a part of a prescribed procedure, the same as in any prison!**

1525. The two soldiers then ordered the group of Bosnian Muslim men to enter a small room on the first floor, where they were crowded in so tightly that they "literally had to sit in each other's laps".<sup>5290</sup> The Bosnian Muslim men were cursed and told to "bow down. You'll never again have the opportunity."<sup>5291</sup> At one point, the Bosnian Muslim men heard several men who were being held downstairs being told to stand up, and when they could not, the Bosnian Muslim men upstairs

<sup>5283</sup> Indictment, Scheduled Detention Facility C.15.3. In Appendix B to the Prosecution Final Brief, however, the Prosecution only refers to men being detained at the school on 1 June 1992.

<sup>5284</sup> Indictment, Scheduled Incident B.10.1. The Chamber also notes that the Accused appears to characterise this event as two separate killing incidents, but observes that the evidence he cites, which the Chamber has analysed below, does not support this theory. Defence Final Brief, paras. 1519–1520.

<sup>5285</sup> KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11368 (under seal).

<sup>5286</sup> P1170 (Map of Velagići marked by KDZ024) (showing the location of the school marked with an "S"); KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9127, 9146 (under seal). Some 80 persons who remained at the check-point were placed in an abandoned, windowless schoolhouse. *See also* P1155 (Excerpts from Banja Luka Military Court file), e-court p. 4.

<sup>5287</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9121, 9125–9126 (under seal); P3488 (Witness statement of Atif Džafić undated), para. 138 (stating that he heard from a fellow inmate at Manjača that approximately 100 men were detained by Serb Forces, including the police and army, at Velagići school). *See also* Adjudicated Fact 946; Slobodan Jurišić, D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 16 (suggesting that civilians were brought to the school to give statements in connection with the possession of weapons); Rajko Kalabić, T. 44585 (5 December 2013) (suggesting that "paramilitary members" in Pudin Han and Velagići had been "invited" to the school to surrender their weapons). On their way to the school, the group had encountered Željko Radojčić as well as one or two soldiers wearing olive grey uniforms, and Radojčić had told the soldiers: "Kill them all. They're not going to form a *džamahirija* here". KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9123 (under seal). Radojčić went from one man to the next, swearing at them and cursing their mothers. KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9123 (under seal).

<sup>5288</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9123–9125 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. S. Milošević*), T. 30077–30078 (under seal).

<sup>5289</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9123–9124, 9125 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. S. Milošević*), T. 30077 (under seal).

<sup>5290</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9123–9126, 9128 (under seal).

<sup>5291</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9128 (under seal).



heard three to four bursts of fire and the men crying out.<sup>5292</sup> **(#Heard, not seen#! Again, something heard, nothing seen, and all together based on adjudicated facts or 92bis evidence, not corroborated with any document. Such a way, with many aspects unresolved and unestablished, the Judgement is building a skyscraper of illusion of the Serb misdoings!#Deadly combination#!)**

1526. The Bosnian Muslim men remained in the classroom at the Velagići School while the soldiers cursed and maltreated them, until approximately 11:30 p.m.<sup>5293</sup> At that point, the soldiers ordered the detainees to stand and line up in a single file; as they exited the school, they were ordered to form a column, two by two.<sup>5294</sup> Once the entire column had exited and lined up against the building, two soldiers who had been crouching in the nearby grass and pointing their automatic rifles began to fire at the column.<sup>5295</sup> When the shooting stopped, the soldiers approached the fallen detainees and shot any apparent survivors,<sup>5296</sup> [REDACTED].<sup>5297</sup> The soldiers began to drink *rakija* and sing “Chetnik songs about Draza Mihajlović and about the establishment of an empire”.<sup>5298</sup> **(#Deadly combination#! All founded on the 92bis evidence and adjudicated facts. The exculpatory or mitigating evidence is only mentioned in the footnotes, such as the data that there was an attempt to escape prior to the shooting. Had it been premeditated and planned to execute this group of POWs, this certainly wouldn’t be done in front of the school, but on another place! Again, what does it have to do with the President, who undertook all the necessary measures against any unlawful conduct?)**

1527. An excavator and lorries from the army base at Lanište were used to bury the bodies at Lanište, where they were discovered in 1998.<sup>5299</sup> On 3 June 1992, an investigating judge from the Ključ Municipal Court went to the Velagići School to conduct an on-site investigation.<sup>5300</sup> On 5 June 1992, a criminal report was filed by the Banja Luka Military Prosecutor’s Office against 12 members of the MP and intervention platoons affiliated with the VRS engineering unit based at Lanište.<sup>5301</sup> However, the soldiers were never fully investigated and were only in custody for a month.<sup>5302</sup> **(So, what this President has to do with it? The judicial system, although still in**

<sup>5292</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9128 (under seal). See also P1155 (Excerpts from Banja Luka Military Court file), e-court p. 7.

<sup>5293</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9128–9129 (under seal). When one man repeatedly asked for a telephone in order to “phone Vinko”, a soldier put a rifle barrel in the man’s mouth, and the man became covered in blood. KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9128 (under seal).

<sup>5294</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9129, 9138 (under seal); KDZ024, P713 (Transcript from *Prosecutor v. S. Milošević*), T. 30078 (under seal).

<sup>5295</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9129 (under seal); P1155 (Excerpts from Banja Luka Military Court file), e-court pp. 7–8. See also Adjudicated Fact 947.

<sup>5296</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9129 (under seal); P1155 (Excerpts from Banja Luka Military Court file), e-court p. 9. The Chamber received evidence suggesting that the soldiers had only opened fire when some of the detainees attempted to escape. See P3614 (Handwritten letter of complaint to Lanište-Ključ Military Post, 12 June 1992), pp. 2–3 (suggesting that the soldiers had only opened fire when some of the detainees started to escape); P3513 (Request for investigation by the 1<sup>st</sup> Krajina Corps Military Prosecutor’s Office, 8 March 1993 (requesting an investigation into the suspects named in P1155); P1155 (Excerpts from Banja Luka Military Court file), e-court p. 5; D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 11.

<sup>5297</sup> [REDACTED]. See also para. 1526.

<sup>5298</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9130 (under seal).

<sup>5299</sup> KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9130, 9146 (under seal); P1155 (Excerpts from Banja Luka Military Court file), p. 6; D1751 (Official record of Banja Luka’s Military Post 4627, Military Police Official, 3 June 1992) (stating that the traces of removal by an engineering machine were found and that it was determined that bodies of the victims were transported by trucks five kilometres away from the crime scene in the direction of Gornji Budelj, and buried by an engineering machine); P3488 (Witness statement of Atif Džafić undated), para. 138; Atif Džafić, T. 19745 (30 September 2011). See also Adjudicated Fact 2446.

<sup>5300</sup> D1751 (Official record of Banja Luka’s Military Post 4627, Military Police Official, 3 June 1992); Adjudicated Fact 2447.

<sup>5301</sup> P1155 (Excerpts from Banja Luka Military Court file), e-court p. 4; KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9215–9216 (under seal); Adjudicated Fact 2447.

<sup>5302</sup> P3614 (Handwritten letter of complaint to Lanište-Ključ Military Post, 12 June 1992) (in which 11 of the 12 suspects stated that they had been in custody since 1 June 1992 and threatened to go on hunger strike if not released immediately); P3513 (Request for investigation by the 1<sup>st</sup> Krajina Corps Military Prosecutor’s Office, 8 March 1993 (requesting an investigation into the suspects named in P1155); P3616 (Proposal of the Military Prosecutor’s Office attached to the 1<sup>st</sup> Krajina Corps, 29 July 1993) (suggesting that two suspects then in custody be released due to the inability to bring the remainder into custody and because both the deputy prime minister of the RS and the chairman of the Ključ Executive Board had recommended halting the proceedings); P6143 (Excerpt from ruling of Banja Luka Military Court, 29 July 1993) pp. 1–2 (stating that two of the suspects were released pursuant to the suggestion of the prosecutor contained in P3616); Asim Egrić, T. 19991–19992 (5 October 2011) (testifying that although Bosnian Serb investigating bodies had carried

**cradle and undeveloped, took the notice of it and started the process. The President didn't have any further competence over this, and nobody, except the judicial system could do anything else. The main point is that the local authorities reacted and didn't even try to cover up the crime. This is senseless to bring it and charge the President for this crime. If the Chamber collects an evidence about how a civil war is horrible, the President would agree, and that was why he opposed the war by all of his abilities, see: D1833! #No Karad'i's liability#! )**

1528. Seventy seven bodies linked to the killings at Velagići School on 1 June 1992 were exhumed from the Lanište II “Babina Dolina” mass grave in Ključ in the autumn of 1996.<sup>5303</sup> Although three of the bodies were so skeletonised as to preclude the establishment of a cause of death, the remainder all bore signs of fatal gunshot wounds, mostly to the head or trunk, and all were found in civilian clothing.<sup>5304</sup>

1529. The Chamber therefore finds that Bosnian Muslim men were detained, subjected to verbal and mental abuse, and that 77 Bosnian Muslim men were ultimately killed at Velagići School by Serb Forces on 1 June 1992.

b. Scheduled Detention Facility C.15.1

1530. The Indictment refers to the use of the Ključ SJB Building as a detention facility at least between May and August 1992.<sup>5305</sup>

**1531.** On the morning of 28 May 1992, Asim Egrić was arrested at a check-point just outside Ključ; he was then escorted to the SJB building in Ključ,<sup>5306</sup> which was staffed and operated by the Bosnian Serb police.<sup>5307</sup> While detained at the SJB building, Egrić was beaten and sustained extensive injuries to his head and body before being transferred to the hospital, where he remained for approximately one hour.<sup>5308</sup> While in the hospital, Veljko Kondić and Tihomir Dakić came to see Egrić.<sup>5309</sup> **(Not to forget, it happened the next day after the multiple and simultaneous**

out an investigation in relation to the incident, the suspects were held in prison for 18 days and then released); Adjudicated Fact 2447. *But see* D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 17; Slobodan Jurišić, T. 47080 (14 February 2014).

<sup>5303</sup> P3512 (Report on Lanište II mass grave, 4 October 1996) (describing the autopsies performed on 77 Bosnian Muslim males exhumed from Lanište II, 71 of whom were identified); P4850 (Witness statement of Amor Mašović dated 23 March 2012), para. 108 (describing P3512 as a court record which includes autopsy and exhumation reports). [REDACTED]; P618 (Photograph of Velagići cemetery). *See also* P4878 (List of mass graves and bodies exhumed in Ključ Municipality, 1996) (listing 70 Bosnian Muslim males who had been exhumed from Lanište II, in addition to seven who were not identified, all of whom were found upon examination to have been civilians who had been shot at point-blank range), pp. 11–13; P3637 (Report of BiH Federal Ministry of the Interior, 22 October 1996) (same); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 7, 84–86 (showing that 77 Bosnian Muslim males who were reported missing from Velagići on or around 1 June 1992 were found in the Lanište II grave); P6690 (Addendum to Nicolas Sébire's report, 16 May 2003), p. 83; Adjudicated Facts 2446, 947.

<sup>5304</sup> P3512 (Report on Lanište II mass grave, 4 October 1996) (describing the autopsies performed on 77 individuals exhumed from Lanište II, 71 of whom were identified); P4881 (Autopsy reports for victims exhumed at Lanište II, 6 October 1996). *See also* Adjudicated Fact 2447.

<sup>5305</sup> Indictment, Scheduled Detention Facility C.15.1. In Appendix B to the Prosecution's Final Brief, however, the Prosecution only referred to the period “following attacks in May and June [19]92”. The Chamber received evidence referring to the building housing the Ključ SJB as the “SJB building”, the “SUP building”, and the “police station”. For clarity, the Chamber will use the term “SJB building” throughout this section to denote this building.

<sup>5306</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4789, 4795, 4945; Asim Egrić, T. 19985 (5 October 2011); KDZ192, T. 19493–19494 (27 September 2011) (closed session); D1737 (Official note of Ključ War Department, 16 February 1993), pp. 1–2. *See also* Adjudicated Fact 2440. The Chamber received evidence suggesting that Egrić was wounded during the attack on the JNA convoy discussed above. *See* para. 1509. D1748 (Official note of 2<sup>nd</sup> Krajina Corps Command, 11 July 1992), p. 3 (naming Egrić as one of the attackers); D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), paras. 6, 20. Egrić contested the veracity of the narrative contained in D1748, suggesting that the statements on which it was based were obtained from persons detained in Manjača who may have been under duress and that he had actually wounded himself by shooting himself in the foot. Asim Egrić, T. 19971–19974 (5 October 2011); Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4788–4789, 4795, 4945. Although the Chamber considers Egrić's account of his wounding implausible, the Chamber does not consider that Egrić's involvement in this event, if any, would have any impact on the credibility of his testimony regarding the treatment he received during his subsequent detention.

<sup>5307</sup> *See* Adjudicated Fact 933. The Accused acknowledges that the Ključ SJB building was staffed and operated by Bosnian Serb police, who, along with local civilians subjected detainees to beatings and verbal abuse. Defence Final Brief, para. 1523. *See also* Adjudicated Fact 932 (stating that the SJB building was located in the town of Ključ).

<sup>5308</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4795, 4945, 4949–4950; Asim Egrić, T. 19985 (5 October 2011) (stating that he was admitted to the Ključ hospital). *See also* Adjudicated Fact 2440; D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 6 (stating that Egrić was administered first aid at the Ključ Health Centre but transferred to Banja Luka for further treatment).

<sup>5309</sup> Asim Egrić, T. 19985 (5 October 2011). [REDACTED].

**attacks by the Muslim forces! So, these two Serb officials had nothing to do with the mistreatment of Egrlić!)** On the same day, Muhamed Filipović, a Bosnian Muslim member of the Ključ Municipal Assembly,<sup>5310</sup> was arrested by two Bosnian Serbs in military uniforms and taken to the SJB building, where he was subjected to beatings by Bosnian Serb soldiers.<sup>5311</sup> At the time, at least 22 other Bosnian Muslims were held at the SJB building.<sup>5312</sup> **(#Legal#! Had the arrested been suspected for a military attacks that happened a day earlier, the police had to detain them somewhere, and usually a small detention space is located at the police station! There must have been a high rage against those who initiated armed conflict after seven weeks of endeavours to preserve peace!)**

**1532.** Those arrested were beaten in a gauntlet at the steps of the entrance to the SJB building with feet, fists, batons, rifle-butts and chair legs, and were subjected to ethnic slurs.<sup>5313</sup> They were then beaten inside the SJB building, including during interrogations.<sup>5314</sup> The perpetrators of these beatings were Bosnian Serb police officers and local civilians.<sup>5315</sup> **(#No Karad'i}'s liability!#! Is the Chamber of an opinion that this President wanted, o ordered those local Serbs to beat those local Muslims? This was a civil war, the local Serbs and Muslims maintained the peace for seven weeks after the war erupted throughout the BiH. Then, the Muslims had been ordered by the SDA and the Muslim state organs to stop negotiating with the "agressors" and to start the war against the Serbs, see D3904, Halilovic!)**

1533. A prominent Bosnian Muslim was thrown down the stairs, and was carried into the SJB building unconscious, whilst another suffered a cut lip and broken ribs.<sup>5316</sup> As a result of the severity of the beatings, the former suffered a serious, lasting injury with continuing effects to date.<sup>5317</sup>

1534. [REDACTED].<sup>5318</sup> [REDACTED].<sup>5319</sup> [REDACTED].<sup>5320</sup> [REDACTED].<sup>5321</sup>  
[REDACTED].<sup>5322</sup> [REDACTED].<sup>5323</sup> [REDACTED].<sup>5324</sup> [REDACTED].<sup>5325</sup>  
[REDACTED].<sup>5326</sup>

1535. Other detainees, including Egrlić and Filipović, were later taken to the prison in Stara Gradiška and subsequently to Manjača.<sup>5327</sup>

**1536.** The Chamber finds that during the period between late May and late June 1992, members of Serb Forces detained Bosnian Muslim men at the Ključ SJB building and subjected them to

<sup>5310</sup> D1350 (Lists of Muslim people in Ključ, 10 June 1992), p. 2.

<sup>5311</sup> See Adjudicated Fact 2441.

<sup>5312</sup> See Adjudicated Fact 2441.

<sup>5313</sup> See Adjudicated Fact 935.

<sup>5314</sup> See Adjudicated Fact 937. Vinko Kondić and 'Todo' Gajić, a police investigator, participated in the interrogations at the SJB building. See Adjudicated Fact 934. **(So what? This was their obligation, to implement a legal procedure, because nobody should be detained without a deed!)**

<sup>5315</sup> Adjudicated Fact 937.

<sup>5316</sup> See Adjudicated Fact 936.

<sup>5317</sup> See Adjudicated Fact 936.

<sup>5318</sup> [REDACTED].

<sup>5319</sup> [REDACTED].

<sup>5320</sup> [REDACTED].

<sup>5321</sup> [REDACTED].

<sup>5322</sup> [REDACTED].

<sup>5323</sup> [REDACTED].

<sup>5324</sup> [REDACTED].

<sup>5325</sup> [REDACTED].

<sup>5326</sup> [REDACTED].

<sup>5327</sup> Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4795–4796 (stating that he was taken from the hospital via the SJB building and was beaten until unconscious and bloody while en route to the Stara Gradiška prison); Adjudicated Fact 2442.

ethnic slurs as well as beatings with fists, batons, rifle-butts and chair legs, which were sufficiently severe as to cause permanent injury. **(#Who started#! Who wanted the war? The Chamber should also find that there was seven weeks of peace and negotiations, and all of a sudden, those who were detained and mistreated caused a rebellion and killings of the Serb soldiers, policemen and civilians. And the Chamber should take into account that it was all among the local Muslims and Serbs, and that any irregularity that happened was #against all the President's orders#! Particularly should be noticed that the President didn't have any contact with this part of the country.**

c. Scheduled Detention Facility C.15.2

1537. The Indictment refers to the use of the Nikola Mačkić Elementary School as a detention facility at least between 1 May and July 1992.<sup>5328</sup>

1538. From 2 June 1992,<sup>5329</sup> approximately 300 Muslim men were detained and guarded by Bosnian Serb regular and reserve civilian police in the Nikola Mačkić Elementary School in Ključ.<sup>5330</sup> When the detainees arrived at the Nikola Mačkić Elementary School, they were forced to run through a gauntlet of Bosnian Serb civilians armed with cables, bats, clubs, and other objects, while being beaten, spat on, and verbally degraded.<sup>5331</sup> Before entering the gym, all detainees were searched by Bosnian Serbs, who seized the detainees' valuables and documents.<sup>5332</sup> Some detainees were also interrogated about whether they had weapons and whether they were combatants.<sup>5333</sup> **(#Deadly combination#! All founded on the Rule 92bis evidence and "adjudicated facts". A procedures for the arrested people were provided for in the law, all other possible deviant conduct couldn't be justified, but could be understood since it happened in the middle of an armed rebellion of the Muslim paramilitaries, with killings and sufferings! No evidence of the President's involvement! #No President liable#!)**

1539. Two Bosnian Serb police officers stood in the corridor, beating the detainees at random as they entered the gym, where approximately 100 civilian men of all ages were sitting on the floor with their hands behind their backs,<sup>5334</sup> facing the walls, which were stained with blood.<sup>5335</sup> **(#Combatants, not civilians#! Obviously, either 200 had been released after an interrogations, or there wasn't 300 of them. An exaggeration is so common in those statements and testimonies, so that any chamber should be cautious of it! And what is particularly dubious is the characterisation of the detained as civilians! On what basis? This was a civil war literally, civilians fought civilians, as General Abdel Razek testified. There was no a professional armies and uniforms!)** Some detainees were crying, while others were bleeding and injured from the beatings.<sup>5336</sup> Detainees were forced to extend the three fingers in the Serbian salute.<sup>5337</sup> One detainee was forced to lick his own blood off the floor after having

<sup>5328</sup> Indictment, Scheduled Detention Facility C.15.2. In Appendix B to the Prosecution Final Brief, however, the Prosecution only refers to the period "from 27 and during early Jun[e 19]92".

<sup>5329</sup> P3488 (Witness statement of Atif Džafić undated), paras. 87, 139; KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10353.

<sup>5330</sup> See Adjudicated Facts 2444, 938; Slobodan Jurišić, D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 25 (testifying that the school was guarded by civilian police). The Accused concedes that the Nikola Mačkić School was staffed by civilian police, who, along with Bosnian Serb civilians, took part in the beatings that occurred at the school. Defence Final Brief, para. 1524.

<sup>5331</sup> P3488 (Witness statement of Atif Džafić undated), para. 87; see Adjudicated Fact 939.

<sup>5332</sup> P3488 (Witness statement of Atif Džafić undated), para. 87.

<sup>5333</sup> KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10353.

<sup>5334</sup> P3488 (Witness statement of Atif Džafić undated), para. 88.

<sup>5335</sup> KDZ056, P686 (Transcript from *Prosecutor v. Brđanin*), T. 10354.

<sup>5336</sup> P3488 (Witness statement of Atif Džafić undated), para. 88.

<sup>5337</sup> Adjudicated Fact 943.



been beaten severely.<sup>5338</sup> Beatings took place both during and outside interrogations, including the beating of a boy who was 16 and still attending high school, despite the fact that his age was known to the interrogators.<sup>5339</sup>

**1540.** Former Bosnian Muslim police officers were the object of particularly severe physical abuse and humiliation.<sup>5340</sup> Atif Džafić was taken from the gym to a classroom,<sup>5341</sup> where he was interrogated by a Bosnian Serb police officer, Nedeljko Vasić.<sup>5342</sup> Džafić was then returned to the gym and “put on display” in the middle of the gym floor with his hands behind his back, where his former subordinates beat him.<sup>5343</sup> **(So, his “former subordinates” didn’t respect him at all, particularly after he abandoned his professional duties and initiated the armed crushes against his “former subordinates”, capturing and killing, among others, “his subordinate”, as a matter of fact, his deputy Dusan Stojakovic. #What the President has to do with it?#)** After one hour, Džafić was again taken to the corridor by two masked policemen wearing camouflage uniforms. These policemen beat him and took him for further interrogation by Duško Miličević, who was an inspector from the Banja Luka CSB and dressed in the uniform of a military captain, and another military captain. Miličević and the other military captain beat Džafić with desk legs, cables, and bats.<sup>5344</sup> The other military captain asked Džafić what Džafić knew about who had killed Dušan Stojaković and why Džafić had not signed the SJB loyalty oath.<sup>5345</sup> Džafić denied involvement in Stojaković’s death,<sup>5346</sup> but was given a piece of paper and asked to “write everything down” before being returned to the gym, where he was again placed in the middle of the floor.<sup>5347</sup> **(#Interrogation#! How serious suspicions were associated with this witness, can be seen from the fact that the military investigators came from Banja Luka to investigate and interrogate him!)**

**1541.** The municipal authorities were aware that Bosnian Muslims were beaten by Bosnian Serbs in the Nikola Mačkić School.<sup>5348</sup> **(#AF rebuted#! Adjudicated fact! Rebuted by the witness Jurisic, but seems to be in vain, as anything the Defence had done! Since the military investigators run the interrogations, and a rebellion was a military matter, the army had a priority, and no matter what the #“municipal authorities knew, they could do nothing!@).**

**1542.** The detainees were held at the Nikola Mačkić School until at least 7 p.m. on 2 June 1992 without being given any food or water.<sup>5349</sup> **(#Exaggerated#! So, the detainees had been brought**

<sup>5338</sup> P3488 (Witness statement of Atif Džafić undated), para. 94.

<sup>5339</sup> Adjudicated Fact 940.

<sup>5340</sup> Adjudicated Fact 941. Atif Džafić recognised two or three of his former police colleagues among the detainees in civilian clothes. P3488 (Witness statement of Atif Džafić undated), para. 88.

<sup>5341</sup> While en route to and from this classroom, Džafić was beaten with school desk legs and cables. P3488 (Witness statement of Atif Džafić undated), para. 88.

<sup>5342</sup> P3488 (Witness statement of Atif Džafić undated), para. 88.

<sup>5343</sup> P3488 (Witness statement of Atif Džafić undated), para. 88.

<sup>5344</sup> P3488 (Witness statement of Atif Džafić undated), para. 89. See also Adjudicated Fact 941. Miličević beat another Bosnian Muslim police officer, Atif Dedić. P3488 (Witness statement of Atif Džafić undated), para. 89. See also Adjudicated Fact 941.

<sup>5345</sup> P3488 (Witness statement of Atif Džafić undated), para. 91; Atif Džafić, T. 19741 (30 September 2011).

<sup>5346</sup> Džafić asserted that there was “no reason to arrest him”, but suggested that the interrogators might have thought that as police commander, he would have known more and therefore focused their investigations on him. Atif Džafić, T. 19743 (30 September 2011).

<sup>5347</sup> P3488 (Witness statement of Atif Džafić undated), paras. 91, 93, 94; Atif Džafić, T. 19741 (30 September 2011).

<sup>5348</sup> **Adjudicated Fact 944. Slobodan Jurišić testified that he did not know or hear that Muslims were being beaten at Nikola Mačkić School, nor was this discussed at the Crisis (to see a real meaning!!!** Staff. D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 26. Considering, however, that Jurišić was a member of the Crisis Staff, and that whether the Crisis Staff was informed of the beatings at the Nikola Mačkić’s school could bear on Jurišić’s responsibility in relation to those events, the Chamber shall not rely on Jurišić’s evidence on this point. The Chamber notes that the Accused relied on Jovo Kevac’s evidence to support his assertion that “all reported incidents of abuse were dealt with” by the Ključ authorities. Defence Final Brief, para. 1524. However, Kevac merely stated his belief that the Crisis Staff was not aware of the beatings, and even admitted a lack of knowledge in this regard. D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 33. The Chamber will therefore not rely on Kevac’s opinion. **(#Deadly combination#! If this criterion is taken without any selectivity, none of the Muslim witnesses, particularly those who took part in the fights, either as an organizers or combatants, shouldn’t be trusted at all. This “carnage” of the Defence witnesses is without a precedent.**

<sup>5349</sup> P3488 (Witness statement of Atif Džafić undated), para. 95; KDZ056, P686 (Transcript from *Prosecutor v. Brdanin*), T. 10354.

**in the School on 2 June 1992, see para 1538, and released the same day, “without being given any food or water”?!?)**

1543. On 5 June 1992, other detainees were transferred directly from the Nikola Mačkić School to Manjača.<sup>5350</sup> On approximately 7 June 1992, the detainees in Sitnica were also transferred to Manjača.<sup>5351</sup>

1544. The Chamber therefore finds that during the period between 2 and 5 June 1992, members of Serb Forces detained Bosnian Muslim men at the Nikola Mačkić School, and subjected them to severe beatings with such objects as cables, bats, and clubs, as well as verbal abuse and other forms of humiliation.

#### 1106. Killings after June 1992: Scheduled Incident A.7.3

1545. The Indictment refers to the killing of at least 144 people in Biljani on or about 10 July 1992.

1546. Around 6:15 a.m. on 10 July 1992, all men in Biljani between the ages of 18 and 60 were told to gather at a field near the village<sup>5352</sup> while the women and children were allowed to remain at home.<sup>5353</sup> Approximately 20 or 30 soldiers were visible on the elevations surrounding the village, which was consequently completely surrounded and cut off.<sup>5354</sup> Between 50 and 70 men arrived at the field, where they found Marko Samardžija, a captain in the reserve forces,<sup>5355</sup> waiting with Mladjo Tesić and ten other soldiers.<sup>5356</sup> The soldiers ordered the men to line up so they could be questioned.<sup>5357</sup> The Bosnian Muslim men remained there for approximately one hour while the village was being searched; **What was the result of the search?** they were then marched in a column to the Biljani Primary School, approximately one kilometre away.<sup>5358</sup>

1547. When the men arrived at the Biljani Primary School, a van was parked under a tree with about ten military policemen from Ključ wearing white belts.<sup>5359</sup> Many soldiers stood around the school and approximately ten were in front of a shop, guarding women and children brought from

<sup>5350</sup> See Adjudicated Fact 2445.

<sup>5351</sup> P3488 (Witness statement of Atif Džafić undated), para. 95; KDZ056, P686 (Transcript from *Prosecutor v. Brdanin*), T. 10354. See also para. 1382.

<sup>5352</sup> The village of Biljani is located north-west of the town of Ključ between Krasulje and Sanica, and contained the hamlets of Brkići, Džaferagići, Botonići and Jakubovac, which were almost exclusively inhabited by Bosnian Muslims. P3365 (Map of area around Biljani); Adjudicated Fact 929. See also P3488 (Witness statement of Atif Džafić undated), para. 140; KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4954 (commenting on P3365); KDZ075, T. 19033 (16 September 2011).

<sup>5353</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4965–4966.

<sup>5354</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4966.

<sup>5355</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4967–4968. KDZ075 knew Samardžija because he had been KDZ075’s primary school teacher in Biljani. KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4967.

<sup>5356</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4966.

<sup>5357</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4966–4967. The soldiers told them not to be afraid, that nothing would happen to them, that they had a list of people who should be questioned, while those who were not on the list would be “sent back”. KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4966.

<sup>5358</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4966. See also P3360 (List of detainees from Biljani). The Chamber shall not rely on Rajko Kalabić’s testimony that those detained at Biljani were not detained on account of their ethnicity or age, but because they were suspected of being members of paramilitary forces or of possessing illegal weapons, as Kalabić later denied knowing anything about the incident in Biljani, and ultimately admitted that he had previously testified that he had heard that a “massacre” had occurred there on 10 July 1992. D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 19; Rajko Kalabić, T. 44588–44589 (5 December 2013). See also P3488 (Witness statement of Atif Džafić undated), para. 141 (noting that he had talked to Bosnian Muslim survivors of the Biljani incident and that they were all civilians). **(#Combatants, not civilians#! The Chamber did not understand the domestic circumstances. What does it mean “they were civilians”? As if civilians couldn’t fight and kill! At least to the end of 1992 more that 80% of the Muslim combatants fought in a civilian cloats!)**

<sup>5359</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4967, 4968; KDZ075, T. 19017 (16 September 2011). See also P3366 (Official note of Ključ SJB, 10 July 1992); KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4969 (testifying that this was consistent with what he saw in the Biljani school gym). See also Adjudicated Facts 930, 939; P3488 (Witness statement of Atif Džafić undated), para. 140; Atif Džafić, T. 19740 (30 September 2011) (testifying that he later learned that Bosnian Serb military and civilian police had attacked Biljani on the morning of 10 July and had rounded up the entire village population and taken them to the elementary school).

another hamlet.<sup>5360</sup> Samardžija greeted Mile Tomić, a police commander in Sanica,<sup>5361</sup> and his deputy, Mihić, along with several other men before the detained men were told to enter the school.<sup>5362</sup> Soldiers were arriving from all directions, bringing people from the seven or eight hamlets in the village.<sup>5363</sup>

1548. Between 120 and 150 men were confined in two classrooms inside the Biljani Primary School.<sup>5364</sup> Before entering the classrooms, the group of men from KDZ075's hamlet, were made to empty their pockets and their documents in the corridor.<sup>5365</sup> Mihić and another reserve policeman spent approximately 45 minutes writing down the detainees' names before leaving the classroom.<sup>5366</sup>

1549. After 20 to 30 minutes, Mihić returned and began to call out ten names, and one by one, the men left the classroom and the detainees heard a burst of fire each time.<sup>5367</sup> **(#“Heard, not seen#”! already a stereotype!)** After another five or ten minutes, the men began to be called out in groups of five.<sup>5368</sup> When the first group exited, the shooting and screams of men outside intensified.<sup>5369</sup> The policemen guarding the detainees told them that the Green Berets were attacking and that the guards would drive them away.<sup>5370</sup> When one detainee remarked that they were all going to be killed, panic ensued.<sup>5371</sup> A soldier told the men to calm down and that they would all “be going”, but that the elderly men should gather on one side of the classroom because only the younger men would be travelling.<sup>5372</sup> **(#Deadly combination#! ALL THE 92bis AND ADJUDICATED FACTS!!!)**

1550. After leaving the classroom, the groups of five detainees were lined up in the corridor and let out of the building one by one.<sup>5373</sup> Some were beaten while passing through a line of 20 to 30 Bosnian Serb soldiers on the way to two buses parked near the school,<sup>5374</sup> while others were taken

<sup>5360</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4968.

<sup>5361</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4967 (testifying that he knew Tomić personally).

<sup>5362</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4967–4968.

<sup>5363</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4968. When shown P3367, an order of Ključ Military Post dated 9 July 1992 which described the assignment of the 2<sup>nd</sup> Battalion of the 17<sup>th</sup> Light Infantry Brigade, a reconnaissance platoon, a military police squad, and a police platoon to block, search, and mop up the Donji Biljani, Domazeti, Botonjići, Jabukovac, Osmanovići, and Brkići sectors on 10 July 1992, KDZ075 confirmed that this was consistent with what transpired on 10 July 1992, as various different units had brought the residents of Botonjići, Jabukovac Polje, and Domezeti to the school. KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4971 (commenting on P3367).

<sup>5364</sup> See Adjudicated Fact 930.

<sup>5365</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4968.

<sup>5366</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4969, 4972; KDZ075, T. 19019 (16 September 2011) (private session); P3361 (List of 76 persons). See also KDZ075, T. 19018 (16 September 2011).

<sup>5367</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4972; KDZ075, T. 19069 (19 September 2011). When KDZ075's relative was called out but tried to return for his jacket, which he had forgotten, a policeman told the relative to leave the jacket because he would not need it anymore. KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4972–4973; KDZ075, P3358 (Transcript from *Prosecutor v. Krajišnik*), T. 4979–4980 (under seal). After KDZ075's relative left, the men remaining in the gym heard a burst of fire. **(#DISTORTION#! THE DETAINEES HAD BEEN TOLD THAT THE GREEN BERETS WERE ATTACKING. HOW MANY REASONS COULD BE LISTED FOR “A BURTS OF FIRE” IN A CIVIL WAR? THE LAST WOULD BE AN EXECUTION!)** KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973; KDZ075, P3358 (Transcript from *Prosecutor v. Krajišnik*), T. 4979–4980 (under seal). [REDACTED]. See also P3362 (List of persons detained in Biljani Elementary School); KDZ075, T. 19025–19026 (16 September 2011) (private session).

<sup>5368</sup> Adjudicated Fact 930; KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973.

<sup>5369</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973.

<sup>5370</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973. The detainees did not believe this because “not a single bullet was fired from [the Bosnian Muslim] side in Biljani” and because most of the Bosnian Muslim men had already been brought to the school building. KDZ075, T. 19023 (16 September 2011). See also KDZ075, T. 19054–19055, 19057–19058 (private session) (19 September 2011); T. 19067–19068 (19 September 2011) (asserting that Bosnian Muslims had been surrendered, that there were no Bosnian Muslim soldiers in Biljani in 1992, and that there was no combat in Biljani in 1992). The detainees only later realised that the individuals who were being taken out were being killed. KDZ075, T. 19023 (16 September 2011).

<sup>5371</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973.

<sup>5372</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973–4975.

<sup>5373</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4974.

<sup>5374</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973–4974. Dragan Cvijić, a special purpose policeman, was standing at the bottom of the steps, and kicked KDZ075 in the stomach as the latter passed by. KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4974. Once on board the bus, KDZ075 heard soldiers say, in relations to detainees who fell down while en route to the bus, “take him away. This man is good for nothing. Kill him.” KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4975. KDZ075 also recalled a specific instance when “another man came along who worked in Ključ, and he said ‘give this one to me. This one is not getting on the bus.’” KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4975.

away to the road below.<sup>5375</sup> Detainees continued to be loaded onto the buses until they were packed with approximately 70 people.<sup>5376</sup> When the buses were full, the detainees who had not yet boarded the buses were shot.<sup>5377</sup> **(A #dubious and uncorroborated#!)**

1551. As the bus departed, four men were taken off the bus and killed.<sup>5378</sup> After the bus had gone approximately 100 metres, an additional five men, including KDZ075, Fikret Balagić, Alija Avdić, Besim Avdić, and a man whose first name was Rufad were also removed from the bus by military policemen wearing camouflage uniforms and white belts.<sup>5379</sup>

1552. The men were led to a ditch behind a house, where KDZ075 saw the other men who had been taken off the bus earlier lying dead.<sup>5380</sup> When KDZ075 and two of the men with him tried to escape, the soldiers called after them, “stop, fuck your balija mothers!”<sup>5381</sup> KDZ075 heard a burst of fire, and one of the men fell to the ground with “two or three huge holes in his back”.<sup>5382</sup> When a soldier indicated that a third man was still alive, another soldier fired a burst of fire at the third man.<sup>5383</sup> Soldiers from the bus yelled at the shooters to hurry up, but the shooters waited for the men to stop breathing before eventually running back to the buses.<sup>5384</sup>

1. After the bus left, KDZ075 fled and hid in the cornfields nearby.<sup>5385</sup> From there, he could hear trucks and bulldozers coming to collect the bodies and houses being set on fire.<sup>5386</sup> The collection of bodies continued into the night of 10 July 1992.<sup>5387</sup>
2. The bodies of 184 Bosnian Muslims, most of whom had been shot in the head, were exhumed from graves associated with the events at Biljani Primary School on 10 July 1992.<sup>5388</sup> The bodies of 15 additional Bosnian Muslims, the majority of whom bore signs of fatal gunshot wounds to the head,

<sup>5375</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4973–4974.

<sup>5376</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4975; KDZ075, T. 19058 (private session) (19 September 2011).

<sup>5377</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4975; KDZ075, T. 19069 (19 September 2011) (recalling that one man who appeared to be in charge yelled ‘we don’t need the rest of them, kill them all’).

<sup>5378</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4975–4976; KDZ075, T. 19064 (19 September 2011).

<sup>5379</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4976, 4984; KDZ075, T. 19060 (19 September 2011).

<sup>5380</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4976.

<sup>5381</sup> KDZ075, T. 19061–19062 (19 September 2011); KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4977.

<sup>5382</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4977; KDZ075, T. 19062 (19 September 2011).

<sup>5383</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4977.

<sup>5384</sup> KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4977. *See also* KDZ075, T. 19063 (19 September 2011). The Chamber notes that while Jovo Kevac attributed responsibility for these killings to criminal groups that “broke free of control and burst into the area at some point”, he could not definitively state that such groups had been present at Biljani school. Jovo Kevac, T. 46230–46231 (30 January 2014). Kevac also suggested that the perpetrators had been apprehended and proceedings conducted against them, but could not recall any names or produce documents associated with the alleged investigation. D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 9; Jovo Kevac, T. 46233, 46235 (30 January 2014).

**(#Deadly combination#! Why a Defence witness should be expected to submit any document? The OTP was obliged to obtain every single evidence, including these pertaining to a legal procedure against any perpetrator whose misdeeds are charged against this Accused. Since the witness wasn’t trusted, is the Defence now entitled to obtain a possible document that he couldn’t submit?)**

<sup>5385</sup> KDZ075, T. 19025 (16 September 2011). After the shooting, KDZ075 lay where he had fallen for approximately 1.5 hours, after which he fled to the woods and then to a cornfield nearby. KDZ075, T. 19025 (16 September 2011); KDZ075, T. 19065 (19 September 2011).

<sup>5386</sup> KDZ075, T. 19025, 19034 (16 September 2011).

<sup>5387</sup> KDZ075, T. 19035 (16 September 2011).

<sup>5388</sup> KDZ075 testified that P3361 and P3362 contained the names of persons detained in the classroom with him at the Biljani primary school. KDZ075, T. 19019–19020, 19026 (16 September 2011); P3361 (List of 76 persons); P3362 (List of persons detained in Biljani Elementary School). The bodies of the vast majority of the persons listed in P3361 and P3362 were exhumed from the Lanište I and Crvena Zemlja mass graves in 1996. P3363 (Report on Lanište I mass grave, 3 October 1996) (containing the autopsies of persons listed in P3361 and P3362); P4879 (Ključ Court record of Crvena Zemlja II exhumation, 4–15 November 1996) (containing the autopsies of persons listed in P3361 and P3362); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 8–13; P6690 (Addendum to Nicolas Sébire’s report, 16 May 2003), pp. 84, 90–93. *See also* P4878 (List of mass graves and bodies exhumed in Ključ Municipality, 1996), pp. 2–5 (containing a partial list of persons exhumed from Lanište I); P3637 (Report of BiH Federal Ministry of the Interior, 22 October 1996), pp. 9–10 (containing a partial list of persons exhumed from Lanište I); Adjudicated Fact 930; P3488 (Witness statement of Atif Džafić undated), para. 140.

**(WHAT WOULD PREVENT THE MUSLIM SERVICES TO PREPARE THE WITNESSES AND TO OBTAIN TO THEM A LIST WITH THE EXHUMED COMBATANTS TO BE PUT ON A LIST OF THEIR “REMEMBRANCE” AS A DETAINED? IN THE BALKANS JUDICIAL SYSTEM AN INVESTIGATING JUDGE WOULD CLARIFY THAT IN A PRE-TRIAL PHASE!)**



were exhumed from graves located in and around Biljani and were identified as containing the remains of persons killed by Serb Forces on or around 10 July 1992.<sup>5389</sup>

3. The Chamber therefore finds that 199 Bosnian Muslims were killed by Serb Forces on or around 10 July 1992 in Biljani. **(#Combatants, civilians#! None of them combatants, none of them combat casualties???)**

(1) Scheduled Incident D.13

4. The Indictment refers to the destruction of eight mosques and a Catholic church between at least May and August 1992.<sup>5390</sup>

1557. Eight mosques in Ključ municipality were destroyed during the period between May 1992 and August 1992.<sup>5391</sup> With regard to the destruction of specific sites and the identities of those responsible, the Chamber received evidence indicating that the Velagići-Pudin Han mosque was blown up by Serb Forces during the attack on Pudín Han on 28 May 1992,<sup>5392</sup> and that the Biljani Mosque was set on fire in the morning of 10 July 1992 when the village was attacked by Serb Forces.<sup>5393</sup> **(#Armed stronghold#! The Chamber trusted the KDZ075, Dzafic and others when stated that there was no soldiers in Biljani, but there wouldn't be any attack had that been so. Biljani was a stronghold as any other numerous Muslim settlement!)** The Ključ mosque was blown up at approximately 3:05 a.m. on 30 July 1992.<sup>5394</sup> According to a report issued the following day, although the perpetrators were unknown, an investigation was underway to uncover their identities.<sup>5395</sup> The Chamber also took judicial notice of the fact that following the Crisis Staff's order, at least four Muslim monuments in Ključ municipality, including the Atik mosque in the town of Ključ, were either completely destroyed or heavily damaged by fire and explosives set by Serb Forces during 1992.<sup>5396</sup> **(If the state organs undertook an investigating process, what the President has to do with it, since there was no evidence that he was against this process, and was strongly opposed to this kind of conduct.)**

1558. In light of the evidence described above and noting the pattern of destruction of the mosques in Ključ municipality, particularly the temporal proximity of the destruction of the Velagići-Pudin Han Mosque and the Biljani Mosque to the attacks by Serb Forces on those villages,<sup>5397</sup> the Chamber finds that eight mosques in Ključ municipality were destroyed by Serb Forces between May and August 1992. **(#Ad absurdum#! This is only another absurd, that this President may be liable for what was happening in the civil war, one of many in the course of time. It was well known that the President condemned any such felony, and ordered the**

<sup>5389</sup> P4877 (Ključ Court record in relation to Biljani exhumation, 14 October 1996); P4878 (List of mass graves and bodies exhumed in Ključ Municipality, 1996), pp. 6–7; P4853 (Updated Table 2 to the Report of Amor Mašović), p. 13; P6690 (Addendum to Nicolas Sébire's report, 16 May 2003), pp. 84–89.

<sup>5390</sup> The religious sites identified in Scheduled Incident D.13 are the Ključ Town mosque, Biljani–Džaferagići mosque, Pudín Han–Velagići mosque, Donji Budelj mosque, Humići mosque, Krasulje mosque, Sanica mosque, Tičevići mosque, and the Town Catholic church. *See also* Prosecution Pre-Trial Brief, Confidential Appendix A, p. 32 (asserting that Pudín Han mosque and Velagići mosque are one and the same). The Chamber has treated them accordingly.

<sup>5391</sup> P4070 (Attachment to the expert report of András Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 149–172 (including photographic evidence of destruction). *See also* KDZ075, T. 19025 (16 September 2011) (recalling that he observed an attempt to blow up a mosque in late July or early August). According to Riedlmayer's report, the Catholic church in Ključ was destroyed in January or February 1993. P4070 (Attachment to the expert report of András Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 173–175. The destruction of the church thus falls outside the time period specified in Scheduled Incident D.13.

<sup>5392</sup> *See* Adjudicated Fact 2451. *See also* KDZ024, P713 (Transcript from *Prosecutor v. Brđanin*), T. 9117 (under seal).

<sup>5393</sup> *See* Adjudicated Fact 952. The Chamber notes that Slobodan Jurišić testified that the municipal authorities' position was to “do everything to preserve these buildings”, and suggested that the fact that the explosives were set “unprofessionally” suggested that they were perpetrated by “riotous groups”. Slobodan Jurišić, T. 47113, 47117 (14 February 2014).

<sup>5394</sup> D1735 (Investigation report of Ključ Lower Court, 30 July 1992); D1736 (Journalist report regarding Ključ SJB, undated), p. 1. *See also* Adjudicated Fact 951.

<sup>5395</sup> KDZ192, T. 19507–19508 (27 September 2011) (closed session); D1736 (Journalist report regarding Ključ SJB, undated), pp. 1–2.

<sup>5396</sup> *See* Adjudicated Fact 2450.

<sup>5397</sup> Asim Egrić testified that the Bosnian Serb assertion that “extremists” were located in mosques was merely a pretext. Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4820; P3450 (Video footage of TV Banja Luka depicting events in Ključ), at 00:07:02–00:07:25.

investigation, and never changed this attitude. Also, there was a regular feature that the Muslim combatants used mosques as a sniper nests or for other military purposes. The Chamber never established which of the mosques had been damaged without a #military necessity#!)

(1) Movement of the population from Ključ

**1559.** At a meeting on 20 May 1992, the ARK Crisis Staff adopted several conclusions which were later endorsed in Ključ,<sup>5398</sup> including that there was “no reason for the population of any nationality to move out of the territory of the [ARK]”.<sup>5399</sup> **(#EXCULPATORY!!!#)** However, one week later, the Ključ Crisis Staff established an Agency for the Reception and Removal of Refugees, **(That was a two way process, “reception and departure”, meant that there was a #fluctuation of population!#)** adopted a Decision on the Organisation of Departure from the Area of the Municipality, and decided that the National Defence Council would be responsible for organising departures from the municipality.<sup>5400</sup> Over the next several days, during its meetings, the Ključ Crisis Staff considered the resettlement of the Bosnian Muslim population.<sup>5401</sup> **(#Superiors rectify#! The P03431 is an excellent evidence of the authority’s endeavour to rectify all illegal matters that may happen in the municipality. Let us see: 2 June meeting:**

- Intensify propaganda to make the public aware of the necessity for caution because of the outlaws who have not been caught yet.
- There have been requests for the resettlement of a certain number of people from Krasulje.
- The population is against paramilitary formations.

Certain individuals who have nothing to do with the armed forces of the Serbian Republic of BH have behaved badly.

Conclusions:

- Movement in villages, random taking of people into custody or mistreatment of innocent civilians are forbidden.
- House searches must be done in an organised manner.
- Those who take unauthorised action are subject to severe punishment. They will be put on trial, sentenced and sent to prison.

**Now, let us see what had been an attitude of the municipal authorities next day:**

1. Food rationing AD1 - The distribution of food is put under control.

**Just for the allegations that the POWs didn’t receive enough food. Nobody received sufficient food. But, let us see the agenda pertaining to the movement of the population:**

- AD4 - Reporting on the situation at the front;  
Free movement allowed.
- Uniform reporting;
  - The situation in Sanica;
  - The protection of Moslem villages;

**This wasn’t aimed to the public, but had been the directives to the municipal services and departments. It is visible that the authorities had been aware of a problems, but neither the authorities ordered and managed this irregularities, nor remained blind! #Responsible conduct of officials#!)**

<sup>5398</sup> [REDACTED].

<sup>5399</sup> D1309 (Conclusions of the ARK Crisis Staff, 20 May 1992).

<sup>5400</sup> P2606 (Minutes from sessions of Ključ’s Crisis Staff, 27 May-10 July 1992), p. 3 (*inter alia* prohibiting the return of families who departed “without appropriate reasons”); Adjudicated Fact 2452.

<sup>5401</sup> [REDACTED]; P2606 (Minutes from sessions of Ključ’s Crisis Staff, 27 May-10 July 1992), p. 10 (recording “the question of the removal of the population” as an agenda item on 3 June); [REDACTED]. See also D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 12.

1560. On the morning of 29 May, the Ključ Defence Command and Crisis Staff jointly issued an order for “all citizens of Muslim ethnicity, women, children, and men loyal to the Serbian Republic of Bosnia and Herzegovina” to gather at various points in Ključ, including the football grounds in Ključ, the Social Centre in Šehići, the factory grounds in Hanlovsko Vrelo, and the ŠIPAD warehouse in Ključ, by 11 a.m. that day.<sup>5402</sup> **(#Who started#! The Chamber didn’t explicate what was it’s position towards this document (P3473), but it should be noticed that it was issued two days after the start of the attacks of the Muslim forces on Kljuc, 27 may.**

1561. The Ključ War Presidency adopted a decision pursuant to which “all citizens”, regardless of ethnicity, would be allowed to leave the municipality if they gave a statement to the relevant organ that they wished to do so.<sup>5403</sup> People who wished to move out of the municipality were required to obtain permission to do so from the municipal authorities.<sup>5404</sup> **(#Obstacles to leave#! From this so far it is clear that it was a voluntary, since on the side of a person wanting to leave there was an obligation to do some moves in order to be allowed to leave!)** Anyone who wished to leave was required to state that their departure was voluntary as well as permanent.<sup>5405</sup> **(#No permanent removal possible#! A “permanent” was illegal, and the President had already issued his decision that the refugees and abandoned property are temporary issues!)** Moreover, those who owned real property were required to make a declaration renouncing that property by either exchanging it or placing it at the disposal of the municipality.<sup>5406</sup> **(#Legal and obligatory#! To put this aspect in the Judgment of this President is senseless. First, in a war conditions any municipality authorities were entitled to mobilize and require any property needed for the defence. Second, this President, once after learning about this kind of provisions of the local authorities had issued an order forbidding this kind of provisions and announcing all such a documents null and void, see: D101**

**3. Forcible resettlement and other illegal measures against the civilian population should be prevented, and any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void;**

**his Order of the President of 19 August 1992 was carried out, and never and nowhere happened that somebody lost his #property#, or was #forbidden to return#!)** For at least a month, such housing was reassigned to Bosnian Serb refugees.<sup>5407</sup> While these declarations were ostensibly made voluntarily, Asim Egrić testified that they were made under duress and that the people decided to relinquish their property in order to save their lives, irrespective of the words contained therein.<sup>5408</sup> **(#Ad absurdum#! That could have been the refugee’s assumption, but**

<sup>5402</sup> P3473 (Order of Ključ Defence Command and Crisis Staff, 29 May 1992); [REDACTED].

<sup>5403</sup> P3472 (Report re Ključ War Presidency, undated). In accordance with the decision of the ARK Crisis Staff on 29 May, departure would be permanent. See P3461 (Conclusions of ARK Crisis Staff, 29 May 1992).

<sup>5404</sup> KDZ075, T. 19047–19048 (19 September 2011); P3462 (Decision of Ključ War Presidency, 30 July 1992) (permitting persons who had given a statement to the Commission for Collecting Data on Moving Away to leave the territory voluntarily and permanently); P3472 (Report re Ključ War Presidency, undated). See also Adjudicated Facts 953, 954, 2452; Slobodan Jurišić, T. 47095 (14 February 2014). For an example of such a statement, see e.g. P3463 (Record of the Commission for Gathering Information Relating to the Departure of Population from Ključ, 31 July 1992). The Chamber notes that although in their statements, Marko Adamović and Rajko Kalabić denied that permits were required in order to leave the municipality, see D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 15 (suggesting that people were not required to obtain permits); D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 23 (denying that any permits were required in order to leave the municipality), the Accused conceded that those leaving were required to make statements. Defence Final Brief, para. 1514.

<sup>5405</sup> P3462 (Decision of Ključ War Presidency, 30 July 1992); P3573 (Record of declaration of individuals leaving Ključ, 10 August 1992), pp. 2–10; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4766; Asim Egrić, T. 19933–19935 (5 October 2011). See also Adjudicated Fact 2453.

<sup>5406</sup> P3462 (Decision of Ključ War Presidency, 30 July 1992), p. 1; P3472 (Report re Ključ War Presidency, undated); [REDACTED]. See e.g. P3573 (Record of declaration of individuals leaving Ključ, 10 August 1992), pp. 2–10; Asim Egrić, P6586 (Transcript from *Prosecutor v. Krajišnik*), T. 4766; Asim Egrić, T. 19933–19935 (5 October 2011). But see Slobodan Jurišić, T. 47095–47098 (14 February 2014); D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), paras. 18, 43 (denying that people were required to sign such documents).

<sup>5407</sup> [REDACTED]; P3472 (Report re Ključ War Presidency, undated). But see P3463 (Record of the Commission for Gathering Information Relating to the Departure of Population from Ključ, 31 July 1992) (which does not mention the abandonment of property to the municipality); [REDACTED]. See further P3453 (Decision of Ključ War Presidency, 13 July 1992) (deciding to “stop further flat allotment on any basis until criteria for allotment at the regional level [could be] created”).

<sup>5408</sup> Asim Egrić, T. 19925, 19930 (5 October 2011) (commenting on P3573); P3573 (Record of declaration of individuals leaving Ključ, 10 August 1992). Egrić further explained that despite what was stated on such declarations, in practice, property was forcefully confiscated before being disposed of by the administrative organ of Bosnian Serb Ključ municipality. Asim Egrić, T. 19933 (5 October 2011).

**there was no any threat no matter what Egrlic said, the provision wasn't effective, ever or anywhere. Full stop.** In accordance with the ARK decision of 4 August 1992, individuals leaving the ARK could take with them no more than 300 German marks.<sup>5409</sup> **(Lawful#! It had already been proven (in the case of Vlasenica) that there was a federal limitation for carrying a cash, while the legally possessed money issued with the banking documentation was not limited. This practice is usual in many countries, in peace as well as in war.**

**1562.** The Accused contends that the renunciations and reassignments only pertained to temporary use, and not to ownership of such property.<sup>5410</sup> **(That was corroborated by a several orders of the President, as well as by the practice!)** The Chamber received evidence that the municipal authorities did not pass any decision which would have collectively converted abandoned properties into state property, and that no changes were made to the land registry books such as would indicate a permanent change in property ownership.<sup>5411</sup> However, the Chamber notes that on 19 June, the ARK Crisis Staff took a decision that all "abandoned" property would be proclaimed property of the state and placed at the disposal of the municipal assemblies.<sup>5412</sup> The Chamber is therefore satisfied that such real property was effectively seized by the Bosnian Serb Political and Governmental Organs on a permanent basis. **This is completely wrong inference! "A presumption of guilt."** To have some property "at the disposal of the municipal assemblies" was regulated by the domestic laws pertaining to the National defence, even if an owner was not in refuge, and this never pertained to any owner's rights. Any abandoned property had to be maintained and given to use to the municipal authorities, which could give it further on a strictly temporary basis, and with the obligations to maintain it and return it in the same state. But, no matter what the ARK institution issued, the D101 annulled all of it on 19 August 92.

**1563.** Mass departures began to take place as of 1 June 1992.<sup>5413</sup> **(#Context#! To put this into a context, just note that it happened more than eight weeks after the war started (in Bijeljina, B. Brod, Kupres and seven weeks after the war broke out in Sarajevo) but the civil peace couldn't survive the Muslim attacks commencing 27 May. Without the context it looks different, but the context is crucial. Why it didn't happen before the Muslim rebellion on 27 May? Because the Serbs didn't intend to wage a war, and in particular, didn't intend to expel anyone, or in any way spoil the lawful order. It is of a crucial importance to always have in mind that at the end of the war there were many Muslims in every single Serbian settlement where they have lived prior to the war. The difference between those who remained to live in the Serb surrounding and those who left is important, and didn't concern the Serbs, but those who wanted to leave.** On 4 June, the President of the Ključ Crisis Staff made a statement indicating that all citizens who wished to leave Ključ permanently would be allowed to do so in an organised manner, assisted by international humanitarian organisations and the competent organs of the Ključ Municipal Assembly.<sup>5414</sup> Those who wished to leave were to report to the Civilian Protection Department of the Municipal Assembly or to the local committees in local communes.<sup>5415</sup> **(#Obstacles to leave#! The authorities only facilitated leaving, but those who didn't want, didn't have to report and apply, therefore, they hadn't been expelled by the authorities, but by the events of the civil war. And every family which had their members in the Muslim Army have rather chosen to leave to the Muslim controlled territory!)**

<sup>5409</sup> Adjudicated Fact 2454.

<sup>5410</sup> Defence Final Brief, confidential, para. 1514.

<sup>5411</sup> [REDACTED]; Slobodan Jurišić, T. 47127 (14 February 2014).

<sup>5412</sup> P3451 (Decisions of the ARK Crisis Staff, June 1992), p. 13; [REDACTED]. See also Asim Egrić, T. 19930–19931, 19935 (5 October 2011) (conceding that such declarations pertained to use and that no property ownership changes were effected but equating the declarations coupled with departure as permanent relinquishment under the circumstances).

<sup>5413</sup> Asim Egrić, T. 20000 (5 October 2011).

<sup>5414</sup> P3448 (Statement of Ključ Crisis Staff, 4 June 1992). See also D4169 (Witness statement of Rajko Kalabić dated 1 December 2013), para. 22; D4363 (Witness statement of Slobodan Jurišić dated 8 February 2014), para. 18.

<sup>5415</sup> P3448 (Statement of Ključ Crisis Staff, 4 June 1992).



1564. A number of convoys of Bosnian Muslims and Bosnian Croats were first organised by the police prior to a convoy of approximately 1,000 people, the majority of whom included Bosnian Muslim women and children, leaving Ključ for Travnik in late July 1992.<sup>5416</sup> Very few able-bodied men left in this convoy.<sup>5417</sup>

1565. On 11 September 1992, approximately 500 Bosnian Muslims were transported to Travnik.<sup>5418</sup> At least two other Travnik-bound convoys left in September, including one in which an over-crowded convoy transported 1,000 Bosnian Muslims and Bosnian Croats, whose names were called prior to their boarding from a list of people who had paid a fare.<sup>5419</sup> At a meeting in September 1992, Jovo Banjac informed Mladić that only 5,000 Bosnian Muslims remained in Ključ as of the date of their meeting, and that another 1,500 left on the same day.<sup>5420</sup>

**(#Voluntary leave#! This is another proof of the voluntary nature of leaving. So, having in mind that some of the Muslims had every opportunity to stay, or leave in an organised and satisfactory manner, and some had suffered arrests, detentions, mistreating and even killing, brings us to the question: what was a difference between the two groups? The later was composed of the people that participated in the hostile acts, while the Muslims who didn't, didn't have problems!)**

1566. Approximately 2,500 Bosnian Muslims and Bosnian Croats, the majority of whom were women, children and elderly, were also transported from Ključ towards Travnik on 1 October 1992.<sup>5421</sup> Bosnian Serb local police and the Bosnian Serb army were at the departure point with a list of those who had paid what was asked of them and signed over their property.<sup>5422</sup> Bosnian Serbs escorted the convoy to a location 25 kilometres away from Travnik, whereupon they demanded money and valuables from the passengers, who then walked to Travnik.<sup>5423</sup>

1567. Numerous Defence witnesses testified that many Bosnian Muslims remained in the municipality throughout the war.<sup>5416</sup> However, other evidence indicates that between May 1992 and January 1993, 4,154 of the 4,200 residents of Sanica, 3,429 of the 3,649 residents of Velagići, 2,655 of the 2,815 residents of Peći, 1,250 of the 1,732 residents of Humići, all of the 778 residents of Sokolovo, and all 24 residents of Gornji Ribnik left Ključ municipality.<sup>5417</sup> **(All of those remote settlements were a real #armed strongholds# of the Muslim secret army, which started conflicts in the surroundings, and that is why the population felt insecure!)** By 1995, only about 1,200 of Ključ's original 17,000 Bosnian Muslims remained.<sup>5418</sup>

**1568.** Having considered the totality of the evidence and assessed the circumstances in which departures occurred, the Chamber finds that Bosnian Muslims and Bosnian Croats were forced to leave Ključ. **(#Ad absurdum#! By whom? Why the Muslims wanting to leave made meetings and a waiting lists, and payed a fee for transport? If they had been forced by circumstances, #no liability of the Serb officials#, if it was "somebody" , the Chamber should have addressed the responsibility, who or what forced them. If they had been forced by the events and the war, that is one thing, and if the authorities were responsible, it had to be proven, which was not!)**

<sup>5416</sup> D4165 (Witness statement of Marko Adamović dated 1 December 2013), para. 6; Marko Adamović, T. 44491 (4 December 2013) (referring to 3,500 Bosnian Muslims who remained and stating that only those who were "arrested, disarmed, and responsible for some offences" were expelled); D4268 (Witness statement of Jovo Kevac dated 25 January 2014), para. 13 (stating that "a number" of Bosnian Muslims remained in Ključ during 1992 and 1993 and were not mistreated and that some voluntarily joined the VRS and the police); Slobodan Jurišić, T. 47101–47102 (14 February 2014) (testifying that some "particularly prominent" Bosnian Muslims remained in Ključ throughout the war and even into 1995). See also KDZ192, T. 19498 (27 September 2011) (closed session).

<sup>5417</sup> D1738 (Report of the Assistant Commander for Civilian Affairs of the Military Post 7286, 16 February 1993), pp. 4–5. See also KDZ075, P3359 (Transcript from *Prosecutor v. Krajišnik*), T. 4984–4985; Adjudicated Fact 2457; para. 1489.

<sup>5418</sup> P5449 (Report of the MUP, Banja Luka RDB, February 1995), pp. 12–13. See also P10 (Report of the MUP, Banja Luka SNB, May 1993); P1481 (Ratko Mladić's notebook, 5 October–27 December 1992), pp. 123–124.

## (A) Prijedor

(1) Charges

1569. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Prijedor as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>5419</sup> Under Count 1, the Prosecution further alleges that in certain municipalities, including Prijedor, this persecutory campaign included or escalated to include conduct that manifested an intent to destroy in part the national, ethnical and/or religious groups of Bosnian Muslims and/or Bosnian Croats as such.<sup>5420</sup>

1570. Acts alleged to have been committed in Prijedor by Serb Forces and Bosnian Serb Political and Governmental Organs include killings during and after the take-over;<sup>5421</sup> killings related to detention facilities;<sup>5422</sup> and killings committed during, and deaths resulting from, cruel and inhumane treatment at scheduled detention facilities.<sup>5423</sup> The Prosecution characterises these acts as killing, an underlying act of genocide, under Count 1; persecution, a crime against humanity, under Count 3; extermination, a crime against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.<sup>5424</sup>

1571. Other acts alleged to have been committed in Prijedor by Serb Forces and Bosnian Serb Political and Governmental Organs include torture, beatings, physical and psychological abuse, rape and other acts of sexual violence during and after the take-over and in scheduled detention facilities, as well as the establishment and perpetuation of inhumane living conditions in detention facilities, as cruel or inhumane treatment, an act of persecution under Count 3.<sup>5425</sup> In relation to Count 1, the Prosecution alleges that in scheduled detention facilities in Prijedor, thousands of Bosnian Muslims and Bosnian Croats were subjected to cruel or inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, and beatings by the Serb Forces and Bosnian Serb Political and Governmental Organs; the Prosecution characterises this inhumane treatment as causing serious bodily or mental harm to members of the Bosnian Muslim and Bosnian Croat groups, an underlying act of genocide.<sup>5426</sup> In addition, under Count 1, the Prosecution alleges that members of the Bosnian Muslim and Bosnian Croat groups were detained under conditions of life calculated to bring about physical destruction, namely through cruel and inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, inhumane living conditions, forced labour, and the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities.<sup>5427</sup>

1572. Under Count 3, other acts of persecution alleged to have been committed in Prijedor by Serb Forces and Bosnian Serb Political and Governmental Organs, include (i) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes within Prijedor;<sup>5428</sup> (ii) unlawful detention in scheduled detention facilities;<sup>5429</sup> (iii) forced labour at the frontline and the use of Bosnian Muslims and

<sup>5419</sup> Indictment, paras. 48–49.

<sup>5420</sup> Indictment, paras. 37–38.

<sup>5421</sup> Indictment, para. 60(a)(i). See Scheduled Incidents A.10.1; A.10.2; A.10.3; A.10.4; A.10.5; A.10.6; A.10.7; A.10.8; A.10.9.

<sup>5422</sup> Indictment, para. 60(a)(ii). See Scheduled Incidents B.15.1; B.15.2; B.15.3; B.15.4; B.15.5; B.15.6.

<sup>5423</sup> Indictment, para. 60(a)(ii). See Scheduled Detention Facilities C.20.1; C.20.2; C.20.3; C.20.4; C.20.5; C.20.6; C.20.7.

<sup>5424</sup> Indictment, paras. 40(a), 60(a), 63(a), 63(b).

<sup>5425</sup> Indictment, para. 60(b), 60(c), 60(d) (specifying that the conditions included the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities). See Scheduled Detention Facilities C.20.1; C.20.2; C.20.4; C.20.5; C.20.6; C.20.7.

<sup>5426</sup> Indictment, para. 40(b).

<sup>5427</sup> Indictment, paras. 40(c). See Scheduled Detention Facilities C.20.1; C.20.2; C.20.3; C.20.4; C.20.5; C.20.6; C.20.7.

<sup>5428</sup> Indictment, para. 60(f).

<sup>5429</sup> Indictment, para. 60(g). See Scheduled Detention Facilities C.20.1; C.20.2; C.20.3; C.20.4; C.20.5; C.20.6; C.20.7.

Bosnian Croats as human shields;<sup>5430</sup> (iv) the appropriation or plunder of property during and after the take-over, during arrests and detention, and in the course of or following acts of deportation or forcible transfer;<sup>5431</sup> (v) the wanton destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites;<sup>5432</sup> and (v) the imposition and maintenance of restrictive and discriminatory measures.<sup>5433</sup>

1573. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>5434</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Prijedor in which they had been lawfully present.<sup>5435</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killings, destruction of houses, cultural monuments and sacred sites, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>5436</sup>

### **RECAPITULATION OF PRIJEDOR**

#### **ALL IN THIS RECAPITULATION IS FIRMLY PROVEN BY THE EVIDENCE IN THE FILE**

- 1. Prijedor had over 112,000 inhabitants, closely balanced between the Serbs (+ Yugoslavs) and Muslims;**
- 2. The area of Prijedor (Mt. Kozara and several cities and towns around it) had a heavy history in WWII. Many helpless civilians of the Serb ethnicity had been killed in the nearby concentration camp Jasenova, Gradi{ka and all over the area;**
- 3. The interethnic relations and reconciliation had been managed by the Comunist authorities, since the majority of the Serbs and a substantial number of Muslims had been in the Tito's Army;**
- 4. The relation drastically deteriorated already in 1990, before the first multiparty elections, partly because the SDA legitimized as a fundamentalist party, and partly because of the secessionist policy in Slovenia and Croatia. Still, the SDA kept claiming to be pro-yugoslav until one month after the elections. Already in January 1991 the SDA turned towards the secession, and immediately started to prepare for a war.**
- 5. Dr. Mirsad Mujad`i} said in an interview with the Muslim media that the first efforts to establish a secret army (The Patriotic League) had been undertaken in January 1991, see: D1834 below!**
- 6. This made the functioning of the common municipal authorities impossible, because the SDA – Muslim side didn't respect any agreement about ethnic-party distribution**

<sup>5430</sup> Indictment, para. 60(h).

<sup>5431</sup> Indictment, para. 60(i).

<sup>5432</sup> Indictment, para. 60(j). See Scheduled Incident D.17.

<sup>5433</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services.

<sup>5434</sup> Indictment, paras. 68–75.

<sup>5435</sup> Indictment, paras. 69, 72.

<sup>5436</sup> Indictment, para. 71.

of the posts, particularly the sensitive ones, connected to security, smuggling of weaponry, illegal gatherings and organization of the secret armed groups;

7. This tricky and dishonest arrangement in the authority dramatically deteriorated as of September 1991, when the Patriotic League had been established in 98 municipalities and nine regions. While the Serbs (lawfully and obligatorily) responded to the JNA mobilisation calls, the Muslim side boycotted it and continued to strengthen the secret Army of Patriotic League, which additionally frightened the Serb population, which remained without any protection;
8. Still, there had been some peace and order all until 30<sup>th</sup> April 1992. The Serb side proposed an internal reorganisation of Prijedor, due to the Brussels model, i.e. formation of the two municipalities, one for each community. The SDA (Muslim side) initially accepted it, but reneged on it due to pressure of authorities from Sarajevo. On 30<sup>th</sup> April 1992, an order of the rump Presidency of BiH and the Muslim Minister of Interior, to the Muslim policemen and the Patriotic League in Prijedor to massively attack the JNA and the Serbs in Prijedor. Although there was a fierce war in Sarajevo, the Drina River Valley, the Neretva River Valley, Kupres, along Sava River, in Prijedor and surrounding municipalities there was a peace preserved, the hopes in peaceful solution disappeared after this telegram, and the Serb side enacted the Serb municipality of Prijedor, suggesting the Muslim side to do the same.
9. The Muslim-Croat side started to form their municipality, but soon gave it up, and opted for a war;
10. Because of a high mutual distrust, many concentrated settlements, both the Serb and Muslim, established the check-points at the outskirts of their neighbourhoods, but it was mutually tolerated, because it was a defensive, precautionary measure;
11. On 22<sup>nd</sup> May 92, on such a check point in Hambarine the Muslim crew fired at the car with six JNA reservists, three Serb and two Croats, killing two, heavily wounding two, and slightly wounding two;
12. The Army and Police came and demanded that the perpetrators surrender to the authorities, and the skirmishes developed in Hambarine, and soon after that, in Kozarac, another military stronghold of the Muslim extremists.
13. It had been a short lull until 30<sup>th</sup> May, when the Patriotic League and Green Berrets attacked Prijedor in five columns, and such the war started in Prijedor; During all the period of combats, all the Muslim civilians took refuge in Prijedor, under the Serb control;
14. The Muslim (and partly Croat) sides lost the battle, retreated to the surrounding hills and forests, digging the dug-outs for a long residing, or lived in the Muslim villages, organizing a terrorist actions on a daily basis, killing both the civilians, soldiers, policemen and a Serb officials;
15. Thus there appeared an urgent need for a larger detention unit, and the investigating centres had been formed in Keraterm and Omarska;
16. All together, there was brought in about 3,000 combatants and civilians caught in the zone of battles; The investigations had been conveyed every day, by the highest professionals available, which resulted in the release of 59% of the brought in, while



**41% had been found responsible for the armed rebellion and the consequent casualties, and sent to Manjača, a regular POW prison, being treated as POWs, although they could have been treated as terrorists, which they had been indeed;**

**17. All of this “triage” was accomplished by early August 92. Out of around 50,000 Muslims in Prijedor, there had been suspected and brought in only 3,000 or around 5,5%, while only 1,400 of them had really been imprisoned as POWs, which makes around 2,8% of the non-Serb population. All of it is well documented, and can not be any discrimination, let alone mass crimes, or a genocide;**

**18. Therefore, there is no a single attack on a village that wasn’t militarised. The municipality of Prijedor has 9 Croat villages and 39 Muslim villages. Why all of those non-Serb villages were not attacked?**

### (1) Background

**1574.** Prijedor is a municipality in northwest BiH in the ARK and is surrounded by Bosanski Novi, Bosanska Dubica, Bosanski Gradiška, Banja Luka, and Sanski Most.<sup>5437</sup> In 1991, the population of Prijedor was approximately 112,543, among whom 43.9% were Bosnian Muslims, 42.3% were Bosnian Serbs, and 5.6% were Bosnian Croats.<sup>5438</sup> **This is also a false fact “sui generis”: the rest of 8,2% were mainly the Serbs declared as Yugoslavs, and as such, voted for the leftist parties. In any case, they certainly were against the secession from Yugoslavia.**

### (a) Division of municipal structures and establishment of Bosnian Serb institutions

**1575.** Inter-ethnic relations in Prijedor were good before the 1990 election campaign; however, the events in Croatia and at the republican level in BiH began to influence the relationships between the groups.<sup>5439</sup> Relations started to change and people stopped trusting each other and socialising.<sup>5440</sup> **(#No Serb responsibility#! Nothing of that was caused by the B. Serb leaders. On the contrary, the solidarity of the Muslim-Croat leadership with the secessionist Republics, Slovenia, and particularly Croatia, where there already started the rhetoric of WWII and killings, and the plans of the same moves of BiH – aggravated the relationship!)**

1. In 1990, multi-party elections were held in Prijedor, resulting in the SDA taking 30 of the 90 seats in the Municipal Assembly, the SDS taking 28 seats, the HDZ taking two seats, and the remaining seats going to smaller parties.<sup>5441</sup> Subsequently, and on the basis of a prior agreement between the national parties concerning the division of powers, it was agreed amongst the elected Assembly members that the SDA should nominate the president of the municipality and the SDS would nominate the vice president.<sup>5442</sup> The SDS would also nominate the president of the Executive Board and the SDA would nominate the vice president.<sup>5443</sup>
2. As a result, Muhamed Čehajić was nominated as President of the Prijedor Municipal Assembly, Milomir Stakić was nominated as the Vice President, and Milan Kovačević was nominated as

<sup>5437</sup> P569 (Map of Prijedor municipality); P4258 (Map of ARK). See Adjudicated Fact 1002.

<sup>5438</sup> P6684 (Excerpt from census records of 1991), p. 2; P3701 (Map of Prijedor from 1991 census); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 15; Mevludin Sejmenović, T. 20613 (28 October 2011); Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3580. See also Adjudicated Fact 1006.

<sup>5439</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7719.

<sup>5440</sup> Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5544–5545, 5549.

<sup>5441</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1815 (under seal). See also Mevludin Sejmenović, T. 20455 (27 October 2011); Adjudicated Fact 1005.

<sup>5442</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3595.

<sup>5443</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1816 (under seal). See also Mevludin Sejmenović, T. 20455 (27 October 2011).

President of the Executive Board.<sup>5444</sup> There was disagreement between the SDS, SDA, and HDZ over other appointments to public office in Prijedor.<sup>5445</sup> **(#Not correct#, #not sufficient# the whole 1991 went out in a massive abuses of the common life and institutions. The SDA didn't respect any of the inter-party agreements, particularly those important for the matters of security.** In 1991, SDS representatives proposed to other parties and local politicians that Prijedor be divided into two municipalities and that the municipal institutions be divided along ethnic lines.<sup>5446</sup> **(#Incorrect, #time shifting#! Presented as it is, it seems that the Serbs in Prijedor initiated a new conditions and worsened the relations, and this is not allowed. See how early the SDA leaders started with formation of a secret army (The Patriotic League) already in January 1991, a month after the coalition Government had been formed: D1834:**

So, it is not correct that the SDA said to people the notorious words: "sleep tight, there will be no war". That is simply not the truth, because we had warned people already at the beginning of 1991, that it was not avoidable, and that people had to start psychological and factual preparations for the defence.

**See more below, at paragraph 1584! That is not the "whole truth" that the SDS proposed division of Prijedor in two municipalities, because that was proposed as a compromise over the independence, which was pursued by the SDA-HDZ (Muslim/Croat) coalition, and in order to avoid a war, the Serbs searched for a solution!** In September 1991, the President intervened to replace the local SDS President in Prijedor, Srdo Srdić, with Simo Mišković, who promised to follow the policies of the SDS Main Board.<sup>5447</sup> **S. Srdic already was the president for over a year, and at the same time he was the president of the local Red Cross, which was incompatible, and he had to relinquish one of the posts!** In December 1991, Mišković received the Variant A/B Instructions at a meeting of the SDS Main Board, over which the President presided.<sup>5448</sup> **No matter who created this document, it was not distributed during the meeting "presided by the President" but in some breaks.** Mišković then conveyed the Variant A/B Instructions to the Prijedor SDS leadership.<sup>5449</sup> On 7 January 1992, the SDS members left the Prijedor Municipal Assembly and formed their own assembly, proclaimed as the Assembly of the Serbian People of the Municipality of Prijedor ("Prijedor Serb Assembly"); Milomir Stakić was appointed as its President, and Milan Kovačević was appointed as President of the Executive Board.<sup>5450</sup> **(Missing the #context# is detrimental for the Defence position: already as of 19 December 1991 the situation in BiH was not regular, since the common rump Government illegally applied for the independence, in spite of the Serb opposition to that anti-constitutional move! The Conference in the Hague (ICFY) has already taken position that the ethnic communities in BiH will have a high degree of autonomy, and a sub-conference on Bosnia (Cutileiro-Carrington) was going on to this direction! # Due to the ICFY#!** A Crisis

<sup>5444</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3596; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 2 (stating further that between 11 September 1991 and 7 January 1992, he was also Vice Chairman of the SDS Municipal Board); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1816–1817 (under seal).

<sup>5445</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2375; Mevludin Sejmenović, T. 20529–20531 (28 October 2011); Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3594–3595, 3599–3602, 3618–3624 (testifying further that in February 1992, the SDA sent its proposal to the SDS regarding the division of power in Prijedor between the SDS, SDA, and HDZ, including the division of appointments to significant positions in public office). See P3704 (Letter from Prijedor SDA Executive Board to Prijedor SDS, 16 February 1992).

<sup>5446</sup> Mevludin Sejmenović, T. 20457–20459 (27 October 2011).

<sup>5447</sup> P3706 (Minutes of meeting of Prijedor Municipal Assembly, 11 September 1991), pp. 3–4; P2571 (Intercepts of conversations between (i) Radovan Karadžić and Radomir Nešković; (ii) Radovan Karadžić and Mišković; and (iii) Radovan Karadžić and Srdo Srdić, 20 December 1991), pp. 4–15; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3599–3601. See P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 18; Simo Mišković, T. 45351–45361 (18 December 2013).

<sup>5448</sup> D4206 (Witness statement of Simo Mišković dated 6 December 2013), para. 10; Milomir Stakić, T. 45227–45228 (17 December 2013). See P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 6–7; Simo Mišković, T. 45363 (18 December 2013).

<sup>5449</sup> P2595 (Minutes of meeting of Prijedor SDS Municipal Board, 27 December 1991), p. 1; P5517 (Summary of meeting of the Representatives of the Prijedor Municipality Sector for Military Matters, undated), p. 1; P6610 (Excerpt of book of minutes of Prijedor's SDS Municipal Board meetings, 1991), p. 1. See Simo Mišković, T. 45363 (18 December 2013); P6587 (Excerpts from Simo Mišković's testimony from *Prosecutor v. Stanišić & Župljanin*), T. 15178. See also Adjudicated Fact 1007.

<sup>5450</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3634, 3641; Simo Mišković, T. 45365 (18 December 2013); Milomir Stakić, T. 45227–45228 (17 December 2013); D4195 (Witness statement of Milomir Stakić dated 16 November 2013), paras. 2, 11; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1820 (under seal); P2099 (Article from Kozarski Vjesnik entitled "Serbs Live in This Municipality As Well", 31 January 1992); P6581 (Article from Kozarski Vjesnik entitled "How Dr. Milomir Stakić...saw events of 30<sup>th</sup> April...", 28 April 1994), p. 1. See Adjudicated Fact 1008.

Staff, later renamed the War Presidency,<sup>5451</sup> was also formed by the SDS Municipal Board in line with the Variant A/B Instructions, to act as a 24 hour information and communication centre.<sup>5452</sup>

**(Certainly, “information and communication” while the common organs continued to work!)  
@@@ there is a correction by the expert@.**

1576. On 17 January 1992, the Prijedor Serb Assembly unanimously voted to join the ARK.<sup>5453</sup> Stakić, Mišković, Drljača, and Kovačević were elected as ARK Assembly representatives on 26 March 1992.<sup>5454</sup> In February 1992, Mišković attended another meeting with the President in Sarajevo; at the meeting, the President ordered the implementation of stage two of the Variant A/B Instructions.<sup>5455</sup> **(#Due to ICFY#! That was done in the context of the Cutileiro-Carrington conference, since on 13 February it had finally been agreed that BiH will be transformed unto three member-states!)** Mišković later passed this instruction on to the SDS Municipal Board.<sup>5456</sup>

1577. On 16 April 1992, the Prijedor Serb Assembly elected individuals to different positions amongst whom were Boško Mandić, elected Deputy Chairman of the Executive Board, and Drljača, elected Chief of the SJB.<sup>5457</sup> Drljača only assumed the position on 30 April 1992 once Prijedor was taken over.<sup>5458</sup> On 23 April 1992, the SDS Municipal Board decided, *inter alia*, to reinforce the Crisis Staff, to subordinate “all units and staff in management posts” to the Crisis Staff, and “to immediately start working on the takeover, the co-ordination with JNA notwithstanding”.<sup>5459</sup> **Regardless of the absence of the President’s signature, (which means that we do not know whether the President Miskovic agreed with the wording of the record, let us see what was the letter and spirit of this document of 23 April 92: the first issue was whether the JNA will protect the people: D1830**

1. To approach the garrison command and ask them if they were going to protect the Serbs in the event of a conflict or not;

**The next was a threat to the JNA to withdraw the conscripts and reservists of the Serbian ethnicity, since the Muslims and Croats anyway didn’t join the JNA, and the Serb people would be exposed to a great danger:**

6. Put the point across that - if ZELJAJA (JNA) does not declare that the JNA is indeed going to protect the Serbs, the SDS will call upon all Serbian soldiers to leave the JNA and take all their weapons;

**(#Defense necessity#! So, it is misinterpreted: the Prijedor SDS was concerned for a defence,**

<sup>5451</sup> P2104 (Video footage of interview with Milomir Stakić and Vladimir Arsić), p. 2; P2608 (Report of the SDS Executive Board on the formation of war presidencies, 31 May 1992), p. 1; P2607 (SerBiH Presidency decision on constituting war presidencies in municipalities at a time of imminent threat of war or state of war, 31 May 1992); D411 (Minutes of 17<sup>th</sup> session of Government of the SerBiH, 31 May 1992), p. 2; P11 (Article from Kozarski Vjesnik, entitled “Krajina Representatives in Prijedor”, 17 July 1992), p. 3; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 2. *See* Adjudicated Fact 1032.

<sup>5452</sup> D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 11; P6610 (Excerpt of book of minutes of Prijedor’s SDS Municipal Board meetings, 1991), p. 1; P2630 (Transcript of broadcast of Radio Prijedor), p. 7; Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 12971. *See* Simo Mišković, T. 45365–45366 (18 December 2013); Dragan Kezunović, T. 14943–14946 (20 June 2011); P2744 (Excerpt from SJB Prijedor’s log book); Dusan Janković, T. 47340–47341 (18 February 2014). *See also* P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 6–7.

<sup>5453</sup> P3728 (Decision of Prijedor Municipal Assembly, 17 January 1992); D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 13. *See also* Adjudicated Fact 1009.

<sup>5454</sup> P5566 (Minutes of the 4<sup>th</sup> session of the Assembly of the Serbian People in Prijedor Municipality, 26 March 1992).

<sup>5455</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), pp. 5–7; P5516 (Minutes of Meeting of SDS Prijedor Municipal Board, 17 February 1992), p. 1. *See* P6588 (Receipt of Holiday Inn Hotel, 14–15 February 1992); Adjudicated Fact 1010.

<sup>5456</sup> P5516 (Minutes of Meeting of SDS Prijedor Municipal Board, 17 February 1992), p. 1; *see* Simo Mišković, T. 45373–45375 (18 December 2013).

<sup>5457</sup> P2097 (Article from Kozarski Vjesnik, entitled “Government of the Serbian Municipality Elected”, 24 April 1992), p. 1; P2630 (Transcript of broadcast of Radio Prijedor), p. 7; Dušan Janković, T. 47269 (18 February 2014). *See also* Adjudicated Fact 1011. At the time Drljača was elected, a member of the SDA, Hasan Talundžić, held the position of Chief of the SJB in Prijedor. *See* Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3595, 3619–3624; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6558–6559; Dušan Janković, T. 47269 (18 February 2014).

<sup>5458</sup> Mevludin Sejmenović, T. 20540 (28 October 2011); Dušan Janković, T. 47269 (18 February 2014); P2630 (Transcript of broadcast of Radio Prijedor), p. 7 (stating that Drljača informed Kovačević on 30 April 1992 that all the individuals appointed on 16 April assumed their posts and were functioning from that moment forward); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6559. *See also* para. 1597. Drljača was formally appointed as Chief of the SJB on 30 July 1992. P6379 (Decision of SerBiH MUP, 25 April 1992; Request of Banja Luka CSB, 4 May 1992; Decision of Banja Luka CSB, 30 July 1992; Decision of Banja Luka CSB, 13 June 1992), e-court pp. 5–6.

<sup>5459</sup> D1830 (Minutes of session of Prijedor SDS Municipal Board, 23 April 1992), p. 1. *See also* Adjudicated Fact 1012.

and had taken a precautionary measures, clarifying whether the JNA was to protect the people, or the people had to do by themselves. Since the municipal organs, in an absence of the state army, were sovereign in self-defence, all the decisions pertaining to the Territorial Defence were legal: the President of municipality was “ex officio” president of the Defence Board and the supreme commander of the TO!#Legal and obligatory#! Up until 30 April 1992, the SDA and HDZ continued to engage in talks with the SDS.<sup>5460</sup> On 30 April 1992, Stakić was appointed President of the Prijedor Municipality.<sup>5461</sup> At this time, the Prijedor SDS was regularly receiving instructions from the central SDS and the Prijedor Crisis Staff received and implemented decisions from the Bosnian Serb Assembly.<sup>5462</sup> (This is not entirely correct. Several of those documents allegedly received in the Prijedor SDS were forged, some of them had been sent to Prijedor before the war abrupted, and it was completely known that there was no a satisfactory connection between the Republican leadership and Prijedor. Not to forget that on 30 April the Muslim MUP sent an order to the Muslims in Prijedor to take over the municipality, and the Serbs intercepted it!)

1578. On 20 May 1992, the Prijedor Serb Assembly formally adopted a Prijedor Crisis Staff decision of 1 May 1992, which implemented the 26 April 1992 Instructions issued by the Bosnian Serb Government, reorganising the Prijedor Crisis Staff, and creating a unified command of Crisis Staff, TO, police, and military.<sup>5463</sup> (#All legal and obligatory#! On the same day, the Prijedor Serb Assembly also appointed Stakić as President of the Crisis Staff and Dragan Savanović as Vice President; other members appointed to the Crisis Staff included Kovačević, Slobodan Kuruzović, Boško Mandić, Drljača, and Slavko Budimir.<sup>5464</sup>

(a) Propaganda and militarisation of Prijedor

1579. When the conflict in Croatia began in 1991, the residents of Prijedor began to feel insecure.<sup>5465</sup> (That was so only because the SDA and the Muslim leadership supported the unlawful secessions of Slovenija and Croatia, while the Muslim volunteers went to Croatia to fight and to train for fighting against the Serbs in Bosnia, see: D1518 of 8 July 1991:

PARTY OF DEMOCRATIC ACTION S A R A J E V O Maršala Tita Street no. 7-a/IV	✓	/stamp:	<b>S D A</b> PARTY OF DEMOCRATIC ACTION SARAJEVO No. 1258/91 Date 8 July 1991 /
---	---	---------	---

<sup>5460</sup> Mevludin Sejmenović, T. 20465 (27 October 2011).

<sup>5461</sup> D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 2.

<sup>5462</sup> P2560 (Letter from Radovan Karadžić to presidents of municipalities, 23 March 1992); (#FORGERY#! but, this date is before the war started. ANYWAY, ALTHOUGH THERE IS NOTHING ILLEGAL, IT MUST BE NOTED THAT THIS DOCUMENT WAS FORGED. NO NUMBER, LANGUAGE DIFFERENT (THERE WERE NO "AO" BUT SAO, etc. P3536 (Decisions and orders of Prijedor Municipal Assembly and Prijedor Crisis Staff, published in Prijedor Official Gazette on 25 June 1992), pp. 49, 80–81; D4468 (Confirmation of decisions adopted by Crisis Staff by Prijedor Municipal Assembly, 24 July 1992), e-court p. 2; P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), pp. 53–54. See also P5414 (Letter from SDS President's Office, 20 April 1992). This document (P05414) was forged, and it was not clear how this document was filed. No such a document was issued from the President's office.

<sup>5463</sup> P2605 (Decision of Prijedor Assembly on the organisation and work of Prijedor Crisis Staff, May 1992), pp. 2–5; P3536 (Decisions and orders of Prijedor Municipal Assembly and Prijedor Crisis Staff, published in Prijedor Official Gazette on 25 June 1992), pp. 1–9; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 20; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3677–3679; P3529 (Minutes of 4<sup>th</sup> meeting of Prijedor's Council for National Defence, 15 May 1992), p. 2; D4468 (Confirmation of decisions adopted by Crisis Staff by Prijedor Municipal Assembly, 24 July 1992), e-court p. 2. See also P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992); P2966 (Order of SerBiH MUP, 15 May 1992), pp. 1–2; Adjudicated Fact 1026. See paras. 142–144.

<sup>5464</sup> P3536 (Decisions and orders of Prijedor Municipal Assembly and Prijedor Crisis Staff, published in Prijedor Official Gazette on 25 June 1992), pp. 7–9. See Adjudicated Fact 1027.

<sup>5465</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1817–1818 (under seal); KDZ026, T. 10363 (17 January 2011) (closed session).



L I S T  
OF CANDIDATES FOR TRAINING AS SPECIAL FORCES IN  
THE REPUBLIC OF CROATIA MUP /Ministry of the Interior/

/handwritten: Dr BRAJKO - BRNČIĆ/

SDA /Party of Democratic Action/ SECRETARY  
/a stamp and signature/  
Sarajevo, 8 July 1991

1. Bofić (Safeta) Naim	rođen 19.12.1962.god.Ul.Partizanska 139 Foynica
2. Mukoša (Ibrahim) Samir	" 21.05.1969. Pločari Polje Foynica
3. Mukoša (Alije) Halid	" 21.05.1962. "- "
4. Umerčević (Refika) Amir	" 18.09.1964. Kagole 25 Foynica
5. Bakvić (Adema) Samir	" 7.02.1969. Pločari Polje b.b.Foynica
6. Zulunović (Ibra) Meid	" 8.01.1969. Štitovo Polje b.b. Foynica

- 15 -

456. Mukić Safet	1971. Bjelešnička 124 Ilidža
457. Mukić Sulejman	1968. Bjelešnička 124 Ilidža
458. Karapović Mehmedin	1969. Baraka 30 1. Ilidža
459. Mraković Šahin	1959. Sl.Suha, Živinice
460. Musajnović Ibrahim	1965. Sl.Zelenika Živinice
461. Zukić Fuad	1963. Sl.Bašigovci Živinice
462. Dedić Mehmedin	1968. G.Dubrane Živinice
463. Šević Ševal	1969. Gračanica - Živinice

Zatijučeno sa rednim brojem  
463. nastavak na ovaj spisak  
dobit će se na 7 dana

So, as early as 8 July 1991 the SDA sent almost 500 members to be educated and trained in Croatia, in a war circumstances, preparing their war against the Serbs in Bosnia!#Who started#! ) When the mobilisation of conscripts to be sent to Croatia with the JNA started, many Bosnian Muslims and Bosnian Croats chose not to respond to the call-up; this lack of response by non-Serbs resulted in Bosnian Serbs constituting the majority of JNA conscripts who went to fight in Croatia.<sup>5466</sup> At the same time there was a rise in propaganda designed to instil fear among the population.<sup>5467</sup> (#Illegal and criminal# to a void and sabotage mobilisation! Having in mind the past of the area, this was an inevitable parallel to the WWII events. Not only the events in Croatia were the same, but the division among the population was the same as in WWII: the Muslims and Croats on one side, against Yugoslavia, and the Serbs on the other, pro Yugoslavia.) In late 1991 or early 1992, the SDS obtained a "repeater" at Mrkovica, from which only Serb programmes were emitted.<sup>5468</sup> In February 1992, the JNA took over the TV relay at the Kozara mountain, blocking TV broadcasts from Croatia and Sarajevo and only permitting broadcasts from Belgrade and Banja Luka.<sup>5469</sup> (#Legal and obligatory#! The JNA had been engaged by the illegal Croatian armies, and couldn't stand an adversary's propaganda! It

<sup>5466</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1818 (under seal); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7719. See also Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5658.

<sup>5467</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1819 (under seal).

<sup>5468</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5550.

<sup>5469</sup> P5633 (Intercept of conversation between Radovan Karadžić and Nenad Stanić, 5 November 1991), p. 6; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7058.

was the same “repeater” - not two separate actions. The reason was in an illegal act of the official BiH TV, excluding the Yugoslav channels, and using the most dreadful anti-Serb propaganda. The Croatian and Sarajevo programs were available through other transmitters. **#Far before VRS, the Serb authorities had nothing to do with this JNA legal move#!** ) Radio and TV broadcasts relayed propaganda and used derogatory names for non-Serbs.<sup>5470</sup> Announcements were made on Radio Prijedor that Bosnian Muslim doctors were trying to reduce the birth rate among Serbs in that part of BiH, either by sterilising Serb women or giving pregnant Serb women injections so that they could only give birth to female children; these allegations caused great fear among the Serb population of Prijedor, and negatively impacted inter-ethnic relations in the municipality.<sup>5471</sup> Propaganda was also used to encourage Serbs to accept a policy of discrimination against non-Serbs; those Serbs who refused to comply with this policy of discrimination against non-Serbs were branded “traitors”.<sup>5472</sup> **(#Deadly combination#! This is a shameless AF. Not true at all! All other only shows a state of mind in public, and this was created first in Sarajevo, by the Muslim Government! Particularly important: neither the Prosecution nor the Chamber felt any obligation to specify as whom they keep responsible for this propaganda! The Serb authorities?!?)**

**1580.** Starting in 1991 and lasting until spring 1992, weapons were distributed in Prijedor from JNA storage facilities to Prijedor TO units and then to local communes.<sup>5473</sup> **(As it is said in this para, it was a JNA regular and legitimate job, because the JNA expected an attack as in Croatia.)** Check-points were also established throughout the Prijedor area during this time.<sup>5474</sup> **(#Muslim criminal conduct#! Against JNA. Not specified by whom! That was done by the Muslim extremists, aimed to make obstacles to the JNA movement. Even Mr. Cehajic, the president of the Municipality, participated in this criminal activity!)** By late 1991, Prijedor contained the largest concentration of former JNA weapons.<sup>5475</sup> The weapons given to Bosnian Muslim communes were antiquated and were matched with the wrong type of ammunition, whereas Bosnian Serb communes were given more weapons which did not have these problems.<sup>5476</sup> **(#Legal and obligatory#! The Serb TO got the JNA armament not because of being Serbs, but because of being the JNA reserve. Why the JNA would arm it’s potential, or already declared enemies?)** By late 1991, JNA military helicopters landed several times a day in Serb areas of Prijedor distributing weapons.<sup>5477</sup> **(#Deadly combination#! All the “adjudicated facts” from other cases. Had it been so, then the leadership of the Serb municipality of Prijedor wouldn’t in April 92 wonder whether the JNA will defend the Serbs or not! But, this Defence didn’t have a chance to challenge this and other hilarious “facts”!)** ) In early 1992, the SDA Municipal Board received reports from people who saw JNA lorries with JNA soldiers distributing weapons in Serb villages, as well as reports of training groups run by the JNA

<sup>5470</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6618.

<sup>5471</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5550–5551; KDZ523, T. 23349–23350 (19 January 2012) (closed session) (testifying that information was released that Esad Sadiković, a prominent Bosnian Muslim physician who had worked for UNHCR, was working on sterilisation of Serb women so that less Serbs would be born). See Adjudicated Fact 1188. Sadiković was later taken to Omarska and was killed. See paras. 1766, 1776–1778.

<sup>5472</sup> See Adjudicated Fact 1094.

<sup>5473</sup> D2265 (Srdo Srdić’s interview with OTP), p. 26; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3605–3606; Mevludin Sejmenović, T. 20459–20460 (27 October 2011) (testifying that he witnessed the arming of Serbs in Prijedor and heard about it, including through reports of army helicopters transporting weapons to Serbs in certain villages); Idriz Merdzanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7719–7720; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2617 (under seal).

<sup>5474</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2296–2297, 2360; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1832 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5878 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 6; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 6. See also KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3917.

<sup>5475</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6770; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3605–3607.

<sup>5476</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3605–3607; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6779–6780 (testifying further that the Croatian villages in Ljubija were very poorly armed and that the Bosnian Muslims and Croats of Prijedor “stood no chance” as any weapons they had received or collected were “very meager”).

<sup>5477</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2328–2331, 2367, 2381; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 8; P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 5–6; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7059.

for Serbs.<sup>5478</sup> (All of that, even if true, was in the #JNA competence#, and was no a responsibility of the local Serbs. Why the JNA preferred the Serb villages? Simply, only the Serbs were friendly towards the JNA, and the JNA didn't expect this weapons to be pointed against its soldiers, but rather counted on the reservists of the Serb ethnicity to respond to its calls!)

1584. In August 1991, 300 to 400 Serbs from Prijedor and the Krajina region were sent to Podgradci for a secret, advanced police training course by instructors from Serbia under Captain Dragan.<sup>5479</sup> Radoslav Brđanin, Stojan Župljanin, and Drljača visited the course.<sup>5480</sup> (Let us see what made the JNA and the Krajina Serbs to have a trainings: already in January 1991, the very same month the common Government had been appointed, the SDA started preparations for a war against the JNA and Serbs in BiH! See what Dr. Mirsad Mujadžić said in an interview in the Muslim media, D1834:

So, it is not correct that the SDA said to people the notorious words: "sleep tight, there will be no war". That is simply not the truth, because we had warned people already at the beginning of 1991, that it was not avoidable, and that people had to start psychological and factual preparations for the defence.

**NO: Who were the participants on the first meetings back in 1991?**

**Mujadžić:** On the first meeting, in the mid January in Kladusha, there were a president and two vice-presidents of the party and one MP candidate from the SDA list. From Bosanska Gradiska there was Senad Kubat, Fatima A, from Bosanska Dubica Junuz Hasic, president of the party, from Sanski Most there was a president and a vice-president of the party. So, the party leaders were gathered. We did not find a greater number of people who were aware of the situation, who would accept such an idea, which at that moment was still a heresy. The idea that the JNA was the army which will become the aggressor to Bosnia and Hercegovina and Bosniak people. At that time, in 1991, that idea was still a heresy. It was too liberal to say aloud something like that, especially to start a broader discussion about that. So the gatherings had been organized in a narrower circle among the trustworthy people from the party. They were mostly party leaders, presidents, vice-presidents of parties, members of the republican parliament, from the whole of Bosnian Krajina. The next meeting was organized in March 1991, in Bosanska Krupa, in the premises of the SDA of Bosanska Krupa. After that, we had two or three meetings held in May, June and July in Cazin. One meeting was in Bosanska Dubica. And we had several meetings in Prijedor. One of the meetings was held in the premises of Mesdzida mosque in Charakovo. One in the SDA premises in Prijedor and the other in Mesdzidu because, you know, when the people come from a side, and there had been thirty to forty people gathered, that would become immediately visible.

That is how Sefer Halilović came, I think it was at the beginning of September 1991 when he came to Prijedor, spent three days. During this time, we had talks on this regional level, on the level of Prijedor. He wanted to get acquainted with the situation, with the mood of people, and to see what in fact could have been done. Based on these information, and he had already spent some time before in a similar way in Cazin, a

Until that moment, many of the Muslims, in an arrangement of the SDA had already accomplished their illegal training in Croatia, started already in June 91. The Serb training was no illegal, while the Muslim training in the Croatian secessionist armed forces was an illegal, see D1518 above!)

1585. By the end of April 1992, a number of clandestine Serb police stations were created in Prijedor and more than 1,500 Serb policemen were mobilised.<sup>5481</sup> (#Context#, Time shifting#! What "clandestine Serb police stations"? The document quoted here is P05518, a report of the SJB Prijedor on 30 April 92. But, it can not and must not be skipped to point out that

<sup>5478</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3608–3610. See P4262 (Request of Municipal Assembly Executive Board of Banja Luka, 19 August 1994), p. 1; P4263 (Video footage of award ceremony of the Red Berets, with transcript), e-court pp. 2–3 (stating that 26 training camps for special police units of the RS and RSK were established in 1991 or 1992).

<sup>5479</sup> [REDACTED]. The instructors all wore traditional military camouflage uniforms with a "militia of Krajina" insignia on their sleeves. See P3813 (Insignia of Krajina Police "Wolves" group). See also P4258 (Map of ARK).

<sup>5480</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21061–21062, 21065 (under seal).

<sup>5481</sup> P5518 (Report of Prijedor SJB to Banja Luka CSB, 30 April 1992). See P5528 (Report of Prijedor SJB, June 1992), p. 2 (describing the creation of shadow police stations); Adjudicated Fact 1013.

**this happened after the Serbs in the police stations intercepted the dispatch from the Muslim Ministry of interior ordering the Muslim policemen to start the war against the JNA and the Serbs. How possibly this can be missed? This was the crucial event in Prijedor, which caused further mistrust among the communities. There is no a similar example, to pick up a fact out of context and present it as an illegal and unjustified act.)**

1586. In early May 1992, the Prijedor Serb Assembly ordered mobilisation pursuant to orders from the ARK and the RS Defence Ministry, requiring all men liable for military service in the ARK to mobilise for the TO.<sup>5482</sup> **(How this is unlawful?#Legal and obligatory#! Did this Chamber knew that there was the war started even in March 92, but generally throuout the BiH on 6 April 92?)** On 22 May, the Crisis Staff ordered a further mobilisation pursuant to the 20 May 1992 SerBiH Presidency order, requiring conscripts to report to their war unit, and only Serbs were mobilised.<sup>5483</sup> **(Wrong and mean!# However, these documents (P03537, and P3919, the Karad'i's order) didn't say what is alleged in this paragraph! No mentioning of the ethnicity. Apart from that fact, the Serb authorities weren't specifying the ethnicity for an obvious reason: the war had the inter-ethnic nature, and they never forced the Muslims or Croats to respond to mobilisations, although accepting all who responded. So, in the Prijedor area there was many Croats joining the VRS, while much fewer Muslims, contrary to a neighbouring municipalities of Srbac, Derventa etc, where the Muslims joined the VRS massively!#Regardless of ethnicity!#. The JNA withdrew from BiH around 20 May 1992, a few days before the (the Muslim ATTACK! #OBSCURE#!Left like that, it is aimed to produce an impression that the Serbs attacked! )** attack on Hambarine; however, according to Sejmenović, the JNA did not really withdraw, rather “[t]hey just changed their name” and “[t]he officers started calling themselves the Serb army.”<sup>5484</sup> In fact, the number of troops increased in the Prijedor area after the JNA pulled out of BiH.<sup>5485</sup> Radmilo Željaja, commander of the 43<sup>rd</sup> Motorised Brigade, which was later called the 343<sup>rd</sup> Motorised Brigade, fully co-operated with Drljača and the SJB during this period.<sup>5486</sup> **(So what? From where the Muslim Army (ABiH) and it's officers came? Also from the JNA! And much earlier than Zeljaja and others became the “Serb army”, the JNA Muslim officers formed a secret Muslim Army. A very few officers that hadn't been born in BiH remained in BiH, all others, 98% were the Bosnian Serbs, as same is in the ABiH.)**

1587. A civilian police unit—later called the “intervention squad”—was formed in Prijedor in June 1992 by conscripting members of the civilian police in Prijedor; Captain Jović, head of the MP in Prijedor, placed Milutin Čado in charge of its establishment.<sup>5487</sup> The intervention squad was established by order of the Prijedor Crisis Staff.<sup>5488</sup> It was headed by Miroslav Paras and was comprised of two squads; one of the squads was headed by Pero Čivčić and the other was headed by Dragoljub Gligić.<sup>5489</sup> The duties of the intervention squad included the prevention and deterrence of crime, arresting and detaining individuals from Bosnian Muslim groups who were allegedly involved in the “attacks on Prijedor”

<sup>5482</sup> P2818 (Decision of ARK Regional Secretariat for National Defence, 4 May 1992), pp. 1–2; P3535 (Minutes of 2<sup>nd</sup> session of Prijedor's Council for National Defence, 5 May 1992), pp. 1–2; P3530 (Minutes of Prijedor SDS Municipal Board, 9 May 1992), p. 2.

<sup>5483</sup> P3537 (Decision of Prijedor Crisis Staff, 22 May 1992), pp. 1–2; P3919 (Radovan Karadžić's Decision, 20 May 1992); P3528 (Witness statement of Kerim Mešanović, undated), pp. 7–8.

<sup>5484</sup> Mevludin Sejmenović, T. 20478–20749 (27 October 2011).

<sup>5485</sup> Mevludin Sejmenović, T. 20479 (27 October 2011). See also Mevludin Sejmenović, T. 20588–20590 (28 October 2011).

<sup>5486</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brdanin*), T. 21070, 21073–21074 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6559 (testifying that at this time it was not possible to be Chief of the SJB without approval from Stakić).

<sup>5487</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brdanin*), T. 21067–21068, 21070, 21073 (under seal); KDZ523, T. 23345–23346, 23376–23377 (19 January 2012) (closed session). See also Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6625.

<sup>5488</sup> D2039 (Prijedor Crisis Staff Order, 17 June 1992). See P2637 (Report of Prijedor SJB, 1 July 1992), p. 2. See also Adjudicated Facts 1256, 2487. Although the intervention squad was established by the order of the Prijedor Crisis Staff, Stakić maintained that he never learned of its establishment; furthermore, although Drljača, as head of the Prijedor SJB, reported directly to the Crisis Staff on the implementation of a number of Crisis Staff decisions, including the establishment of the intervention squad, Stakić stated that Drljača did not inform the Crisis Staff as to everything he was doing and moreover, that “what he wrote was one thing and his actions were different”. Milomir Stakić, T. 45244–45248 (17 December 2013).

<sup>5489</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brdanin*), T. 21071 (under seal).



from 30 May 1992, and “[normalising] life in Prijedor town and in the whole of the municipality”.<sup>5490</sup> **(It has to be kept in mind that this squad had been formed only after the Muslim terrorists attacked Prijedor from the five directions, on 30 May 92. What was criminal in a precautionary measure like forming new squads of police, after such a bloody attack? Composed of many non-professionals, it was disbanded after committed crimes!)** Furthermore, the intervention squad was ordered by its commanders to arrest certain Bosnian Muslims based on lists compiled by the commanders; these lists included prominent Bosnian Muslims, such as doctors, lawyers, professors, and religious leaders, and Bosnian Muslims linked to World War II through their predecessors.<sup>5491</sup> During operations against Bosnian Muslims, the intervention squad co-operated with and was under the command of the military.<sup>5492</sup>

### (1) Take-over of Prijedor town

1588. Prijedor town is located in the centre of Prijedor municipality.<sup>5493</sup> The town of Prijedor itself had a mixed population, although the Stari Grad area in the centre of the town was a predominantly Bosnian Muslim neighbourhood.<sup>5494</sup> There was an old mosque in the centre of Stari Grad, surrounded by a Muslim cemetery called Mezar.<sup>5495</sup> The Municipal Assembly, the seat of the local government in Prijedor municipality, was located in the centre of town, as was the Executive Council and other executive bodies.<sup>5496</sup>

1589. In the beginning of April 1992, there was an increase in the number of armed Serbs in the streets and cafes in the town of Prijedor;<sup>5497</sup> many of them wore JNA uniforms and insignia while others wore police uniforms.<sup>5498</sup> **(#Before VRS# JNA competence#! No doubt, this was the JNA, and the rest was the police. No wonder the JNA was present, since it evacuated Croatia in accordance with the Vance Plan for Croatia, but still was under a fierce attacks by the Croatian ZNG and Army.**

1590. On 29 April 1992, the Prijedor SDS received a fax, which appeared to be from Alija Delimustafić and the BiH Presidency, ordering police stations in BiH to “commence operations” and secure the surrender of the JNA.<sup>5499</sup> On 29 April, Mirsad Mujadžić, President of the SDA Municipal Board, was invited to meet with Colonel Arsić, of the 5<sup>th</sup> Corps of the JNA, and Mišković at the Prijedor barracks at Urije, where he was shown the fax; Mujadžić immediately believed it to be forged and conveyed this belief to Colonel Arsić and Mišković.<sup>5500</sup> At dinner that

<sup>5490</sup> P2637 (Report of Prijedor SJB, 1 July 1992), p. 2; KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21072 (under seal).

<sup>5491</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21120–21122 (under seal); KDZ523, T. 23352–23353 (19 January 2012) (closed session). **This is dubious, since there was no any corroborations by documents. A Serb witness wouldn't be trusted in such a case.**

<sup>5492</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21072–21073 (under seal).

<sup>5493</sup> P569 (Map of Prijedor municipality). See Adjudicated Fact 1003; P2096 (Map of Prijedor town).

<sup>5494</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1794–1795, 1801 (under seal).

<sup>5495</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1802 (under seal).

<sup>5496</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1795 (under seal); P2096 (Map of Prijedor town).

<sup>5497</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5551, 5553.

<sup>5498</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5551, 5553, 5554 (testifying further that one of the armed Serbs in Prijedor told him during this time that they only wanted to defend Yugoslavia and for all Serbs to live in one state, and that they would never allow that “part of [BiH] to become Croatian, Ustasha soil, or a dzemaharija”, a derogatory name for a state in which Muslims would live and be in power). **#Not correct!# It was clear that under a jamahiria everyone meant the Izetbegovic's “Islamic Declaration” as a constitutional basis for such a new state. But, what is a purpose of such a mitigating qualifications?**

<sup>5499</sup> D400 (BiH MUP Order, 29 April 1992); Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3665–3666; P6587 (Excerpts from Simo Mišković's testimony from *Prosecutor v. Stanišić & Župljanin*), T. 15223.

<sup>5500</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3662–3667 (testifying further that it was later established that the document had probably been sent by the counterintelligence service of the JNA in order to provide the army with a “pretext” for the intervention). Mujadžić also served as President of the SDA in Banja Luka during the conflict, and as deputy of the BiH Parliament. Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3575–3576, 3578. **Is it possible that the Chamber takes into account this kind of manoeuvre, while it was a very known fact, confirmed by everyone, even the Muslim leadership, that it was genuine? Some**

evening, Mujadžić repeated to Arsić and Mišković that the SDA had no intentions to attack the SDS or Bosnian Serbs in Prijedor.<sup>5501</sup> **(What would he be expected to say? Was he in a “conflicting situation” that made him to be cunning, or the Muslim witnesses are trusted no matter what? Let us see what was the content of the BH Presidency decision, D399, as resumed in the MUP explicite order to start an overall combats: D400:**

I AM ORDERING

1. Carry out the full and massive blockade, along with the MUP, of all road intersections on the territory of the Republic of Bosnia and Herzegovina, on which the units of the former JNA are beginning to withdraw technical and material assets.
2. Carry out the blockade of the wider region of military objects from which technical-material assets are attempted to be taken out of, with various methods of formational and natural barriers which should be secured for the units of the territorial defense of the Republic of BiH and MUP.
3. Unannounced convoys of units of the former JNA and those that are not escorted by the MUP should be prevented from leaving the barracks and communicating on the territory of the Republic of BiH.
4. Immediately begin preparing and initiating battle activities on the entire territory of the Republic of BiH and coordinate them with the headquarters of the territorial defense of the region, district, and Republic of BiH. Within the scope of the battle activities plan all encompassing measures of protecting the population and the material assets of the citizens of the Republic of BiH.

MINISTER OF INTERNAL AFFAIRS

Alija Delimustafic

**This was a declaration of war, second after the Order for readiness of 12 April, against the JNA in withdrawal, and the Serbs in BiH! Could it be more clear? Had not the JNA and the Serb part of authorities took control over the Serb parts of Prijedor, already next morning there would be a carnage. Still, after this “decalration of war” the Serb side recommended to the Muslim side to organise their municipality, see Stakic’s interview, P## )**

Defence witnesses have testified that on 23 April 1992, at a meeting of the Prijedor SDS Municipal Board, the SDS was still not certain how it would act in the event of a conflict, and that the take-over of Prijedor was an unplanned response to the fax from Alija Delimustafić.<sup>5502</sup> **(#EXCULPATORY#! No criminal plan!#)** The Chamber has considered the following evidence which confirms that the take-over of Prijedor was planned in advance of receiving the 29 April fax: (i) according to Mandić, the Prijedor SDS had organised themselves well in advance of receiving the fax on 29 April; **(Organised, for what? For a defence, which can be seen from the D1830 held on 23 April 92.:**

1. To approach the garrison command and ask them if they were going to protect the Serbs in the event of a conflict or not;

**....**  
**which confirmed that the main concern of the Serbs was whether the JNA would protect the Serb population or not. Is there any evidence that the SDS was preparing for a “take-over”? NO!** (ii) Kovačević stated on Radio Prijedor that well before 30 April, “it was all neatly prepared and done and we waited for the moment which we had set and then on [29 April 1992] at 0400 hrs [...] we did it” and that “it really went the way we had planned”; (iii) according to Sejmenović, the Prijedor SDS in fact “had well-laid plans” by 23 April; **(#Defense necessities#! #Legal and obligatory#! How come the precautionary defensive measures are a crime? Was the Serb population supposed to wait and sustain a new genocide, as in WWII? The main issue was not whether the Serbs had the plan “just in case”, the main issue was what the Muslim side intended to do. And the telegram-fax of 29 April have shown what was going on! #Legal and obligatory#: in 98 out of 109 BH municipalities there was formed and well oprganized a secret army Patriotic league and many**

**of the Muslim leaders said publicly how was he surprised when the next morning this telegram was on the Karadzic’s table, and published in media. (to find)**

<sup>5501</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*, T. 3667–3668.

<sup>5502</sup> See D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 16; D4229 (Witness statement of Boško Mandić dated 18 January 2014), para. 23; D4228 (Witness statement of Zdravko Torbica dated 18 January 2014), para. 9; D400 (BiH MUP Order, 29 April 1992), p. 1. The Accused also presented his case on this issue during his cross-examination of Mevludin Sejmenović, T. 20588 (28 October 2011).

other groups. Certainly, Prijedor was one of the best organized. In all of these municipalities the Serb community, sometimes a huge majority, had been aware of these preparations! It was inevitable, necessary, legal and obligatory to prepare for a defense! (iv) Mišković considered the take-over of Prijedor town on 30 April 1992 to be part of the implementation of Variant B and that “preparations had to be made [...] in order to take over power”; and finally, (v) Dušan Janković testified that a decision was made on 16 April to install Drljača as Chief of the SJB on 30 April.<sup>5503</sup>

(#Serb parts only#! #Two municipalities – peace#! Dr. Staki} said publicly that the Muslims are free to form their own municipality, which had been accepted and initiated, but interrupted by the Central SDA! So what? Why it would be equal as a plan to take the power? Before that, there was a flagrant violation of the inter-party Agreement on distribution of power, and both the chief of the SJB and the commander of the police were Muslims, which must not be? The Chamber also took judicial notice of the fact that the forcible take-over of the municipal authorities in Prijedor was prepared well in advance of 1 May 1992 and that a transmission by BiH leaders was used as a pre-text for the take-over of Prijedor municipality.<sup>5504</sup>

**So, is it a presumption of the Chamber that the take-over would be carried out even if there was no such a dispatch by the BiH Presidency? Certainly, a war plans are always prepared “just in case” and that kind of planning was a lawful obligation, as Kapetina testified, and as it is prescribed in the law and sub-law documents. Would the Chamber appreciate the Serbs had they been naïve and not prepared, and therefore killed and butchered? No President would be entitled, or finally obeyed, if ordered something else.** The Chamber therefore finds that the take-over of Prijedor was planned well in advance of 30 April 1992, and was not an unplanned act in response to threats to Bosnian Serbs in Prijedor. **(This is wrong conclusion. Even after the “take over” the Serbs counted only on the Serb part of Prijedor, offering the Muslim side to form their own municipality, which was accepted and started to realise. If it was not so, how the Muslims could erect so many barricades? No a Serb controlled Hambarine, Kozarac, Ljubija, “old town” and other predominantly Muslim or Croat settlements. According to the domestic Law on all-peoples Defence, as Kapetina testified (seeT41257-58: A First of all, I authored this manual, and as chief republic inspector, it was my duty to inspect together with other inspectors contingency plans, and through this manual I tried to help those who made such contingency plans in Bosnia-Herzegovina to make them more easily. And those who made such plans was everybody from local authorities, local communes, businesses, socio-political organisations, even associations of citizens. Each one had the obligation to develop a contingency plan, and I wanted this manual to facilitate their work and to teach them how to make these plans. On this page I tried to define contingencies using, of course, the provisions of the Law on All People's Defence A Yes, it was their legal obligation. All those who made contingency plans were legally obliged to do so in keeping with the Law on All People's Defence. Everybody had to develop a contingency plan for contingencies such as aggression, military aggression, or internal conflicts that involved the use of weapons. Q When you said a moment ago socio-political organisations were also an entity in the defence system, can you translate that into normal language? What are socio-political organisations? A I'll try. In the previous system it was the League of Communists, The Socialist Alliance of Working People, The Socialist Alliance of Youth, and in the multi-party system it was the political partie. T41267 A The plan for contingencies at municipal level contains an assessment of the political security situation in the municipality, then tasks, measures, and procedures, organisation, forces, and resources for the elimination of contingencies and measures of readiness.:s.. So, every single socio-political organisation was obliged to have it's own “war plans.” So, to have a war plan was an obligation, not a felony. Who can say with any integrity that there would be a take-over had the Muslim side hadn't planned to**

<sup>5503</sup> See Boško Mandić, T. 45757–45758 (21 January 2014); P2630 (Transcript of broadcast of Radio Prijedor), p. 7; Mevludin Sejmenović, T. 20588 (28 October 2011); Simo Mišković, T. 45381, 45408 (18 December 2013); P6587 (Excerpts from Simo Mišković's testimony from *Prosecutor v. Stanišić & Župljanin*), T. 15223; Dušan Janković, T. 47268–47270 (18 February 2014). See also P2968 (Report of Prijedor SJB, January 1993), p. 2; P5528 (Report of Prijedor SJB, June 1992), p. 2; D1830 (Minutes of session of Prijedor SDS Municipal Board, 23 April 1992), p. 1; Zdravo Torbica, T. 45732–45733 (21 January 2014). See para. 1580.

<sup>5504</sup> See Adjudicated Facts 1015, 1020.

take over and capture the JNA? Nobody! And any inference of this Chamber towards a Serb felony is wrong, and would be as if the Chamber, and the laws, demand from the Serb politicians and military commanders to be disobedient to the laws, irresponsible to their people, and finally stupid above all limits. Nobody has any right to presume that kind of conduct in a situation of a war against the federal state, which was primarily defined by the ethnicities, and the war in other parts of BiH, with a high sufferings of the Serbs! Finally, all the Prosecution's allegations about a criminal meaning of Variant A/B was definitely rebutted by Mr. Kapetina, a long period official of the Ministry for Defense!)

**1591.** On 30 April 1992, a take-over of the town of Prijedor was organised by the Prijedor Serb Assembly and the Prijedor SDS and executed by JNA forces, including the 5<sup>th</sup> Kozara Brigade, and members of the Prijedor SJB and other clandestine Serb police stations.<sup>5505</sup> **Those "clandestine" police stations were called in this report (P02968) as a shadow stations:**

and formation of shadow police stations and the arming and equipping of the personnel. In this manner, 13 police stations were established with a total staff of **And it was said why and in what circumstances it had been done:**

In these circumstances, and at a time when ethnic maps were being drafted which were placing Prijedor in the Cazin Krajina, activities were launched to prepare for a take-over by force. These activities gained momentum in April, and the actual date of the take-over was forced upon us by the Presidency of the then Socialist Republic of BH, when they issued the order to attack military installations and **Therefore, there was an imminent attack of the Cazin Krajina forces, (which was in an accord with the testimony of M. Mujadzic in this case, saying that their "strategic objective" was to take at least everything western of the Sana River, see T20659** **Q.** *I have to go back to the interview again. Is it true that you very early on concluded that it -- it would be very hard to defend Prijedor and that your strategy was to defend the left bank of the Sana river in which a lot of Sanski Most and Bosanski Novi would not be part of the territory you would defend?* **A.** *That's correct. With a slight correction here, Mr. Karadzic. That was not my personal plan. That was a plan proposed by people who knew something about strategic defence preparations, who were experts in the area. I, as a political figure, accepted the reality of the situation given the fact that the potential ratio of forces was absolutely negative at our expense -- or, rather, in favour of the other so I accepted that to be the reality, although many in Prijedor and Kozarac did not come to terms with that very easily. But that was the reality.)* **and the Presidency of BiH Order to attack the JNA was a momentum to prevent a carnage, and it had been achieved without any firing. Of course, those who planned it and didn't succeed, like Sejmenovic, Mujadzic and other extremists, didn't like it, and testified in their interests, but the Chamber didn't notice their interest to lie.** During the night between 29 and 30 April 1992, members of the SJB and reserve police stations, some of whom were wearing military uniforms, gathered in Ćirkin Polje, an area of Prijedor town.<sup>5506</sup> Between 1 and 5 a.m., Serb Forces set-up patrols, sniper nests, machine-gun nests, sandbags, and check-points throughout Prijedor town in several locations; there was no resistance from the non-Serb population.<sup>5507</sup> **And there was no firing and casualties either.**

<sup>5505</sup> Mevludin Sejmenović, T. 20465–20466 (27 October 2011), T. 20589 (28 October 2011); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6568; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 12; P2968 (Report of Prijedor SJB, January 1993), p. 2; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 16; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3668–3669; P3528 (Witness statement of Kerim Mešanović, undated), p. 15; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 3 (under seal); Nusreta Sivac, T. 20387 (26 October 2011); Edward Vulliamy, T. 21079 (9 November 2011); P2630 (Transcript of broadcast of Radio Prijedor), pp. 1–6 (describing preparations for the take-over and the events on 30 April 1992); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 6, 32; P5518 (Report of Prijedor SJB to Banja Luka CSB, 30 April 1992); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), pp. 15–16. See D1838 (Regular Combat Report from JNA 5<sup>th</sup> Corps Command to 2<sup>nd</sup> Military District Command, 1 May 1992), p. 1. See also Adjudicated Facts 1014, 1015, 1016; P6611 (Bulletin of the 4<sup>th</sup> Tactical Group, May 1994), pp. 1–2.

<sup>5506</sup> P2968 (Report of Prijedor SJB, January 1993), p. 2; see Adjudicated Fact 1016.

<sup>5507</sup> Mevludin Sejmenović, T. 20465–20466 (27 October 2011); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6568; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 12; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3668–3669; Idriz Merdžanić,



1592. By the morning of 30 April, soldiers occupied all of the most important institutions and buildings in Prijedor, such as the Municipal Assembly building, the police station, medical centre, court building, bank, post office, and radio station.<sup>5508</sup> **(No doubt, it was a precautionary #measure of the JNA# because of the dispatch from the Ministry of Interior to attack the JNA and force it to surrender.** Later that day, flags on municipal buildings in Prijedor town were also changed to Serb flags with the four Cyrillic letter “Cs”.<sup>5509</sup>

**1593.** A declaration on the take-over prepared by the SDS was read out on Radio Prijedor the day after the take-over and was repeated throughout the day.<sup>5510</sup> That morning, a group of armed soldiers surrounded the Radio Prijedor building.<sup>5511</sup> Stakić came to Radio Prijedor and was introduced to employees as the President of the Serb municipality of Prijedor.<sup>5512</sup> **(#Two municipalities – peace#! In all the cases where there was this “Serb municipality” it was understood that there will be the Muslim municipality too. That is why Banja Luka, Bijeljina and other municipalities without conditions to have more municipalities didn’t have this prefix “Serb municipality”).** A press release was read out on-air, and Stakić was interviewed.<sup>5513</sup> During that interview, Stakić stated that he represented the Serb municipality of Prijedor, as its President, and that the leadership of the Serb municipality could no longer wait for an agreement with the SDA, which was the reason for the take-over of territory which rightly belonged to them. When Stakić was asked what would happen with the Bosnian Muslim residents of Prijedor, he stated: “We have nothing to do with them. On their portion of the municipal territory, they are free to organise themselves as they please, as they see fit and best for their interests.”<sup>5514</sup> Stakić mentioned several areas of the municipality that were considered to be Muslim, including Kozarac, Brdo, and the Stari Grad neighbourhood of Prijedor town.<sup>5515</sup> **(#No “Take-over”, Serb territory only#! Then, how could it be concluded that the Serbs “took-over” the Prijedor municipality??? It couldn’t be more blatant and clear that the Serbs took control over the #Serb parts# of municipality only, leaving the Muslims as same opportunity, including the participation in the urban core of Prijedor: Stari Grad was a very core of the town, from the Turkish times, and in all such a cases there was envisaged that both ethnicities would have a part of the urban core, and a belonging villages with their majority. It is so common throuout the world. Why the Serbs wanted that? Because, even in a peace time, before the war, the Muslim side abused the common state institutions to subjugate the Serbs and to be able to arm their followers without a Serb insight, see P5528**

P3881 (Transcript from *Prosecutor v. Stakić*, T. 7720; P3528 (Witness statement of Kerim Mešanović, undated), p. 15; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 3 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1823 (under seal); P2630 (Transcript of broadcast of Radio Prijedor), pp. 1–6. See also Adjudicated Facts 1014, 1017.

<sup>5508</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1822–1823, 1828 (under seal); P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 3 (under seal); Nusreta Sivac, T. 20387 (26 October 2011). See Adjudicated Facts 1016, 1017, 1018, 1019.

<sup>5509</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1823 (under seal); Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5553. Adjudicated Fact 1022.

<sup>5511</sup> [REDACTED]. See also Adjudicated Fact 1018.

<sup>5512</sup> [REDACTED].

<sup>5513</sup> [REDACTED]. See D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 16.

<sup>5514</sup> [REDACTED]; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6568–6570.

<sup>5515</sup> [REDACTED].

of the now already former Bosnia and Herzegovina. The territory of our Municipality has not been spared these bloody conflicts and everything that preceded them. On the contrary, due to the fact that the SDA /Party of Democratic Action/ was in practice the ruling party in Prijedor and had control of all significant positions, from the SO /Municipal Assembly/ President, SJB /Public Security Station/ Chief, secretary to the Secretariat for National Defence and director of the Revenues Administration, a proper and fair division of power could not be achieved by agreement. In addition, extremists from the ranks of the SDA and HDZ /Croatian Democratic Union/ were preparing to take absolute power and engage in unprecedented terrorism against the Serbian population, which necessarily resulted in intensive and continuous preparations for a take-over of power by force which was carried out on 29 April 1992 without a single shot being fired and without bloodshed. The extremists from other national parties did not accept this situation. They prevented non-Serbian SJB employees from signing statements of loyalty and together with other strong paramilitary forces, they pushed them into a bloody and hopeless conflict. In these conditions, intensive activities were underway to create shadow

**But, this interview is opposing to everything what the Prosecution alleges against the Serbs. It was clear that the Serbs in Prijedor wanted only to protect themselves by introducing their own municipal authorities, recommended the same to the Prijedor Muslims. How can be meditated any "ethnic cleansing", while both communities would have their own municipal authorities, their own police, schools, economy, security? And the same was in all the municipalities where there was an incrise of misunderstandings and ethnic tensions.**

**1594.** After the take-over, movement outside of Prijedor municipality was initially prohibited for both Serbs and non-Serbs, and later movement towards Prijedor town from non-Serb areas inside the municipality was also prohibited.<sup>5516</sup> **(#Ad absurdum#! But, during the fights in Hambarine and Kozarac, the Muslim population from those settlements had been allowed to take shelter in the Serb controlled parts of the Prijedor urban area!)**

(a) Expulsion of non-Serbs from police, administrative and judicial organs, and work force

1595. On 30 April, non-Serbs were refused entrance into their work places and other institutions and were dismissed from management positions.<sup>5517</sup>

**(#Wrong, out of context#! That was the most critical day in Prijedor, with a complete insecurity, and this measure probably was necessary, particularly for the Muslim extremists! All the Muslim policemen were welcome, provided they accept the Serb municipality, otherwise, they were to work in the Muslim police station!)**

Nusreta Sivac, a Bosnian Muslim municipal court judge in Prijedor town, went to work on 30 April and found armed Serb military and paramilitary units at the court building.<sup>5518</sup> She tried to enter the building and one of the soldiers asked her name and informed her that she no longer worked there.<sup>5519</sup> The majority of Bosnian Muslim judges, prosecutors, and public attorneys were similarly dismissed in the first few days after the take-over and were replaced by Serbs.<sup>5520</sup> Nusreta Sivac identified several Bosnian Muslim court officials who were dismissed and taken to Omarska camp where they were singled out as Bosnian Muslim intellectuals.<sup>5521</sup>

**(#Wrong in fact#! This is not true and didn't happen before the 30<sup>th</sup> May and attack on Prijedor, because prior to this massive attack there was no any detention facilities in Omarska, see P02640, which undoubtedly defines the date of the establishment of Omarska as a detention-investigation unit on 31 May, 1992:**

<sup>5516</sup> Mevludin Sejmenović, T. 20468 (27 October 2011).

<sup>5517</sup> Mevludin Sejmenović, T. 20468–20469 (27 October 2011); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1835–1836 (under seal). See also P3694 (Conclusions of ARK Crisis Staff sent to municipality presidents, 11 May 1992), p. 1; Adjudicated Fact 1096.

<sup>5518</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 2–3 (under seal).

<sup>5519</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 3 (under seal). See also Nusreta Sivac, T. 20387 (26 October 2011).

<sup>5520</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 3–4 (under seal).

<sup>5521</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 3–4 (under seal). See P3553 (Decision of Prijedor Executive Board, 4 May 1992). See also paras. 1749, 1766.

1. The industrial compound of the “*Omarska*” Mines strip mine shall serve as a provisional collection centre for persons captured in combat or detained on the grounds of the Security Services’ operational information.

Such a unilateral information is invalid, since we already know that there was no any arbitrary arrest or dismissals. The list of the final number of about 3,000 people arrested, 59% of them had been released, and about 1,400 kept as responsible for the attack and conveyed to Manjaca. So, out of 49,500 Muslims in Prijedor 1,400 were conveyed to Manjaca, which makes 2,28% of the Muslim population, and added the Croatian population it was even less. Does anybody asserts that there was no 2,3% of the Muslim extremists, while only those who attacked Prijedor throuout the war was more that 5,000? Only in the Kozarac area prior to the attack on Prijedor 30 May 92 there was a big unit of the “Green berets” up to 2,000, as can be seen from D1743:.....

Concerning the destruction of the “Green Berets” in the wider area of Kozarac village we submit the following report:

1. The armed conflict started on 25 May 1992 and ended on 27 May at 1300 hrs.
2. Participating in the armed conflict on our side were components of the 343<sup>rd</sup> Motorised Brigade (an enlarged motorised battalion), supported by two 105 mm howitzer batteries and one M-84 tank squadron.
3. The total strength of the “Green Berets” was 1,500 – 2,000 men without heavy weapons.

An the results of this skirmish was as notified in the same D1743, only on the VRS side, i.e. without the police casualties:.....

4. Overall results:

- The wider area of Kozarac village, i.e. the area of the villages of Kozaruša, Trnopolje, Donji Jakupovci, Gornji Jakupovci, Benkovac, Ratković /grid coordinate 830/ has been entirely freed of “Green Berets”;
  - 80 – 100 “Green Berets” were killed and about 1,500 captured;
  - part of the “Green Berets”(100-200 persons) at large on Mt. Kozara;
  - our own casualties are five killed and 20 wounded, and
  - minor damage (already repaired) on the track assembly of two M-84s.
- The B. Luka – Ivanjska – Kozarac – Prijedor – Bosanski Novi road and the wider area of Kozarac completely under the control of the 1<sup>st</sup> KK.

And this kind of situation so deep in the Serb territory is unbearable and could be detrimental. Those 1,500 that are captured were characterised by the Sivac group of witnesses as a civilians. Already at the beginning of May, a few days after 30 April, the Muslim extremists killed a Serb reserve policeman from behind, just like that, and a relative of the killed took revenge killing four Muslims just like that! What the authorities could have done about this development? “Milos” reported on this event, D1832:

The situation is difficult. Communications are down. A Serbian reserve police officer was killed from behind in Prijedor yesterday. Immediately after that, a relative of the killed policeman killed four Muslims.

3 May 1992

MILOŠ

1596. Non-Serb members of the police were disarmed and dismissed or forced to sign a statement of loyalty if they wanted to stay employed.<sup>5522</sup> This is not true, because, as seen from the Stakic interview, the Muslim community was advised to make their own municipality and all the structures, and a police stations as well, see.... Also, it is not true that anyone was “forced” to sign a statement of loyalty, it was completely free, and even there was a deadline postponed several times, and it pertained the Serbs also, see

**P02968:**

After the take-over, all personnel of Croatian and Muslim ethnicity were summoned to interviews by the Chief of the SJB, and the option of signing declarations of allegiance to the Republika Srpska was explained to them. They were all given a reasonable time-limit, and in response to various requests - mostly from the police sections in Ljubija and Kozarac- this time-limit was extended twice. Additionally, interviews were also conducted with a number of Serbian members of the staff who had not been explicit enough in defining their future work engagement.

**But, to 30 May majority of the Muslim policemen joined the rebels and fought against the Serb civilians, the VRS and the Serb police, see P02968**

village of Jakupovići on 24 May 1992. The conflict escalated and the policemen of Muslim ethnicity became fully engaged on the Green Berets' side in the area of Kozarac, while many others who had been working in the town or in Ljubija and living in the areas populated primarily by non-Serbs, made their services available to the enemy, or returned the equipment and weapons they had been issued by this Public Security Station. Three police employees signed the declaration of allegiance: ....

: Non-Serb commanders in the police were replaced with Serbs—Drljača assumed the position of Chief of the **(the Serb, not common SJB)** Prijedor SJB to which he was elected two weeks prior, Dušan Janković became Commander of the Prijedor Police Station, and Željko Mejakić became squad commander of the police.<sup>5523</sup> A few days after the take-over, most non-Serb teachers were also dismissed from schools.<sup>5524</sup> **(This is not correct, since there is a confusion about 30 April, when the Serbs took control over the Serb municipality only, and 30 May, when the Muslim/Croat forces attacked Prijedor with more than 5,000 combatants! After this attack, everything changed!)**

1597. Also on 30 April, KDZ094 **(92bis, who was KDZ094?)** found that the vehicle he drove for work had been moved from the depot to the Urije headquarters of the company, where the main gate was closed, and an armed Serb guard in a green military uniform tried to search him for weapons, but he refused; KDZ094 then went home and did not return to work again, and neither did other non-Serbs who worked for the company.<sup>5525</sup>

1598. After the take-over, Atlija went to work at the Ljubija mines and his manager told him that the SDS had taken power in Prijedor and that he should go home; Atlija returned to his home town of Briševo.<sup>5526</sup> He was told later that a Serb had moved into his apartment in Prijedor.<sup>5527</sup> Furthermore, one day after the take-over, KDZ611 was stopped on his way to work at a check-point manned by armed Serbs in JNA uniforms; they forced all of the non-Serbs to get off the bus KDZ611 was on and told him that he should no longer report for work.<sup>5528</sup> **(Again, Rule 92bis, not cross-examined)**

**1599.** For several days following the take-over, employees at Radio Prijedor were given several announcements to read out, such as one concerning a curfew imposed by the Serb authorities in Prijedor.<sup>5529</sup> On one of these days, two Bosnian Muslim men, one of whom was Bećir

<sup>5523</sup> D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 6. See Adjudicated Fact 1023; para. 1580.

<sup>5524</sup> Mevludin Sejmenović, T. 20468 (27 October 2011).

<sup>5525</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5875–5878, 5982 (under seal).

<sup>5526</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5553–5555.

<sup>5527</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5554–5555, 5659–5660.

<sup>5528</sup> KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5814–5815 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12452–12453 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 6.

<sup>5529</sup> [REDACTED].



Medunjanin, a local SDA leader, came to the radio station asking that an announcement be made that the people of Kozarac wished to live in peace and that there was no threat or danger coming from them.<sup>5530</sup> However, soldiers inside the studio building prevented this announcement from being made on air, stating that police permission was required. When the men returned to the studio an hour later, they said that they had been denied permission by a police officer for the announcement to be made.<sup>5531</sup> Employees at Radio Prijedor were later fired pursuant to a decision of the ARK Crisis Staff.<sup>5532</sup> . **(#A Muslim extremists#! What Medunjanin could have said, since the police knew for the preparations of the Kozarac SDA for war? Becir Medunjanin was a very extreme in his anti-Serb actions, (seeD1833, a Muslim document, which contains an evidence and names of all those “prominent” Muslim citizens as a prominent organizers of the rebellion! He prepared the entire rebellion and fights in Prijedor.**

**1600.** On 22 June 1992, the ARK Crisis Staff issued a decision stating that all posts important for the functioning of the economy may only be held by “personnel of Serbian ethnicity”;<sup>5533</sup> this was then forwarded by Župljanin to all SJBs for its immediate implementation within the ARK.<sup>5534</sup> . **However, this was an obligation due to the #Law of Defence#. Remember Muhamed Ali of USA, how he was treated after the refusal to participate in a war thousands miles away from USA. Let us see what was said in a military document, P05405**

The AR /Autonomous Region/ Bosnian Krajina Assembly has taken all possible measures to remove from important posts those persons who have failed to meet their obligations, who have boycotted all earlier mobilisations or unfairly treated the Krajina fighters - soldiers who have been fulfilling their patriotic duty since the very beginning and who went into battle sacrificing their lives and their human dignity. Most of the officials relieved of office are Muslims and Croats, but there are also some Serbian degenerates.

**So, #regardless of ethnicity#, those who avoided to fulfil their obligations towards the defence of the country, couldn't keep a posts from which they could damage the interests of the country pertaining defence and security. And the Serbs who didn't fulfil their obligation were called “Serbian degenerates”. Not to justify or oppose, but simply this was the practice envisaged by the laws. #In no case it was the President's liability#!** In July 1992, the Prijedor Crisis Staff and the Prijedor SJB reported that the ARK Crisis Staff decision was implemented in the municipality.<sup>5536</sup> **(This had nothing to do with the President, and was #in contrast to all the presidential orders# and all what he was stating and advocating. But, by that time there was many armed skirmishes between the Muslim irregulars and the police and VRS. As we can see from the next documents, the police had many casualties: D04414**

<sup>5530</sup> [REDACTED].

<sup>5531</sup> [REDACTED].

<sup>5532</sup> [REDACTED].

<sup>5533</sup> P7 (Decision of ARK Crisis Staff, 22 June 1992).

<sup>5534</sup> P6533 (Decision of ARK Crisis Staff forwarded by Banja Luka CSB, 1 July 1992). *See also* Adjudicated Fact 534. *See* para. 2061.

<sup>5535</sup> P6533 (Decision of ARK Crisis Staff forwarded by Banja Luka CSB, 1 July 1992). *See also* Adjudicated Fact 534. *See* para. 2061.

<sup>5536</sup> P9 (Prijedor Municipal Assembly Report, 13 July 1992), p. 2; P2637 (Report of Prijedor SJB, 1 July 1992). *See, e.g.*, P3709 (Decision of Prijedor Executive Board, 7 May 1992).

Please be informed that in the fighting in the town of Prijedor on 30 May 1992, according to the information at our disposal, we suffered the following casualties:

KILLED:	1. Željko GNJATOVIĆ	- active policeman
	2. Duško LUKIĆ	- " "
	3. Mladen VLAČINA	- reserve policeman
WOUNDED:	1. Rade STRIKA	- active policeman
	2. Drago BOSANČIĆ	- reserve policeman
	3. Željko TUBIN	- " "
	4. Mladen TUBIN	- " "

/handwritten:/ 30 May 1992 Aco at 2130 hours

**And the very next report, D04415**

**Prijedor Public Security Station /SJB/  
Dispatch no. 11-12-2038  
Date: 2 June 1992**

In summing up the casualties suffered in the fighting for the town of Prijedor so far, please be informed that except for the casualties stated in the dispatches nos. 2032 and 2034, we have also suffered the following /casualties/:

<u>Wounded:</u>	1. Slavko BORA	- reserve policeman
	2. Milan BABIĆ	- "
	3. Miroslav NIKŠIĆ	- "
	4. Dragan DAVIDOVIĆ	- "
	5. Radoslav KNEŽEVIĆ	- "
	6. Dalibor JOVIĆ	- "
	7. Goran VRANJEŠ	- "
	8. Mile GRABOVAC	- "

The forces of the Serbian Army and Police are in control of the whole municipality. Search of residential and other buildings is underway with the purpose of finding and confiscating weapons, ammunitions, mines, and explosive mechanisms from the citizens who are not engaged in the units and formations of the army and police.

**So, within these two days the Police in Prijedor sustained a number of casualties, although being far from the confrontation line, and deep in the Serb territory. At the same time, the police in Prijedor investigated and charged a Serb for blackmailing a Muslim, see D01925**

**PUBLIC SECURITY STATION  
PRIJEDOR**

Number: 11-12/02-1-JM-KU-218/92  
Date: 2 July 1992

**PUBLIC PROSECUTOR'S OFFICE  
PRIJEDOR**

Pursuant to Article 151, paragraph 6 of the Law on Criminal Procedure, we hereby submit

**A CRIMINAL REPORT**

**AGAINST:**

Zoran ŽIGIĆ, son of Nikola and Savka GRAHOVAC, born 20 September 1958 in Balte in the Prijedor municipality, permanently residing in Prijedor at M. Softića street number 10, a Serb, has completed military service, literate, with completed secondary education, unemployed, married, father of two children, according to Prijedor SJB /Public Security Station/ information has previously been convicted, a member of the Unit securing the *Keraterm* Temporary Prison in Prijedor, arrested for the duration of three days under a Prijedor SJB decision, number 11-12/02-1-JM-KM-KU-218/92 dated 1 July 1992.

The report is filed on the the reasonable grounds of suspicion that he committed the crime of receiving a bribe from Article 230, paragraph 1, 4 and 5 of the SR BH Criminal Code.

(a) House searches and surrender of weapons

**1602.** Following the take-over, there was a military presence on the streets of Prijedor town.<sup>5537</sup>

**(#Legal and obligatory#! Shouldn't it be? There was a number of the groups of terrorists killing those people. According to our domestic laws, the police and the Army had to be on the streets, but our enemies objected it in front of this court, and obviously got a support for it's terrorism! The war was going on in the entire Bosnia, and finally came to Prijedor, what else could be expected but to protect the population?)**

On 8 May 1992, Vahid Cerić, who worked for the TO, was arrested.<sup>5538</sup> In accordance with a decision of the ARK government on 4 May 1992,<sup>5539</sup> there were announcements on the radio that Bosnian Muslims and Bosnian Croats had to hand in their weapons by a certain deadline, and that white flags should be hung from the front of houses as a sign of loyalty to the authorities.<sup>5540</sup>

**(#EXCULPATORY#! A GB journalist Ed Wulliamy, certainly not pro-Serb, reported about it on 6 August 92, see D100:**

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

"These are the people who accept the Serbian republic," explains Maj. Milovan Milutonic from army headquarters in Banja Luka. "If they do that, we just leave them alone."

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**This was the Prosecution's witness, but (inadvertently or not, maybe professionally) he gave a crucial evidence that rebut all the allegations about any discrimination on a religious basis! Also, he reported that the Muslim women and children had felt free to take shelter in Prijedor under the Serb control, while their men were a captured rebels, see the same D100:**

As ever in this war, there are extraordinary elements that complicate any simple interpretation. Women flock into Prijedor, carrying their children, telling how their menfolk were rounded up and taken to Omarska, Kereter **(And further, the same D100:**

Back in the town of Prijedor, women line the pavement outside police headquarters, waiting for transit papers to leave the area. Some say their menfolk had been in Omarska for four months. Some of the inmates we were allowed to see had clearly not eaten properly for weeks or months.

**And, also the same document discloses the real reason for the "detention of civilians":**

"I was taken here from Rizvanovici, after the fighting started," says Azmir.

"There was some shooting from the Muslim side, then the police came and took the people away, to clear the village of Muslims and to do the fighting."

The situation is, says Azmir, that he can leave only if his family arrives to claim him, or if he can produce some sort of guarantee or transit papers. "But how am I supposed to do that?"

Prominent non-Serbs in the community, amongst whom were Dr. Esad Sadiković and Dedo Crnalić, went around to houses of non-Serbs encouraging them to hand in any weapons that they had in order to avoid conflict.<sup>5541</sup> The Serb residents of Prijedor town were allowed to keep

<sup>5537</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1832 (under seal).

<sup>5538</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1833 (under seal) (testifying further that he later saw Vahid Cerić in Manjača).

<sup>5539</sup> P2818 (Decision of ARK Regional Secretariat for National Defence, 4 May 1992).

<sup>5540</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1833 (under seal); P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 5–6 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6576; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 27. See also KDZ523, P4257 (Transcript from *Prosecutor v. Brdanin*), T. 21119–21120 (under seal); Adjudicated Fact 1021.

<sup>5541</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1837–1838 (under seal).

weapons and local Serbs were given weapons.<sup>5542</sup> **(#The JNA competence#! All about the weapons was a JNA concern until 20 May 1992. Crnalic and Sadikovic were very famous for their extremism, and this is an afterwards (post festum) “make-up” by another Muslim extremist!)**

**1603.** In addition, houses of Bosnian Muslims and Bosnian Croats were frequently searched and looted.<sup>5543</sup> On 12 May 1992, two men from the CSB came to see Nusret Sivac, a journalist for Sarajevo TV, at his apartment and informed him they had orders to bring him to the CSB to meet with the chief, Ranko Mijić.<sup>5544</sup> Mijić told Nusret Sivac that he had orders from the “new Serb authorities” and the Crisis Staff to seize all of his camera equipment.<sup>5545</sup> They confiscated all of his equipment, including a large van equipped with cameras and his private tapes.<sup>5546</sup> Nusret Sivac was held at the CSB for a while longer and then was allowed to go home after Mijić warned him not to leave Prijedor in case they needed to ask him further questions.<sup>5547</sup> **(#Legal police work#! We already know that Mr. Sivac was a suspect for a while, on the basis of what his followers said about him, but he wasn’t arrested immediately, on the first information about his conduct. When, later, after many Muslims mentioned him as an organizer of the armed rebellion, he was brought in and detained. But, let us see why the police in Prijedor was cautious about the activities of the Muslim extremists, see D01816, of 18 May 92**

**PRIJEDOR PUBLIC SECURITY STATION  
No. 11-12-01-1-1975  
Date: 18 May 1992**

In reference to your dispatch, number and date of reference document, we wish to inform you that paramilitary units are present in the following areas of the Municipality of Prijedor:

- In the area of the Ljubija and Donja Ljubija local communities, a unit the size of a platoon, armed mostly with rifles and sniper rifles.
- In the area of the Rizvanovići, Hambarine and Biščani local communities, a unit the size of a company and armed with rifles, mortars and recoilless guns.
- In the area of the Carakovo local community, a unit the size of a platoon, armed mostly with rifles.
- In the area of the Kozarac and Kozaruša local communities, a unit the size of a company, armed with rifles and mortars.

We do not possess details on the quantity, origin or type of weapons, or the amount of ammunition. The above intelligence has been acquired by intelligence work on the ground, and we shall continue to gather and record further information.

**And this was the situation in May, after the take-over of the Serb parts of municipality, and an offer to the Muslims to form their own municipality, which they initiated, but prolonged, expecting to take the whole municipality through the attack that took place on 30 May. In this situation, knowing only a bit of the organization and armament of the Muslim terrorist groups, ( see the last para above) the Chamber presumes that the police didn’t have rights to search for the illegal armament!!! This is a unique example in history, and nobody has any right to do that.**

**1604.** During May 1992, continuous references were made by Serbs on the police radio about destroying mosques and everything that belonged to the “balijas”, as well as the need to destroy the “balijas” themselves.<sup>5548</sup> **(Is this serious? What Adjudicated fact? When was it adjudicated? Was there any corroboration. Somebody may say anything allegedly being said on the “police radio” while nobody can check it. There is a big doubt about that, and apart from the factual matter, what does it have to do with the President what some may be irresponsibly chatting of the police radios? And how any Muslim adversary could have heard the police radios? However, many mosques had been #abused for a military**

<sup>5542</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1854–1855 (under seal).

<sup>5543</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1834 (under seal); P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 6 (under seal). See Adjudicated Fact 1097.

<sup>5544</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6570.

<sup>5545</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6570–6571.

<sup>5546</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6571–6572.

<sup>5547</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6571.

<sup>5548</sup> See Adjudicated Fact 1024.



**purposes#. See what Mirsad Mujadžić said in an interview in a Muslim journal, D1834:** among the trustworthy people from the party. They were mostly party leaders, presidents, vice-presidents of parties, members of the republican parliament, from the whole of Bosnian Krajina. The next meeting was organized in March 1991, in Bosanska Krupa, in the premises of the SDA of Bosanska Krupa. After that, we had two or three meetings held in May, Juni and July in Cazin. One meeting was in Bosanska Dubica. And we had several meetings in Prijedor. One of the meetings was held in the premises of Mesdzida mosque in Charakovo. One in the SDA premises in Prijedor and the other in Mesdzidu because, you know, when the people come from a side, and there had been thirty to forty people gathered, that would become immediately visible.

**So, mosques and Mesdzids are a pure religious facilities!)**

(a) Clashes in Prijedor town

1605. On 30 May 1992, a group of around 20 Bosnian Muslims led by Slavko Ećimović attacked Prijedor town.<sup>5549</sup> **(#Wrong in fact# Who said it was only 20 Bosnian Muslims? There were many of them, in a five columns, up to several hundreds of combatants, see evidence in the file, who were promised that the local Muslims, already in the town, would join them, see: evidence!)** Announcements were made on the radio that Ećimović, a Bosnian Muslim who had been the target of threats by Serb police officers following the SDS take-over, was attacking Prijedor town in an attempt to “liberate” it.<sup>5550</sup> **(S. Ecimovic wasn’t a Muslim, but a Croat, who organised the Muslims and some Croats. He wasn’t any target of the Serbs, otherwise he would be taken in prior to this attack. He was simply hunting a glory, and probably was on line with the Croatian secret service, while the majority of the Prijedor Croats joined the VRS. Let us see what a Muslim, Dr. Mujadzic said about it, D1834:**

whom there was not too much communication or cooperation. One exception to this was Kozarac. Kozarac was well self-organized and connected with the TO Staff, so they even had their own command on the level of Kozarac, and well functioning system. In the rest of the local communities the situation was not such, because people refused to have any kind of cooperation with the SDA. After the failure to establish any kind of close cooperation with the party, with the Patriotic League, a spontaneous activity had been established which, I think, started with one random incident with Slavko Ecimovic. In fact, his house was attacked by, I think Serbian forces. That was probably organized by KOS, because the KOS had some information that he was arming Croats, through Silvo Saric. I only know that during one conversation with Silvo Saric I got some signals that he could also provide some weapons to us by using the same line. However, Serbs have soon realized that, and carried out the attack on Ecimovic. He later retrieved to one abandoned house between Hambarine and Carakovo. Several man from Carakovo joined him there, from Zecovi, mainly people from the hills and a couple of them from Prijedor. That is how the very core was founded, at the beginning it was ten people.

I supported such activities, we gave our support to Slavko both political and support in weapons. Even though we did not have our weapons, we took the weaponry from the people we had information they had a rifle, and we thought they did not intend to use it in combat.

<sup>5549</sup> Nusret Sivac, T. 19585, 19598–19599 (28 September 2011); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6572–6573; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1846–1847, 2012–2014 (under seal); KDZ026, T. 10376 (17 January 2011) (closed session). See also KDZ523, P4257 (Transcript from *Prosecutor v. Brdanin*), T. 21067 (under seal) (testifying that Prijedor town was attacked by Bosnian Muslim paramilitaries). Stakić testified that early in the morning on 30 May 1992, gun-fire and shooting could be heard in Prijedor town and explosions around the MUP building. Milomir Stakić, T. 45232 (17 December 2013).

<sup>5550</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6572–6573. See also P2630 (Transcript of broadcast of Radio Prijedor), p. 6. According to Nusreta Sivac, allegations on the radio stated that the small armed group of non-Serbs did not agree with Prijedor becoming a Serb town. Nusreta Sivac, T. 20398 (26 October 2011).

**NO:** What was happening at that time with “Kurevska group” of Slavko Ecimovic?

**Mujadzic:** They were having a training every day in the woods. Gymnastics, this, that. Slavko was a legionary, he knew things well, he was training people. That was one pretty well organized group, although immediately before the war they had only 40 people. If it had lasted, we had the idea that in time we would have transformed the school in Hambarine into the army barracks. And we would organize a bigger formation there.

**So, in front of a substantial presence of the Serb community in Prijedor, Slavko E}imovi} formed another illegal armed unit and trained it in a school, and the Serb “police officers” knew that, and were after him, not because he was a Croat, but for being a criminal! Many Croats joined the VRS, as well as many secular Muslims!) According to Nusreta Sivic, however, the group was too small to successfully take-over the buildings belonging to the radio station, MUP, or other important institutions.<sup>5551</sup> (In spite of “beign too small” this group made a casualties on the side of the Serb police, but it wasn’t so small as alleged by these biased witnesses. Anyway, it doesn’t change the fact that they made an attack aimed to take control over the entire municipality, including the Serb parts, while the Serbs didn’t make such a move to take control over the Muslim/Croat parts of Prijedor.)**

**1606.** Around 9 a.m., a Serb tank and troops moved from the area around the Municipal Assembly Building towards the Stari Grad neighbourhood of Prijedor town.<sup>5552</sup> Radical “Chetnik” songs also played on the radio calling for the killing of “Turks and other non-Serb people” and radio announcements called on all armed Serbs to defend the town and destroy the extremists.<sup>5553</sup> **(And this witness, Mr. N. Sivic, #known as an extremist#, is credible so that his allegations are taken for granted? What the soldiers were singing is irrelevant to the fact that this morning there were five columns of attackers on the Serb controlled parts of Prijedor! This kind of shifting the attention from the crucial facts to what had been sang is ridiculous!)** Sometime that day, there was a confrontation between Ećimović and his group on one side and the Serb Forces on the other; Ećimović’s group ultimately retreated towards the Sana River, but Ećimović was captured.<sup>5554</sup> After Ećimović’s group retreated, Serb Forces, with APCs, heavy artillery weapons, and tanks, encircled Prijedor town, section by section.<sup>5555</sup> From the morning until the late afternoon, a tank and several grenade launchers fired at the old town of Prijedor from the bank of the Bereg, setting parts of the area ablaze for several hours.<sup>5556</sup> At around 6 p.m. that day, Serb Forces set fire to the main mosque in the centre of Prijedor town, called the Čaršijska mosque.<sup>5557</sup> The Zagrad mosque in Prijedor town was also burned and destroyed.<sup>5558</sup> The majority of Stari Grad was destroyed or left in ruins during the attack; the mosque in Stari Grad was torn down by Serb Forces using tanks.<sup>5559</sup> **(#Abuses of civilian objects**

<sup>5551</sup> Nusreta Sivic, T. 20398–20399 (26 October 2011).

<sup>5552</sup> Milomir Stakić, T. 45232 (17 December 2013).

<sup>5553</sup> Nusret Sivic, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6572–6573.

<sup>5554</sup> Nusret Sivic, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6574; Nusret Sivic, T. 19593 (28 September 2011). Ećimović was later taken to Omarska and killed; furthermore, his whole family was killed and his godfather was singled out and beaten at Omarska once their relationship was discovered. See Nusret Sivic, T. 19593 (28 September 2011); Ivo Atlija, T. 20349 (26 October 2011); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1878 (under seal); Željko Mejakić T. 44255–44256, (29 November 2013). See also para. 1766.

<sup>5555</sup> Nusret Sivic, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6574.

<sup>5556</sup> Nusret Sivic, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6575.

<sup>5557</sup> Nusret Sivic, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6575–6576, 6606–6607 (testifying further that later in August 1992, the Catholic Church in Prijedor town and the mosque in the Puharska neighbourhood were destroyed); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7800–7801. The individuals involved in setting fire to the mosque were Milenko Milić, a member of Milan Andžić’s paramilitary group, as well as his commander, Momčilo Radanović, and Milorad Vokić, a police officer and personal bodyguard to Drljača. See also Adjudicated Facts 1282, 1284, 1285; P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 222–224.

<sup>5558</sup> Nusret Sivic, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6575. See also Adjudicated Fact 1283; P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 225–226. See para. 1887.

<sup>5559</sup> P3536 (Decisions and orders of Prijedor Municipal Assembly and Prijedor Crisis Staff, published in Prijedor Official Gazette on 25 June 1992), pp. 24–29, 40–41, 44–45, 61–62; P3528 (Witness statement of Kerim Mešanović, undated), pp. 78–81; D4468 (Confirmation of decisions adopted by Crisis Staff by Prijedor Municipal Assembly, 24 July 1992), e-court pp. 5, 7, 9; Nusret Sivic, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6604, 6692–6693; Milomir Stakić, T. 45232 (17 December 2013). See also Adjudicated Fact 1268. Serb soldiers came back to Stari Grad in June 1992 and cleared the rubble from 30 May with tanks and cranes, tearing down the remains of the Stari Grad mosque first. P3528 (Witness statement of Kerim Mešanović, undated), p. 81;

and settlements#! Old town was known as a stronghold for launching attacks on Prijedor, mosques as a storages and sniper nests! #Military necessity#! Did anyone establish whether it was a military necessity, or not? Why the Serbs didn't destroy the said mosques before the 30 May attack? We remember that the organisers of the attack promised to their combatants that they will be met by the "fifth column" in the city! From where these "fifth comuln" combatants could join them? From the Old Town (Stari Grad) and the mosques and other facilities where the Serbs didn't control anything for the sake of decency!)

1607. Throughout the day on 30 May, soldiers wearing red berets with red straps, and various different insignia, searched apartments, including that of Nusret Sivac, for weapons and alcohol and removed what they wanted.<sup>5560</sup> Serb Forces also escorted columns of people, amongst whom were elderly people and children with white armbands; each column was led by a man carrying a white flag to different locations in Prijedor town, where buses arrived to take them to Trnopolje, Omarska, and Keraterm camps.<sup>5561</sup> Non-Serbs who remained outside the detention facilities were required to wear white armbands to distinguish themselves and were subjected to harassment and beatings.<sup>5562</sup> (#Contrary to evidence#! This is so nasty and so dishonest assertion. Gen. Talic ordered both, the Serb soldiers and the civilians out of combats, to mark themselves, so that they wouldn't be mixed up with the combatants, see fn. 5644, see...@... How it is possible that the Chamber didn't notice this evidence? What kind of charge is this assertion that the police searched a town that was attacked from five directions?)

1608. There was no large-scale fighting the following day, but there was intermittent shooting and explosions.<sup>5563</sup> Serb Forces continued to loot the homes of non-Serbs in the days after the attack.<sup>5564(5571)</sup> Furthermore, soldiers wearing olive-green colour uniforms with the Serbian four "S" insignia and "kokarda" caps, formerly worn by the JNA, (#Insignias#! The JNA as a successor of the Tito's partizans would be the last one to wore cokardes, and the VRS also had been forbidden to have any ideological insignia, such as communist pentagram and royalist cocarda! Therefore, a lie, or a group out of the Serb authorities control!) stormed into houses and arrested people; non-Serbs in Prijedor town lived in fear of being attacked or taken away to Omarska and other camps.<sup>5565</sup> The movement of non-Serbs was restricted by means of a curfew and check-points; (There was no any curfew on an ethnic basis! Since there was an armed rebellion with casualties, too far from any frontline, in any country in the world it would be considered as terrorism, and adequate measures would include a check-points and a curfew. There was no ethnic control, all the people in movement were controlled, but equally treated, and equally let pass if there was no weapons or explosives, see the evidence in file!) registers in apartment buildings were also used to record their movements.<sup>5566</sup> The same as the above. There was no any visible difference between the Serbs, Croats and Muslims, so that it would be possible to notice who was who, see the evidence in file!#Regardless of ethnicity#!)

Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6607–6608. See also P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 213–215.

5560 Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6576.

5561 Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6574–6575.

5562 Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6576; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 5 (under seal). See Adjudicated Fact 1092.

5563 P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 6 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1847 (under seal).

5564 P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 6 (under seal).

5565 P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 5 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1853–1854 (under seal).

5566 Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6576; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 5–6 (under seal). See Adjudicated Facts 1097, 1100.

1609. In the days after the 30 May attack, Radio Prijedor broadcast reports stating that Serbs had taken over Prijedor town and were “controlling all power and authority” there.<sup>5567</sup> Propaganda against non-Serbs later intensified on the radio, including appeals to Serbs to “lynch” all non-Serbs.<sup>5568</sup> **(#Military necessity# to “control Prijedor after the Muslim attack! Legal and obligatory#! But, about calls for “lynch” - this would be recorded and broadcasted throughout the world, had it been true. Those are horrible lies, nobody ever reported such a thing, and the courtroom had been turned into a theatre stage for the Muslim extremists to continue their war against the Serbs. How come the Chamber didn’t even mentioned that those assertions require further corroborations, as it did when the Serb witnesses were testifying? Second, this paragraph is in contrast to all the prior assertions of the Prosecution/Chamber that the Serbs took control over Prijedor on 30 April. The Defence position is that on 30 April the Serbs took control only over the Serb parts of municipality, offering the Muslim-Croat coalition to form their own municipality, see P5528, quoted in para 1594 of the Judgement! “When Stakić was asked what would happen with the Bosnian Muslim residents of Prijedor, he stated: “We have nothing to do with them. On their portion of the municipal territory, they are free to organise themselves as they please, as they see fit and best for their interests.”**

1610. From 10 June 1992 on, Prijedor town was in a terrible state; there was no electricity or water and soldiers frequently searched apartments and evicted people from them.<sup>5569</sup> **(#Regardless of ethnicity#!) All of it pertained to the Serbs too. No ethnic electricity.** The homes of non-Serbs were searched by the police and military, allegedly looking for weapons; however during those searches, valuables were taken.<sup>5570</sup> Non-Serbs were evicted from their houses and apartments and Serbs moved in.<sup>5571</sup> Serb families were protected and lived a normal life; they went to work, shopped, and walked around town.<sup>5572</sup> Non-Serbs were taken away “in an unknown direction” and rumours started spreading about the existence of “concentration camps” in Prijedor municipality.<sup>5573</sup> **(It is miraculous how the witness being in prison have seen all of this that she testified? But, why it wasn’t implemented to all Muslims? Why only 2,3% of the Muslim population in Prijedor were of the interest of the security services? Or, if we discount the minors, (some 22% those below 16,) the percent would be slightly higher, but still significantly lower than if it was, as alleged, an ethnic discrimination.)**

#### (4) Attacks on surrounding villages

1611. Prior to the 30 May attack on Prijedor town, Serb Forces had launched attacks on other villages and areas in Prijedor municipality, starting with the villages of Hambarine and Ljubija on 23 May, Kozarac on 24 May, and Kamičani on 26 May 1992.<sup>5574</sup> **(#Who attacked#! This is highly wrong! There is an overwhelming evidence that the Muslim side initiated all the attacks in Prijedor. It started with the Muslim ambush in Hambarine, where they had been keeping their barricades tolerated by the Serbs. On 22 May the group of Muslims on this barricade fired to a car with six reservists, killing two and badly wounding two of them. A Muslim policemen (Aliskovic) organised and participated in this killing, and in later denial to give the bodies of the killed soldiers, resisting the police search for the perpetrators. If this kind of shifting the facts is allowed, there will be no any justice in the future! Let us again**

<sup>5567</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 6 (under seal).

<sup>5568</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6618.

<sup>5569</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6617. See Adjudicated Fact 1098.

<sup>5570</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6603.

<sup>5571</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 6 (under seal).

<sup>5572</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 6 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6603. See also Nusreta Sivac, T. 20387–20388 (26 October 2011).

<sup>5573</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 5 (under seal).

<sup>5574</sup> P2968 (Report of Prijedor SJB, January 1993), p. 4 (stating that combat operations commenced in Prijedor municipality on 22 May 1992); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 28–29. See also Adjudicated Fact 1034.



**see what is said in this document (P02968, and also P05405)**

In these circumstances, and at a time when ethnic maps were being drafted which were placing Prijedor in the Cazin Krajina, activities were launched to prepare for a take-over by force. These activities gained momentum in April, and the actual date of the take-over was forced upon us by the Presidency of the then Socialist Republic of BH, when they issued the order to attack military installations and convoys. As a result, in the night between 29 and 30 April 1992, following very

**Therefore, the other side was preparing an armed attack on Prijedor, with the aim to merge it with the Cazinska Krajina area. No doubt, the JNA intelligence found it out, and strengthened those who they could rely on, i.e. the Serb reservists and police. Let us see further, when and how the armed skirmishes started!. In the Judgment it was said as is in para 4, and presented as if the Serbs launched attacks against those villages, but in the document it is different:**

In our Municipality, combat operations commenced on 22 May 1992.

Employees of this Station actively participated in these operations, primarily members of both the active and the reserve forces of the police. Combat activities were at their most intense in the areas of Kozarac, Kozaruša, Trnopolje, Kamičani, Rizvanovići, Bišćani, Hambarine, Zecovi, Čarakovo, Kurevo, Raljaš, Ćela, and the town of Prijedor itself. Eleven policemen were killed in combat<sup>x</sup>, and 25 were lightly or seriously wounded. After these operations, the policemen engaged in intensive

**Let us see the names of the killed Serb policemen**

<sup>x</sup> Radenko ĐAPA on 30 April 1992; Rajko BILBIJA on 9 May 1992; Željko GNJATOVIĆ on 30 May 1992; Duško LUKIĆ on 30 May 1992; Mladen VLAČINA on 30 May; Branko ĐURIČIĆ on 30 May 1992; Dario DAVIDOVIĆ on 31 May 1992; Borislav ŽUJIĆ on 23 July 1992; Milan ČURGUZ on 23 July 1992; Milenko GOJIĆ on 23 July 1992, and Milenko KATANA on 10 August 1992.

**The killed and wounded 36 policemen, in the town that was far from the frontline, while the Prijedor conscripts and reservists were on the front, is nothing but a terrorism. Which country and police would tolerate this? But see how the combat commenced:**

These activities were interrupted by the outbreak of conflict, which started on 22 May 1992, when Muslim extremists attacked five military conscripts in the village of Hambarine, and gained intensity when a military convoy was attacked in the village of Jakupovići on 24 May 1992. The conflict escalated and the policemen of Muslim ethnicity became fully engaged on the Green Berets' side in the area of Kozarac, while many others who had been working in the town or in Ljubija and living in the areas populated primarily by non-Serbs, made their services available to the enemy, or returned the equipment and weapons they had been issued by this Public Security Station. Three police employees signed the declaration of allegiance:

**So, this had nothing to do with the alleged Serb attacks on the "surrounding villages." It is well known that the skirmishes had been initiated by the Muslim extremists, attacking the conscripts and convoys, just as S. Halilovic demanded, (see: D3904, p.1**

war days till today is completely familiar to me. I was even in a position to alert the government organs in that region that armed combat was being obstructed, since they waited rather long and, while war was raging in all of the RBH /Republic of Bosnia and Herzegovina/, in this region they were still negotiating with the aggressor.

**) and as the BiH Presidency ordered on 29 April. No evidence that the Serbs wanted or initiated the armed conflict. The Chamber shouldn't mix it up and change the causes and consequences. Also, a Serb preparations for defence must not be treated as preparation for offensives and "taking over" of the non-Serb territories and settlements! But, let us see the**

**Army report about those two days of fights in the “surrounding villages”, D1743:**

Concerning the destruction of the “Green Berets” in the wider area of Kozarac village we submit the following report:

1. The armed conflict started on 25 May 1992 and ended on 27 May at 1300 hrs.
  2. Participating in the armed conflict on our side were components of the 343<sup>rd</sup> Motorised Brigade (an enlarged motorised battalion), supported by two 105 mm howitzer batteries and one M-84 tank squadron.
  3. The total strength of the “Green Berets” was 1,500 – 2,000 men without heavy weapons.
  4. Overall results:
    - The wider area of Kozarac village, i.e. the area of the villages of Kozaruša, Trnopolje, Donji Jakupovci, Gornji Jakupovci, Benkovac, Ratković /grid coordinate 830/ has been entirely freed of “Green Berets”;
    - 80 – 100 “Green Berets” were killed and about 1,500 captured;
    - part of the “Green Berets”(100-200 persons) at large on Mt. Kozara;
    - our own casualties are five killed and 20 wounded, and
    - minor damage (already repaired) on the track assembly of two M-84s.
- The B. Luka – Ivanjska – Kozarac – Prijedor – Bosanski Novi road and the wider area of Kozarac completely under the control of the 1<sup>st</sup> KK.

**There is no person with a military education that would not understand the #security necessity# of quitting such a huge presence of an armed enemies deep in the territory under the control of the regular army!)**

(a) Kozarac area

1612. The area of Kozarac is located approximately 12 kilometres to the east of Prijedor town, with Kozarac town lying on the main road from Prijedor to Banja Luka, beneath Mount Kozara.<sup>5575</sup> Before the events of 1992, Kozarac town and the surrounding villages were inhabited by Bosnian Serbs and Bosnian Muslims alike; however some of the villages in the area were almost entirely inhabited by Bosnian Muslims (such as Garibi, Kamičani, Kevljani, Babići, and Hrnići), and other villages had a majority Bosnian Serb population (such as Vidovići, Balte, Lamovita, Omarska, Jelicka, Maricka, Tomašica, Jaruge, Orlovći, and Garevći).<sup>5576</sup> As of 1991, 27,000 people lived in the whole area and in Kozarac town alone, over 90% of the population was Bosnian Muslim; Bosnian Serbs comprised 3% of the population and there were very few Croats.<sup>5577</sup>

1613. Beginning in March 1992, tensions increased among the population in the Kozarac area and military troops and equipment were brought in by the JNA.<sup>5578</sup> **(Kozarac was full of the Muslim extremists, armed up to 1,500 long barrels and 3,000 combatants, and it was well known to the Chamber!)**

It has been determined that in addition to SDA leaders Mirza MUJADŽIĆ, Hilmiya HOPOVAC, Muhamed ĆEHAJIĆ and Bećir MEDUNJANIN, a significant role in the organisation of police units and formations was played by former Prijedor SJB officers Hasan TALUNDŽIĆ and Fikret KADIRIĆ, who were in direct contact with the responsible people in the BH MUP and with Avdo HEBIB personally. In addition, it has been proven that the following persons were particularly to the fore in organising of military formations of the Muslim people in the Kozarac area: Sead ĆIRKIN, until recently an active-service JNA officer, and in the Ljubija and Hambarine area another former JNA Captain, Suad HALILOVIĆ.

<sup>5575</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3314; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1796 (under seal); P569 (Map of Prijedor municipality); P621 (Map and photographs of Kozarac). See also P3891 (Map of Kozarac and Omarska); Adjudicated Fact 1003.

<sup>5576</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3315; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7055–7056; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12454 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 6 (under seal); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7722. See also KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2611, 2639–2640 (under seal); Adjudicated Fact 1034.

<sup>5577</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2639–2640 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6764; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7722. See also Adjudicated Fact 1041.

<sup>5578</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2617–2618 (under seal); Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7056–7059.

Local Serbs in Kozarac began openly carrying weapons, which they had brought home from fighting in Croatia.<sup>5579</sup> As a result of these tensions, in April 1992 in various locations in Kozarac, some joint check-points were supplemented with, and eventually replaced by, Serb check-points.<sup>5580</sup> **(#Who started#! It is already well known that the Muslim side made their check-points around all of their settlements. One of this check-points caused the first skirmish, in Hambarine on 22 May, when the Muslim policemen Aliskovic with the other members of the Green Berets fired against a car killing at least two, heavily wounding two and lightly wounding additional two conscripts. Such a unilaterally depicted events suggest the Serb responsibility, which is not correct.)** By early May 1992, there was a Serb check-point at the main entrance to Kozarac and a tank was posted there.<sup>5581</sup>

**1614.** In October 1991, the President of the local board of the SDA of Kozarac mobilised around 120 men for the TO in Kozarac.<sup>5582</sup> Beginning in the period before the take-over of Prijedor,<sup>5583</sup> members of the TO, the Green Berets, and other armed Bosnian Muslim groups were active in the Kozarac area.<sup>5584</sup> **(#The Muslim paramilitaries#! That was not “before the take over of Prijedor”, this happened a half of a year before April 92, and seven months before the “take over”. All of this activities and preparations for the war against their Serb neighbours was entirely known to the secret services, and even to the ordinary people! Would the Serbs be expected not to take any precautionary measure? This secret and dangerous activity was led by the common state institutions, turned to be a private SDA services!)**

**1615.** Immediately following the take-over of Prijedor, there were also efforts on the part of the local non-Serb population to organise themselves to defend their homes from the attacks they anticipated, but they were poorly armed and equipped with no artillery or heavy equipment.<sup>5585</sup> Members of the TO patrolled Kozarac on night duty.<sup>5586</sup> Other local Bosnian Muslims set up armed guard posts at various places around Kozarac.<sup>5587</sup> In Javori, five to ten Bosnian Muslims, including Sead Ćirkin, a former JNA officer, participated in guard duty to protect the outer border of Kozarac; they were armed with hunting rifles.<sup>5588</sup> **This is a #“post-festum” explanation#. They didn’t have any need to form their secret units, what they did even in October 1991, but it was a task of Sefer Halilovic, to organize the Units in every single settlement, and which Halilovic achieved until September 91. However, this did have a detrimental impact on the common life. At the same time there was the war in Croatia, the Muslims went the same way and participated on the Croatian side against the common state of Yugoslavia and the Serbs. The forming of a massive secret Muslim army warned and scared the Serbs, and that was why they insisted to have the sensitive posts in the governments, police and other distributed as agreed, because the entire state apparatus was abused by the Muslims. But, if the Chamber found what it said in this para, then why it didn’t see the entire development in the light of those facts? Accepting those facts, everything looks like an axiomatic**

<sup>5579</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7057–7059, 7063.

<sup>5580</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7720–7722; see Adjudicated Fact 1041.

<sup>5581</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7720–7722; D1922 (Witness statement of Idriz Merdžanić dated 28 August 2000), e-court p. 2.

<sup>5582</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2614–2619, 2641 (under seal).

<sup>5583</sup> See Section IV.A.1.b.i.D.3: Take-over of Prijedor.

<sup>5584</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3323–3325, 3456–3459; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2614–2619, 2641 (under seal); D1743 (Report of 1<sup>st</sup> Krajina Corps Command, 27 May 1992) (stating that the total strength of the Green Berets was 1,500 to 2,000 men in the area and that they did not have heavy weapons and furthermore that between 25 and 27 May, 80 to 100 Green Berets were killed, and approximately 1,500 more were captured, in Kozarac town and the surrounding villages); P5405 (Report of 1<sup>st</sup> Krajina Corps, 26 May 1992), p. 1; D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 3. See also Ewan Brown, T. 21585–21586 (18 November 2011).

<sup>5585</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7070–7071; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3326–3328; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2615–2617 (under seal).

<sup>5586</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2618–2619, 2641 (under seal).

<sup>5587</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7070–7071, 7129–7131. See Adjudicated Fact 1041.

<sup>5588</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7070–7073, 7118–7119.

**development towards a civil war, and not as a Serb criminal plan #No Serb officials responsible#!.**

**1616.** After the take-over in Prijedor, the town of Kozarac was cut off.<sup>5589</sup> On 22 May 1992, the telephone lines were disconnected and entry to and exit from the area, as well as medical supplies, were controlled.<sup>5590</sup> **(Again, a #shifting in the sequence of events#: this what is described here happened only after the Muslims killed the reservists in the vicinity of Kozarac, in Hambarine. If it is not said, then there is created a false picture, as if the Serbs took some measures without any reason. Why the Serbs didn't do that immediately after the war started, or at least on 6 April? No, all what happened – happened #after the Muslim attacks# and their activation of the secret units about which the Serbs, and particularly the JNA knew everything.** This instilled a feeling of insecurity in the local residents.<sup>5591</sup> The local radio and television stations broadcast announcements that the local population and members of the police and TO should sign an oath of loyalty to the SDS **(This is a #simple forger#y, nobody was expected to sign an oath of loyalty to the SDS, but obly to the authorities, as in any country!)** and the authorities in Prijedor, including to Drljača, Željaja, and Kovačević, and only upon such signature would members of the police and TO be allowed to keep their jobs.<sup>5592</sup> **That is why the Defence insisted that the translation of a document about the oath was wrong: it wasn't any oath to the SDS, but to the Republika Srpska, and all the authorised public officials, regardless of the ethnicity, had to accept the Constitution and laws of the RS. See in D02968 that the Serbs too had been given some time to make up their mind whether they will continue their employment in the police, or go another way:**

Additionally, interviews were also conducted with a number of Serbian members of the staff who had not been explicit enough in defining their future work engagement. Through these interviews, and talks with representatives of the local authorities and political leaders in areas populated mostly by Muslims and Croats, there was differentiation between certain staff who were willing to sign a declaration of allegiance, and on the other hand, a number of Serbian staff who were given a period of three or six months, to show what they can do and prove their worth in this new situation, which would secure their further engagement in the SJB.

**.. The** majority of the population of Kozarac, however, refused to sign the oath.<sup>5593</sup> Local non-Serb leaders, Ćirkin and Medunjanin, sought to negotiate with the new SDS authorities in Prijedor, amongst whom was Župljanin, and to reassure them that the population had no intention of attacking them.<sup>5594</sup> **(Why would the Serb authorities trust them, since they had been forming a secret army already well in advance, and finally attacked the Serbs? It was too late to trust them, or if they really didn't intend to attack, why they didn't surrender their weapons? What kind of responsibility would it be if a state authorities "trusted" potential enemies that they wouldn't attack, if they could do it? It is always essential that the enemy is not able to attack, not to depend on his good will, and a Center of Security Services (CSB) would make an unforgivable mistake to trust and armed group!) (The population was not asked to sign the outh, but only the state officials, even not all of them, but only those with the special authorisation. Remember, the Muslims/Croats could have**

<sup>5589</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3321–3322; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7724; see Adjudicated Fact 1042.

<sup>5590</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3321–3322; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7724; see Adjudicated Fact 1042.

<sup>5591</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3321–3322.

<sup>5592</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7065–7066; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3323; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7722; Idriz Merdžanić, T. 21430–21431 (16 November 2011); D2265 (Srdo Srdić's interview with OTP), p. 28. See also Adjudicated Fact 1043.

<sup>5593</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7067–7068; D1922 (Witness statement of Idriz Merdžanić dated 28 August 2000), e-court p. 2.

<sup>5594</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7067–7068; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7722; D1922 (Witness statement of Idriz Merdžanić dated 28 August 2000), e-court p. 2.



continued to work in MUP without any oath, but not with a special authorisation to arrest, or shoot!) The local TO and police of Kozarac were ordered to surrender all of their weapons and if they did not, Kozarac would be attacked; the TO and police did not obey and the attack on Kozarac began shortly after the ultimatum expired.<sup>5595</sup> (#After the Muslim attack only#! Not to forget that the ultimatum had been issued both by the police and VRS, but only after the attack of the Kozarac secret brigade on the VRS, the police and civilians, see D01743, see P05405 of 26 May 92, which explains everything:.....):

At one point the general political and security situation in Bosnian Krajina took on all the attributes of a civil war characterised by the aggressive posture of the Ustasha-Muslim armed formations. The present situation started after the energetic involvement of the SR /Serbian Republic/ BH Army. In the area of Ključ and Sanski Most, the Serbian forces are controlling the situation and blocking all Zelene beretke /Green Beret/ forces, while in the area of Mrkonjić Grad, enemy forces are not even attempting any hostile action. Following the attack on conscripts in the area of Hambarine village the SR BH Army Regional Command launched armed operations to mop-up the village, disarming all Green Beret members (about 320). At the same time, this command inflicted severe casualties on the Green Berets in the village of Kozarac, capturing in the process about 300 members of enemy formations and inflicting heavy casualties on the enemy. The area of Banja Luka and the town of

(#Peaceful municipalities, two third of them!# Please notice that in Mrkonjić Grad “enemy forces not even attempting any hostile action”. As we all know, nothing bad happened to the Muslims and Croats in Mrkonjić Grad. Now, it is a time to ask whether the Chamber denies that there was a civil war, and that it had been wanted by the Muslim side and the Serb side didn’t, and that the Muslim side first attacked in every single Krajina municipality. If the Chamber denies this fact, then we have to find another court which wouldn’t be blind for a blatant facts. Let us see what the same document (P05405) said about the neighboring municipalities:

The political and security situation in the area of Bosanska Gradiška, Srbac, Laktaši and Prnjavor is favourable, and no individual incidents have been registered.

Any reasonable chamber would see all of it in a wider context, including the geography, and find out why nothing happened in those municipalities? As a Muslim witness said, the Serbs didn’t bother the Muslims in the areas and municipalities where they had been in majority, see Dr. Mujadžić’s testimony, T.29664 Q: Now, it will be difficult for me to identify the page, but perhaps 220 of Exhibit 3517, but I’m not absolutely certain. Now, on this page you talk about when happened in Prijedor. You provide some examples to point out that there were other places where these things did not happen. [As read] “[In English] At the same time, if you compare these with some other localities in Bosnian Krajina such as Sipovo which had a clear Serb majority and were only -- and were there only about 20 per cent of Bosniak, we see that there were almost no crimes committed in the area with the exception of several individual killings. The similar situation can be found in some other areas of Bosnian Krajina, that is the areas which had a Bosniak minority such as the town of Bosanska Dubica and some others.” [Interpretation] Would you agree that to this we could add also Gradiska, Srbac, Laktasi, even Prnjavor, and that in these municipalities other than the opportunistic killings there were no major problems? A. Yes, that’s correct. That’s what I said.”:.... That inevitably leads us to a conclusion that there was no any plan of eviction of the non-Serbs from the Serb areas. What would be easier than to evict them from the areas where they had been minority? Why it didn’t happen? At the same time, in those municipalities numbered in this document, including Mrkonjić Grad, the presidents of municipal Assemblies were at the same time the members of the SDS Main Board. Had the SDS had a plan that is alleged in the Indictment and accepted by the Chamber, such an alleged plan would be carried

<sup>5595</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6765; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2620 (under seal); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7722; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 19; D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 3; D2265 (Srđo Srdić’s interview with OTP), pp. 27–28. See Adjudicated Facts 1035, 1043.

**out firstly and thoroughly in those municipalities with the Muslim minority, and in all the Serb 64 municipalities. Why it wasn't a case? THERE WAS NO ANY CRIMINAL PLAN!)**

(iii) Scheduled Incident A.10.1

1617. The Prosecution alleges that a number of people were killed in Kozarac and the surrounding areas between 24 May and June 1992.

1618. On 24 May 1992, Kozarac was attacked.<sup>5596</sup> **(This is an example how the events must not be presented! Kozarac would never be attacked, if there was no the Muslim attack in the neighbouring Hambarine on 22 May 1992, after which the perpetrators withdrew to Kozarac, and the leadership of Kozarac refused to hand them to the police, but instead reorganized and started to shoot to the police patrol.)** Around 12 p.m., shells were fired from the direction of Mount Kozara in the north.<sup>5597</sup> A column of military vehicles, mounted with heavy machine guns and anti-aircraft guns, advanced on Kozarac from the directions of Prijedor and Banja Luka.<sup>5598</sup> The column was followed by infantry soldiers who fired towards the civilian areas in Kozarac, including on houses and religious buildings, as well as at the Bosnian Muslim manned check-points.<sup>5599</sup> They were supported by artillery fire and shelling from the surrounding hills.<sup>5600</sup> After the shelling started, the population of Kozarac town and the surrounding villages retreated towards the centre of Kozarac.<sup>5601</sup> **(Is it a Prosecution position, or the Chamber accepted it?)**

1619. Also on 24 May 1992, after inhabitants had been told to hand over their weapons, several shells were fired at the Bosnian Muslim inhabited hamlet of Garibi; Garibi was in Trnopolje, seven kilometres from Kozarac.<sup>5602</sup> At least four Bosnian Muslims from Garibi, including two women and an invalid elderly man, were killed during the attack.<sup>5603</sup> **(#Contrary to documents#! However, the VRS report on 26 May doesn't say that, see: P5405**

**attempting any hostile action. Following the attack on conscripts in the area of Hambarine village the SR BH Army Regional Command launched armed operations to mop-up the village, disarming all Green Beret members (about 320). At the same time, this command inflicted severe casualties on the Green Berets in the village of Kozarac, capturing in the process about 300 members of enemy formations and inflicting heavy casualties on the enemy. The area of Banja Luka and the town of**

**It doesn't seem that there was any civilian casualty, while there were a "heavy casualties on the enemy" as said in this para. Nor the Croatian intercept mentioned anything, but the**

<sup>5596</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3322; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7070; Idriz Merdzanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7724, 7729–7732; KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5815 (under seal); Mevludin Sejmenović, T. 20479 (27 October 2011); D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 19; D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 3; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 6. See also KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1846 (under seal); Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4600–4601; Adjudicated Fact 1044.

<sup>5597</sup> Idriz Merdzanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7728–7732 (testifying that the attack started at 12 p.m. on 24 May and continued for two days with brief lulls). Cf. Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7071–7073 (testifying that fire was opened on Kozarac from Orlovci for about ten minutes, and then nothing further happened until the following morning when the shelling continued for 48 hours).

<sup>5598</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3328–3331; see Adjudicated Fact 1045.

<sup>5599</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3329–3331; Mevludin Sejmenović, T. 20480 (27 October 2011). See Adjudicated Facts 1036, 1045.

<sup>5600</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3329, 3331–3333.

<sup>5601</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7073–7074.

<sup>5602</sup> [REDACTED].

<sup>5603</sup> [REDACTED].



### **HVO forces around Kozarac, see: D02221**

26.05.'92 21:00:00 /hours/ 25239

At 19.40 hours, the 5. K /5<sup>th</sup> Corps/ Command received a report that the HVO /Croatian Defence Council/ forces near Kozarac were routed and reduced to small groups that were moving towards Mrakovica, Vitlovska Kosa and Orahovo. The Command was requested to close the road leading to Orahovo and Bosanska Gradiška, and the road to Dubica is already closed.

### **But let us see what "Milos", a very critical and responsible high official of the State Security Service, reported about this events, D04421, of 29 May 92:**

We have fairly reliable and verified reports that the main leaders of the extremist nationalist movement within the SDA /Party of Democratic Action/ in the Kozarac area in the Municipality of Prijedor are: Suljo KUSURAN, a.k.a Kole from Kozarac, Ramiz ČIRKIN from the hamlet of Mahovljani in Kozarac, Hilkan MEMIĆ and his brother called Puc, Besim ALIĆ, Bećo MEDUNJANIN, president of the SDA in Kozarac, Velida MAHMULJANIN, a teacher from Kozarac, Mujo REDŽIĆ, son of Dedo, his brothers Idriz and Dalija, Harem BEŠIĆ, and certain persons of Muslim nationality who have the following nicknames: Didin, Sutko, Šara, etc. Most of these persons were wearing camouflage uniforms and berets bearing the insignia of the Territorial Defence of Bosnia and Herzegovina. They were armed with automatic weapons and they acted and spoke and behaved in a way that encouraged the uniting of the Muslim People in this area and the organization of armed resistance to the members of the Army and the Territorial Defence of the Serbian Republic of Bosnia and Herzegovina. They assumed the roles of leaders and potentates in the environment in which they lived. They verbally threatened loyal citizens of Muslim nationality and called anything that had to do with Serbs Chetnik. Suljo KUSURAN known as Kole was particularly short-tempered, and he said at assemblies of the local commune and citizens' meetings that he would kill anyone who recognized the newly formed organs of power in Prijedor as well as anyone who returned weapons. Since a According to our operative data, the following persons were involved in the organization of the SDA's military formations: Sejfo JAKUPOVIĆ, a former colonel in the JNA /Yugoslav People's Army/ who left the JNA of his own free will towards the end of 1991; Mirsad SELIMBEGOVIĆ, son of Raza, a former major in the JNA who left it of his own free will; Abaz PIDIĆ, a retired staff sergeant 1<sup>st</sup> class; Suljo BEŠIĆ, reserve captain 1<sup>st</sup> class; Emir SINANAGIĆ, an employee of the SJB /Public Security Station/ in Prijedor; Turkan ARNAUTOVIĆ, son of Munib, a retired JNA colonel; Vasko KULAŠIĆ and certain other persons whose identity we have not managed to discover yet. Certain data shows that these persons themselves organized the acquisition of arms for the needs of the SDA in the Kozarac area and elsewhere Intelligence indicated that about 1,000 long-barrelled weapons have been distributed to citizens of Muslim nationality in this area through the SDA and the Territorial

**So, only in Kozarac there was 1,000 long-barrelled weapons and several Muslim officers that deserted the JNA in order to organise the rebellion. But, let us look at what "Milos" reported to the authorities, without any hesitation and with a certainty founded on his insight in the events in the terrain: D4421:**

All in authority should consider the consequences of military action in Kozarac, since certain problems encountered by Prijedor Municipality are impossible to solve without wider support and understanding. Above all this concerns providing accommodation and food for citizens of Muslim nationality who have been retained, brought in or captured. Particular attention should also be paid to individuals and smaller groups from the ranks of the Territorial Defence of the Serbian Republic of

Bosnia and Herzegovina who treat citizens of Muslim nationality with extreme cruelty indiscriminately and without verifying whether they deserve such treatment. Individuals from these ranks are slaughtering and eliminating people at will and burning and plundering everything they can get their hands on. All this contains elements of anarchy that are not in the interest of the Serbian people, its dignity, its honourable history or the current organs of power.

We are under the impression that the regular units and commanding officers of the Army of Serbian Bosnia and Herzegovina are impotent to deal with these individuals and informal groups which are fighting on the side of the Serbian people for their own sake and profit. There is the serious danger that extremist individuals from our side may seize power and thus prevent the legal establishment of government.

**(#Officials vs. crimes#! So, there was a crimes, but it was completely out of the control of the legal forces. The police had a data about a very heinous crimes against the non-Muslim citizens too, see D04220**

We have information about heinous murders and a massacre of the innocent non-Muslim population.

**and there was to be expected that there may be a personal revenges of the people who were armed and acted independently in a certain occasions. Let us see what the police did on this subject, P02968:**

54 murders were recorded in 1992 in the Prijedor Municipality, including 7 committed by known perpetrators and 47 committed by unknown perpetrators. Out of the murders committed by unknown perpetrators, 8 murders were committed by Muslim extremists against Serbs, so that criminal reports were submitted for these crimes charging war crimes against civilians. Most of the other cases of murders committed by unknown perpetrators were murders of Muslims during the war or in combat areas. It was difficult to differentiate between the areas where combat operations were ongoing and where they were not.

**(#Officials vs. crimes# There was no any cover up. A rate of killed: Serbs vs. Muslims: 8 : 39.)** The local inhabitants of Garibi fled towards Sivći, Huskići, and other nearby villages.<sup>5604</sup> In the evening, the other Muslim villages in the area, including Huskići, Kevljani, Hadžići, Jakupovići, Kamičani, Softići, Brdjani, Kozaruša, and Mujkanovići, were shelled.<sup>5605</sup> **#Abuse of civil settlements#!** The village of Kozaruša was destroyed and only Serb houses remained, for the most part, untouched.<sup>5606</sup> **(Because nobody fired from the Serb houses towards the Serb Army! Since there was no any possibility to differentiate houses by ethnicity of owners, it is the only reasonable inference that the Serb Army fired only to the houses from which the Army was fired at! But, let us see what was the situation in those settlements on 18 May, prior to the Muslim attack on Hambarine, D1816:**

In reference to your dispatch, number and date of reference document, we wish to inform you that paramilitary units are present in the following areas of the Municipality of Prijedor:

- In the area of the Ljubija and Donja Ljubija local communities, a unit the size of a platoon, armed mostly with rifles and sniper rifles.
- In the area of the Rizvanovići, Hambarine and Bišćani local communities, a unit the size of a company and armed with rifles, mortars and recoilless guns.
- In the area of the Čarakovo local community, a unit the size of a platoon, armed mostly with rifles.
- In the area of the Kozarac and Kozaruša local communities, a unit the size of a company, armed with rifles and mortars.

We do not possess details on the quantity, origin or type of weapons, or the amount of ammunition. The above intelligence has been acquired by intelligence work on the ground, and we shall continue to gather and record further information.

**As confessed, it was not a complete information, while we know that there was up to 3,000 armed people only in Kozarac, and up to 5,000 of the #Muslim irregulars attacked#! Prijedor on 30 May 92!)**

**1620.** The units involved in the attack on Kozarac and the operation following the attack included units of the 1<sup>st</sup> Krajina Corps, such as the Banja Luka Corps, the 343<sup>rd</sup> Motorised Brigade, and the 6<sup>th</sup> Krajina Brigade,<sup>5607</sup> as well as units of the Prijedor TO, Serb paramilitaries, and members of

<sup>5604</sup> [REDACTED].

<sup>5605</sup> KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*, T. 5815 (under seal); see Adjudicated Fact 1279.

<sup>5606</sup> See Adjudicated Fact 1279.

<sup>5607</sup> D1743 (Report of 1<sup>st</sup> Krajina Corps Command, 27 May 1992) (stating that components of the 343<sup>rd</sup> Motorised Brigade, supported by two 105mm howitzer batteries and one M-84 tank squadron, participated in the attack); P3660 (Handwritten "War Record" of the 6<sup>th</sup> Krajina Infantry Brigade, undated), p. 3; Mevludin Sejmenović, T. 20481–20482 (27 October 2011). See Adjudicated Facts 1050, 1056, 1057 (stating *inter alia* that Lieutenant-General Talić was



the Prijedor SJB.<sup>5608</sup> The commander of all of the units involved in this attack, including the paramilitary units, was Željaja.<sup>5609</sup> **There is an overwhelming evidence that those villages had been a #Muslim armed strongholds#, and some of them remained as it until the very end of the war. Since the Muslim armed forces weren't legal and legitimate, they could have been treated as terrorists, but they hadn't been. Any crime that happened was out of sight of the very immediate superiors. Many Muslims remained living in the center of Prijedor, without any problem. We have heard Mr. Akashi testifying that in 1994 there was so many Muslims in Prijedor, that the President was asked to allow up to 80 buses and trucks a day to transport the Prijedor Muslims to Croatia. Therefore, there can not be any talk about persecution on an ethnic basis, and everything depended on the Muslims and their will and conduct. The neighboring municipalities, as well as the Muslims remainins to live in all and every municipality in the RS are the first class evidence about that.** **As far as it is concerned with Kozarac, see P05405, the military report depicting the action and reasons, as well as disarmament of 320 and capturing 300 Green Berets members. Even if accepted that the firing lasted for two or three days, a question "why" appears, and a response would be: the number of armed people was over three hundred, and they fought against the VRS. Which army in the world would be indifferent to a fact of having such a powerful group of terrorists behind it's backs?**

1621. The Shelling and firing lasted for two to three days and caused panic amongst the local population.<sup>5610</sup> Houses and buildings in Kozarac and the surrounding villages were damaged by the shelling and shooting, and some were destroyed.<sup>5611</sup> The Serb infantry soldiers also set houses on fire; in some areas, such as Jakupovići and Končari, entire villages were "razed".<sup>5612</sup> Sejmenović witnessed the Serb infantry set fire to houses with people still inside; those who were able to escape said that special bombs were used to set the houses on fire in a second.<sup>5613</sup> **(As it is well known, Sejmenovic was one of the leaders of rebellion, and therefore had every motive to lie and exaggerate! In contrast to his testimony, there are a "strictly confidential" reports of the VRS commanders. Also, "Milos" clearly differentiated the perpetrators of crimes from the legal forces, see: D: 4421** **We are under the impression that the regular units and commanding officers of the Army of Serbian Bosnia and Herzegovina are impotent to deal with these individuals and informal groups which are fighting on the side of the Serbian people for their own sake and profit. There is the serious danger that extremist individuals from our side may seize power and thus prevent the legal establishment of government.** **#Serb officials vs. crime#!** Organised looting also occurred; looted property, including refrigerators and stoves, was collected in a large truck and every three or four days, the truck would take it all away to Kozarac and then come back for more.<sup>5614</sup> **(However, a Prosecution witness, known as a very anti-Serb journalist Eduard Vulliamy, brought to us a different picture, see: P3788, p.6**

the Commander of the Banja Luka Corps), 1059; P5405 (Report of 1<sup>st</sup> Krajina Corps, 26 May 1992), p. 1. See also Ewan Brown, T. 21585–21586 (18 November 2011); P3914 (Ewan Brown's expert report entitled "Military Developments in the Bosanska Krajina – 1992", 27 November 2002), paras. 2.45, 2.74, fn. 391; P5407 (Report of 1<sup>st</sup> Krajina Corps, 1 June 1992); P3317 (Report of 1<sup>st</sup> Krajina Corps, 29 May 1992).

P2968 (Report of Prijedor SJB, January 1993), p. 4; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6764–6765. See Mevludin Sejmenović, T. 20481–20482 (27 October 2011). See also P3914 (Ewan Brown's expert report entitled "Military Developments in the Bosanska Krajina – 1992", 27 November 2002), paras. 2.5, fn. 240, 2.42–2.45, 2.71–2.72; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 6, 32.

Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6765. See Adjudicated Fact 1058.

Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*, T. 7073; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*, T. 7734–7735; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3329–3331; Mevludin Sejmenović, T. 20479 (27 October 2011); P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 6; Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5558–5559; Ivo Atljija, T. 20341–20343 (26 October 2011). See Adjudicated Facts 1036, 1044.

Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*, T. 7073; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*, T. 7728–7732, 7741; P3890 (Photograph of clinic in Kozarac); P3892 (Photograph of clinic in Kozarac); Mevludin Sejmenović, T. 20479 (27 October 2011); Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5558–5559; Ivo Atljija, T. 20341–20343 (26 October 2011). See Adjudicated Fact 1046.

KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3329–3334. See also Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5558–5559; Ivo Atljija, T. 20341–20343 (26 October 2011). See Adjudicated Facts 1037, 1045.

Mevludin Sejmenović, T. 20479–20480 (27 October 2011).

Mevludin Sejmenović, T. 20483–20484 (27 October 2011); Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*, T. 7079; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*, T. 7741. See also Adjudicated Fact 1271.

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

'These are the people who accept the Serbian republic,' explains Major Milovan Milutonic from Army HQ in Banja Luka. 'If they do that, we just leave them alone.'

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**Therefore, all the Prosecutor's allegations about the Serb attacks on a non-Serb villages are rebutted by this article published on 7 August 1992. The only condition was: not to fire against the Serb civilians, the Police and the Army, and everyone could have lived peacefully! How possibly this evidence could be skipped and neglected?)**

1622. The majority of the Bosnian Muslim employees of the Kozarac police station were killed during the take-over of Kozarac; a small number was taken to Omarska and Keraterm.<sup>5615</sup> **(The Muslim policemen from Kozarac were the main organisers and combatants of the rebel units, and all of those killed had been a combat casualties, while those captured alive were the POWs. No executions had been registered or reported!)** However, the Chamber does not have sufficient evidence as to the circumstances surrounding the deaths of these policemen to make a finding on these killings.

1623. Arifagić was on guard duty in Javori during the attack and he saw six men killed as a result of the shelling.<sup>5616</sup> At least three individuals were killed in Duračci, a village outside of Trnopolje in the Kozarac area.<sup>5617</sup> However, the Chamber does not have sufficient evidence as to the circumstances surrounding the deaths of these three individuals, or as to their status at the time of their deaths, to make a finding on these killings.

1624. During the shelling, Idriz Merdžanić, a doctor in charge of the local outpatient clinic in Kozarac town, treated women, children, and other individuals who were injured during the shelling.<sup>5618</sup> Patients at the clinic died there as a result of shelling wounds and other injuries when the clinic was shelled.<sup>5619</sup> One civilian was brought into the clinic dead.<sup>5620</sup> The Chamber, however, does not have sufficient evidence as to the circumstances surrounding the death of this individual to make a finding on this killing.

**1625.** On 25 May 1992, Merdžanić decided to move the clinic to a location more accessible to the population on the outskirts of the town.<sup>5621</sup> When he tried to negotiate through a police radio in order to obtain the safe passage of the wounded, including two children, one of whom had her legs completely shattered, he was told over the radio: "Let all of you balija [...] die there. We'll kill you all anyway".<sup>5622</sup> **(#An uncorroborated lie#! Who said that? Did he ask a contact with the commander? However, he anyway was enabled to move his clinic to Trnopolje. The Chamber didn't have sufficient evidence as to who said that nasty words too!)**

<sup>5615</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6764. See Adjudicated Fact 1049.

<sup>5616</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7070–7073. Arifagić testified further that the men at his guard post fired shots as well. Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7128, 7146–7147. See also KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3333–3334 (testifying that there may have been some firing on the part of the Kozarac inhabitants towards the attacking forces).

<sup>5617</sup> [REDACTED]; P569 (Map of Prijedor municipality).

<sup>5618</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7716–7717, 7733–7734.

<sup>5619</sup> See Adjudicated Fact 1047.

<sup>5620</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7734.

<sup>5621</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7734–7735.

<sup>5622</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7735–7738. See also Adjudicated Fact 1047.

1626. On the morning of 26 May 1992, the terms of surrender for the population of Kozarac were agreed upon, after which the shelling stopped.<sup>5623</sup> **(#Wrong, nobody demanded surrender of the population, but only of the armed formation that intermingled with the population.** A convoy was organised to leave the town.<sup>5624</sup> The wounded were allowed to leave first, followed by police officers, and then the remaining civilian population.<sup>5625</sup> **(It would be fair and would complete the truth if noticed that the wounded Muslim combatants had been housed in the Prijedor Medical Centre, under the Serb control. There is a book of admittance, depicting many Muslim patients!)** A convoy of primarily Bosnian Muslim villagers formed and moved towards Kozarac town.<sup>5626</sup> They travelled through Kozarac town, which was completely destroyed, and by the time they reached the intersection at the main Prijedor-Banja Luka road, their group had been augmented by many others moving in the same direction.<sup>5627</sup>

1627. KDZ048 **(92bis)** and his family had travelled in the convoy in their car and at the intersection, they encountered a tank and a lot of troops in various uniforms, who first told them to leave their vehicles behind, but then permitted them to continue on their way towards Prijedor town.<sup>5628</sup> **(Although the town of Prijedor was in the Serb hands, the refugees and the Muslim population had been allowed to take refuge in it. Had the attack been directed towards the civil population, the authorities wouldn't allow them to gather so massively in the town. This fact must be kept in mind in every inference pertaining to Prijedor. Let us see what Eduard Vulliamy wrote about the fights and the Serb attitude towards the Muslim civilians, P3788, p. 5.**

Stories in Trnopolje, more freely told than at Omarska, are brimful of the squalid violence and black absurdity of civil war. There is Sana, aged 13, who says: 'I was a fighter for the Muslims. They used to put us at the front when the fighting started. I was so scared that I ran away to the Serbian side of the village, to come here. I am still frightened, but I feel safer.'

**What do we see here? The #Muslim irregulars in Prijedor mobilised a 13 years old boys# and put them in the first line. When such a boy is captured, it is depicted in the Prosecution arrangement as a civilian boy detained by the Serbs. But this boy escaped to the Serbs in order to reach Trnopolje! And the autor, Mr. Vulliamy would be the last one in the world to mitigate a picture of the Serbs!)** At the intersection, KDZ048 also saw at least ten dead bodies in police uniforms, one of whom he recognised as a local Bosnian Muslim police officer.<sup>5629</sup> However, the Chamber does not have sufficient evidence as to the circumstances surrounding the deaths of these ten individuals during the attack on Kozarac to make a finding on these killings.

1628. At the same intersection, the men were separated from the women and children by Serb soldiers; the men were taken to Keraterm and Omarska primarily, though some were sent to Trnopolje, and the women and children were put on separate buses and taken to Trnopolje.<sup>5630</sup>

<sup>5623</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7738. See also KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3334–3335.

<sup>5624</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7738. See Mevludin Sejmenović, T. 20480 (27 October 2011).

<sup>5625</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7738.

<sup>5626</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3329–3331, 3336–3341 (testifying that they were told to leave the area and go towards Prijedor town, so that the Serbs could “mop up the terrain”); KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5815–5818 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12458, 12460–12461 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999 and 28 February 1999), e-court p. 7. See Mevludin Sejmenović, T. 20480 (27 October 2011).

<sup>5627</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3338–3341; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12459 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 7. See Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7074–7075.

<sup>5628</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3341.

<sup>5629</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3342–3343.

<sup>5630</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3345–3347; KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5817–5818 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12460–12461 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 7; Mevludin Sejmenović, T. 20480 (27 October 2011); Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7074–7075. See also Adjudicated Fact 1103.

1629. After the convoy set off, Merdžanić and the other staff members of the clinic went back to the original location of the clinic to check if there were any wounded.<sup>5631</sup> When they arrived they were captured by Serb soldiers wearing camouflage uniforms, red berets, and armbands.<sup>5632</sup> **(#Security reasons#! The armbands were ordered by the Command as security against a friendly fire, and both the Muslim and Serb civilians were recommended the same, while there is an intention to compare these bands with the Nazi bands for Jews, which is shameless!)** After a few minutes, a JNA truck arrived and the soldiers loaded it with all the medical supplies of the clinic and the truck left; Merdžanić and the other staff were taken to the centre of Kozarac.<sup>5633</sup> While in the centre, Merdžanić saw one of the soldiers single out Nihad Bahunjić, the ambulance driver from the Kozarac clinic, and take him away; it was confirmed later that Bahunjić was killed.<sup>5634</sup> **(How, where and when he was killed? Could he have been exchanged or released, and killed during combats?)** Shortly after, the group was forced to enter a jeep and taken in the direction of Prijedor, where they were put on to a bus full of women and children and were transferred to Trnopolje.<sup>5635</sup>

**1630.** By 26 May 1992, most of the population of Kozarac had surrendered; however, those who had not surrendered, amongst whom were armed members of the Bosnian Muslim TO and SDA leaders, retreated to Mount Kozara.<sup>5636</sup> **See also D2221:**

26.05.'92      21:00:00 /hours/      25239

At 19.40 hours, the 5. K /5<sup>th</sup> Corps/ Command received a report that the HVO /Croatian Defence Council/ forces near Kozarac were routed and reduced to small groups that were moving towards Mrakovica, Vitlovska Kosa and Orahovo. The Command was requested to close the road leading to Orahovo and Bosanska Gradiška, and the road to Dubica is already closed.

One group, which included Arifagić, came under fire at a place called Zeciji Kamen and a fight ensued.<sup>5637</sup> **(Therefore, Arifagic was a combatant!)**

**1631.** Another group of approximately 100 Bosnian Muslims and Bosnian Croats from the Kevljani area was arrested by armed Bosnian Serbs wearing different kinds of uniforms; one man was shot dead after they found a Croatian passport on him.<sup>5638</sup> **(It is pity, but the Croatian Secret service was alleged to be involved in the rebellion organisation.** This group was taken to the Benkovac training grounds, which had been used for military purposes before the conflict, but had been turned into a detention camp run by the military.<sup>5639</sup> At the Benkovac training grounds, the detained group was ordered to line up in front of a building, and a Bosnian Serb soldier with the last name of Romanić singled out four individuals.<sup>5640</sup> They were taken to one of the rooms inside the building and shot dead.<sup>5641</sup> The “hodža” was also beaten to death by the soldiers.<sup>5642</sup> In the course of the day, 60 individuals were taken to the woods in groups, from where bursts of gunfire could be heard; all of these individuals were killed.<sup>5643</sup> **(#Heard, not seen#! Those only “heard” and not seen shouldn’t even be mentioned in**

<sup>5631</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7738–7739.

<sup>5632</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7739–7740.

<sup>5633</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7739–7746; see P3893 (Sketch drawn by Idriz Merdžanić of Kozarac).

<sup>5634</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7743–7746; Idriz Merdžanić, T. 21446, 21449 (16 November 2011). See also P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002) (under seal), p. 15.

<sup>5635</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7744–7748.

<sup>5636</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7074, 7078; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2621–2623 (under seal). See also Adjudicated Fact 1053; D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 3; D4229 (Witness statement of Boško Mandić dated 18 January 2014), pp. 4–6.

<sup>5637</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7079, 7137.

<sup>5638</sup> See Adjudicated Fact 1053.

<sup>5639</sup> See Adjudicated Fact 1054. See also Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7078, 7137.

<sup>5640</sup> See Adjudicated Fact 1055.

<sup>5641</sup> See Adjudicated Fact 1055.

<sup>5642</sup> See Adjudicated Fact 1055.

<sup>5643</sup> See Adjudicated Fact 1055.



**the Judgement, not even in the Indictment, since the Prosecution has an obligation to bring about the truth! If any of this was true, it would be unlawful, but what it has to do with this President? This is an argument against any civil war, not against this President! Have we forgotten that this President did everything to “avoid a war under any cost” see D1833, confirmed by the highest authority involved on behalf of the UN, US and Europe?)**

1632. Arifagić was not captured with the group taken to Benkovac, but he stayed in the forest with a group of people who then made contact with Čirkin and Medunjanin.<sup>5644</sup> **(#Muslim extremists#! Cirkin and Medunjanin were the main organisers of the rebellion, but in the Indictment and unfortunately in the Judgement they had been mentioned as a civilians and conciliatory Muslim leaders!)**

1633. Another group of approximately 35 to 40 people left Kozarac after the attack and moved towards Kozarački Kamen to reach the Sava River in order to cross over to Croatia.<sup>5645</sup> After the group passed Kozarački Kamen, they were noticed by “uniformed reconnaissance men” who opened fire on them and a member of the group was killed.<sup>5646</sup> The Chamber, however, does not have sufficient evidence as to the circumstances surrounding the death of this individual, or regarding his status at the time, to make a finding about this killing. The remainder of the group fled and returned to a suburb of Kozarac; they were later captured and brought to the Prijedor barracks on or around 9 June 1992.<sup>5647</sup>

1634. On 14 June 1992, Arifagić was captured by Serb soldiers at Mujkanovići, a village close to Trnopolje, where he had gone in the hope of seeing his mother.<sup>5648</sup> He was in a group of about 40 men, who had all been captured at the same time and were ordered to march towards Kamičani.<sup>5649</sup>

**(#Terrorist# It should be said that Mr Arifagic had been captured as a combatant, or a member of “diversant-terrorist group – DTG, which had been active in the region. Let us see what the Prosecution exhibit P3665 sais about that, on 17 June 1992:**

The situation in the Prijedor, Kotor Varoš and Sanski Most areas is stable and under the control of our forces.

During the day, combat groups (newly formed out of the 30<sup>th</sup> pd /Infantry Division/ elements) have started mopping up the area of the villages around Jajce – Borci, Šebezi, Brda and Vlasinje.

Fragmented enemy groups in the areas of Prijedor, the Sana river valley and Jajce are still occasionally active.

A series of measures have been undertaken in units to prevent DTG activities and to control and secure the territory.

**The refore, the diversant-terrorist groups had been present there, and the VRS units were entitled and obliged to neutralise them. The Serb soldiers were after them, not after civilians!)** The men in the group were beaten and forced to sing “Serbian songs” along the way. Upon arriving at a check-point in Kamičani, they were further beaten and mistreated.<sup>5650</sup> This group of men was then put on a bus from the “Prijedor Autotransport” company and they were taken to Omarska, and then on to Keraterm.<sup>5651</sup>

<sup>5644</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7078, 7137–7138 (testifying that Čirkin and Medunjanin were in a group of 750 people with whom he met up and they decided to split into three groups—one group wanted to cross over into Croatia while the other two groups wanted to return to Kozarac; conflict ensued between these two groups and “Serb troops” in the centre of Kozarac and ultimately several men were killed and they withdrew).

<sup>5645</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2622–2623 (under seal) [REDACTED].

<sup>5646</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2623–2624 (under seal); see P4853 (Updated Table 2 to the Report of Amor Mašović), p. 23. See also P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 174, 238 (under seal).

<sup>5647</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2624–2628 (under seal).

<sup>5648</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7078–7079.

<sup>5649</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7080.

<sup>5650</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7080–7081 (testifying further that they were then taken to a nearby house where they were told to unload household appliances from a truck).

<sup>5651</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7081.

**1635.** While the Chamber took judicial notice of two adjudicated facts which state that as a result of the shelling of Kozarac on 24 May 1992, over 800 of its inhabitants were killed,<sup>5652</sup> the Chamber cannot be satisfied beyond reasonable doubt as to the precise circumstances surrounding these deaths, nor about the status of these individuals in light of the other evidence before it. The Chamber is therefore unable to include these deaths in its findings on the killings for this Scheduled Incident. **(Had it been so, the VRS “strictly confidential” report would mention it. However, the report, see: D1743, mentioned only 80 killed members of the Green Berets, and captured 1,500 combatants and probable suspects!)**

**1636.** The Chamber also took judicial notice of the fact that at least 80 Bosnian Muslim civilians were killed when Bosnian Serb soldiers and police entered the villages of the Kozarac area.<sup>5653</sup> The Chamber has made findings above in respect of approximately 80 individuals who were killed during the attack on Kozarac and the surrounding areas.<sup>5654</sup> In addition, the Chamber received forensic evidence to support the deaths of some identified individuals from Kozarac and the surrounding areas between 24 May and June 1992.<sup>5655</sup> **(#Combatants, not civilians#! It is highly unlikely that this Adjudicated fact can survive. First of all, the first class evidence of the D1743, a contemporaneous and “strictly confidential report of the VRS 1<sup>st</sup> Krajina Corps, depicted exactly “80 to 100 Green Berets casualties”, see: D1743 once again:**

Concerning the destruction of the “Green Berets” in the wider area of Kozarac village we submit the following report:

1. The armed conflict started on 25 May 1992 and ended on 27 May at 1300 hrs.
  2. Participating in the armed conflict on our side were components of the 343<sup>rd</sup> Motorised Brigade (an enlarged motorised battalion), supported by two 105 mm howitzer batteries and one M-84 tank squadron.
  3. The total strength of the “Green Berets” was 1,500 – 2,000 men without heavy weapons.
  4. Overall results:
    - The wider area of Kozarac village, i.e. the area of the villages of Kozaruša, Trnopolje, Donji Jakupovci, Gornji Jakupovci, Benkovac, Ratković /grid coordinate 830/ has been entirely freed of “Green Berets”;
    - 80 – 100 “Green Berets” were killed and about 1,500 captured;
    - part of the “Green Berets”(100-200 persons) at large on Mt. Kozara;
    - our own casualties are five killed and 20 wounded, and
    - minor damage (already repaired) on the track assembly of two M-84s.
- The B. Luka – Ivanjska – Kozarac – Prijedor – Bosanski Novi road and the wider area of Kozarac completely under the control of the 1<sup>st</sup> KK.

**Even due to the Tribunal Statute, this Adjudicated fact is not valid after admittance of this document. Had the Prosecution obtained the names of those “civilians”, the Defence would be able to compare this list with the ABiH record of combat casualties. Even if some civilians died, all of it happened during the military action against the terrorists and illegal armed forces that had been hiding behind the civilians. Also, almost all of the terrorists were in a civil cloathings.**

<sup>5652</sup> See Adjudicated Facts 1046 (stating *inter alia* that as a result of the shelling in Kozarac, over 800 of its inhabitants were killed and that the remainder, including those from surrounding Muslim villages, were expelled), 1057 (stating that: “On 27 May 1992 senior military officers met to be briefed on the attack on Kozarac: Lieutenant-General Talić, as Commander of the Banja Luka Corps, the 5<sup>th</sup> Corps of the old JNA, was informed that 800 people had been killed in the attack on Kozarac and an additional 1,200 had been captured; casualties on the part of the units of the Corps were four soldiers killed and fifteen injured.”).

<sup>5653</sup> See Adjudicated Fact 1048.

<sup>5654</sup> See paras. 1619, 1623–1624, 1629, 1631. See also D1743 (Report of 1<sup>st</sup> Krajina Corps Command, 27 May 1992) (reporting that between 25 and 27 May 1992, 80 to 100 Green Berets were killed and approximately 1,500 more were captured in Kozarac town and the surrounding villages).

<sup>5655</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 15–16, 20, 23 (confirming the deaths of 11 identified individuals from Kozarac and the surrounding areas who were exhumed from graves in Trnopolje-Redži, Huskići, Jakarina Kosa, Dera-Bešići, and Kamičani in 2000, 2001, 2003, 2006, 2007, 2009); P4888 (Bihać Cantonal Court record of Huskići-Kamičani and Prijedor exhumations, 16 June 2000), p. 3 (confirming the exhumation of two of the same individuals identified by Mašović, Enver Huskić and Šerif Huskić, in June 2000). The Chamber notes that there is a discrepancy between the forensic reports regarding the name of one of the victims of this Scheduled Incident. More specifically, Mašović contains a reference to Edhem Huskić, son of Sulejman born on 15 August 1929, while the Bihać Cantonal Court record contains a reference to Šerif Huskić, son of Sulejman born on 15 August 1929. The Chamber considers this inconsistency to be minor. Accordingly, the Chamber concludes that this is in fact the same individual. See also P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, p. 8; P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 16, 19, 84, 113–114, 238 (under seal) (confirming the deaths of nine identified individuals, including eight of the same individuals identified by Mašović, as having been killed in Kozarac and the surrounding areas in May and June 1992).

**So, none of those deaths was intentional, but rather collateral. And the full responsibility is on the Muslim illegal forces.)**

**1637.** In light of the above, the Chamber is therefore satisfied that at least 80 Bosnian Muslims, including civilians, **(#how many civilians, how the Chamber knew that?)** were killed by Serb Forces in Kozarac and the surrounding areas between 24 May and June 1992. **(#Combat casualties#! For the above reasons, and for a high and absolutely unjustified confidence of the Chamber in the Prosecution, this deliberation is invalid and wrong!)**

(iii) Aftermath of the attack

1638. By 28 May 1992, 50% of Kozarac was destroyed, with the remaining damage occurring between June and August 1992.<sup>5656</sup> By the end of summer 1992, the area of Kozarac was desolate; many of the buildings which had survived the attack undamaged were subsequently looted and destroyed.<sup>5657</sup> **(#No officials responsible#! Neither the Prosecution alleged, nor submitted any evidence that the local Serb authorities were responsible for these lootings. On the contrary, we have seen the “Milos’s report” on this issue, D:4421:**

We are under the impression that the regular units and commanding officers of the Army of Serbian Bosnia and Herzegovina are impotent to deal with these individuals and informal groups which are fighting on the side of the Serbian people for their own sake and profit. There is the serious danger that extremist individuals from our side may seize power and thus prevent the legal establishment of government. **#N**

**o officials responsible#! Therefore, a looting after a fights was not tolerated or ordered by the authorities, but in such a situation, the legal forces were unable (impotent) to maintain the law and order!)** During the attack on Kozarac, however, care was taken to try to avoid damage to Serb houses and property.<sup>5658</sup> **(However, another, #more reasonable inference# is that from the Serb houses and properties nobody fired against the Army, while the terrorists had been deployed in the Muslim houses and properties. It is well known that the local commanders of the JNA, and later of the VRS asked the inhabitants to mark their house windows by a white textile as a sign that they are not participating in the skirmish, so to be safe, see D3788, (Vulliamy) quoted in para 1621 above).** After the take-over, Kozarac was occupied by Serb Forces under the control of the Serb authorities.<sup>5659</sup>

1639. In early June 1992, KDZ392 saw that the Mutnik mosque in Kozarac was burnt; it was later destroyed.<sup>5660</sup> Unlike the mosque, the Serbian Orthodox church in Kozarac was not damaged during the attack.<sup>5661</sup> **(#Abuse of religious objects#! The same inference, nobody fired towards the VRS from the Church, but usually a mosque minarets were used to deploy snipers, or machineguns, or even recoilless cannons.)** When KDZ048 returned to Kozarac in 1997, none of the 16 mosques that had previously been there remained intact.<sup>5662</sup>

**1640.** During his journey on 5 August, Edward Vulliamy, a British journalist covering the conflict in BiH in 1992, was escorted by Major Milutinović, who told Vulliamy that the only remaining inhabitants

<sup>5656</sup> See Adjudicated Fact 1270.

<sup>5657</sup> Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7911. See Adjudicated Fact 1274.

<sup>5658</sup> See Adjudicated Facts 1272, 1273.

<sup>5659</sup> P3483 (Video clip of interviews in Prijedor, including with Milomir Stakić, with transcript), pp. 7–8. See also D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 19; Adjudicated Fact 1046.

<sup>5660</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2621 (under seal); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3333, 3406; P548 (Photograph of Mutnik mosque in Kozarac). See also Adjudicated Facts 1272, 1287; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7836; P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 248–250.

<sup>5661</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2621 (under seal); P621 (Map and photographs of Kozarac); P550 (Photograph of orthodox church in Kozarac); see Adjudicated Fact 1272.

<sup>5662</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3382, 3405–3407. See P549 (Photograph of Kalata mosque in Kozarac). See also para.1888.

were the local Serbs and that “some 40,000 Muslims” had left the area by this time.<sup>5663</sup> **(However, this assertion with such a drastic data hadn’t been present in the only Vulliamy’s report from Prijedor, see: P3788. This had been written in afterwards, since we know that even in 1994 there were thousands of Muslims in Prijedor, for whose transference to the third countries Mr. Akashi and many others intervened with the President to allow them to go. Even at the end of war in November 1995 there was about 2,000 non-Serbs, according to the Muslim sources, D4002. Why it was so easy to lie before this Chamber???)** When KDZ048 returned in 1997, he found Serb refugees from Croatia living in his house.<sup>5664</sup> **(Therefore, it was not ruined, because probably he was not there to fire from his house! Had he used own house as a trench, it would be hit and ruined!)**

(iii) Scheduled Incident A.10.3

1641. The Prosecution alleges that a number of people were killed in Kamičani on or about 26 May 1992.

1642. Kamičani is a village located approximately two kilometres to the southeast of Kozarac; in 1992, Kamičani was predominantly Bosnian Muslim with 2,000 to 3,000 inhabitants.<sup>5665</sup>

1643. Between 24 and 26 May 1992, Kamičani was shelled by Serb Forces.<sup>5666</sup> Houses in Kamičani were damaged by the shelling.<sup>5667</sup> Additionally, the mosque in Kamičani was set alight by Serb Forces.<sup>5668</sup> During the attack, at least eight Bosnian Muslims took refuge [REDACTED]<sup>5669</sup> in Kamičani.<sup>5670</sup> **(Unclear why it was redacted!!! This way the public can not rectify possible lies!)**

1644. [REDACTED].<sup>5671</sup> [REDACTED].<sup>5672</sup> [REDACTED].<sup>5673</sup> [REDACTED].<sup>5674</sup>

1645. [REDACTED].<sup>5675</sup> [REDACTED].<sup>5676</sup>

1646. [REDACTED].<sup>5677</sup> [REDACTED].<sup>5678</sup> [REDACTED].<sup>5679</sup> [REDACTED].<sup>5680</sup>

1647. [REDACTED].<sup>5681</sup> [REDACTED].<sup>5682</sup> [REDACTED].<sup>5683</sup>

<sup>5663</sup> Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*, T. 7910–7912. See Section IV.A.1.b.i.D.7: Movement of the population from Prijedor and appropriation of property.

<sup>5664</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3379–3382.

<sup>5665</sup> KDZ054, P682 (Transcript from *Prosecutor v. Stakić*, T. 6208–6209; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 6; P3891 (Map of Kozarac and Omarska); P569 (Map of Prijedor municipality).

<sup>5666</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 6; KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*, T. 5815 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 6–7. See para.1888. See also Adjudicated Facts 1034, 1063.

<sup>5667</sup> P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 7.

<sup>5668</sup> KDZ054, P682 (Transcript from *Prosecutor v. Stakić*, T. 6248–6249; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2624 (under seal). See also Adjudicated Fact 1288; P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 246–247.

<sup>5669</sup> [REDACTED].

<sup>5670</sup> [REDACTED]. See also Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*, T. 7739; Adjudicated Fact 1063.

<sup>5671</sup> [REDACTED].

<sup>5672</sup> [REDACTED].

<sup>5673</sup> [REDACTED].

<sup>5674</sup> [REDACTED].

<sup>5675</sup> [REDACTED].

<sup>5676</sup> [REDACTED].

<sup>5677</sup> [REDACTED].

<sup>5678</sup> [REDACTED].

<sup>5679</sup> [REDACTED].

<sup>5680</sup> [REDACTED].



1648. [REDACTED].<sup>5684</sup> [REDACTED].<sup>5685</sup> [REDACTED].<sup>5686</sup>

1649. Based on the above, the Chamber therefore finds that at least nine Bosnian Muslim men and women were killed by Serb Forces in the village of Kamičani on or about 26 May 1992.

**(#Combat casualties# Kami-ani was a #militarised settlement#, see the documents! But the Prosecution, and consequently the Chamber owe to us an evidence of the illegal and unlawful nature of this killings. It is undoubtably established that in these days there was a fighting initiated by the Muslim extremists deployed in those villages. Therefore, there is no a single attack on a village that wasn't militarised. The municipality of Prijedor has 9 Croat villages and 39 Muslim cillages. Why all of those non-Serb villages were not attacked? Without an answer on this question there is no valid inference in the Judgment so far. There was no attacks on the villages as a civil settlements, because in such a case all of the villages, or at least majority, would be attacked! It was also known that Kamicani, although small settlement, had a very prominent organiset of the rebellion, see: D1826, (Milos)**

an instructor and organiser of "Green Berets" in Kozaruša; Irfan BAHONJIĆ from Kamičani, president of the SDA, a PTT /post, telephone and telegraph/ technician by occupation, employed in the hospital in Prijedor; Hilmo HOPOVAC from Prijedor, **(#Abuse of settlements#! Also see P2968, pertaining to the combat activities in those villages, among others in Kamicani too:**

of both the active and the reserve forces of the police. Combat activities were at their most intense in the areas of Kozarac, Kozaruša, Trnopolje, Kamičani, Rizvanovići, Biščani, Hambarine, Zecovi, Čarakovo, Kurevo, Rajlaš, Čela, and the town of Prijedor itself. Eleven policemen were killed in combat<sup>x</sup>, and 25 were lightly or

**(#Deadly combination# Why a 92bis evidence and adjudicated facts are more powerful and credible before this Court than the contemporaneous genuine documents? Who can say what happened in this house, was it in the context of combat, or was it a crime? Certainly, there were combats, and those villages had been the #Muslim armed strongholds#!)**

### (iii) Scheduled Incident A.10.4

1650. The Prosecution alleges that a number of men were killed in the village of Jaskići on or about 14 June 1992.

1651. Jaskići is a Bosnian Muslim village located to the south of Kozarac, near Trnopolje.<sup>5687</sup> During the attack on Kozarac, Bosnian Muslim refugees from all over, including from Brdjani, Jakupovići, Kamičani, Kozaruša, and Bešići, travelled to Jaskići to seek shelter.<sup>5688</sup>

1652. On 14 June 1992, soldiers arrived in Jaskići between 2 and 3 p.m.<sup>5689</sup> Senija Elkasović, a Bosnian Muslim woman, heard shots behind her house, two soldiers then came to the entrance of her house, pointed rifles through the front door, and ordered the women and children to step back and for the men

<sup>5681</sup> [REDACTED].

<sup>5682</sup> [REDACTED].

<sup>5683</sup> [REDACTED].

<sup>5684</sup> [REDACTED].

<sup>5685</sup> [REDACTED].

<sup>5686</sup> [REDACTED].

<sup>5687</sup> P3891 (Map of Kozarac and Omarska); P569 (Map of Prijedor municipality); Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4601.

<sup>5688</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4601.

<sup>5689</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4602, 4623.

to step forward.<sup>5690</sup> Elkasović's husband, brother, and brother-in-law were taken from the house while one of the soldiers ordered Elkasović and eight other family members, all women and children, to lie down in the kitchen.<sup>5691</sup> Before lying down, she saw Duško Tadić, wearing a multi-coloured camouflage military uniform, standing in her yard.<sup>5692</sup> The soldier who remained in the house searched the house for money and jewellery, as well as for anyone hiding; he opened closets, emptied drawers, shouted threats and cursed their mothers and insulted them, saying that they would be sent to Turkey.<sup>5693</sup> Elkasović heard voices and shouts coming from outside and then she heard shots.<sup>5694</sup> The soldier left her house and Elkasović looked out of the window to see soldiers leaving towards Kozarac.<sup>5695</sup>

1653. Elkasović then left her house and saw two dead men in her vegetable garden who she later identified; both men had been shot in the back of the head.<sup>5696</sup> She continued alongside a hedge towards the house of her father-in-law, and found two more dead men from her village; one had been shot in the back of the head and the other had been shot in the forehead.<sup>5697</sup> According to Elkasović, only three elderly men, including her father-in-law, were left in Jaskići after the soldiers left that day.<sup>5698</sup>

1654. Three days later, Elkasović, her father-in-law, and another man, Huse Jaskić, went to Trnopolje camp to ask permission to bury the bodies of the men killed in Jaskići.<sup>5699</sup> They were told by soldiers guarding the camp to speak to Kuruzović; he then gave them permission.<sup>5700</sup> They returned and buried the bodies in a common grave.<sup>5701</sup> Thereafter, soldiers came through Jaskići, and into Elkasović's home, on a daily basis, as they searched for cars, tractors, fuel, livestock, brandy, and other items.<sup>5702</sup>

**1655.** After 14 June 1992, only a small number of families and Huse Jaskić remained in Jaskići.<sup>5703</sup> Elkasović stayed in Jaskići for another month and then she and her children were forced to leave by members of the police and were taken to Trnopolje camp.<sup>5704</sup> **(#Military necessity# why would the police bring civilians, guard and feed them without any reason? Is it a fair trial that this President deal with this case, without knowing that this village even existed, let alone he could check the facts and cross-examine the witnesses? This paragraphs are founded on 19 footnotes and one adjudicated fact from a previous case, whithout any possibility that this Defence check or challenge any of data! It has nothing to do with this President, cause he banned this kind of conduct!)**

**1656.** Elkasović confirmed the names of the four men whose bodies she found outside of her house, as well as that of one additional Bosnian Muslim man who was killed on 14 June 1992.<sup>5705</sup> **(Since Ms. Elkasovic saw Dusko Tadic, this couldn't be "soldiers" because he wasn't a soldier, but policeman!)** In addition, Elkasović never saw or heard from her husband, brother, or her brother-

<sup>5690</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4602–4605, 4623. See P561 (Photograph of Senija Elkasović's house); P559 (Photographs of Jaskići).

<sup>5691</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4605, 4623. See P561 (Photograph of Senija Elkasović's house).

<sup>5692</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4597–4599, 4605–4608, 4609–4610, 4624–4625.

<sup>5693</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4608–4610.

<sup>5694</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4610.

<sup>5695</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4610–4611.

<sup>5696</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4612–4613.

<sup>5697</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4612–4613.

<sup>5698</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4613–4615.

<sup>5699</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4615–4616.

<sup>5700</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4616.

<sup>5701</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4616–4617.

<sup>5702</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4617–4618.

<sup>5703</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4618.

<sup>5704</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4618–4619.

<sup>5705</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4614–4615. See P573 (List of men killed or taken from Jaskići on 14 June 1992) (under seal) (referring to the names of Elkasović's husband, brother, and her brother-in-law as missing on 14 June 1992).

in-law after they were taken out of her house by soldiers on 14 June 1992.<sup>5706</sup> The Chamber has also received forensic evidence to support the deaths of the five men identified by Elkasović as having been killed and of her husband, brother, and her brother-in-law who went missing from Jaskići on 14 June 1992.<sup>5707</sup> Further, the Chamber took judicial notice of the fact that at least eight Bosnian Muslim men were shot and killed when Bosnian Serb soldiers entered the village of Jaskići on 14 June 1992.<sup>5708</sup> **(#Combat activity# No names, no reports, “some killed some”!)**

**1657.** In light of the above evidence, the Chamber is satisfied that at least eight Bosnian Muslim men were killed by Serb Forces in the village of Jaskići on or about 14 June 1992. **(#Combat activity#! Just not to forget that the Kozarac SDA proclaimed (secretly) a total mobilisation of Muslims on 2 May 92, as can be seen from D01831:**

**2 May 1992**

**1. The security situation in the Kozarac area**  
**- total mobilisation of the STO /Territorial Defence Staff/**  
**- report from the M/ area H 3**

**Therefore, the fighting included all the area belonging to Kozarac!)**

(a) Brdo area

1658. The area of Brdo is located to the southwest and west of Prijedor town and comprises the villages of Biščani, Rizvanovići, Rakovčani, Hambarine, Čarakovo, and Zecovi.<sup>5709</sup> In 1992, the village of Hambarine was inhabited solely by Bosnian Muslims and was the highest elevation point in Brdo.<sup>5710</sup> The village of Biščani itself had a number of hamlets, namely Mrkalji, Hegići, Ravine, Sredići, Duratovići, and Kadići.<sup>5711</sup> Prior to the conflict, Čarakovo was a predominantly Bosnian Muslim village with about 800 to 900 houses and Rizvanovići was a Bosnian Muslim village with one Croat.<sup>5712</sup> The Brdo area was surrounded by predominantly Serb villages.<sup>5713</sup>

1659. After the take-over of Prijedor, the village of Biščani was cut off; all of the Bosnian Muslims there were dismissed from their jobs, and they could not go into Prijedor town because of the check-points that had been set-up.<sup>5714</sup>

**1660.** There was a check-point manned by Serb soldiers in camouflage uniforms in the village of Gomjenica, **(Just to remind: Gomjenica was entirely Serbian settlement, and the check-point was aimed to control who was to enter the village, as same as in front of the Muslim settlements, which was never objected until the Muslim attacked in Hambarine on 22 May 92.)** and another on the main road between Prijedor town and Sanski Most, in Tukovi.<sup>5715</sup> After 30 April 1992, Bosnian

<sup>5706</sup> Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4622.

<sup>5707</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 15–16, 18, 21, 23, 32 (confirming that the eight individuals identified by Elkasović as having been killed or taken away from Jaskići on 14 June 1992, as well as five additional bodies, were exhumed from individual or mass graves in the area). *See also* P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 16, 18–19 (under seal).

<sup>5708</sup> *See* Adjudicated Fact 1064.

<sup>5709</sup> P562 (Map of the Brdo region in Prijedor); P569 (Map of Prijedor municipality); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6854–6855, 6857; KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5720. *See also* Adjudicated Fact 1065.

<sup>5710</sup> KDZ074, P708 (Transcript from *Prosecutor v. Stakić*), T. 2292 (under seal); KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2498; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6854–6855, 6857; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1795 (under seal).

<sup>5711</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5879 (under seal). *See also* Adjudicated Fact 1072.

<sup>5712</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5720. *See also* Adjudicated Facts 1066, 1280.

<sup>5713</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6857.

<sup>5714</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6853. Non-Serbs living in Hambarine, and in Prijedor municipality generally, lost their jobs on or around 23 May 1992. KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3917.

<sup>5715</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5721–5722; KDZ014, P674 (Transcript from *Prosecutor v. Brdanin*), T. 12538.

Muslims also established check-points at the entrance to the villages of Hambarine and Rizvanovići.<sup>5716</sup>

**(#Muslim armed strongholds#! See: D1835:**

Ja sam na Brdu jednom prilikom se vozio u autu sa Hilmom Hopovcem i Eminom i još jednim čovjekom. Nas četvorica smo bili zaustavljeni u Rizvanovićima. Bilo je to negdje krajem aprila. Dakle, zaustavljeni smo od grupe ljudi, izašli smo i pitali u čemu je problem. Onda su oni rekli: "Jesi li ti Mirza Mujadžić?"

„Jeste, ja sam.“

“Šta ti hoćeš, što hoćeš ovuda, koje su ti namjere?”

NO: *To se dešava u Rizvanovićima?*

Mujadžić: U Rizvanovićima. Krajem aprila u naselju Dedići. Ja sam odgovorio: „Zašto momci? Pokušavamo da napravimo nešto, da se napravi neka organizacija, odbrana neka.“

“Slušaj ovđe nas niko nije dirao ni za vrijeme Drugog svjetskog rata, neće nas ni sada niko dirati. Nama ne trebaš ni ti ni bilo ko iz SDA da nas brani i da nas organizuje. Vi ćete svojim aktivnostima i svojim radnjama samo izazvati rat i najpametnije ti je da ne dolaziš ovde uopšte više. Bićeš mirniji i ti i mi.” Onda je

**This is a document admitted, an interview of M. Mujadzic pertaining to Rizvanovici, where the Muslims have chasen him out, because they estimated that he was doing very bad job, confronting the Muslims with the Serbs, who didn't touch the Muslims during the entire WWII.**

**Here is a translation:** “Once in the Brdo area I was driving a car with Hilmo Hopovas and Emin and another man. Four of us had been stopped in Rizvanovići. I was somewhere at the end of April. So, we had been stopped by a group of people, we went out and asked what was a problem. Then they said: “Are you Mirza Mujad`ić?” – “Yes, that’s me.” “What do you want, why you are wondering around, what do you want, what are your intentions?” NO: *Had it happened in Rizvanovići? MUJAD`IJ: Yes, in Rizvanovići. by the end of April, in a hamlet of Dedići. I responded: “Why, guys? We are trying to achieve something, some organisation, some defense.” He said: “Listen to me, nobody touched us here during the World War Two, nobody will touch us now. We don’t need you, nor anyone from the SDA to defend us and to organize us. With such your activities and doings you are going to cause a war only, and the most clever would be not to come here ever. Both you and we will be more secure (and calm)”* **So, the Chamber never submitted any credible evidence that the Serbs ever attacked any non-Serb village without military reason. Out of 39 Muslim villages in Prijedor, only several had the fights and they initiated it).**

Nermin Karagić, a Bosnian Muslim 17 year old boy from Rizvanovići, participated in guarding the Rizvanovići check-point with about nine



other local men; between them, they only had one M48 rifle.<sup>5717</sup> **(This rifle kills too, a 7,9 calibre, and a very precise! Therefore, he was a combatant!)**

1661. Bosnian Muslims in Bišćani set up a crisis staff there, which operated starting at the end of April 1992 until 22 May 1992 before the attack on Hambarine.<sup>5718</sup> **(#Who attacked#? This kind of a fake evidence was possible only because there was no cross examination. There was no any “attack on Hambarine”, there was a Muslim attack IN Hambarine!)** In Čarakovo, villagers had no electricity starting on at least 7 May 1992 while the surrounding Serb villages across the Sana River, as well as Prijedor town, continued to have electricity.<sup>5719</sup> Sometime in May it became necessary to obtain a permit from the MUP to be allowed to go to Prijedor.<sup>5720</sup> **(So what? The war in Prijedor had already started, and a regular Muslim citizens were able to go to the city centre, provided they had been checked, as in any war zone!)**

1662. Prior to the beginning of the conflict, Bosnian Muslim paramilitary groups were active in the Prijedor area and the TO had a presence in Hambarine, although they had no anti-armour weapons.<sup>5721</sup> Some weapons had been brought to Hambarine and were stored in the community centre for use in case of an attack; however, these weapons were very old and not functional.<sup>5722</sup>

1663. On 22 May 1992, there was a shooting incident involving five to six Serb soldiers at a Bosnian Muslim check-point near Hambarine.<sup>5723</sup> Later that day, Serb soldiers arrived in Hambarine in a tank and presented an ultimatum to the villagers, namely that Aziz Ališković and Ferid Sikirić, the Bosnian Muslim policemen believed to have been involved in the incident at the Hambarine check-point, should surrender, or the village would be attacked.<sup>5724</sup> The tank fired four shells at the village that night.<sup>5725</sup> **(#Wrong presentation#! This is neither satisfactory nor an**

<sup>5717</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5205, 5209–5210.

<sup>5718</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6969–6973.

<sup>5719</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5765.

<sup>5720</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5719, 5721–5722, 5753, 5759, 5765.

<sup>5721</sup> D4229 (Witness statement of Boško Mandić dated 18 January 2014), para. 14; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3718; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12685–12686. See also P3483 (Video clip of interviews in Prijedor, including with Milomir Stakić, with transcript).

<sup>5722</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 4054–4055 (under seal).

<sup>5723</sup> Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3696–3701 (testifying that at 7 p.m. on 22 May, he heard shooting at the Hambarine check-point, 300 metres from his parents' house, and ran to the scene, where eyewitnesses and individuals involved in the incident on both sides told him that a vehicle with men wearing the White Eagles uniform started shooting at the TO members manning the check-point after their shift commander, Aziz Ališković, stopped the vehicle and asked the men to turn in their weapons; the incident ended when a TO member who was passing by grabbed a gun and shot at the Serbs, killing two and injuring at least two); **(EVEN IF SO, HOW POSSIBLY A GROUP OF IRREGULARS DARED TO STOP THE REGULAR ARMY RESERVISTS TRYING TO DISARM THEM? FURTHER, WHO WILL BELIEVE THAT THE SOLDIERS CLOSED IN A CAR DARED TO FIRE AGAINST A GROUP THAT SURROUNDED THAT CAR? FINALLY, HOW MANY MUSLIMS HAD BEEN KILLED OR WOUNDED? NONE! NO A REASONABLE CHAMBER WOULD LEAVE THIS AMBIGUITY IN DEPICTING THE CRUCIAL EVENT!)** KDZ074, P708 (Transcript from *Prosecutor v. Stakić*), T. 2298 (under seal); P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 10; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2497–2498; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12686; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 2; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 4035–4038 (under seal); Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5204, 5289–5290; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6854; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1842 (under seal). Cf. D4269 (Witness statement of Ratko Milojević dated 27 January 2014), paras. 3–4 (testifying that he and four other VRS soldiers were stopped at the Hambarine check-point and all of a sudden, Bosnian Muslims manning the check-point opened fire at his vehicle with machine guns for over five minutes, killing two of the soldiers); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 28; D4882 (Witness statement of Dušan Đenadija undated), para. 7; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 18; Dusan Jankovic, T. 47271–47272 (18 February 2014). See also Adjudicated Fact 1060; Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5555–5556; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2497–2498; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 17; Mevludin Sejmenović, T. 20478 (27 October 2011); D4222 (Report of Prijedor SJB to Banja Luka CSB, 5 July 1992), p. 1; D4010 (Report of Prijedor SJB, September 1993), p. 2; D4230 (Witness statement of Čedo Šipovac dated 18 January 2014), para. 11; P3483 (Video clip of interviews in Prijedor, including with Milomir Stakić, with transcript); D4228 (Witness statement of Zdravko Torbica dated 18 January 2014), para. 5.

<sup>5724</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2298–2299, 2347–2350, 2358–2359, 2361; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 10; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2497; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5290; Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5556; Ivo Atljija, T. 20339–20341 (26 October 2011).

<sup>5725</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2299. See also KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3918; KDZ092, P702 (Transcript from *Prosecutor v. Brđanin*), T. 12648 (under seal).

accurate presentation of this crucial event! There was a check-point in Hambarine for a quite some time, but nobody objected, because it was conceived as a precautionary and defensive measure. However, on 22 May the Muslims at the check-point acted by shooting at a car with the six reservists, four Serbs and two Croats, killing two, and heavily wounding two and lightly two. Aliskovic as a policeman prepared and carried out this crime together with others. And that was a beginning of the war in Prijedor. The Army was only after the perpetrators, as any army would be.)

(iii) Scheduled Incident A.10.2

1664. The Prosecution alleges that a number of people were killed in the Hambarine and Ljubija area between 23 May and 1 July 1992.

1665. On 23 May 1992, a broadcast was issued over Radio Prijedor calling for a number of identified people, including Aziz Alisković, to surrender and warning that all weapons in the possession of non-Serbs should be handed in to the authorities or Hambarine would be attacked.<sup>5726</sup> (#Legal and obligatory#! Certainly, in the context of the killing of the soldiers on 22 May. The most proper move was to demand the perpetrators to surrender in order to be processed!)

1666. Around noon that day, Hambarine was shelled from different directions for several hours.<sup>5727</sup> Ivo Atlija witnessed the attack on Hambarine from Briševo and saw two or three tanks firing at the town; he later saw smoke, houses burning, and a large number of soldiers moving around the village.<sup>5728</sup> All of the houses in Hambarine were shelled and the old mosque in Hambarine was targeted and shelled.<sup>5729</sup> (#Muslim military stronghold# in the middle of the Serb territory! Neither the Prosecution, nor the Chamber even mentioned whether somebody from Hambarine fired against the “Serb Forces”, since we see in the next para that they had a quite amount of weapons. For instance, there somebody fired from the mosque! This is not a valid presentation of facts!)

1667. After several hours of artillery shelling, armed Serb Forces entered the area supported by one or two tanks.<sup>5730</sup> After a brief period of intermittent fighting, local Bosnian Muslim leaders collected any remaining weapons from villagers and surrendered these, as well as most of the weapons that had belonged to the TO and the local police force, to the Serb Forces.<sup>5731</sup>

<sup>5726</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5556; Ivo Atlija, T. 20339–20341 (26 October 2011); KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 4037, 4043, 4051 (under seal); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6855–6856, 6977–6978; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1842–1843 (under seal); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12686; P3485 (Article from Kozarski Vjesnik, entitled “Public Statements”, 29 May 1992), pp. 1–3; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 18. See Adjudicated Facts 1035, 1060. See also P3483 (Video clip of interviews in Prijedor, including with Milomir Stakić, with transcript).

<sup>5727</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2299; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3322; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12455; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2497; KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3918–3919; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5290; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6856–6857; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3718; KDZ092, P702 (Transcript from *Prosecutor v. Brđanin*), T. 12648–12649 (under seal); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12686–12687. See also Adjudicated Facts 1034, 1060, 1061.

<sup>5728</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5555–5557; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3718 (stating that the entire area of Brdo and especially Hambarine came under shelling from mortars and other artillery before being joined by two or three tanks). See Mevludin Sejmenović, T. 20478 (27 October 2011). See also Ivo Atlija, T. 20340–20341 (26 October 2011); Adjudicated Facts 1036, 1061; P3914 (Ewan Brown's expert report entitled “Military Developments in the Bosanska Krajina – 1992”, 27 November 2002), para. 2.5 (stating that tanks, howitzers, and anti-armour artillery were deployed to the 43<sup>rd</sup> Motorised Brigade prior to the attack on Hambarine in spring 1992).

<sup>5729</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2303; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12687. See also Adjudicated Fact 1286; P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 219–221.

<sup>5730</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12688; Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5557; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3718–3719. See Adjudicated Fact 1062.

<sup>5731</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5557; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12688; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3718–3719; D4222 (Report of Prijedor SJB to Banja Luka CSB, 5 July 1992), p. 1. See Adjudicated Fact 1062. In his final brief, the Accused argues that Serbian forces were met with “strong resistance” in Hambarine when they attempted to dismantle the check-point there. See Defence Final Brief, para. 1547. However, the Chamber has received credible and mutually corroborative evidence that the fighting in Hambarine on 23 May 1992 was brief, and that the armament on the Bosnian Muslim side was poor. See Adjudicated Facts 1035, 1038,

“intermittent fighting” a “remaining weapons surrendered”, there is no dilemma: the willage was #militarised# and reluctant to pacify. Many villages handed over only weapons out of order or very old, while they maintained the new one, and continued to act as terrorists. See D4257, of 27 May:

Date: 29 May 1992

#### OFFICIAL NOTE

Of an interview conducted with Mehmed JAKUPOVIĆ, son of Sulejman and Rasima ne ALIĆ, born on 1 April 1944 in Kevljani, which is where he resides.

“A truck arrived, they stayed with me, they spent the night at my son’s, his name is Husein JAKUPOVIĆ.

Weapons, rifles, *Zolja* /hand-held rocket launchers/ and anti-tank barriers were stored in Mustafa’s and Asim’s basements. Iron anti-tank barriers were transported by “Kolini” from Kozarac; someone made them at the saw-mill.

The anti-tank barriers were set up before they came to stay the night.

Then follows a long list of weapons and “owners of it, among whome was one of Elkasovic’s, we remember a withes Elkasovic: .....

- Ibrahim ELKAZKOVIC’s son had a rifle grenade?”

And that was the result of searching houses and basements!)

**1668.** The units that took part in the 23 May attack on Hambarine included units of the 1<sup>st</sup> Krajina Corps, including the 6<sup>th</sup> Krajina Brigade and the 43<sup>rd</sup> Motorised Brigade,<sup>5732</sup> the Prijedor SJB, including the intervention squad, joined by members of Bosnian Serb paramilitary groups.<sup>5733</sup>

(#Incorrect#: the Intervention squad was not formed before 17 June 1992, and this may happen if the Prosecutor’s witnesses are trusted unreserved, see: D2039:

Number: 02-111-215/92

Date: 17 June 1992

*PURSUANT TO ARTICLES 3 and 7 of the Decision on the organisation and work of the Crisis Staff of the Municipality of Prijedor, the Crisis Staff of the Municipality of Prijedor at its session on 17 June 1992, and in connection with the Report on the security situation in the area of the municipality, adopted the following*

#### ORDER

- The Prijedor Public Security Station and the Prijedor Regional Command are ordered to form a joint intervention platoon, to be made up of 20 members from each, with the basic task of preventing looting and other criminal activities in the area of the municipality and the movement of all unregistered vehicles and vehicles driven by members of the army and police without regularly approved travel orders.*

1062, 1294; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2303, 2305; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brdanin*), T. 12687; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 2017–2018 (under seal).

<sup>5732</sup> P5405 (Report of 1<sup>st</sup> Krajina Corps, 26 May 1992), p. 1; P3656 (1<sup>st</sup> Krajina Corps report, 1 June 1992) pp. 1–2; P6611 (Bulletin of the 4<sup>th</sup> Tactical Group, May 1994), p. 2. See also P3660 (Handwritten “War Record” of the 6<sup>th</sup> Krajina Infantry Brigade, undated), p. 3; D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 17; P3914 (Ewan Brown’s expert report entitled “Military Developments in the Bosanska Krajina – 1992”, 27 November 2002), paras. 2.5, 2.71–2.72.

<sup>5733</sup> P5555 (Report of Prijedor SJB, 29 September 1992), p. 3; P2968 (Report of Prijedor SJB, January 1993), p. 4; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 18; D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 17; KDZ523, P4257 (Transcript from *Prosecutor v. Brdanin*), T. 21081–21082 (under seal). See also Adjudicated Facts 1034, 1061.

1669. During the attack, villagers fled south to the Kurevo woods;<sup>5734</sup> some were pursued by tanks, which opened fire towards the woods.<sup>5735</sup> KDZ092 testified that as she fled her home, she saw a lot of soldiers in multi-coloured uniforms, armed with automatic rifles, passing by and shooting at the villagers, accompanied by tanks firing at the houses.<sup>5736</sup> She saw houses burning as a result.<sup>5737</sup> In addition, at least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by Serb Forces.<sup>5738</sup> **(#Deadly combination#! Rule 92 bis evidence!How to deal with this kind of evidence? A lady witness saw a battle, without knowing who the fighting side were, who fired at whom, and it is understood that only the Serbs fired. Why would the Serbs fire if there was no another, adversary armed force? Any living Serb is considered as a “Serb Force”).**

1670. No one in the group she was with was returning fire, although she conceded that some people had pistols.<sup>5739</sup> KDZ092 also saw the dead body of a woman she knew lying at the entrance to her house with her head severed from her body, and the dead body of another woman she knew who was lying in the entrance to her house with blood surrounding her body.<sup>5740</sup> KDZ092 further testified that her best friend’s husband and son were killed in Rizvanovići after having fled Hambarine during the attack.<sup>5741</sup> Her son’s throat was slit and her husband was shot and killed as he ran out of the house to his son; his wife buried both men in a shallow grave in Rizvanovići.<sup>5742</sup> **(The entire content pertaining to the armed conflict in the Brdo area is based on a Rule 92bis and adjudicated facts, without any established connection between these events and the President, and without a cross examination! This issues demand an independent investigation, or at least a cross examination of such a detailed witness statements and testimonies! Doesn’t look like a fair trial!)**

1671. Also on 23 May, about 400 refugees from the Hambarine area, mostly women, children, and elderly men, but also some young men, went to Briševo.<sup>5743</sup> **(#False# Those who went to Brisevo were willing to fight, while many others went to the Prijedor City center, under the Serb control, which is a first class evidence that the Serbs were only against the armed Muslim combatants, not against the civilians!)**

1672. On 24 May, KDZ092 and her family went to Ljubija, where they stayed until it was attacked.<sup>5744</sup> During this period, Serb soldiers came and took some people away from Ljubija, including a former police officer who KDZ092 knew.<sup>5745</sup> One day, very early in the morning, soldiers in camouflage uniforms came to the house where KDZ092 was staying and told the 38 occupants, all Bosnian Muslim men, women, and children, to go outside.<sup>5746</sup> The men were separated from the women and children and the men were then taken away to the Ljubija

<sup>5734</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2302; KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3919; Elvedin Nasic, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12688; P697 (Witness statement of Elvedin Nasic dated 15 January 1995), e-court p. 2; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2498. See also Adjudicated Facts 1036, 1294.

<sup>5735</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3927.

<sup>5736</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3919–3920. See also Adjudicated Fact 1036.

<sup>5737</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3920; [REDACTED]; P551 (Photograph of Hambarine); P552 (Photograph of Hambarine).

<sup>5738</sup> See Adjudicated Fact 1281.

<sup>5739</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 4024–4025, 4053–4054 (under seal); Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3720.

<sup>5740</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3920–3921, 3925–3926 (under seal); KDZ092, P702 (Transcript from *Prosecutor v. Brđanin*), T. 12648–12649 (under seal); P4853 (Updated Table 2 to the Report of Amor Mašović), p. 32. See also P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2000), pp. 18, 126 (under seal); Adjudicated Fact 1061.

<sup>5741</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 4008–4009 (under seal).

<sup>5742</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 4008–4009 (under seal).

<sup>5743</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5558, 5660–5661. See Scheduled Incident A.10.9.

<sup>5744</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3927–3928, 4056–4057 (under seal); P522 (Sketch drawn by KDZ092) (under seal).

<sup>5745</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3928.

<sup>5746</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3929–3930; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), 3991–3993 (under seal).



stadium.<sup>5747</sup> However, one of the men, [REDACTED], had a kidney condition and his family called an ambulance to take him to the hospital to receive treatment; a military ambulance with two soldiers took him and on the way home, the soldiers took him out of the ambulance and killed him.<sup>5748</sup> The women and children were returned to the cellar, verbally abused, and robbed of their valuables.<sup>5749</sup> **(What any defence could do with such an assertion, with no any opportunity to challenge it? Nothing! There is no any document to corroborate this assertions!)**

**1673.** During May and June 1992, announcements calling for weapons to be turned in and for certain individuals to surrender were made on Radio Prijedor.<sup>5750</sup> In particular, the local population of Bišćani was instructed to hand in their weapons and any uniforms they had from previous reserve service in the army.<sup>5751</sup> They did as instructed.<sup>5752</sup> During the attacks on the villages in the Brdo area, Radio Prijedor broadcast that “an Ustasha fundamentalist stronghold” had fallen, and that it had been a great success of the Serb army.<sup>5753</sup> **(#Armed stronghold#, abuse of civil settlements#! Wasn’t the local authority entitled to disarm peacefully all that had been illegally armed? If there was no a complete disarmament, the fights were inevitable! To the end of the war there were dug-outs of the groups of Muslim terrorists that used to kill civilians, and occasionally to attack the Serb Army! There is a sufficient evidence on that!)**

**1674.** During June 1992, Serb soldiers came to Čarakovo, demanding fuel, vehicles, and livestock, and looking for local men.<sup>5754</sup> KDZ014 was aware that some of the local leaders in Čarakovo had a meeting with Serb officials around this time, but that they had not been able to agree on anything except that the Bosnian Muslims should put up white sheets or flags on their houses.<sup>5755</sup> This they did.<sup>5756</sup> **(Again the Rule 92bis evidence, with no possibility for the cross examination! The white sheet on the houses was a voluntary signe that the VRS and the police may pass freely, because from this building there wass not going to be firing against them. So, the main issue was whether the inhabitants will fire, or not. The OTP witness E. Wulliamy wrote about it, that he had seen the whole Muslim villages with those sheets, the people were freely working their agriculture, see D3788:**

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

'These are the people who accept the Serbian republic,' explains Major Milovan Milutonic from Army HQ in Banja Luka. 'If they do that, we just leave them alone.'

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**And that was a minimum of security that the “Serb Forces” required: not to be fired at, and the citizens could have “a relatively quiet life”!) After the (Muslim) attack on Hambarine, life in the area, including in Bišćani, was difficult, as the Brdo area remained isolated. (#And who attacked in Hambarine#? Well known, the Muslim extremists, including some policemen!#**

<sup>5747</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3930; KDZ092, P702 (Transcript from *Prosecutor v. Brđanin*), T. 12650 (under seal).

<sup>5748</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3991–3992 (under seal).

<sup>5749</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3929–3931.

<sup>5750</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5723–5725.

<sup>5751</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6857–6858.

<sup>5752</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6858.

<sup>5753</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5559.

<sup>5754</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5724–5725.

<sup>5755</sup> KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12541–12543.

<sup>5756</sup> KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12541–12543.

**After the Muslim extremists had been defeated, many of them escaped in the Brdo area, as it is said in the Muslim documents!)**

1675. On 9 June 1992, soldiers wearing drab olive uniforms and helmets arrived at a shop and café in Hambarine, which they looted and subsequently set on fire.<sup>5757</sup> On 11 June 1992, KDZ074 took shelter in his cousin's garage nearby, along with members of his family, who were all unarmed civilians.<sup>5758</sup>

**(Why KDZ074 had to hide, while many thousands of other Muslim males didn't have to? Were the policemen or the soldiers looking for him?)**

He then departed with two male relatives, and subsequently was told by his mother that one of his brothers had been shot and killed in the garage by four Serb police officers; KDZ074's wife was also shot in the leg and wounded.<sup>5759</sup> After the survivors escaped, the garage was then set on fire by one of the Serb police officers.<sup>5760</sup>

**(#Deadly combination#! Again, no possibility to challenge it. The main source of the Chamber is 92bis and A(djudicated) F(acts). Then, why to have any process after the first one, which may obtain 92 bis and Adjudicated facts? But, the Chamber didn't even mentioned any of a huge number of evidence, given by the Muslims, about the strength of the Muslim forces only in Prijedor. Let us see what had been said in D04417, a statement of the Muslim activist Sabahudin Jakupovic:**

Captain ĆIRKIN was in charge at the staff headquarters, he gave me a telephone number at which I called him, 31-522 in Barahovo. It was dug into a hill, it could fit five or six people, they installed a telephone, radio sets, typewriters, a table, two beds. Next to the staff headquarters there was a big tent; commanders came to the tent for meetings. There were tables in the tent. There were two houses higher up the hill. Staff members:

1. Captain ĆIRKIN
2. Besim ALIĆ
3. PARATUŠIĆ—Deputy
4. Bećir MEDUNJANIN aka Bećo

I went to the staff headquarters regularly. There I saw that 25-30 men came, the Company Commander, ten meetings.

The meeting was led by Captain ĆIRKIN, and Besim ALIĆ and PARATUŠIĆ were present. The defence plan was discussed. They were talking about where the men should be deployed, where the combat lines were.

They had 3,000 men, and commanders pointed out the problem regarding inadequate weapons.

**Note 3,000 combatants deep in the Serb territory. Any common sense, let alone a military expert, would recognize this as a formidable terrorist force deep into the rear of the Serb forces. The Defence didn't assume it would be contested, the Chamber didn't allow the Defense to present it, and neither the Prosecution, nor the Chamber had a personnel with military education and experience!)**

In addition to the deaths of the six individuals confirmed by witnesses above,<sup>5761</sup> the Chamber also received forensic evidence to support the deaths of at least six additional victims who were killed in the areas of Hambarine and Ljubija between 23 May and 1 July 1992.<sup>5762</sup> However, the Chamber does not have sufficient evidence as to the circumstances surrounding the deaths of these six latter individuals to make a finding in this regard.

1676. Based on the above, the Chamber therefore finds that at least six Bosnian Muslims were killed by Serb Forces in the areas of Hambarine and Ljubija between 23 May and 1 July 1992.

<sup>5757</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2306; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court pp. 10–11.

<sup>5758</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2308–2310; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 11.

<sup>5759</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2309–2310, 2323–2327; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 11. See also P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), p. 18.

<sup>5760</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2323–2327; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 11.

<sup>5761</sup> See paras. 1670, 1672, 1675.

<sup>5762</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), p. 32 (confirming that the bodies of seven identified individuals, including Mevla Čaušević, were exhumed from individual and mass graves in Hambarine and other areas of Prijedor in 1998, 2000, and 2001); P4892 (BiH State Commission for Tracing Missing Persons list of exhumed persons from Prijedor, Čelinac, Bosanski Novi, 29 October 2002), p. 4 (confirming that the body of one of the same individuals identified by Mašović was exhumed from a mass grave in Hrnići, Prijedor in 2001). See also P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, p. 9; P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 18, 240 (under seal) (confirming that the bodies of five of the same individuals identified by Mašović were exhumed from graves in Hambarine and other areas of Prijedor with injuries indicating that they died from gunshot wounds).

**(#Combatants, or civilians#! But neither for those six the Chamber had a sufficient evidence about how and why they had been killed. As of 22 May, after the Muslim attack on the car with reservists, there was a real war in Hambarine, Kozarac and surrounding settlements! There is no reliable evidence that these casualties were anything but the combat casualties. And if somebody had been hiding and when found tried to escape, there was an obvious reason to warn him, then to shoot, because there were the Muslim terrorist dug outs all around, all to the end of war!)**

(iii) Scheduled Incident A.10.5

1677. The Prosecution alleges that a number of people were killed in the villages of the Brdo area between 1 and 23 July 1992.

1678. Beginning on 20 July 1992, Serb Forces, including units of the 1<sup>st</sup> Krajina Corps, such as the 6<sup>th</sup> Krajina Brigade, as well as the Reconnaissance and Sabotage Company and members of the intervention squad, attacked villages around the entire region of Brdo.<sup>5763</sup> **(the Brdo area and all of the villages had been a #military stronghold#, which is evident bttoh from the Muslim anmd Serb documents! Why these attacks happened? How any chamber could leave this question without answer? It is the crucial element, to differentiate whether the attacks had been illegal and criminal, or militarily justified. Left as that, and in the light of the media campaign and denigration of the Serbs, unknown to the human history so fa, it is to be understood that the attacks had been illegal and criminal!)**

1679. On 21 and 22 July 1992, the villages of Rakovćani and Rizvanovići were also attacked.<sup>5764</sup> Karagić saw an APC open fire towards Rizvanovići.<sup>5765</sup> Soldiers patrolled the village and some of the villagers took shelter in the basement of one of the houses there.<sup>5766</sup> The next day, Karagić saw soldiers wearing olive-grey military uniforms throwing hand grenades and shooting; he ran to a vantage point from where he could see the whole area and saw these soldiers taking up positions around the village.<sup>5767</sup> After the attack on Rizvanovići, Karagić saw houses on fire in the area.<sup>5768</sup> During this attack, homes were destroyed and personal belongings were looted.<sup>5769</sup> **(#Abuse of civil settlements#! Karagic may have seen a skirmish, but he was not obliged to depict the conduct of the other side, and certainly he couldn't see "personal belongings looted" from such a distance. Also, the Karagic family was known as an extreme family, and certainly he was hiding and fighting occasionally! Again, no answer to the question whether this attack was legal and necessary, or a criminal one! Or any Serb action, be it political or military, is understood to be criminal!)**

1680. Karagić also saw a tank fire about 20 shells towards the mosque in Hambarine.<sup>5770</sup> The mosque in Rajkovac was also shelled.<sup>5771</sup> According to Nasić, three young men were taken away from Rizvanovići in late July 1992; they were never seen again.<sup>5772</sup>

<sup>5763</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6858; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5291; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 2; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2344; P5437 (Report of 1<sup>st</sup> Krajina Corps, 22 August 1992); D1817 (Order of 6<sup>th</sup> Partisan Brigade, 18 June 1992), pp. 1–3. [REDACTED]; Adjudicated Facts 1068, 1073, 1295.

<sup>5764</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12689; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5206–5207.

<sup>5765</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5206–5207.

<sup>5766</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5209–5210.

<sup>5767</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5291–5292.

<sup>5768</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5270.

<sup>5769</sup> See Adjudicated Fact 1280.

<sup>5770</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5207. The Chamber notes that the Hambarine mosque had already been shelled and damaged during the attack on Hambarine in May 1992 by Serb Forces. See paras. 1666–1668. See also para. 1889.

<sup>5771</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5207.

<sup>5772</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12724. However, the Chamber does not have sufficient evidence as to the circumstances surrounding these events to make a finding that these three individuals were killed in relation to this Scheduled Incident.

1682. The village of Čarakovo was attacked on 23 July 1992, after several demands that residents should hand in their weapons.<sup>5773</sup> According to KDZ014, all rifles, pistols, and other weapons in Čarakovo were handed in by residents to Serb Forces by June 1992.<sup>5774</sup> Based on the evidence before it, the Chamber finds that the TO and other Bosnian Muslim units were not active in Čarakovo at this time and that there was no armed resistance to the attack on the village by Serb Forces on 23 July. . **(#Absurdity#! What does it mean? If the terrorists took a lull, it doesn't mean the regular security forces, Army and Police, should let them recover! But meantime? We know that the Muslim terrorists who escaped from Hambarine, Kozarac and other strongholds escaped to Brdo and it's villages, turning the houses into fortified objects, and making dug-outs for a long term, and this way presented a constant jeopardy to the Serb civilians, Army and police. See D04417,**

Captain ČIRKIN was in charge at the staff headquarters, he gave me a telephone number at which I called him, 31-522 in Barahovo. It was dug into a hill, it could fit five or six people, they installed a telephone, radio sets, typewriters, a table, two beds. Next to the staff headquarters there was a big tent; commanders came to the tent for meetings. There were tables in the tent. There were two houses higher up the hill. Staff members:

1. Captain ČIRKIN
2. Besim ALIĆ
3. PARATUŠIĆ—Deputy
4. Bećir MEDUNJANIN aka Bećo

I went to the staff headquarters regularly. There I saw that 25-30 men came, the Company Commander, ten meetings.

The meeting was led by Captain ČIRKIN, and Besim ALIĆ and PARATUŠIĆ were present. The defence plan was discussed. They were talking about where the men should be deployed, where the combat lines were.

They had 3,000 men, and commanders pointed out the problem regarding inadequate weapons.

I know a machine-gun nest, towards Kozariša 3, towards Lamovita 3, there was no machine-gun nest up to Omarska, in Trnopolje in one location they set it up in Petrov Gaj /as printed/.

They were in contact with Ivanjska and expected help.

They maintained radio contact with Prijedor and Ivanjska.

**The “Barahovo” in the second line is “Carakovo. There is no a reasonable and responsible authority which would neglect a 3,000 of enemies hidden in woods and dug-outs of Brdo and other hills around Prijedor! ...But, even if not active this very day, their mere existence deep into the Serbian territory, so far from the front line, was not acceptable, and it was completely legitimate to issue an ultimatum, and if rejected, to destroy the units. Let us see what is in the regular combat report of the 1<sup>st</sup> Krajina Corps of 28 July 92, D3094:**

3. – The situation on the ground is characterised by the gradual capture and elimination of extremist groups in the Prijedor and Kotor Varoš areas.

**This is what was going on, and no attacks against civilian settlements. The Prosecution obtained this document, and the Chamber saw it and admitted it. Why it was not evaluated?)**

1683. That day, KDZ014 was hiding in a corn field, trying to get to her children in her house, when she heard the sounds of tanks and shooting and women and children screaming.<sup>5775</sup> She saw houses burning and soldiers in camouflage uniforms moving through the woods nearby.<sup>5776</sup> During the attack, Čarakovo suffered extensive damage and destruction and houses were looted.<sup>5777</sup>

<sup>5773</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5727, 5730; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12543–12545. See also Adjudicated Fact 1069; KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21087–21090 (under seal). In his final brief, the Accused concedes that following several demands for disarmament of the village, Bosnian Serb tanks attacked Čarakovo on 23 July 1992. See Defence Final Brief, para. 1550.

<sup>5774</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5724.

<sup>5775</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5727–5729; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12543.

<sup>5776</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5729.

<sup>5777</sup> See Adjudicated Fact 1278; KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5739–5740.



1684. The mosque in Čarakovo, including the minaret, was destroyed by Serb soldiers on 23 July 1992, and 17 people, including the “hodža”, were killed outside.<sup>5778</sup>

1685. After the initial attack on Čarakovo, soldiers mistreated and killed some of the villagers.<sup>5779</sup> (#Deadly combination# it is unbelievable that a serious chamber relies on such a “deadly combination, 92bis evidence, transcripts from other cases – see this footnote - and no cross examination, no number or names of victims, no perpetrators, no circumstances, only “some Serbs killed some Muslims”! What does it have to do with the President, since the Muslim side decided to wage the war against the Serbs in Prijedor, far from any front line? #Appart from the allegations about the fate of mosque, such a laconic and by-pass assertion about 17 men killed, without any specificity in terms of “combatants – civilians” is not fair, and should be dismissed immediately!) For instance, on or around 23 July 1992, Besim Musić was approached by Serb soldiers while he was shredding corn; they took him into a car, beat him, and then threw him out on the road.<sup>5780</sup> The soldiers also shot around Musić, causing the bullets to rip skin on his head, arms, and legs, while not actually hitting him.<sup>5781</sup> Another villager told KDZ014 that Musić’s wife had been killed, along with another man, by soldiers who questioned them about the whereabouts of hideouts used by the Green Berets.<sup>5782</sup> (First, it is obvious that the Serb soldiers weren’t after civilians, but after #the Green Berets.# Second, no any investigation stands behind those assertions, only 92bis and AFs, and “somebody said to somebody about something”, which is unprecedented in the criminal practice. The Muslims who testified had every reason and motive to lie and invent the stories. However, there is a document of the 1<sup>st</sup> KK pertaining to the treatment of the enemies: D04234, 7 June 92:

1. – During lulls in the fighting, agreed cease-fires, and similar situations, facilitate the /?clearance/ of the battlefield and the burial with religious rites of enemy soldiers who have been killed.

2. – Allow prisoners to receive food and cigarettes from their families, the Red Cross and Red Crescent, religious and other types of humanitarian organisations.

3. – Behave towards prisoners of war in a dignified way, act humanely, without violence, insults or intimidation. Provide them with accommodation, sustenance and, if sick, medical care, in accordance with the provisions of international war law.

Which was perfectly in accord with many orders issued by the President! The same day the SJB Prijedor filed the criminal report against 39 leaders of the armed Muslim terrorists, whose last names unbelievably resemble the last namer of several “key” witnesses in this case. See D04419

On reasonable grounds for suspicion that the persons reported committed the crime of armed rebellion (Article 124, paragraph 2 of paragraph one of the KZ RJ Republic of Yugoslavia penal code/ and the crime of attacking an officer on duty (pursuant to Article 193, paragraph one and two) of the same law (Article 206, paragraph 3 of Article 1 of the KZ RJ).

The first named Sejad ČIRKIN, the second-named Suljo KUSURAN and the third-named Sakib POLJAK organised and directly participated in the creation and illegal arming of paramilitary formations exclusively composed of Muslims and prevented them from being disarmed which had been requested by the legal organs of authority in order to organise an armed rebellion and overthrow the legal organs of authority through violent methods. With the objective of realising the above-mentioned goals they carried out a general mobilisation on 23 May 1992. On 24 May 1992, around 1430 hours in Jakupovići, on the Banja Luka–Prijedor main road they carried out an armed attack on an army convoy during which private Jova ZGONJANIN, son of Ranko, born 29 July 1968, residing in Prijedor, was killed and one soldier was wounded.

<sup>5778</sup> KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12547. See also KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21090 (under seal); P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 216–218. See para. 1889.

<sup>5779</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5740–5741.

<sup>5780</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5740.

<sup>5781</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5740–5741 (testifying that she took Musić to a hospital in Prijedor on 25 July 1992, after she had taken care of him for a day or two in her house).

<sup>5782</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5741. See also P6689 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), p. 25 (confirming that Badema Musić was officially declared dead by Sanski Most municipal court and given a date of death of 23 July 1992).

**(Instead a “somebody something to somebody about something”, the Chamber had a contemporaneous and strictly confidential documents, obtained by the Prosecution. Why the Chamber paid more attention and credit to “hear-say” evidence, than to the first class documented evidence?)**

**1686.** Also in Čarakovo, KDZ014 saw the dead bodies of Rubija Redžić, a local Bosnian Muslim woman, Fehim Karupović, a local Bosnian Muslim man, and her neighbour, Adem Hopovac. They were all unarmed, wearing civilian clothes, and had been shot.<sup>5783</sup> **(The families of Karupovic and Hopovac were very prominent in the rebellion, in all the relevant documents it was mentioned! But it didn’t mean they hadn’t an armament, but no army leave weaponry with a killed adversaries. It would be as if the wining army helps it’s adversaries in arming. For being in civilian cloathes, and not in a proper uniforms, only made them terrorists, provided they participated in any way in the rebellion!)** In the swampy area known as Bare, between Zecovi and Čarakovo, KDZ014 also saw eight dead bodies of Bosnian Muslims in civilian clothes.<sup>5784</sup> **(How she knew they were Muslims? No racial or cultural differences in cloathing! No evidence which would exclude the Serb ethnicity of victims! Cloathes doesn’t make one civilian!)** She and her brothers then collected and buried these bodies.<sup>5785</sup> KDZ014 also assisted in burying the bodies of two Bosnian Muslim men found in a field on 24 July 1992.<sup>5786</sup> On 27 July 1992, she saw the body of another Bosnian Muslim man as it was buried by his son.<sup>5787</sup> **(As we can see from D04234, the Command of the 1<sup>st</sup> KK ordered to be allowed to burry the bodies of the enemies. Had the Serbs been after the civilians, there wouldn’t be such an activities of civilians!)**

**1687.** In the days following the attack, **(#Unestablished, who attacked#! Neither the Prosecution, nor the Chamber ever established whose attack it was? Such a general and unprecise use of the term “attack” leaves an impression, certainly wanted by the Prosecution, that all of those skirmishes were the Serb “attacks”! The Chamber’s treatment of these activities, exactly as the Prosecution wanted it to be, skipped a “whole truth” and is not fair to the Serbs, and particularly to the President, who was both physically and operationally too far to be responsible fot that! The most significant is the fact that the “Serb Forces” posed an ultimatum for a disarmament, and handing over perpetrators of crimes!)** KDZ014 and the other local residents sometimes slept in the woods and returned to their homes in the mornings to collect food; they were afraid that if they were found they would be killed.<sup>5788</sup> **(Why so many thousands of the Muslim civilians lived without any hiding, but only 1,400 had been conveyed to Manja~a and their related people had to hide? The three thousands brought in, 1,700 released and 1,400 detained at Manja~a hadn’t been killed! Those who had hiden had their own presumption, but they could have been killed only if found in a close**

<sup>5783</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5732–5734; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12544–12545. See also Adjudicated Fact 1069 (stating that during the raid of Čarakovo, at least 16 civilians were killed and that three of them were shot dead in front of their houses).

<sup>5784</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5735–5737; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12545–12546 (identifying the bodies she found in Bare as Asim Redžić, Huse Hopovac, Suad Hopovac, Fadil Malovčić, Velid Hopovac, Nijaz Hopovac, Mirhad Hopovac, and Nijaz Redžić); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 34, 36 (confirming that the bodies of Asim Redžić, Huse Hopovac, and Suad Hopovac were exhumed from graves in Čarakovo-Bačuša in 1998 and 1999). See also P6689 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 21–22 (confirming that the bodies of Huse Hopovac, Nijaz Hopovac, and Asim Redžić were exhumed from mass graves in Čarakovo, Bačuša and Zecovi-Kosa in October 1998 and August 1998, respectively, and that Huse Hopovac and Asim Redžić had been killed by gun shot wounds). **All of those names are found on the lists of the extremists who initiated conflict and committed crimes, as it is visible from D04421, D04417, D04419, P05528**

<sup>5785</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5738.

<sup>5786</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5741–5742 (identifying the bodies as Ermin Sijajić and Huse Salihović); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 34–36 (confirming that the body of Huse Salihović was exhumed from a grave in Brdo in 1998). See also Adjudicated Fact 1069.

<sup>5787</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5742–5743 (identifying the body of Nasif Dizdarević and testifying that his son told her that he had found his father’s body with numerous bullet holes in the kitchen of his house).

<sup>5788</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5743; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12547–12548.

vicinity of a men who fired against the VRS or police.) We have seen that the Muslim civilians from Hambarine and the Kozarac region didn't feel any fear to take shelter in the urban area of Prijedor, under the Serb control, or even the youngsters forcefully mobilized in the Muslim units didn't have any fear to run to the Serb side, see: P3788, p. 5, E. Wullianmy:

Stories in Trnopolje, more freely told than at Omarska, are brimful of the squalid violence and black absurdity of civil war. There is Sana, aged 13, who says: 'I was a fighter for the Muslims. They used to put us at the front when the fighting started. I was so scared that I ran away to the Serbian side of the village, to come here. I am still frightened, but I feel safer.'

Having the whole picture in mind, it must be clear that these witnesses that hadn't been cross examined could say whatever they wanted in the other cases, in which the Defences even didn't feel any need to rebut something that is not damaging for their defendants. And this is not a fair trial!) The Serb soldiers stole vehicles, farm machinery, money, and gold from the local residents in Čarakovo; household items were also stolen and loaded on to vehicles.<sup>5789</sup>

**92bis!!!, no chance to do anything. No names, no cross.** KDZ014 also saw men, women, and children from the area being forced on to buses by Serb soldiers and driven away. Other groups of villagers left on foot in the days after the attack; KDZ014 did not know where buses or groups of villagers were going.<sup>5790</sup>

1. In late July 1992, KDZ014 decided to leave Čarakovo; she and approximately 100 other people, primarily women, children, and elderly, assembled and went to the village "dom" carrying a white flag; they were kept there for three hours and verbally abused by Serb soldiers.<sup>5791</sup> They were then escorted by the Serb soldiers to an area of Čarakovo known as Žeger, where the road to Čarakovo meets the main road from Prijedor to Sanski Most.<sup>5792</sup> **(Look at that now: all of a sudden the white flag, legitimising the large group of Muslims as a non-combatant, led them to security and safety!)**

**1689.** Bosnian Muslim and Bosnian Croat men were stopped and killed at a bridge in Žeger.<sup>5793</sup> KDZ092 testified that she saw buses from Prijedor with men from Čarakovo stop and unload the men at Žeger Bridge.<sup>5794</sup> KDZ014 also testified that she saw men stripped down to their waists and detained at Žeger Bridge.<sup>5795</sup> Soldiers in camouflage uniforms, with white ribbons on the shoulders, and camouflage caps shot the men who were dressed in civilian clothes at the bridge and threw their bodies into the Sana River.<sup>5796</sup> Other Bosnian Muslim and Bosnian Croat men

<sup>5789</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5729, 5740, 5769; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12544, 12547–12548.

<sup>5790</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5729–5730; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12544, 12547–12548. See also KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21076, 21090 (under seal).

<sup>5791</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5745–5746.

<sup>5792</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5746–5747; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12537. See also KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21076–21077 (under seal); Adjudicated Fact 1070.

<sup>5793</sup> KDZ092, P703 (Transcript from *Prosecutor v. Stakić*), T. 3947–3949; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3950–3954, 3656 (under seal); KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5746–5747. See also Adjudicated Fact 1070. The Chamber notes the discrepancy surrounding the date of the killings at Žeger Bridge. Adjudicated Fact 1070 states that the date of the killings was 23 July 1992. This adjudicated fact is based on KDZ092's evidence in the *Stakić* case, as admitted in the *Brđanin* case, and KDZ092 confirmed in the *Stakić* case that this incident occurred on the same day as the attack on the village of Čarakovo, which was 23 July. However, KDZ014 testified that she saw men at Žeger Bridge on 28 July 1992, the day on which she left Čarakovo. Based on the evidence before it, the Chamber considers that the killings at Žeger Bridge occurred on or around 23 July 1992 following, and as a part of, the attack on Čarakovo and thus finds that they occurred within the period of the Indictment for this incident. **(#Combatants, or civilians#! And also within the fighting in Carakovo. However, being killed on the bridge is not indicating that they had first been captured and then killed. It could have happened during the fights, if they found themselves on the bridge and noticed by the Serb soldiers. No names, nothing, and this is not sufficient in a criminal case. Apart of it, what it has to do with the President? They attacked each other always when they had an opportunity, in any civil war, how anyone could have expected this time it wouldn't happen?)**

<sup>5794</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3950–3954, 3656 (under seal).

<sup>5795</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5743, 5747.

<sup>5796</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3951–3955, 3994 (under seal). See also Adjudicated Fact 1070.

were put on to buses at Žeger Bridge and taken away.<sup>5797</sup> **(Again, ribbons! When the Serbs wore it, no problem, when given to the Muslims, it was presented as a discriminatory measure) that was exclusively a measure against a “friendly fire”, there is many evidence to that respect!)**

1690. At Žeger Bridge, women, children, and elderly, including KDZ014, were loaded onto “Autotransport Prijedor” buses driven by Serb soldiers.<sup>5798</sup> She saw one of her neighbours, Hasib Simbegović, try to board one of the buses, but he was prevented from doing so by Dragan Tintar, a local Serb from Tukovi wearing a camouflage uniform, who then shot him in the head.<sup>5799</sup> After they were loaded onto the buses, the women, children, and elderly were driven to Trnopolje, where they spent one night before being transported by trucks and buses to Vlasić.<sup>5800</sup> At Vlasić, they got off of the buses and were told to walk to “their country” and were received by Bosnian Muslim soldiers, who took them to Travnik.<sup>5801</sup>

1691. The Chamber took judicial notice that a large number of killings of Bosnian Muslims and Bosnian Croats occurred in the Brdo area around 20 July 1992 as a result of the campaign conducted by Bosnian Serb forces.<sup>5802</sup> **(A #legal action#! No a reasonable chamber would make that kind of deliberation, without even taking into account the legal action of the Serb military and police against the Muslim terrorists, “accommodated” in the villages, woods and dug-outs, as seen from the evidence. Also, no any inquiry into the question which killings were illegal and criminal, which not. If there was a civil war, initiated by the Muslims, and procrastinated by the Muslims, there must be established what was a crime!)** In addition, the Chamber has received forensic evidence to support the deaths of some identified individuals who were killed in the Brdo region between 1 and 23 July 1992.<sup>5803</sup>

1692. Based on the above, the Chamber therefore finds that a number of Bosnian Muslims and Bosnian Croats, including civilians, were killed by Serb Forces in the Brdo area on or around 23 July 1992. **((#Including civilians#! How many civilians? How come civilians were among the Muslim combatants?) #After the Muslim attack#! The Chamber neglected the fact that it happened two months after the first attack of those terrorists in Hambarine, and that there is a plethora of evidence that after the fights at the end of May and couple of weeks in June, the Muslim/Croat extremists withdrew to Brdo, ^arakovo, Kozara and other surrounding woods, reorganizing, digging the combat shelters and getting out to kill the Serb civilians and military. The Chamber didn’t succeed to differentiate who was killed in fights and who in an illegal manner. Since there is no doubt that there were the fights, there must have been casualties on both sides. This paragraph brings a little light saying: “including civilians”, which means that the Chamber was aware that the main issue was fight against those that are not “including civilians”!)**

### (iii) Scheduled Incident A.10.6

<sup>5797</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3937, 3947, 3950, 3956, 3994 (under seal); KDZ092, P702 (Transcript from *Prosecutor v. Brđanin*), T. 12655 (under seal). [REDACTED].

<sup>5798</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5747–5748. See also KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21076–21077 (under seal).

<sup>5799</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5748, 5771.

<sup>5800</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5749–5750.

<sup>5801</sup> KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5749–5750; Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4620–4622. [REDACTED]. See paras. 1834, 1837.

<sup>5802</sup> See Adjudicated Fact 1068.

<sup>5803</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 34–36 (confirming that at least 16 bodies were exhumed from graves in Čarakovo, Bačuša, Pašinac, Kosa and Brdo in 1998, 1999, and 2000). See also P6689 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 21–26, 46, 253, 254 (confirming that the bodies of Huse Hopovac, Nijaz Hopovac, Asim Redžić, Hamdija Hopovac, Aziz Behlić, Naila Redžić, Namir Redžić, and Vahid Redžić were exhumed from mass graves in Čarakovo, Bačuša and Zecovi-Kosa in 1998 and 2000); see fn. 5791.



1693. The Prosecution alleges that a number of men were killed in the village of Bišćani and in the surrounding hamlets of Hegići, Mrkalji, Ravine, Duratovići, Kadići, Lagići, and Čemernica on or about 20 July 1992. **(#Abuse of civil settlements#! All the settlements known as a “reserve position” of the terrorists, occupied after the failure of the 30<sup>th</sup> May attack on Prijedor. All of those settlements are registered in the regular reports!@)**

1694. On 20 July 1992, the village of Bišćani and the surrounding hamlets were attacked by Serb Forces, including the 6<sup>th</sup> Krajina Brigade and members of the police and the intervention squad.<sup>5804</sup>

1695. Starting around 10 a.m. on 20 July, the village of Bišćani was attacked by Serb Forces from the direction of Tukovi.<sup>5805</sup>

1696. On 20 July 1992, Bosnian Muslim males in Bišćani as young as 16 years old were told to gather at various collection points manned by Serb soldiers throughout the village; the women stayed in their homes and were eventually taken away to Trnopolje or other places.<sup>5806</sup> Several people were beaten and killed at these collection points in Bišćani.<sup>5807</sup> **All 92bis!!!** For instance, one of the collection points was a coffee bar; at that location, a uniformed soldier instructed two men, Mirhad Mrkalj and Ferid Sabanović, to carry the dead body of Hamdija Fikić behind a house.<sup>5808</sup> KDZ038 saw the soldier fire “into” Mrkalj and Sabanović and they did not come back.<sup>5809</sup> Additionally, KDZ038 saw three other men killed at the coffee bar collection point—Mirsad Medić and another colleague who worked with Medić at the petrol station, as well a former policeman, Saša Karagić.<sup>5810</sup> The Chamber is therefore satisfied that in total six men were killed by Bosnian Serb soldiers at the coffee bar collection point on 20 July 1992. **(#Deadly combination#! All based on Rule 92bis evidence and adjudicated facts, both without an opportunity to cross-examine! Let us see what the MUP RS established on 11 July 92 about the terrorist activities in Prijedor, D447:**

"Unfortunately 43 members have been killed, 65 have been severely wounded and 70 lightly wounded. 14 people are reported missing".

He said that the radicalisation of the security situation was in a close relation to the organised extremist activities of groups and individuals, which were directed to overthrowing the government and endangering the security in the Republic. Such activities materialised in organising and starting armed rebellion and other violent acts against the Army and the police members who are performing their duties. They did this in order to overthrow the legal government institutions. Terrorist operations were being planned, illegal mass arming was going on, paramilitary units of Muslim and Croat extremists were being formed and becoming active, there was unauthorised use of weapons and disobedience, the law is being ignored. They carried out sabotage and terrorist operations against private and public property, spread rumours, contributed to the serious crime rate and all of this was making the overall political situation very complex and was creating an atmosphere of fear and disorder.

**It happened that already until 11 July there had been killed 43 policemen and wounded 65 policemen, in five weeks of the terrorist activities, which started on 30 May 92. See the**

<sup>5804</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5881–5882 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11849 (under seal); P5437 (Report of 1<sup>st</sup> Krajina Corps, 22 August 1992), p. 2; D1817 (Order of 6<sup>th</sup> Partisan Brigade, 18 June 1992); [REDACTED]. See also Adjudicated Fact 1073. [REDACTED].

<sup>5805</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6859; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3 (stating that when he went into Bišćani some time after the attack he found the entire village empty and all the villagers were gone).

<sup>5806</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6859–6861 (testifying that the soldiers he saw throughout Bišćani on and after 20 July wore different uniforms—olive drab in colour, camouflage, as well as police uniforms). See also Adjudicated Fact 1074.

<sup>5807</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6861; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 2; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12715 (testifying that his brother told him that his father, who was unarmed, was killed by an armed soldier in front of his brother on the day Bišćani was attacked). See also Adjudicated Fact 1074.

<sup>5808</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6861–6862.

<sup>5809</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6861–6862. See para. 1708. See also P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 22–23, 177 (under seal).

<sup>5810</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6862–6863. See also Adjudicated Fact 1074.

**settlements named as a #strongholds# of the terrorists: D447, p. 6:**

"We have reasons to believe that these are the illegal and organised, long prepared activities, directed against the Constitution and towards overthrowing government institutions and spreading terror and violence. We obtained information on this through operative work and investigating into the Croat and Muslim paramilitary units' attack on the Army of the Serb Republic of Bosnia and Herzegovina and on the police in Kozarac, Prijedor, Ključ, Sanski Most, Blagaj, Bosanski Novi, Barevo, Jajce and the attack on Prijedor. These attacks significantly destabilised the situation.

Preparations for war have been made in certain parts of Bosanska Krajina for a long time, well organised, intensive and co-ordinated. Every detail is being planned and organised according to military principles. In Kozarac alone more than 3500 persons were armed and organised in military units. Mobilisation was carried out, deployment plan of all the units was made, the operation areas and assembly points were appointed, large quantities of food and medications were procured, even syringes for drug users. Observation posts were built, topography maps were made with plans of the units' deployment and movement. The attack on Prijedor was also

**Therefore, there was no action of the Serb Army or Police that was aimed to anything else but to quitting the existence and actions of these terrorist formations!#Legal anti-terrorist actions#!)**

1697. A while later, a "Prijedor Autotransport" bus arrived at the coffee bar collection point and soldiers instructed some of the men in the group, including KDZ038, to get on the bus, while other men were instructed to stay behind.<sup>5811</sup> In Prijedor town, they stopped and changed to another Autotransport bus, which drove them on the main Prijedor-Banja Luka road and stopped near Keraterm for awhile.<sup>5812</sup> They then went to Omarska, where the bus waited outside, before continuing on to Trnopolje.<sup>5813</sup>

1698. Sometime later in the afternoon on 20 July, a second bus arrived at Trnopolje with the other group of men who had stayed behind at the coffee bar collection point; however, KDZ038 noticed that a number of men who had been in this second group were not in the group that arrived at Trnopolje.<sup>5814</sup> KDZ038 later heard from a survivor that the whole second group of men had been put on to a bus but that, at a sand pit along the road towards Prijedor, some of the men were taken off the bus, lined up, and shot with an automatic rifle by a soldier wearing an olive drab uniform and helmet.<sup>5815</sup> When the remaining villagers from Bišćani were later taken to Trnopolje along that road, they saw the bodies of these men.<sup>5816</sup>

**(All unproven, uncorroborated, all a third class evidence, without cross examination and documents!#Deadly combination#!)**

1699. Two of the brothers of KDZ074 were also killed on 20 July 1992, while taking shelter in the basement of a house in Bišćani with their families.<sup>5817</sup> They were taken from the basement along with other men by Serb police officers wearing blue uniforms, led to the yard of another house nearby, shot,

<sup>5811</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6865.

<sup>5812</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6866.

<sup>5813</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6866–6867.

<sup>5814</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6868, 6870 (identifying the names of seven men, Nurija Kekić, Halid Kekić, Sabahudin Kekić, Asmir Kekić, Muhamed Tedić, Ferid Risvanović, and Elvir Vojniković, who KDZ038 had seen at the coffee bar collection point and who did not ultimately arrive at Trnopolje); see P4853 (Updated Table 2 to the Report of Amor Mašović), p. 37 (confirming that the body of Elvir Vojniković was exhumed from a grave in Rizvanović in 2005).

<sup>5815</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6864, 6868–6869, 6872; KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5950 (under seal) (testifying that he retrieved 15 to 25 bodies from the side of the road near the Sredicko Polje sand pits and was told later that these people had been on a bus and that half of the occupants of the bus had been killed in that spot).

<sup>5816</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6871.

<sup>5817</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2344.

and killed with automatic rifles; all of the men were unarmed and in civilian clothes.<sup>5818</sup> Their bodies were later collected.<sup>5819</sup>

1700. On 20 July, the hamlet of Duratovići was attacked; it was one of the first hamlets in the area around Bišćani targeted and there were few survivors.<sup>5820</sup> Karagić later heard that there were 20 to 30 dead bodies outside a shop in Duratovići and a number of dead bodies lying across the street from the shop.<sup>5821</sup> Two of Karagić's uncles were killed in Duratovići.<sup>5822</sup> **(#Combat, or civil casualties#Not specified whether they had been killed in fights, or out of the fight. Let us see what is in the Prosecution exhibit P03487, on 23 July 92, pertaining to a several critical days in the zone:**

- **Soldier Slave PANIĆ (son of Živko) from Miska Glava was killed in the vicinity of the mosque in Rizvanovići. The army prepared a cleansing operation.**

Extremists from the ranks of Muslim paramilitary units are carrying out killings again. The fact that their own people are the primary victims does not interest

BH. A small number of *Ljiljani* [the symbol of Bosnian Government Forces] are hiding in the forests of Mt. Kozara. Besim ALIĆ, an extremist leader of the Green Berets from Kozarac, Chairman of the Crisis Staff of the Kozara Green Berets and Vice-President of the Assembly of the SDA, was also captured in this village on Sunday. During the fighting in Kozarac, he used weapons to force refugees to return to Mt. Kozara and sent several hundred of his fellow Muslims to their death. He personally passed judgement on those who refused to obey the SDA and the Green Berets Staff. He was liquidated along with three of his closest associates – Jusuf and Ekrem MURATČEHAJIĆ and Džemal KAHRIMANOVIĆ.

**(#Legitimate# Having these documents at it's disposal, the Chamber was able to differentiate a legitimate fights and casualties during the fights, and not to rely upon the testimonies of the relatives of the Muslim extremists!)**

1702. Between 2 p.m. and 2:30 p.m. on 20 July, Hegići was attacked by Serb Forces.<sup>5823</sup> Hegići was on a hill about 300 to 350 metres in a straight line from Mrkalji, which was also on a hill.<sup>5824</sup> A group of villagers from Hegići watched what was happening in Mrkalji and heard screams from women and children there.<sup>5825</sup> Approximately 30 to 40 men from Mrkalji, including 12 and 13 year old boys and elderly men between 60 and 65 years old, dressed in civilian clothes and unarmed, were surrounded by APCs and about 20 to 30 soldiers in military camouflage uniforms at a clay pit; they were lined up, told to run, and then shot and killed.<sup>5826</sup> The mosque in Mrkalji was also on fire.<sup>5827</sup> **(There is no a single document, nowhere, in the VRS or the police, confirming that there were those fights, let alone the incidents described in those obscure testimonies admitted as 92bis. If any of this happened, such a great operation would have to be notified in the intern documents at least, but in media too! That would be a mere execution of civilians, and even the Muslim propaganda never claimed that this happened! Let us see what was the attitude of the Serbs toward the Prijedor Muslims, D1928, 13 July**

<sup>5818</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2310, 2344–2345.

<sup>5819</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2345; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court pp. 13–14.

<sup>5820</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5293–5294.

<sup>5821</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5294; KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11851 (under seal). See para. 1708.

<sup>5822</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5294.

<sup>5823</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5881–5882, 5912–5913 (under seal) [REDACTED]; KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11849 (under seal).

<sup>5824</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5882–5883 (under seal).

<sup>5825</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5882 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11849 (under seal).

<sup>5826</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5882, 5885, 5887, 5890–5893 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11849 (under seal). See P1164 (Photograph of Hegići hamlet in Bišćani marked by KDZ094); P583 (Photograph of Mrkalji hamlet in Bišćani); P1162 (Photograph of house of Smail Mrkalj in Bišćani marked by KDZ094). See also Adjudicated Fact 1075; para. 1705.

<sup>5827</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5882 (under seal). See also KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21090 (under seal).

**92:** **TO: MUSLIM CHARITABLE SOCIETY**  
**M E R H A M E T**

We hereby inform you that our General Hospital treats patients, including a large number of refugees, from our municipality, as well as from Sanski Most and Bosanski Novi municipalities. From the outset of war, our hospital incurred an increased level of consumption and costs in an effort to provide care for the wounded and the sick. The share of burden is almost equally distributed among hospital wards, but particularly affected are the surgery and hemodialysis wards where research materials are needed for securing the necessary drugs and medical supplies for these services to function properly. We must emphasise that we had serious financial difficulties before the conflict broke out, and that the present situation, when we treat 150 Muslim patients on a daily basis without anyone paying for their treatment, may end up in a total suspension of health care services. For the sake of a better insight, we should add that the above-mentioned figure encompasses patients of all ages and with all kinds of diseases.

The only purpose of this information is to prompt your charitable society to get organised and aid our institution by providing drugs, medical supplies, food or money, so that we can continue to treat members of your ethnicity, to which our institution remains committed.



**1703.** The hamlet of Čermernica was also attacked on 20 July 1992.<sup>5828</sup> Soldiers in blue uniforms, along with a few others in green and olive-grey camouflage uniforms, arrived on foot in Čermernica, followed by military vehicles and APCs.<sup>5829</sup> Around 35 to 40 residents of Čermernica assembled at the village cemetery and were lined up by the soldiers.<sup>5830</sup> Two soldiers approached one of the men, Muhamed Hazdić, and asked him his name; when he responded, one of the soldiers said “are you a *pejgamber*?”, referring to a Muslim word about God, and then shot and killed him.<sup>5831</sup> KDZ094 noticed that elderly people in the line had been beaten and their clothes were cut; [REDACTED].<sup>5832</sup> Two other soldiers arrived, Rade Bilbija and Miodrag Glusac, also known as “Tosa”, dressed in camouflage uniforms; Bilbija, seemed to be in charge and upon his instructions, the soldiers then left.<sup>5833</sup> KDZ094 buried Muhamed Hazdić the next morning.<sup>5834</sup>  
**(#Deadly combination#, no possibility to check! If true at all, the #“next level”# rectified a subordinate’s misconduct! No a command, but strictly individual responsibility!)**

**1704.** Around 20 July 1992, 12 persons were lined up in an orchard in Hegići and shot dead.<sup>5835</sup> Also on or around 20 July, between 20 to 30 people were killed at a bus stop at a crossroads between Alagići, Čermernica, and Jugovći; an elderly woman, went looking for her three sons who had gone missing and saw heaps of bodies at this location.<sup>5836</sup> **(#Deadly combination#! Had it been so, the Prosecution would bring such a useful witness to this process too! Were those Chambers that adjudicated this allegations so blind and uncritical of those facts? And this is not serious from the Prosecution to bring such a drastic allegations into such a serious case, without any possibility to cross-examine and challenge the veracity!)**

**1705.** On 21 July, soldiers returned to Čermernica in small groups and stole television sets, valuables, and gold items.<sup>5837</sup> They took away several of the villagers to collect the bodies of people who had been killed in the area, and two of those men, Husnija Hadzić and Hare Pelak, never returned.<sup>5838</sup> **(#Deadly combination#! All under the Rule 92bis, no cross examination!)**

**1706.** Serb soldiers continued to take away several villagers from Čermernica each day to collect bodies and load them into trucks in the surrounding villages.<sup>5839</sup> On 23 July around 8 or 9 a.m., two Serbs in camouflage uniforms, Ranko Došen and Slavko Petrović, arrived in Čermernica in green military trucks and instructed KDZ094 to go with eight to ten other Bosnian Muslim men to collect bodies from the Biščani area and load them onto trucks.<sup>5840</sup> They were accompanied by armed escorts, Serb soldiers in green, olive-grey military uniforms with rifles.<sup>5841</sup> They first went to Hegići, where they found the badly decomposing bodies of Salih Hegić and Esef Avdić, both with gunshot wounds, and loaded them into the truck using blankets which they collected from

---

<sup>5828</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5897, 5906 (under seal) (testifying that he saw that “everything had burned” in Čermernica and that “everyone had been killed”).

<sup>5829</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5906 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11850 (under seal).

<sup>5830</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5893, 5906–5907 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11850 (under seal).

<sup>5831</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5906–5907 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11850 (under seal).

<sup>5832</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5907 (under seal).

<sup>5833</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5908–5910 (under seal).

<sup>5834</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5910 (under seal).

<sup>5835</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5922 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11851 (under seal); P576 (Photograph of orchard in Biščani). *See also* Adjudicated Fact 1076.

<sup>5836</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5925 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11851–11852 (under seal). *See also* Adjudicated Fact 1077.

<sup>5837</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5910–5911 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11850 (under seal).

<sup>5838</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5911–5912 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11850–11851 (under seal).

<sup>5839</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5911–5915 (under seal).

<sup>5840</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5913–5915 (under seal).

<sup>5841</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5916–5917 (under seal).

nearby houses.<sup>5842</sup> KDZ094 then went to the clay pit in Mrkalji and saw a number of bodies lying face down, which had been shot in the back.<sup>5843</sup> **(#Legal and obligatory#! The operation described by this witness was a usual “sanitation” of the battlefield. Since there was no any cover up or a clandestine removal of the corps, it is clear that those killed had been combatants, not civilians. Why KDZ094 and other Muslim civilians who were engaged in the sanitation hadn’t been killed? Because the Serbs had nothing against civilians! And finally, how was it possible that the Chamber relied upon such an important witness, and not calling him to be cross-examined in this case? Either they should call him, rejecting the 92 bis offer, or exclude his testimonies admitted in such a peculiar way!)**

1707. After Mrkalji, KDZ094 and the other men with the truck went to the neighbouring hamlet of Kadići, where they picked up the bodies of Sead and Kemal Kadić, which had gunshot wounds in the chest.<sup>5844</sup> They then went towards Ravine, and KDZ094 observed that the Biščani mosque no longer had a roof or *munara* and had been damaged by fire, as had nearby houses.<sup>5845</sup> He stated that he had last seen part of the *munara* on 23 July 1992, from his house, before it was burned.<sup>5846</sup> The Chamber received evidence that throughout the whole area of Biščani, Rizvanovići, and Rakovčani, “all the mosques were burned and looted”.<sup>5847</sup> These mosques had been intact in April 1992.<sup>5848</sup> The mosque in Biščani was destroyed on 20 July 1992 and the Rizvanovići mosque and other mosques in the area were destroyed in the summer months, and by August 1992.<sup>5849</sup> **(#Legal combat activities#! Why the Serbs didn’t destroy those mosques in April, or May, or June 92? Because there was no fightings in those villages during those months! Or, why the mosques in other villages where there was no fights hadn’t been damaged? An answer is so simple, and the only reasonable inference would be that in a combat zones the mosques had been damaged!)**

1708. At some point on 23 July, KDZ094 was ordered by Došen to drive a second truck and they continued to Ravine; they collected a few more bodies along the road and then five or six more in a field about 50 metres from the turn-off to Ravine, all of which had gunshot injuries.<sup>5850</sup> In a forest in Ravine, they picked up another 25 to 30 bodies near the woods and outside of houses; [REDACTED].<sup>5851</sup> One of the bodies was a young female [REDACTED] found naked, lying on a couch inside a house with a bullet hole in her head.<sup>5852</sup> **(#Deadly combination#! For this incident he had to be called to testify live! Anyway, it seems that the KDZ094 was a favourite of both, the Serbs and the Prosecution! Nothing happened to him!)**

1709. Near a place called Bijela Zemlja, KDZ094 picked up the body of Mirhad Mrkalj and a few other unidentified people.<sup>5853</sup> Further along, they picked up another 15 to 20 bodies close to the main road between Ravine and Biščani.<sup>5854</sup> Near the “Diskont” shop in Bijela Zemlja, an area

<sup>5842</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5917–5920, 5922 (under seal); P1164 (Photograph of Hegići hamlet in Biščani marked by KDZ094). See also P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 20, 22, 24 (under seal).

<sup>5843</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5923 (under seal). See para. 1701.

<sup>5844</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5927 (under seal).

<sup>5845</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5927–5929 (under seal); P574 (Photograph of mosque in Biščani); P575 (Photograph of mosque in Biščani); P590 (Photograph of interior of mosque in Biščani).

<sup>5846</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5882, 5928–5929 (under seal).

<sup>5847</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5929 (under seal).

<sup>5848</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5929–5930 (under seal).

<sup>5849</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5928–5930 (under seal). See also Adjudicated Fact 1289; KDZ523, P4257 (Transcript from *Prosecutor v. Brdanin*, T. 21090 (under seal); P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), pp. 227–228, 233–235. See para. 1889.

<sup>5850</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5930, 5932–5933 (under seal); P592 (Photograph of orchard in Biščani).

<sup>5851</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5882, 5936–5939 (under seal) [REDACTED]; see P593 (Photograph of a path).

<sup>5852</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5938–5939 (under seal).

<sup>5853</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5942 (under seal); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*, T. 6862; see para. 1696.

<sup>5854</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5943 (under seal).

near the hamlet of Duratovići, they found the largest number of bodies and spent some time there collecting them.<sup>5855</sup> **(It looks like a #sanitation# action after the battle. Had it been an execution, the bodies wouldn't be all around, in woods and different places. So, at least equally reasonable inference would be that there was a fierce fightings, and a sanitation afterwards! Supposedly, any execution would have elements of a clandestine action, which was not the case!).**

1710. The group continued on towards Tukovi, and at the coffee production plant near the junction leading to Sredice, they picked up another 10 to 15 bodies.<sup>5856</sup> Further along the road, at the Sredicko Polje sand pit, they retrieved another 15 to 25 bodies from the right hand side of the road, also with gunshot wounds.<sup>5857</sup> Close to the turnpike at Tukovi, they found another two groups of bodies with gunshot wounds, including some women and children, who were 12, 13, and 14 years old.<sup>5858</sup> **(What kind of truck was it? How many bodies could it contain?)**

1711. At the check-point in Tukovi, KDZ094 parked the truck and got out, and some soldiers drove two of the three trucks, which were full of bodies, off in the direction of Sanski Most; KDZ094 heard Došen and Petrović complaining that they did not want to drive much further and that they would go somewhere “closer”, which he interpreted to mean that they did not want to drive all the way to Tomašica, but would rather find somewhere closer to take the bodies.<sup>5859</sup> **(So, KDZ094 was competent and allowed to “interpret” what some soldiers meant? How come the Chamber accepted such an improvisation?)** The third truck was used to return the other Bosnian Muslim villagers, and the two armed Serbs, to the Hegići area.<sup>5860</sup> **(#Combat casualties, sanitation#! Why those “Bosnian Muslim villagers” hadn't been killed? If all others, whose bodies had been collected, had been killed in an unlawful manner, why those hadn't been killed, as a dangerous witnesses? Because this was a sanitation of the battlefield, and the Serb soldiers didn't hide anything!)**

1711. On 24 July, six to eight young men who had been captured were brought to the check-point in Tukovi to help KDZ094 collect bodies; they went to the area of Sredicko Polje to resume collecting bodies.<sup>5861</sup>

1712. KDZ094 estimated that in two days, he collected between 300 to 350 bodies, all of which were Bosnian Muslims, as well as a few Bosnian Croats, who had been unarmed and wearing civilian clothes.<sup>5862</sup> **(#Ad absurdum#! How KDZ094 could have known that they had been unarmed? If they got killed out of his site, he couldn't know anything but that the bodies had been in a civil cloathing. As known, the Muslim terrorists in the Prijedor and Sanski Most area were only civil cloathing. And no a warring faction would leave an armament with a body of killed enemy, but would take it not only as a trophy, but as a usable mean!)** While many were from the Brdo area, there were also others who had been displaced from other areas

<sup>5855</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5944–5948 (under seal) [REDACTED]. See P1166 (Photograph of Diskont store marked by KDZ094); P1169 (Photograph of Diskont store marked by KDZ094). See para. 1700.

<sup>5856</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5948 (under seal) [REDACTED].

<sup>5857</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5948–5951 (under seal); see para. 1698. See also KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6864, 6868–6869, 6872.

<sup>5858</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5951–5952 (under seal).

<sup>5859</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5934–5935, 5953–5956 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11854 (under seal) (further testifying that he noticed a “trip order” in the truck which indicated the start point of the trip as the Zarko Zgonjanin barracks and the destination to be the area of Brdo and Tomašica).

<sup>5860</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5959 (under seal).

<sup>5861</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5959–5961 (under seal).

<sup>5862</sup> KDZ094, P706 (Transcript from *Prosecutor v. Brđanin*), T. 11850–11852, 11864 (under seal); KDZ094, P706 (Transcript from *Prosecutor v. Stakić*), T. 5968–5972 (under seal) (providing a list with the names of 34 people who he recognised as among those whose bodies he collected); P587 (List of persons from Bišćani killed around 20 July 1992, identified by KDZ094). See also Adjudicated Fact 1071.

and had taken shelter there.<sup>5863</sup> The women, children, and elderly people who had remained in Bišćani and other villages went to Tukovi and were then transported to Travnik.<sup>5864</sup>

**1713.** The Chamber considers that while it does not have specific evidence about the circumstances of each of the deaths of the 300 to 350 individuals whose bodies KDZ094 collected on 23 and 24 July 1992 in Bišćani and the surrounding villages,<sup>5865</sup> the evidence before it establishes a pattern of killings on or around 20 July throughout this area. Furthermore, the Chamber finds that there was no armed activity in the area of Bišćani during this period.<sup>5866</sup>

**(#Contrary to documents#! However, there is a plethora of evidence that there was a two months of everyday fights, as it was said in the Prosecution exhibit P03482, on 17 July:**

It was a long time, almost a month, that the Prijedor municipality was a scene of war clashes and a place kept in isolation of all kinds. For almost two months, the people of Prijedor and their neighbours in Bosanski Novi and Sanski Most fought heavily on a day-to-day basis against Muslim extremists who were supported by the HDZ /Croatian Democratic Union/ and HOS /Croatian Defence Forces/. During that time, the Prijedor war unit and the police lost 43 soldiers, including members of the Serbian Republic of BH Army killed in Hambarinsko polje on 22 May this year, when Muslim extremists and members of the Green Berets decided to respond to Alija IZETBEGOVIĆ's call for a war to the death. The events that followed are more or less known to the public in Prijedor and Banja Luka, yet a great deal remains unknown. Yesterday, this should have become obvious to the Krajina representatives,

**(#Muslim terrorists, Serb victims#! So, sustaining a lost of 43 soldiers deep into the Serbian territory is a horrible and wouldn't be acceptable to any army all over the world!) Accordingly, the Chamber finds beyond reasonable doubt that most of these 300 to 350 individuals were non-Serb civilians who were deliberately killed by Serb Forces after the attack on the village of Bišćani and the surrounding hamlets. (#Contrary to documents#! However, the Prosecution exhibit P03487 sais otherwise, #document said otherwise#! :**

Wearing their berets, they fled to the nearby forests and there they continue to provoke the army and police. On Sunday in the village of Rizvanovići, only a hundred metres from the village mosque and several hundred meters from the site where four soldiers of the Serbian Republic of Bosnia and Herzegovina were wounded and two killed on 22 May 1992, soldier Slave PANIĆ, son of Živko, of the Prijedor combat unit was killed, and the army moved again to cleanse the terrain in the area of the former Ljubija Municipality in the villages of which the Green Berets and Muslim renegades have taken shelter, despite the fact that most of the population has expressed its loyalty to the Serbian Republic of Bosnia and Herzegovina.

**(#abuse of the sacral objects#! This was a report in Kozarski Vjesnik for 24 July, pertaining to several previous days. Wrong inference on a wrong assumption.**

<sup>5863</sup> KDZ094, P706 (Transcript from *Prosecutor v. Stakić*, T. 5966 (under seal).

<sup>5864</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*, T. 2345.

<sup>5865</sup> See paras. 1700, 1703, 1706–1709.

<sup>5866</sup> See KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*, T. 21076, 21081–21082 (under seal).



**1714.** The Chamber also received forensic evidence to support the deaths of some identified individuals who were killed in the village of Bišćani and in the surrounding hamlets on or about 20 July 1992.<sup>5867</sup> **(Combat or civil casualties#!)**

**1715.** Based on the above, the Chamber therefore finds that at least 300 non-Serbs, including civilians, were killed by Serb Forces in the village of Bišćani and in the surrounding hamlets of Hegići, Mrkalji, Ravine, Duratovići, Kadići, Lagići, and Čemernica on or about 20 July 1992. **(1). This is completely wrong inference, based only on the testimonies of the Muslim extremists, or their relatives.**

**(2).The mere formulation “including civilians” compromises this kind of deliberation: including unknown number of civilians clearly shows that there were the Muslim combatants as a target of the action, not civilians!**

**(3).The VRS wouldn't skip to brag and mention such a high number of casualties on the enemy's side, the police too. No such a reports.**

**(4) However, from the reports available, we see that the rest of the Muslim terrorists from Kozarac, Hambarine and other places in and around Prijedor, after the defeat in May and June 92, withdrew to the Brdo area, and to neighboring villages and hamlets, living in dug-outs and acting as terrorist to the end of the war on the entire area between Prijedor and Sanski Most. SeeD4415, of 2 June 92:**

In summing up the casualties suffered in the fighting for the town of Prijedor so far, please be informed that except for the casualties stated in the dispatches nos. 2032 and 2034, we have also suffered the following /casualties/:

<u>Wounded:</u>	1. Slavko BORA	- reserve policeman
	2. Milan BABIĆ	- "
	3. Miroslav NIKŠIĆ	- "
	4. Dragan DAVIDOVIĆ	- "
	5. Radoslav KNEŽEVIĆ	- "
	6. Dalibor JOVIĆ	- "
	7. Goran VRANJEŠ	- "
	8. Mile GRABOVAC	- "

The forces of the Serbian Army and Police are in control of the whole municipality. Search of residential and other buildings is underway with the purpose of finding and confiscating weapons, ammunitions, mines, and explosive mechanisms from the citizens who are not engaged in the units and formations of the army and police.

ten: / 2 June 1992 Duško - CSB at 2020 hours

**D3916 of 3 June 92:**

In the area of Prijedor, Sanski Most and Ključ there are still active individuals and groups of extremists. The focus of Ustasha attacks will be in Jajce and Travnik areas.

**D4681, of 3 June 92:**

<sup>5867</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 19, 22, 34, 36–37 (confirming the bodies of 34 men, and one body of an unknown gender, were exhumed from graves in Šurakovac, Čarakovo-Brđani, Bišćani, Rizvanovići, Redak-Ljubija, Sredice-Garaža, and Jakarina Kosa in 1998, 2000, 2001, and 2005); P4892 (BiH State Commission for Tracing Missing Persons list of exhumed persons from Prijedor, Čelinac, Bosanski Novi, 29 October 2002), p. 2. See also P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, p. 9; P6689 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), e-court pp. 20–24, 61, 72, 104, 108–111, 130–131, 139, 150, 152, 154, 157–158, 163, 166, 175–177, 189, 243–246, 249, 253; P6690 (Addendum to Nicolas Sèbire's report, 16 May 2003), e-court p. 31 (identifying bodies exhumed from Jakarina Kosa in 2009).

We have in possession the strength /as printed/ of the BiH Patriotic League in Trnopolje area, as well as names of members of other military units of the Patriotic League in Kozarac area.

TRNOPOLJE PLATOON:

- company commander: Avdo TRAVLJANIN (AP /automatic rifle/)
- platoon commander: Said HADŽIĆ (AP)
- GARIBA SQUAD:
  - 1. Suad GARIBOVIĆ (PM /light machine gun/ 7.9 mm)
  - 2. Đemal GARIBOVIĆ (hunting /rifle/)
  - 3. Mirsad " (hunting /rifle/)
- SIVAC SQUAD
  - 1. Hajrudin SIVAC (AP)
  - 2. Suad SIVAC (AP)
  - 3. Suljo " (M-48)

- SIVAC SQUAD

- 1. Hajrudin SIVAC (AP)
- 2. Suad SIVAC (AP)
- 3. Suljo " (M-48)
- 4. Bego " (AP)
- 5. Sakib " (pistol)
- 6. Osman " (pistol)
- 7. Hedžad " "
- 8. Himzo " "
- 9. Merzuk " "
- 10. Fehret TURKANOVIC (AP)

Squad commander

Sulto SIVAC

- TRNOPOLJE SQUAD:

- 1. Hazif SIVAC (PM 7.9)
- 3. Vasif " "
- 2. Mehmed DIZDAREVIC (M48)
- 21. Jafik MAJDANAC

22. (about ten children aged 16-17)

3 June 1992

number: 177/92

Miloš

**Nota bene: "about ten minors!!! Nota bene: family Sivac! Some of these "distinguished citizens of the Muslim ethnicity had even been the OTP witnesses, presenting themselves as a victims, civilians and innocent! See D1826 of 4 June 92:**

According to checked and verified information, extremist members of the SDA from the region of Prijedor cooperated directly with extremists from Bosanska Dubica, Gradiška and wider. And so Junuz HAŠIĆ, until recently the SDA president, had close relations with Mirza MUJAČIĆ, from the Prijedor area and the president of the Court in Bosanski Novi, who in turn had close relations with exponents of the positions of the HDZ /Croatian Democratic Union/. Junuz and his wife Namka obtained and distributed weapons and explosives in the Bosanski Novi, Prijedor and Bosanska Dubica area;

member of the ZNG. All this information indicates that there was close cooperation between extremists of Muslim nationality. It is interesting that most jobs for Mirza MUJAČIĆ in the Prijedor area and wider were carried out by his brother Emir MUJAČIĆ, an agricultural technician by occupation, employed in the Ljubija mine. Verified information indicates that the persons most responsible for arming the Muslim and Croatian peoples in the Prijedor area were: Elvedin RIZVAN from Donja Kuharska, owner of a restaurant in Prijedor; a certain ZENKOVIĆ from Donja Ljubija, president of the SDA party in Ljubija; Muharem FAZLIĆ from Kozarac, a

returnee from the SR /Federal Republic of/ Germany; Ramiz CIRKIN from Kozaruša, an instructor and organiser of "Green Berets" in Kozaruša; Irfan BAHONJIĆ from Kamičani, president of the SDA, a PTT /post, telephone and telegraph/ technician by occupation, employed in the hospital in Prijedor; Hilmo HOPOVAC from Prijedor, employed in the Ljubija mine; Jasmin ALIŠIĆ from Tukovi; Adir GANIĆ, owner of the *Gan* café bar in the Tukovi settlement; Samir REŠIĆ from Prijedor, a driver; Slavko EĆIMOVIĆ from the Tukovi settlement, a private haulier; Enver ALIĆ called Eno; Hasan TARUNDŽIĆ, chief of the Prijedor SJB; the VELIĆI brothers from the village of Kevljani; Alid KADRIĆ from the village of Rizvanovići, purchased weapons and ammunition from military reservists from the village of Volari; Said KARAGIĆ; Sefer DEDIĆ, commander of the Patriotic League in Rizvanovići, where there were around 100 people in the formation; Bećir MEDUNJANIN from Kozarac, SDA president.

These activities were supported and financed by Emir VOJNIKović, employed in the Prijedor SO, a certain ADEMI of Albanian nationality, a junior officer, left the JNA /Yugoslav People's Army/ of his own will, a certain Suljo, temporarily employed in Australia, and a man with the last name of KULENOVIĆ from the Kozarac area.

The above-named received assistance for their activities in obtaining arms from Muslims temporarily employed abroad.

This information will be supplemented and expanded later on.

4 June 1992

/hand-written:/ Number: 191/92

MILOŠ

**In this document, obtained by the Prosecutor, there are the names of the main organizers of the armed rebellion in the Prijedor area and the main civilian settlements abused for the combat activities. Both the Prosecution and the Chamber shouldn't admit any allegations and testimonies that were in contras to these evidences. See further: D4203, of June 5, 92:**

Publication: **Kozarski vjesnik**

Date: **5 June 1992**

Headline: **ATTACKERS CAME FROM STARI GRAD**

Author/

Agency: none

Page: 2

This morning at 0430 hrs, members of the Muslim paramilitary units launched an attack from several directions and particularly from the direction of Stari grad, Pećani and Tukovi, against the buildings of the Prijedor SO /Municipal Assembly/, the SJB /Public Security Station/, the *Prijedor* hotel, the town's bridge across the Sana river and several other facilities controlled by the Army of the Serbian Republic of BH and the police.

The Crisis Staff announced that the Army and police forces are keeping the town under their control and have launched an operation to catch and place the attackers in custody.

Citizens are called upon to remain calm and stay in their homes, where they will be safe. All able-bodied citizens are called upon to take part in the defence of the town by guarding the buildings where they live, and to be on the lookout for the possible presence of infiltrated, professionally trained and armed groups and individuals who are ready for anything.

**Remember, the Chamber treated this as a Serb attack on Stari grad. See further, D4419 of 7 June 92, a Criminal report to the prosecutor in Prijedor against the main organizers of the armed rebellion in Prijedor:**



Number: 11-12/02-KU-211/92  
Date: 7 June 1992

PUBLIC PROSECUTOR'S OFFICE:

PRIJEDOR

Pursuant to Article 151, paragraph 6 of the Law on Criminal Procedure, we are filing the following,

CRIMINAL REPORT

Against:

1. Sejad ČIRKIN, aka Sejo, son of Hamdija, born 20 November 1960 in Kozaruša where he resides in house number 70; fugitive.
2. Sulja KUSURAN, son of Sulja, born 19 July 1955 in Kozarac where he resides on Omladinska Street; fugitive.
- 36 Edhem JAKUPOVIĆ /handwritten: in custody/, aka Edo, son of Mehmed and mother Zumra, born 1 June 1969 in Kevljani, resides in Jakupovići /house/ number 218; locksmith, currently in custody.
- 37 /handwritten: /not questioned-is in /illegible/ Mehmed JAKUPOVIĆ /handwritten: in custody/, son of Sulejman and mother Razeima, born 1 April 1944 in Kevljani where he resides; currently in custody.
- 38 Nihad ELKAZOVIĆ /handwritten: in custody/, son of Ibro and mother Asija, born 15 September 1965 in Jakupovići where he resides in house number 290; machinist; currently in custody.
- 39 Bahrija ALIĆ, son of Asim, born 15 May 1956 in Kamičani where he resides; currently in custody.

On reasonable grounds for suspicion that the persons reported committed the crime of armed rebellion (Article 124, paragraph 2 of paragraph one of the KZ RJ Republic of Yugoslavia penal code/ and the crime of attacking an officer on duty (pursuant to Article 193, paragraph one and two) of the same law (Article 206, paragraph 3 of Article 1 of the KZ RJ).

**Also a very helpful document, disclosing the most important names, localities and misdeeds of the Muslim secret organisation in Prijedor! See further: D1809, of 10 June 92.:**

Groups of Green Berets attempting to withdraw to the Cazin Krajina are still present in the municipalities of Prijedor, Sanski Most and Bosanski Novi. There has been no major enemy activity in the municipality of Kotor Varoš, although the possibility of various provocative actions cannot be excluded.

2. – Combat readiness situation:

The 1<sup>st</sup> Krajina Corps units are at positions previously taken and there has been no major movement of the frontline in relation to the previous period.

In the areas of Prijedor, Sanski Most and Bosanski Novi municipalities, mopping up, catching and smashing enemy groups attempting to break through into the Cazin Krajina continues.

**D1741, of 22 June 92, another Criminal charge against organisers of the armed rebellion in Prijedor:**

PUBLIC SECURITY STATION  
PRIJEDOR

Number: ~~44-12/02-2~~  
Date: 22 June 1992

PUBLIC PROSECUTOR'S OFFICE  
PRIJEDOR

2. Nedžad BABIĆ, /handwritten:/ son of Džemal and Radifa, born 1 January 1962 in Prijedor, no. 42 E. Midžića Street, on the run.

171. Mito

172. Nedžad – Nečko /handwritten:/ NN

**Again, all the relevant names of organizers and settlements abused for a military purposes! See further: D4223, of 22 June 92, a list of the Serb soldiers killed in Prijedor and it's**



**localities and villages between 30 April and 20 June 92: May and 92:**  
of soldiers killed

30 April 1992

1. Radenko (father's name Radovan) ĐAPA, born 1 August 1972 in G. Jelovac, reserve policeman.

9 May 1992

1. Rajko (father's name Milan) BILBIJA, born 26 August 1956 in Marička, reserve policeman.

24 May 1992

1. Sveto ĆULIBRK, born 1955 in S. Most.
2. Slobodan KNEŽEVIĆ

25 May 1992

1. Radovan (father's name Branko) MILOJICA, born 11 July 1967 in Tisova.
2. Rade (father's name Petar) LUKIĆ, born in Marini, S. Most municipality

26 May 1992

1. Jovan (father's name Ranko) ZGONJANIN, born 29 July 1968 in Prijedor.
2. Marinko PENDIĆ, from Bistrica.
3. Pantelija GAJIĆ, from Babići.
4. Ranko (father's name Svetozar) HRVAČANIN, born 11 March 1956 in Petrov Gaj.
5. Danko (father's name Mitar) LAUDER, born 31 December 1936 in Kamičani.
6. Draženko (father's name Branislav) ZEC, born 11 May 1972 in Jelička.

30 May 1992

1. Željko (father's name Dušan) GNJATOVIĆ, born 9 January 1962 in Prijedor, reserve policeman.
2. Duško (father's name) LUKIĆ, born 2 April 1969 in Prijedor, reserve policeman.
3. Branko (father's name Rajko) ĐURIČIĆ, born 1954 in Bos. Dubica, reserve policeman.
4. Mladen (father's name) VLAČINA, born 27 November 1968 in Tukovi, reserve policeman.
5. Vukašin (father's name Miloš) RITAN, born 24 October 1956 in Prijedor.
6. Mladen POPOVIĆ, born 1962 in Poljavnice, Bos. Novi municipality.
7. Goran (father's name Milorad) TIMARAC, born 16 March 1971 in G. Orlovci.
8. Miroslav (father's name Ratko) GONČIN, born 2 September 1965 in Gačani.
9. Radenko (father's name Vukašin) VUČENOVIĆ, born 1966 in Gačani.
10. Nedo (father's name Boško) KATIĆ, born 1 April 1965 in Prijedor.
11. Boško (father's name Nikola) ŽUJIĆ, born 15 September 1939 in Svodna, resident in Prijedor.
12. Radoslav (father's name Bogoljub) KOLUNDŽIJA, born 30 October 1962 in Prijedor.
13. Željko (father's name Lazar) GNJATOVIĆ, born 6 January 1961 in Prijedor.
14. Rade (father's name Slavko) MAJKIĆ, born on 3 August 1970 in D. Orlovci.
15. Mladen (father's name Đuro) MALENCIĆ, born 20 July 1947 in Lamovita.
16. Dragan (father's name Brana) PAČARIĆ, born 3 February 1969 in Orlovača.
17. Igor (father's name Milan) KNEŽEVIĆ, born 24 January 1974 in Orlovci.

1 June 1992

1. Dario (father's name Miroslav) DAVIDOVIĆ, born 20 May 1972 in Prijedor, reserve policeman.
2. Zdravko (father's name Rajko) SANTRAČ, born 1970 in Derviši, Bos. Novi municipality.
3. Ljubomir (father's name Milorad) ĐUKIĆ, born 1960 in Poljavnice, Bos. Novi municipality.
4. Duško (father's name Ostojica) KRAGULJ, born 1965 in Rakelići.
5. Čedo (father's name Jovo) LAZIĆ, born 12 January 1957 in Krkojevci, resident in Baltine Bare.
6. /blank/

4 June 1992

1. Blagoja (father's name Boško) BALTIĆ, born 11 April 1962 in Dera, resident in Prijedor.
2. Brane (father's name Boško) BUCALO, born 1971 in Jaruge.
3. Zdravko (father's name Slavko) LUKIĆ, born 20 February 1956 in Dera, resident in Podgrađe.
4. Pane (father's name Gojko) SOVILJ, born 1961 in S. Most.
5. Dragutin (father's name Đuro) STUPAR, born in Husimovci, S. Most municipality.
6. Zoran (Sreto) KARLICA, born 10 September 1954 in Prijedor. Died of wounds.

10 June 1992

1. Dane POPOVIĆ from B. Luka.

12 June 1992

1. Strahilo (father's name Vid) STANOJEVIĆ, from Lamovita.

16 June 1992

1. Milomir (father's name Ljuban) MACURA, born 8 August 1961 in Prijedor, resident in G. Jelovac.

17 June 1992

1. Slavko (father's name Mihajlo) ROMIĆ, born 10 December 1938 in Crna Dolina.
2. Slobodan (father's name Vitomir) LAKIĆ, born 3 August 1970 in Prijedor.

3. Radenko (father's name Mirko) GRBIĆ, born 1 November 1967 in Bos. Novi, resident in D. Dragotinja.

20 June 1992

1. Drago (father's name Ljubomir) ALEKSIĆ, born 28 June 1955 in Babići, Prijedor municipality.

Chief,  
Public Security Station  
Simo DRLJAČA  
/signed/

**SO, IN THOSE #VILLAGES, ALLEGEDLY A CIVILIAN SETTLEMENTS, ALLEGEDLY ATTACKED BY THE "SERB FORCES" 48 SERB SOLDIERS HAD BEEN KILLED#. FAR FROM THE FRONTLINE, DEEP IN THE SERB TERRITORY, THE "ANURMED" MUSLIM CIVILIANS KILLED SO MANY SOLDIERS! NOTHING OF THAT HAD BEEN NOTICED BY THE CHAMBER!?!?!? See further, D1979, of 23 June 92:**

#### I HEREBY ORDER

1. – Ensure at all levels of command that religious buildings or cemeteries of any religion are not desecrated in combat operations or any other situations.
2. – In combat operations, fire may be opened on religious buildings only when our forces are being engaged from such buildings or when it has been determined that they house an armed enemy who refuses to surrender. The intensity of fire and the type of weapons used should be such as to destroy or neutralise only enemy personnel, without destroying the building.

In this connection members of the Corps are hereby informed that the SR BH Army will fight the war against the enemy in a military and honourable manner, consistently abiding by the provisions of the Geneva Conventions.

3. – I hereby forbid harassment or maltreatment of clerics. Such persons who are known, or suspected of being on the side of the enemy should be arrested and taken into custody by the Military Police, Security Service or MUP /Ministry of the Interior/ organs. The civilian population should be treated in the same manner.

4. – I shall hold all unit commanders, but also all Corps members, responsible for consistent execution of this order.

**That is the answer on all the matters of ruined sacral objects: these objects could have been hit only if #abused for a military purposes#! See further, all to the mid of July 92, so intense terrorist activities deep into the Serb territory, D142, of 14 July 92**

In the area of responsibility of the Prijedor command, there are still defeated groups of Muslim extremists who wish to break through and link up with Bihać and the Cazinska Krajina. They have been prevented from doing so at present, and this command is successfully controlling the area of Bosanska Krupa – Bosanski Novi – Bosanska Dubica – Sanski Most as far as the village of Ivanjska.

**During all this period, many Muslim and Croat settlements and villages didn't have any problem with the "Serb Forces" i.e. VRS and Police, see what E. Wulliamy wrote on 7 August 92, D100:**

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

"These are the people who accept the Serbian republic," explains Maj. Milovan Milutonic from army headquarters in Banja Luka. "If they do that, we just leave them alone."

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**No a reasonable chamber would neglect these contemporaneous genuine documents, nor would make any decision about Prijedor as it is in this Judgment!**

(5). Further, why the witnesses hadn't been killed? How come the Serb soldiers employed the Muslim civilians in the sanitation job? Hadn't it be a legal job and a combat casualties, it wouldn't be entrusted to the Muslim civilians to collect bodies.

(6). The Chamber accepted every single allegation and testimony of the Muslims, regardless of their interest in denigrating the Serbs, and the basis for those inferences were a general assertions without any objective corroboration.

(7). The Chamber accepted a general allegations about ruining the buildings and properties, but there was an order to clear up all the buildings damaged during the combats, that couldn't be repaired: see P03484:

Pursuant to Article 12 of the Constitutional Act on the Implementation of the Constitution of the Serbian Republic of Bosnia-Herzegovina (*Official Gazette of the Serbian People in BH*, no. 3/92) and Article 74 of the Executive Committee Rules of Procedure (*Official Gazette of the Prijedor Municipality*, no. 6/91), the Executive Committee, at its meeting of 21 July 1992, adopted the following

#### DECISION

on the demolition of structures damaged beyond repair  
in the course of combat activities

1. It is hereby agreed that the Municipal Secretariat for Town Planning, Housing, Public Utilities and Legal Property Affairs in Prijedor, because of the impossibility of repairing structures damaged in the recent fighting, as determined by the commission of Experts, may take measures for the demolition of the following buildings:

This is followed by the list of 166 objects to be cleared, because the damages that occurred during the fights couldn't be repaired. This also did cost the municipal authorities a lot, and nobody can say that it was a deliberate damaging of anybody's property! No reasonable chamber would allow this kind of mess!)

#### (a) Briševo

1716. Briševo is a village in the local commune of Ljubija and is located to the south of Prijedor town.<sup>5868</sup> Prior to the conflict, Briševo was inhabited mainly by Bosnian Croats.<sup>5869</sup> The villages in the Ljubija commune were primarily comprised of Bosnian Croats, while within the town of Ljubija itself, Gornji Ljubija was almost purely Croat, and the other part, Donja Ljubija, was predominantly Bosnian Muslim.<sup>5870</sup>

1717. Briševo was first shelled on 27 May 1992 from the direction of the Serb villages of Rasavci and Oštra Luka; the shelling lasted the entire day but there was no physical damage to the village during this attack.<sup>5871</sup> (#Obviously, the Serbs didn't aim the village itself, but the surrounding woods where the Muslim terrorists spread and hide after defeated in Hambarine and Kozarac!) After the attack, Atlija, together with other men in the village, decided to send a delegation of five men to Rasavci and Oštra Luka to ask why they were being attacked.<sup>5872</sup> When the delegation returned, they informed the villagers that the Serbs had issued an ultimatum requesting them to surrender their arms, and that if they failed to do so, the Serbs would search their houses.<sup>5873</sup> The residents of Briševo only had five or six hunting rifles and a few pistols

<sup>5868</sup> P569 (Map of Prijedor municipality); Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5547 (testifying that according to the 1991 census, Briševo was comprised of 120 houses). See also Adjudicated Fact 1086.

<sup>5869</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5546–5547. See also Adjudicated Fact 1086.

<sup>5870</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5544–5547.

<sup>5871</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5559–5561; Ivo Atlija, T. 20310 (20 October 2011), 20347 (26 October 2011). See also Adjudicated Fact 1087.

<sup>5872</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5561–5562.

<sup>5873</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5562; Ivo Atlija, T. 20347 (26 October 2011). See also Adjudicated Fact 1087.

among them which they handed over to the Serbs; however, the Serb representatives demanded more weapons and said that houses would be searched and people would be killed.<sup>5874</sup>

1718. No one came to search houses in Briševo following the hand-over and the following weeks were relatively peaceful, although the village was completely blocked by Serb-manned check-points and no one could enter or leave for food or medicine.<sup>5875</sup>

1719. On 24 June 1992, a police van from Ljubija came to Briševo and three or four police officers took at least six male villagers from Briševo to be interviewed at the police station in Ljubija.<sup>5876</sup> These men never returned to Briševo and Atlija later found out that they had been questioned and beaten in Ljubija, taken to Keraterm camp, then to Omarska, and finally to Manjača.<sup>5877</sup> **(#Legal#! So, those six male villagers were not among those 59% released from Omarska. It is obvious that they hadn't been arrested and brought in arbitrarily, because to Manjaca were directed only those who were to be exchanged!)**

(i) Scheduled Incident A.10.9

1720. The Prosecution alleges that at least 68 people were killed in the village of Briševo between 23 July and 26 July 1992.

1721. On 23 July 1992, a Serb from Oštra Luka told Atlija and his cousin to leave Briševo because it would be “cleansed” the following day.<sup>5878</sup> However, they chose not to leave and Atlija was awoken by explosions at around 3:30 a.m. on 24 July 1992; Atlija ran to hide in a neighbours’ cellar.<sup>5879</sup> Infantry fire increased during the early hours; some people were killed, and the shelling continued until the evening of 25 July.<sup>5880</sup> That evening, Bosnian Serb infantry entered the village.<sup>5881</sup> The soldiers wore JNA uniforms with red ribbons around their arms and some had red ribbons tied around their helmets.<sup>5882</sup> **(Note the #“ribbons#! not discriminatory, but very useful, to differentiate the friends from the enemies. The same was with the civilians, and the civil homes.)** They identified themselves as “Serb soldiers” and told some of the inhabitants that if they went to their homes, nothing would happen to them.<sup>5883</sup> As a result, Atlija and the others who were hiding in the cellar dispersed.<sup>5884</sup> **(#Insignias#! That was the VRS, but after them, there were irregulars with “Subara” cap.)**

1722. After 10 minutes, Atlija heard shouts from the Dimač house and ran towards it, seeing two soldiers engaged in discussion with Pero Dimač, a 65 year old man, and Atlija’s mother.<sup>5885</sup> The soldiers wore JNA uniforms, as well as “Subara” hats with cockades, and carried different hunting

<sup>5874</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5562–5565. See also Ivo Atlija, T. 20345–20346 (26 October 2011) (testifying further that all of the villagers’ weapons had been handed over to the Serb authorities in Rasavci before the second attack and that “only when the Serb forces were absolutely sure that there’s not a single rifle, not a single pistol, not a single bullet in our village, that’s when we were attacked”); Adjudicated Fact 1087.

<sup>5875</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5565–5566, 5659 (testifying that permits were necessary for non-Serbs to move around Prijedor and movement was very restricted).

<sup>5876</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5566–5568.

<sup>5877</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5568–5569 (testifying further that, as far as he knew, none of these men were actively involved in politics or leaders in the village).

<sup>5878</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5570–5571.

<sup>5879</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5571–5573. See also Ivo Atlija, T. 20310 (20 October 2011).

<sup>5880</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5573.

<sup>5881</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5573–5574. See also Adjudicated Fact 1089.

<sup>5882</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5573–5575. See also Adjudicated Fact 1089.

<sup>5883</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5575; Ivo Atlija, T. 20351–20352 (26 October 2011).

<sup>5884</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5577.

<sup>5885</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*, T. 5577.



knives than those weapons carried by regular JNA soldiers.<sup>5886</sup> **(#Insignias#! “Subaras” and cockardes weren’t the Serb soldier’s cap, not permitted, as well as a “different knives”, and this must be a paramilitary.)** Atlija approached his mother, who was crying and shouting, and she told him that his father had been killed and that he should leave.<sup>5887</sup> Atlija left his mother and ran to the woods from where he saw several hundreds of soldiers arrive in the village.<sup>5888</sup> The soldiers then locked his mother in the pigsty, threw Dimač to the ground, beat him with a bible they had found inside his house, shouted “let the Catholic Jesus help him now”, and asked “why Tudjman wasn’t helping him”.<sup>5889</sup> They then set fire to the house and made Dimač take off his clothes and pray “according to the Catholic ritual”; they continued to beat and taunt him.<sup>5890</sup> The soldiers eventually forced him to run between them and shot him in the head.<sup>5891</sup> **(#Against President orders#! All of that had been strictly and repeatedly prohibited by the President and all the military commanders: uniforms, insignias, equipment, and particularly conduct, making the immediate commanders responsible for conduct of his soldiers, which was entirely accepted by the commanders. The President also disowned all of paramilitaries and independent groups, ordering their arrest, which happened many times!)**

**1723.** From his hiding position in the woods, Atlija saw houses in the village burning and groups of soldiers, both JNA soldiers in uniforms with the JNA insignia and “Chetniks”, passing by, shooting, and taking away looted property; over 100 houses in Briševo were destroyed during the attack.<sup>5892</sup> **(#Insignias#! “Cetniks” weren’t the VRS members, and they would fall within the Order of the Banjaluka CSB on 30 July 1992, D1539, p.1:**

Since the outbreak of armed conflict, the security situation in the area of this centre has been characterised by the organisation and carrying out of armed uprisings and other acts of violence aimed at overthrowing the legal organs of government, the planning and preparing of terrorist acts, the setting up and activation of paramilitary formations and armed groups, sabotage and terrorist acts against socially-owned and private property, the increasingly frequent occurrence of the gravest crimes and robberies, lawlessness and civil disobedience, the unauthorised use of weapons, and the spreading of rumours and disinformation. In some areas, the security situation has been further complicated and rendered more difficult due to avoidable shortcomings, such as serious breaches of legality in the work of a number of Public Security Service staff, reflected primarily in their participation in various criminal activities and the unauthorised taking of certain measures and actions which do not fall within the jurisdiction of organs of internal affairs, as well as their tolerant attitude towards crime and other socially harmful developments, which undermines trust in the legal institutions of the system and causes widespread concern among citizens. This continues to happen, even though the centre has repeatedly warned against the extent and harmfulness of these developments.

Some of these groups and criminals often use uniforms and insignia of the Serbian army and police while carrying out their criminal acts, most often in areas where there have been war operations. Thus, when army units leave an area, groups and individuals come in and indulge in mass looting of technical goods, household appliances, gold, money and, not infrequently, even the pettiest household utensils. The criminals are often dressed in camouflage uniforms and tend to present themselves as Serbian soldiers or police who are “mopping up” the terrain, and they deal brutally with anyone who opposes them.

<sup>5886</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5577–5578 (testifying further that he could not tell if they were JNA soldiers, but it was quite usual for soldiers wearing this type of insignia to be “Chetniks”, referring to paramilitary units from World War II). *See also* Adjudicated Fact 1089.

<sup>5887</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5578. *See para.* 1726.

<sup>5888</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5578–5579.

<sup>5889</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5579–5580.

<sup>5890</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5579–5580. *See also* Adjudicated Fact 1090.

<sup>5891</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5579–5581; Ivo Atlija, T. 20358–20363 (26 October 2011); D1818 (Excerpt of transcript from testimony of Ivo Atlija in *Prosecutor v. Brđanin*), T. 11967. *See also* Adjudicated Fact 1090; P3674 (Sketch drawn by Ivo Atlija) (showing Atlija’s position in the woods in relation to Pero Dimač’s house).

<sup>5892</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5582–5583; Vojislav Kuprešanin, T. 43531–43533 (14 November 2013), T. 43575 (15 November 2013). *See also* Adjudicated Facts 1275, 1276.

The above developments and activities have caused anger and resentment, primarily among Serbs themselves, in whose name and under whose symbols loathsome criminal activities such as burglary, arson, plunder and violence are being committed. Fear is being created among other ethnic groups, leading inevitably to ethnic divisions and mistrust in the institutions of the system. There is a real and objective danger that if they are not stopped these developments will get out of control and have unforeseeable consequences for the security of the public order.

**Further in this document follow a set of orders to quit this criminal development. As can be seen, this document reflected the attitude of the Serbs, both of ordinary people and authorities, towards this feature. The President could not be kept liable for a conduct of those outlaws!#No officials responsible#!)**

1724. The units involved in the attack on Briševo were units of the 1<sup>st</sup> Krajina Corps, including the 6<sup>th</sup> Krajina Brigade<sup>5893</sup> and 5<sup>th</sup> Kozara Brigade, as well as paramilitary units.<sup>5894</sup> **(#Legal**

**antiterrorist action#! Certainly, those paramilitary units weren't responsible to anyone, and the state wasn't responsible for them all until the state became able to disband all of them, arresting many of them. Within the Atlija's testimony there was a visible difference between the two kind of soldiers: the first one, the VRS soldiers, told them that if they stay at their homes, nothing wrong would happen to them. The other group, with "Subaras" acted completely different, in a criminal manner. D1539 exactly described how these groups used to come after the legal activities, presenting themselves as a "Serb soldiers" #Insignias#! )**

There were no announcements or warnings made on Radio Prijedor for villagers to surrender, or do otherwise, before the 24 July attack on Briševo, unlike in Hambarine and other villages.<sup>5895</sup>

**(Another proof that it was not initiated by the authorities!)** Furthermore, there were no military units in Briševo and none of the residents were armed when the village was attacked on 24 July 1992.<sup>5896</sup>

**1725.** The majority of the Serb soldiers left Briševo the evening after the attack, taking with them 36 men.<sup>5897</sup> Atlija later found out that this group of men was taken to Krings Hall in Sanski Most and that, after bribing someone, they were released from the camp alive after two months.<sup>5898</sup> **(More than 41% of those in Sanski Most had been released, and this remark about the "bribe" is a speculation, because he couldn't know that, and they wouldn't talk about it!)**

<sup>5893</sup> See para. 1926.

<sup>5894</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5584–5587, 5637–5638; D1817 (Order of 6th Partisan Brigade, 18 June 1992), pp. 2–3; P3914 (Ewan Brown's expert report entitled "Military Developments in the Bosanska Krajina - 1992", 27 November 2002), paras. 1.100, 2.5; P3660 (Handwritten "War Record" of the 6<sup>th</sup> Krajina Infantry Brigade, undated), p. 3; D1816 (Prijedor SJB dispatch to Banja Luka CSB, 18 May 1992); P2855 (VRS Main Staff report on paramilitary formations, 28 July 1992), p. 4. See also P3675 (Sketch drawn by Ivo Atlija); P3688 (Excerpt from video clip of aerial flyover of Prijedor); Vojislav Kuprešanin, T. 43532–43533 (14 November 2013). But see Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5643–5644 (stating that Kuprešanin told Atlija after the attack that "a renegade group had committed" the killings in Briševo). The Chamber notes that in his final brief, the Accused argues that the soldiers involved in the attack on Briševo were not wearing the regular JNA uniforms and that Kuprešanin described the soldiers as a renegade group of the 6<sup>th</sup> Sana Brigade, referring to Atlija's testimony which repeated Kuprešanin's statement in this regard. See Defence Final Brief, para. 1554, fn. 3528. However, the Chamber finds that members of at least the 6<sup>th</sup> Krajina Brigade and the 5<sup>th</sup> Kozara Brigade took part in the attack on the village of Briševo. In reaching that conclusion, the Chamber has considered the evidence before it. It also considered that the Accused only refers to evidence from Atlija recounting that Kuprešanin said the soldiers were a renegade group, whereas Kuprešanin in fact testified that the "army" was the perpetrator of the attack and of the killings in Briševo. See Vojislav Kuprešanin, T. 43532–43533 (14 November 2013). **(THE EVIDENCE SUCH AS D1539, QUOTED ABOVE, TOGETHER WITH THE ASSERTIONS FROM KUPRESANIN AND ATLIJA TESTIMONIES CLEARLY CONFIRMED THAT THE LEGAL AUTHORITIES AND REGULAR SOLDIERS DIDN'T PARTICIPATE IN CRIMES! #No officials responsible#!)**

<sup>5895</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5587.

<sup>5896</sup> Ivo Atlija, T. 20351 (26 October 2011); Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5562 (testifying further that the only weapons in Briševo were a few hunting rifles for which people had legal permits); Vojislav Kuprešanin, T. 43575 (15 November 2013). But see D1817 (Order of 6<sup>th</sup> Partisan Brigade, 18 June 1992), p. 1. The Chamber notes that the Accused acknowledges in his final brief that in May 1992, "the Serbs received misinformation that the village of Briševo was armed" and that on 24 July 1992, Serb Forces entered Briševo and 68 people were killed during the attack. Defence Final Brief, para. 1554.

<sup>5897</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5589, 5597.

<sup>5898</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5597–5598. See also Defence Final Brief, para. 1554 (conceding that 36 people were taken to Krings in Sanski Most after the attack on Briševo).

1726. The evening after the attack Atlija found his father's body, with three gunshot wounds to his back, about 15 to 20 metres away from his house.<sup>5899</sup> Atlija buried his father and Dimač that evening in Mustanica.<sup>5900</sup>
1727. The following day, Atlija returned to the village and found 68 houses, out of 120 houses in the village, burnt to the ground.<sup>5901</sup> In addition, the Catholic church in Briševo was burnt.<sup>5902</sup>
1728. In the weeks after the attack, Atlija went around Briševo and neighbouring hamlets and found piles of bodies, including in the Kurevo hills.<sup>5903</sup> Atlija testified that, in total, 68 people were killed during the course of the attack on Briševo, including 14 women, two males under 16 years old, and four invalids, and that in the days after, their bodies were lying around.<sup>5904</sup>
1729. Specifically, Atlija first found the remains of Stipo Dimač, an elderly man around 76 or 78 years old, as well as the bodies of Franjo Marijan and Mara Marijan, in a house in Dimanci.<sup>5905</sup> Atlija then found at least six more bodies in a pile in Mlinari, who he helped bury.<sup>5906</sup> Also in Mlinari and nearby the other pile, Atlija found a grave with at least six more bodies, including an invalid, and another grave with the body of Mara Mlinar, a 74 year old woman.<sup>5907</sup>
1730. In Buzuci, Atlija then found at least three more bodies, Milan Buzuk, Mate Buzuk, and Ivica Buzuk, an invalid, in front of a house.<sup>5908</sup> Atlija next found in Jezerce the bodies with bullet wounds of Srečo Buzuk, Ivo Lovrić, Miroslav Buzuk, and Vlatko Buzuk, an invalid.<sup>5909</sup> In Cengije, Atlija found the body of Marko Buzuk, which was badly burned from the waist down, and another grave with several bodies, including women.<sup>5910</sup>

<sup>5899</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5598, 5616.

<sup>5900</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5598. See P4853 (Updated Table 2 to the Report of Amor Mašović), p. 40; P3686 (Photograph of graves) (showing a gravestone with the name of Atlija's father).

<sup>5901</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5589–5592. Atlija confirmed the damage to the houses in Briševo in a number of photographs taken by someone else after the attack on the village. See P3677 (Photograph of destroyed house); P3678 (Photograph of destroyed house); P3680 (Photograph of destroyed house); P3682 (Photograph of destroyed house); P3688 (Excerpt from video clip of aerial flyover of Prijedor).

<sup>5902</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5589–5591, 5594–5595, 5635, 5638–5639. See P3676 (Photograph of church); P3689 (Video footage of destroyed buildings and monuments in Prijedor), 4:04–7:10; P3688 (Excerpt from video clip of aerial flyover of Prijedor). See also Adjudicated Fact 1290; P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), e-court pp. 255–258 (reporting also that the interior walls were defaced with Serbian graffiti reading “Šešelji”). See para. 1893.

<sup>5903</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5597–5599.

<sup>5904</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5589, 5597; Vojislav Kuprešanin, T. 43531–43532, 43575 (14 November 2013) (testifying that between 63 and 88 people were killed in Briševo). See also Adjudicated Fact 1091. In his final brief, the Accused concedes that 68 people were killed after Serb Forces entered Briševo on 24 July 1992. See Defence Final Brief, para. 1554.

<sup>5905</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5602–5603; P4853 (Updated Table 2 to the Report of Amor Mašović), p. 39 (confirming that the bodies of Stipan Dimač, born in 1911, Franjo Marijan, and Mara Marijan were exhumed from a grave in Mlinari in 1998). The Chamber notes that Atlija refers to an individual named “Stipo Dimač”, while Mašović's report identifies a “Stipan Dimač”. The Chamber considers this inconsistency to be minor and concludes that this is in fact the same individual.

<sup>5906</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5603–5605 (testifying further that he heard from eyewitnesses that these individuals had been made to dig their own graves).

<sup>5907</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5604–5605, 5611; P4853 (Updated Table 2 to the Report of Amor Mašović), p. 39 (confirming that, in total, the bodies of 12 people were exhumed from graves in Mlinari in 1998, including the body of Mara Mlinar).

<sup>5908</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5605–5606; Ivo Atlija, T. 20312–20313 (20 October 2011); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 39–40, 44 (confirming that the bodies of Milan Buzuk, Mato Buzuk, and Ivo Buzuk were exhumed from graves in Briševo in 1998). The Chamber notes that there are some discrepancies between the forensic evidence and the evidence of Atlija regarding the names of some of the victims of Scheduled Incident A.10.9. More specifically, Atlija's testimony contains references to “Mate Buzuk” and “Ivica Buzuk”, whereas Mašović's report identifies the bodies of “Mato Buzuk” and “Ivo Buzuk”. The Chamber considers these inconsistencies to be minor. Accordingly, the Chamber concludes that these are in fact the same individuals. The Chamber also notes that the report of Amor Mašović confirms that the bodies of two men named Mato Buzuk, born in different years, were exhumed from graves in Prijedor, one from Briševo in 1998 and one from Stara Rijeka in 1997. Although it is unclear to which “Mato Buzuk” Atlija is referring as being found in Buzuci, the Chamber is satisfied that the body of one man named Mato Buzuk was found in Buzuci by Atlija after the attack on Briševo on 24 July 1992.

<sup>5909</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5606; Ivo Atlija, T. 20313 (20 October 2011); P4853 (Updated Table 2 to the Report of Amor Mašović), p. 39 (confirming that the bodies of Srečo Buzuk, Ivo Lovrić, Miroslav Buzuk, and Vlatko Buzuk were exhumed from graves in Mlinari in 1998).

<sup>5910</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5606–5607, 5609–5610 (stating that eyewitnesses told him that one woman in Cengije had been raped and beaten until she died); P4853 (Updated Table 2 to the Report of Amor Mašović), p. 39 (confirming that the body of Marko Buzuk was exhumed from a grave in Raljaš in 1998).

1731. In Mustanica, Atlja found and buried the body of Ante Matanović, another invalid, who had a bullet wound to the back.<sup>5911</sup> Also in Mustanica, Atlja saw the body of Jozo Jakara lying near a church, but Atlja did not go close enough to the body to see how he died; Atlja was later told by an eyewitness that Jakara's throat had been slit with glass.<sup>5912</sup> In Ivandići, Atlja next found several graves and the bodies of "practically the whole Ivandić family" with bullet wounds, including the bodies of Bato Ivandić, Sreto and Danica Ivandić, an elderly couple, Mara Ivandić, and several more women.<sup>5913</sup> Atlja also testified that several members of the Komljen family were killed in Ivandići, including Luka Komljen, Ivo Komljen, Kaja Komljen, and another son.<sup>5914</sup> On Raljaš Hill, Atlja found two individual graves, one with the body of Luka Mlinar, a 14 year old boy, and another with the body of Mirsad Švraka, a 14 or 15 year old boy.<sup>5915</sup>

1732. Finally, Atlja also saw a pile of 10 to 12 bodies under a tree in Stara Rijeka, all of whom seemed to be men around 20 years old.<sup>5916</sup> The bodies appeared to have bullet holes in them.<sup>5917</sup>

1733. Atlja was able to bury some of the bodies he found in Briševo and the surrounding area after the attack with the help of other villagers who survived.<sup>5918</sup>

1734. The Chamber also received forensic evidence to support the deaths of at least 57 identified individuals who were killed in the village of Briševo and the surrounding areas between 24 and 26 July 1992.<sup>5919</sup>

**1735.** Based on the above, the Chamber therefore finds that at least 68 people were killed by Serb Forces in the village of Briševo between 24 and 26 July 1992. **(However, the Chamber had the opportunity to see what was the #official attitude# towards those features, crimes and other unlawful acts. The official position was even harsher than this one of the Prosecution and the Chamber. But, both the Prosecution and the Chamber allocate all the crimes and other anomies and unlawfulnesses to the state organs, without any evidence and on the basis of the testimonies of the Serb enemies. However, the Chamber completely neglected the Police contemporaneous document (D01539) that explains all the situation, particularly pertaining to the crimes: D01539:.....)**

<sup>5911</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5607–5608; Ivo Atlja, T. 20313–20314 (20 October 2011); P4853 (Updated Table 2 to the Report of Amor Mašović), p. 40 (confirming that the body of Ante Matanović was exhumed from a grave in Begine Glavice in 1998).

<sup>5912</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5608; P4853 (Updated Table 2 to the Report of Amor Mašović), p. 40 (confirming that the body of Jozo Jakara was exhumed from a grave in Briševo in 1998).

<sup>5913</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5609; Ivo Atlja, T. 20315–20316 (20 October 2011); P4853 (Updated Table 2 to the Report of Amor Mašović), p. 40 (confirming that the bodies of Srećko Ivandić, Danica Ivandić, and Mara Ivandić were exhumed from graves in Prijedor and Zecovi in 1998). The Chamber notes that Atlja refers to an individual named "Sreto Ivandić" who he found in Ivandići, while Mašović's report identifies a "Srećko Ivandić". The Chamber considers this inconsistency to be minor and concludes that this is in fact the same individual.

<sup>5914</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5610; Ivo Atlja, T. 20316–20317 (20 October 2011), T. 20363 (26 October 2011); P4853 (Updated Table 2 to the Report of Amor Mašović), p. 40 (confirming that the bodies of Luka Komljen, Ivo Komljen, Kata Komljen, and Ante Komljen were exhumed from graves in Zecovi and Rasavci in 1998). The Chamber notes that Atlja did not refer to the second Komljen son by name, while Mašović's report identifies "Ante Komljen", who was born in 1956. The Chamber is satisfied that Ante Komljen is the second Komljen son listed by Atlja. The Chamber also notes that Atlja refers to "Kaja Komljen" as being killed in Ivandići, while Mašović's report identifies a "Kata Komljen". The Chamber considers this inconsistency to be minor and concludes that this is in fact the same individual.

<sup>5915</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5610–5611; P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 39–40 (confirming that the bodies of Luka Mlinar and Mirsad Švraka were exhumed from graves in Raljaš and Briševo in 1998). See Ivo Atlja, T. 20311 (20 October 2011); P3685 (Photograph of graves) (showing graves of Briševo victims buried at the Raljaš Catholic Church).

<sup>5916</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5601 (testifying that shortly after the attack on Briševo, Atlja heard from other villagers that a group of about 12 Bosnian Muslims passed through Briševo, and later Stara Rijeka, in the direction of Stari Majdan); P4853 (Updated Table 2 to the Report of Amor Mašović), p. 44 (confirming that the bodies of nine men between the ages of 16 and 46 years old were exhumed from a grave in Stara Rijeka in 1997).

<sup>5917</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5601–5602.

<sup>5918</sup> Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5598–5599.

<sup>5919</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 39–40, 44 (confirming that 57 bodies of Bosnian Croat men and women from Briševo were exhumed from individual and mass graves in the areas of Briševo, Mlinari, Gravorac, Raljaš, Begine Glavice, Gornji Rasavci, Buzuci, Zecovi, Stara Rijeka, and Stari Majdan in 1997 and 1998); P3673 (Exhumation Report of Stari Majdan-Stara Rijeka mass graves, 16 June 1997), pp. 1–18 (confirming that the 16 bodies of individuals from Stara Rijeka and Moštanica were exhumed from several mass graves in Stari Majdan and Stara Rijeka and identified in 1997).



Since the outbreak of armed conflict, the security situation in the area of this centre has been characterised by the organisation and carrying out of armed uprisings and other acts of violence aimed at overthrowing the legal organs of government, the planning and preparing of terrorist acts, the setting up and activation of paramilitary formations and armed groups, sabotage and terrorist acts against socially-owned and private property, the increasingly frequent occurrence of the gravest crimes and robberies, lawlessness and civil disobedience, the unauthorised use of weapons, and the spreading of rumours and disinformation. In some areas, the security situation has

**That pertained to the Muslim terrorist activities, but the following is the review of the “Serb” misdeeds against which the police and other state organs fought #Officials vs. crime#:**

the spreading of rumours and disinformation. In some areas, the security situation has been further complicated and rendered more difficult due to avoidable shortcomings, such as serious breaches of legality in the work of a number of Public Security Service staff, reflected primarily in their participation in various criminal activities and the unauthorised taking of certain measures and actions which do not fall within the jurisdiction of organs of internal affairs, as well as their tolerant attitude towards crime and other socially harmful developments, which undermines trust in the legal institutions of the system and causes widespread concern among citizens. This continues to happen, even though the centre has repeatedly warned against the extent and harmfulness of these developments.

**and further, also on the misdeeds of the Serb “forces” #Officials vs. crime#:**

For example, a number of active and reserve policemen are taking advantage of the war conditions to participate in various criminal activities and misappropriate objects and personal possessions from citizens for their own use, which is among other things profoundly against the ethics of their profession. The situation appears even more tragic if one bears in mind that some senior officials in public security stations are involved in these criminal activities, which dangerously undermine the reputation of the profession and the dignity of the decent and honest majority of members of this service.

who also abuse and physically mistreat people. There have even been cases when armed groups have inspected authorised officials or on-duty police officers, searched official vehicles and mistreated the officers in other ways. The police officers, however, taking the line of least resistance, often react passively to such incidents and those responsible for them, allowing themselves to be mistreated and humiliated in other ways, thus undermining the dignity of the service to which they belong. The public impression is being created that the police are unable to confront these developments, which bring into serious question the efficiency of the police and the legal institutions of the system. Because of fear of the facts and in some cases their own involvement in criminal scandals, taking the line of least resistance, they often fail to perform some duties and try to put the blame on others, including often the centre.

Now

**, we see what was the #official position of the chief of the Center in BL#:**

The above developments and activities have caused anger and resentment, primarily among Serbs themselves, in whose name and under whose symbols loathsome criminal activities such as burglary, arson, plunder and violence are being committed. Fear is being created among other ethnic groups, leading inevitably to ethnic divisions and mistrust in the institutions of the system. There is a real and objective danger that if they are not stopped these developments will get out of control and have unforeseeable consequences for the security of the public order.

In order to find a way out of the current situation and ensure that the centre carries out its functions effectively, I hereby order:

1) All public security stations shall, as organisational units of the centre, carry out only duties and tasks within their jurisdiction in accordance with the Law on Internal Affairs of the Serbian Republic of Bosnia and Herzegovina and other currently valid regulations, applying only appropriate measures and activities within the framework of their legal jurisdiction.

5) The public security stations are required to continuously and systematically investigate all persons who are of interest to security for reasons such as terrorist activities, armed rebellion and so on.

6) Public security stations may not accept, without prior approval from the centre, obligations to guard persons arrested by unauthorised individuals, as such tasks are not within the jurisdiction of the service.

7) Immediately establish the existence and operation of paramilitary formations and inform the competent military security organs and the centre. Since the operations of paramilitary formations are forbidden, the public security stations are required to provide direct assistance to the military authorities in documenting the criminal activities of these formations and other armed groups and individuals. The public security stations alone are required to take action against civilians operating within such groups.

**(#Renegades#! And this was followed by other orders to the police stations, with the most rigorous warnings and obligations. After these moves of the Banja Luka CSB there was a chain of measures: disbanding the Special police unit, conflicts with a disobedient reserve, and even professional policemen, attacks of the disobedient groups on the police stations, a forceful releasing captured trespassers and other measures. So, the #Chamber avoided to see who was behind certain misdeeds, and who were those who intruded the areas after the fights# “when army units leave an area, groups and individuals come in...” and do whatever they wanted, being very cruel against everyone who opposed them. Having this document in the file of the case, and having the evidence that after his Order there were a very harsh measures against renegades, the Chamber should have differentiated what was done by the “Serb Forces” and what was done by those that couldn’t be a Serb Forces in any case, because the state organs fought against them. And this is the essence of the Prosecution’s victory in promoting everyone in the “Serb Forces”.**

**The President #disowned all of such forces at the beginning of the war#, on 13 June 92. How come this doesn’t fly? Disowning them, and ordering their persecution, the President disowned everything they may be doing. Thus these “forces” had been put out of law, persecuted and arrested!)**

### (iii) Visit of ARK authorities to Stara Rijeka

1736. At the beginning of August 1992, representatives of the authorities of the ARK, including Kuprešanin and Nedeljko Rašula, President of the Sanski Most Municipal Assembly, visited Stara Rijeka accompanied by a bishop, Bishop Komarica, **(this was a Catholic Church Bishop, who was respected by the Serb authorities!)** to attend an open meeting with several hundred villagers from the village of Stara Rijeka and surrounding villages, including Atlija.<sup>5920</sup> Kuprešanin said that he had come, at the request of Bishop Komarica, to find out about the situation in the Sanski Most and Prijedor areas.<sup>5921</sup> Kuprešanin stated that he had heard about some incidents in the area, but before that, he did not know that Croats lived in the area; furthermore, he said that everything was going to be fine as soon as they established a “Serb state” in BiH.<sup>5922</sup> When Atlija challenged him during the meeting, informing him about what happened in Briševo, Kuprešanin replied that “such things occurred in wars”, and that unfortunately the attack on Briševo and all of the killings had been carried out by a renegade group from the 6<sup>th</sup> Brigade and were not directed against the Croats in the area, but rather against the Muslims in the area.<sup>5923</sup> Bishop Komarica promised the villagers that they would receive humanitarian aid and encouraged them to stay in their villages.<sup>5924</sup>

**1737.** One month later, Atlija had another meeting at the Ljubija church with Bishop Komarica and Kuprešanin.<sup>5925</sup> Kuprešanin asked him if the situation in Briševo had improved and asked him to present the issues to Milomir Stakić.<sup>5926</sup> Thus, a couple of days later, Atlija and two others went to

<sup>5920</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5641–5642, 5646–5647; Vojislav Kuprešanin, T. 43531–43533 (14 November 2013), T. 43575 (15 November 2013).

<sup>5921</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5643. The Chamber notes that Atlija was interpreted as saying “Sanska” during his testimony, but this most likely refers to “Sanski Most”.

<sup>5922</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5643.

<sup>5923</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5643–5644. *But see* Vojislav Kuprešanin, T. 43532–43533 (14 November 2013) (testifying that the perpetrator of the mass killings in Briševo was the “army”). *See also* para. 1724.

<sup>5924</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5644–5646, 5648–5649, 5662.

<sup>5925</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5647.

<sup>5926</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5647–5648.

Prijedor town and met with Stakić, and asked him for his help to leave the area.<sup>5927</sup> Stakić suggested that people from Briševo should move to abandoned houses in Bišćani but that he could not help them to leave the area because “they were being President of ethnic cleansing already at that point”.<sup>5928</sup> Atlija informed him they were not inclined to accept his offer and would continue to try to leave the area.<sup>5929</sup> **(#Official proper attitude# So, the Serb official Stakić opposed their attitude to leave the area. From one side – irregulars, from the other side the war-caused insecurity, from the third side – a good conditions in the European receptive countries. No ethnic cleansing as an act of the authorities, but the interethnic war produced what this President predicted in the BH Assembly in October 91!)**

(1) Detention facilities in Prijedor

1738. From about 24 May 1992 until at least the end of September 1992, Bosnian Muslims and Bosnian Croats were detained at the Prijedor SJB Building, Omarska camp (“Omarska”), **(Omarska was founded on May 31, 92, after the Muslim attack on Prijedor, so the allegation that somebody was detained after the take-over, April 30, was not true, see P02640!)** Keraterm camp (“Keraterm”), Trnopolje camp (“Trnopolje”), the Miška Glava community centre or “Dom” (“Miška Glava Dom”), the Ljubija football stadium (“Ljubija Football Stadium”), and the Prijedor JNA barracks (“Prijedor Barracks”).<sup>5930</sup> The detention facilities in Prijedor were established by the Prijedor Crisis Staff, which was presided over by Stakić.<sup>5931</sup> There was co-ordinated co-operation between the Crisis Staff and members of the Serb Forces in operating the detention facilities.<sup>5932</sup> The Crisis Staff participated in overseeing security at the facilities, took decisions on the continuing detention of non-Serbs in Prijedor, provided transport, as well as the necessary fuel, for the transfer of detainees between the various detention facilities, and co-ordinated the provision of food for detainees.<sup>5933</sup> The Crisis Staff also prohibited the release of detainees from the detention facilities and prevented them from returning to their homes in Prijedor.<sup>5934</sup>

(a) Scheduled Detention Facility C.20.1

<sup>5927</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5649–5651, 5653, 5664–5666.

<sup>5928</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5651–5652.

<sup>5929</sup> Ivo Atlija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5653.

<sup>5930</sup> See Scheduled Detention Facilities C.20.1, C.20.2, C.20.3, C.20.4, C.20.5, C.20.6, C.20.7. See also Adjudicated Facts 553, 1102.

<sup>5931</sup> See Scheduled Detention Facilities C.20.1, C.20.2, C.20.3, C.20.4, C.20.5, C.20.6, C.20.7. See also Adjudicated Fact 1105. Defence witnesses Milomir Stakić and Slavko Budimir testified that the Crisis Staff did not participate in the establishment of Omarska, Keraterm, or Trnopolje and had no authority over the facility. D4195 (Witness statement of Milomir Stakić dated 16 November 2013), paras. 22–23, 48–49; Milomir Stakić, T. 45238–45240, 45242–45246, 45254 (17 December 2013); Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 12947–12958, 12964. However, the Chamber does not find this evidence to be convincing based on the credible evidence before the Chamber to the contrary which confirms that the Prijedor Crisis Staff was involved in the establishment of these detention facilities and in their operations. **(#Legal and obligatory#! If the police and investigating judges requested the authorities to facilitate an object for a detention, the authorities had to do that. Otherwise, what to do with such a high number of unexpectedly captured people? To kill them?)**

<sup>5932</sup> See Scheduled Detention Facilities C.20.1, C.20.2, C.20.3, C.20.4, C.20.5, C.20.6, C.20.7. See also Adjudicated Facts 553, 1106. Stakić also testified that the Crisis Staff did not co-operate with members of the police and army in operating the camps; rather the police was in charge of Omarska and Keraterm, and the army was in charge of Trnopolje. Furthermore, Stakić stated that the police and army “turned to the [C]risis [S]taff for aid in food and medicines, just like the Red Cross”. D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 49. See also Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 12947–12958, 12964. However, the Chamber does not find this evidence to be convincing based on the credible evidence before the Chamber to the contrary which confirms that the Prijedor Crisis Staff was involved in the operations of the detention facilities in the municipality. **It could have be involved only as a logistics, since everything else was in the hands of the investigating institutions, which were the only to decide who was for Manjaca, who was for a prosecutor, and who was to be released. How easlily the Chamber rejected so obvious facts!!!**

<sup>5933</sup> See Scheduled Detention Facilities C.20.1, C.20.2, C.20.3, C.20.4, C.20.5, C.20.6, C.20.7; see Adjudicated Fact 1107.

<sup>5934</sup> See Scheduled Detention Facilities C.20.1, C.20.2, C.20.3, C.20.4, C.20.5, C.20.6, C.20.7; see Adjudicated Fact 1108.

1739. The Indictment refers to the use of the Prijedor SJB Building as a detention facility in Prijedor municipality between 24 May and September 1992.<sup>5935</sup>

(iii) Arrival of detainees and control over the detention facility

1740. Located in the town of Prijedor, the Prijedor SJB Building was used as a detention facility beginning on or around 26 May 1992 until approximately 24 June 1992.<sup>5936</sup> **(#Wrong#! This is not correct: the Prijedor SJB Building had always a detention unit, but during the peace times there was no need for a bigger detention space. Had it been large enough, there wouldn't be any Omarska and Keraterm!)** During this period, Bosnian Muslims and Bosnian Croats, including many prominent men of the Prijedor community, as well as two women and a 13 or 14 year old boy, were detained there.<sup>5937</sup> **(#All legal and obligatory#! Pertaining to a minor of "13 or 14 years", see D100, the Wulliamy's report, mentioning 13 year old boy, who confirmed to be mobilized as a combatant! The "prominent men of the Prijedor community" were leaders of the armed rebellion. Many prominent men hadn't been even questioned, but some were proven guilty for participating in the bloodshed, and their names are on the lists in official reports submitted and depicted above! For instance, Dr. Beglerovic was also a prominent man in Prijedor, and was also taken in, but immediately after established that he wasn't responsible for any crime, he was pardoned and released, see D01745...**

Number: 11-12-30  
Date: 24 July 1992

C E R T I F I C A T E

It is hereby certified that Dr. Ibrahim BEGLERBEGOVIĆ was taken by mistake to the Omarska refugee camp. He was subjected to operational processing and it was established that there were no elements for his further detention.

CHIEF OF THE  
PUBLIC SECURITY STATION  
Simo DRLJAČA  
/signed and stamped/

1741. The Prijedor SJB Building had two wings; two floors were on one side and three floors on the other, and a courtyard was at the back of the building.<sup>5938</sup> The detention cell where detainees were held was located in an auxiliary building across the courtyard from the main building.<sup>5939</sup>

<sup>5935</sup> In its Final Brief, the Prosecution notes that the evidence led in relation to the Prijedor SJB Building shows that it operated as a detention facility from approximately 26 May 1992 until around the end of June 1992. See Prosecution Final Brief, Appendix B, p. 38, fn. 548.

<sup>5936</sup> P2095 (Map and photographs of Prijedor); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6619–6620, 6721; Nusret Sivac, T. 19610 (28 September 2011); KDZ026, T. 10313–10314 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1799–1800, 1847–1848 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), pp. 23–25; Mevludin Sejmenović, T. 20491–20492 (27 October 2011); KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16726–16727.

<sup>5937</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6619–6620, 6623, 6723; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1849 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), pp. 4–5, 24; Mevludin Sejmenović, T. 20454–20455, 20491–20492 (27 October 2011); KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16727; P5528 (Report of Prijedor SJB, June 1992), p. 6. See also Adjudicated Fact 1109. However, Defence witnesses Dušan Janković and Zdravko Torbica testified that women and minors were never taken into custody at the Prijedor SJB Building. D4228 (Witness statement of Zdravko Torbica dated 18 January 2014), para. 11; Dušan Janković, T. 47283–47284 (18 February 2014). The Chamber, however, does not rely on their evidence on this issue. In reaching that conclusion, the Chamber considers that Janković and Torbica contradicted themselves on several occasions. The Chamber further considers the body of credible evidence before it which demonstrates that women and a minor were detained at the Prijedor SJB Building.

<sup>5938</sup> Nusret Sivac, T. 19609 (28 September 2011); P3528 (Witness statement of Kerim Mešanović, undated), p. 14. See also P2090 (Photograph of Prijedor SJB Building).

<sup>5939</sup> KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16727; P3528 (Witness statement of Kerim Mešanović, undated), p. 14; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1848–1849 (under seal). Before its use as a detention facility, the detention cell was used by the SJB to hold prisoners before they attended misdemeanour court, as there was no prison in Prijedor. Nusret Sivac, T. 19610 (28 September 2011); Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 12947.



1742. Before being brought to the Prijedor SJB Building, detainees were arrested by members of the Prijedor SJB, including Ranko “Bato” Kovačević.<sup>5940</sup> Once there, they were held in the detention cell and guarded by members of the intervention squad.<sup>5941</sup>

(iii) Conditions of detention and treatment of detainees

1743. The cell in which detainees were held was small, and there were no windows; the only source of light was a tiny hole in the wall.<sup>5942</sup> In that cell, there was a bed frame and a couple of blankets.<sup>5943</sup> There were no toilet facilities; there was only a bag which was used in place of a toilet.<sup>5944</sup>

1744. Detainees were generally held at the Prijedor SJB Building for a short period and were mistreated during their detention.<sup>5945</sup> Nusret Sivac was arrested on 20 June 1992 and taken to the Prijedor SJB Building.<sup>5946</sup> He and a group of other detainees, including two women, a 13 or 14 year old boy and a prominent Muslim doctor, Osman Mahmuljin, were forced to gather in the courtyard.<sup>5947</sup> **(#Contra the President orders#! This was highly irregular and prohibited by the orders of the President and all the superiors, including the Minister for Interior, and the army commanders. But, the suggestion that a 13 or 14 years boy was civilian is not proven. Just see what Eduard Vulliamy wrote, P3788:**

Stories in Trnopolje, more freely told than at Omarska, are brimful of the squalid violence and black absurdity of civil war. There is Sana, aged 13, who says: 'I was a fighter for the Muslims. They used to put us at the front when the fighting started. I was so scared that I ran away to the Serbian side of the village, to come here. I am still frightened, but I feel safer.'

**If this boy didn't escape to the Serb side, he would be captured with weapon and detained as combatant, rightfully! As far as it is concerned with the “prominent doctor”, it was evident that these “prominent” Muslims organised and financed the rebellion! Those who had been proven innocent, as dr. Beglerovic, they had ben pardoned and released!)** Members of the intervention

squad, including Rade Strika, ordered the detainees to remove their belts and the laces from their shoes.<sup>5948</sup> **(#A regular# and usual procedure, because somebody could commit suicide.)** The detainees were then forced to run a gauntlet formed by members of the intervention squad who proceeded to savagely beat the detainees with metal rods.<sup>5949</sup> Following these beatings, the detainees

<sup>5940</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6619; KDZ026, T. 10313 (17 January 2011) (closed session); P3528 (Witness statement of Kerim Mešanović, undated), p. 23. According to KW609, these arrests were for the purpose of interrogating people suspected of illegally procuring fire-arms, in order to prevent large-scale disturbances to law and order. KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16726–16727. However, Nusret Sivac testified that while he was held at the Prijedor SJB Building, no interviews were conducted or statements taken from detainees; moreover, according to him, people were just arrested in the street if they ran into a Serb patrol or were recognised as Muslim. Nusret Sivac, T. 19640 (30 September 2011).

<sup>5941</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1849–1850 (under seal).

<sup>5942</sup> Nusret Sivac, T. 19610 (28 September 2011); Kerim Mešanović, T. 19837 (4 October 2011); KDZ026, T. 10385 (17 January 2011) (closed session).

<sup>5943</sup> Kerim Mešanović, T. 19837 (4 October 2011); KDZ026, T. 10385 (17 January 2011) (closed session).

<sup>5944</sup> Kerim Mešanović, T. 19837 (4 October 2011); KDZ026, T. 10385 (17 January 2011) (closed session).

<sup>5945</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6619–6621, 6626, 6721–6723; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1847–1848, 1850–1851 (under seal); KDZ026, T. 10314–10315 (17 January 2011) (closed session); P3528 (Witness statement of Kerim Mešanović, undated), pp. 24–26; Mevludin Sejmenović, T. 20492 (27 October 2011). See also Adjudicated Fact 1110.

<sup>5946</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6619, 6721; Nusret Sivac, T. 19610 (28 September 2011). Sivac was first arrested on 10 June 1992 and taken to Omarska due to an administrative error because, in fact, his sister, Nusreta Sivac's, name was on the list instead of his. When the mistake was discovered, he was transported back to the Prijedor SJB Building and he returned home. Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6608–6609, 6614, 6721; Nusret Sivac, T. 19610 (28 September 2011). Nusreta Sivac turned herself in to the Prijedor SJB Building after being told to report there, but she never entered the building and was transported to Omarska the same day. Nusreta Sivac, T. 20401–20402 (26 October 2011); Nusreta Sivac, T. 20405 (26 October 2011) (private session).

<sup>5947</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6619–6620, 6623, 6626 (further explaining that Mahmuljin had been falsely accused of trying to kill a patient on Radio Prijedor prior to his arrest).

<sup>5948</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6620.

<sup>5949</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6620. The members of the intervention squad included Darko Mrda and Zoran Babić. Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6620. See also Adjudicated Facts 1110, 1113. However, Defence witness Dušan Janković testified that there was no gauntlet at the Prijedor SJB Building. Dušan Janković, T. 47286–47287 (18 February 2014). The Chamber does not find this evidence to be convincing. In reaching that conclusion, the Chamber considers that Janković contradicted himself and evaded questions on several

were locked in the detention cell until they heard members of the intervention squad shout: “The doctor didn’t get enough”.<sup>5950</sup> Members of the intervention squad then rushed into the cell and again beat the detainees.<sup>5951</sup> One of the detainees was struck on the head with a metal rod.<sup>5952</sup> Members of the intervention squad threatened to kill Mahmuljin and they beat him the worst.<sup>5953</sup> At one point, he fainted and later it was confirmed that his left arm had been fractured in several places.<sup>5954</sup> That evening, the detainees were forced to board a police van and were taken to Omarska.<sup>5955</sup> Sivac and two other detainees had to drag Mahmuljin into the vehicle as he could not move after the beatings.<sup>5956</sup>

1745. Kerim Mešanović was arrested on the morning of 24 June 1992 and held in the detention cell with seven other detainees.<sup>5957</sup> Later that day, one of the detainees, Nihad Basić, was taken out by the intervention squad, subjected to ethnic slurs, and beaten.<sup>5958</sup> When he returned, he was covered in blood.<sup>5959</sup> In the evening, the detainees were removed from the cell and lined up against the wall outside where they were searched again and forced to make a three-finger salute.<sup>5960</sup> The detainees were then ordered to run a gauntlet formed by the intervention squad towards the police van.<sup>5961</sup> Members of the intervention squad yelled ethnic slurs and beat the detainees as they ran.<sup>5962</sup> Mešanović fell and was kicked in the head, losing four teeth from the blows.<sup>5963</sup> Once the detainees were seated in the van, they were so afraid that they held hands.<sup>5964</sup> This group of detainees was then transferred to Omarska on 24 June 1992 around 10 p.m.<sup>5965</sup>

1746. All of the non-Serb male detainees held at the Prijedor SJB Building were transferred either to Omarska or Keraterm camps.<sup>5966</sup>

### (iii) Conclusion

1747. Based on the above, the Chamber finds that non-Serb civilians, including women and a minor, were detained at the Prijedor SJB Building by Bosnian Serb Forces between around 26 May and 24 June 1992. Detainees were held in a small cell for up to two days in poor conditions before being

---

occasions and that there is significant evidence before the Chamber which confirms that detainees were forced to run a gauntlet while held at the Prijedor SJB Building.

<sup>5950</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6620–6621.

<sup>5951</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6620–6621.

<sup>5952</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6621.

<sup>5953</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6621 (testifying that they threatened to kill Mahmuljin so that he would “never get a chance to kill Serb children again”).

<sup>5954</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6621 (testifying that Mahmuljin’s arm fracture was confirmed later by Dr. Sadiković when Sivac and Mahmuljin met him at Omarska).

<sup>5955</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6621. *See also* Adjudicated Fact 1112.

<sup>5956</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6621.

<sup>5957</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 14, 23–26; KDZ026, T. 10313–10315 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1847–1849, 1851–1852 (under seal).

<sup>5958</sup> KDZ026, T. 10314 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1850–1851 (under seal). However, Mešanović stated that no one was touched or called out of the cell until the evening. P3528 (Witness statement of Kerim Mešanović, undated), p. 24. *See also* Defence Final Brief, confidential, para. 1556. [REDACTED].

<sup>5959</sup> KDZ026, T. 10314 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1850–1851 (under seal).

<sup>5960</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 24–25; KDZ026, T. 10314–10315 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1851 (under seal).

<sup>5961</sup> KDZ026, T. 10314–10315 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1851 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), p. 25.

<sup>5962</sup> P3528 (Witness statement of Kerim Mešanović, undated), p. 25; KDZ026, T. 10315 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1851 (under seal).

<sup>5963</sup> P3528 (Witness statement of Kerim Mešanović, undated), p. 25; KDZ026, T. 10315 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1851 (under seal).

<sup>5964</sup> KDZ026, T. 10315 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1851–1852 (under seal).

<sup>5965</sup> P3528 (Witness statement of Kerim Mešanović, undated), p. 26; KDZ026, T. 10314–10315 (17 January 2011) (closed session); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1852 (under seal).

<sup>5966</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6608–6609 (testifying that on his first arrest, he was brought to the Prijedor SJB Building courtyard and then was transported to the Keraterm administration building); Mevludin Sejmenović, T. 20491–20492 (27 October 2011); KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Zupljanin*), T. 16727–16728 [REDACTED]. *See* Adjudicated Facts 1111, 1112.

transferred to Omarska or Keraterm camps. The Chamber also finds that detainees were subjected to severe beatings by Bosnian Serb Forces. **(#Combatants, not civilians#! At that time the police detenten could have lasted for 72 hours, now for 48 hours. That meant that the investigation wasn't completed, and they had been moved to other investigative centres. Being civilians doesn't mean being innocent. Since they had been detained by the police, (not the army) there must have been some suspicion about some crime, and that is why people are brought in in all countries.)**

(a) Scheduled Detention Facility C.20.2 and Scheduled Incident B.15.2

1748. The Indictment refers to the use of Omarska as a detention facility in Prijedor municipality between 15 May and 21 August 1992. The Prosecution alleges that a number of people were killed at Omarska and at various places after they were taken from the camp between 27 May and 21 August 1992.

(iii) Arrival of detainees and control over detention facility

**1749.** The village of Omarska is located to the southeast of Prijedor town, on the train line to Banja Luka.<sup>5967</sup> Omarska was located at the Ljubija iron-ore mine, about two kilometres to the south of Omarska village.<sup>5968</sup> Omarska operated as a detention facility from 25 May 1992 until 21 August 1992,<sup>5969</sup> holding as many as 3,000 detainees at one time, primarily Bosnian Muslim and Bosnian Croat men.<sup>5970</sup> Boys as young as 15 were detained at Omarska, as well as some elderly and physically and/or mentally impaired individuals.<sup>5971</sup> **(#Legal and obligatory#! When mopping up people in a combat area there is no possibility to differentiate those people, but we know and have seen the evidence that such a people hadn't been kept longer than till establishing whether they participated in the attack or crimes. But, Omarska was an investigation centre, as it was clearly written in D470:**

During these conflicts, the Army of the Serbian Republic captured many members of hostile formations and other persons who had been in the zones of armed conflicts, and a number of citizens leaving their homes and flats sought help and protection. In order to solve the problem that had arisen, the Crisis Staff of the municipality of Prijedor decided to organise reception and accommodation in the settlement of Trnopolje for persons who sought protection, and that prisoners of war should be held for processing in the building of the *Keraterm* RO /work organisation/ in Prijedor, or in the administrative building and workshop of the RŽR /Iron Ore Mine/ in Omarska.

**:Here is said that Trnopolje was a reception centre for those who strived for a shelter and protection, (confirmed by the Wulliamy's report, P3788) while Keraterm and Omarska served for a processing of the POWs. See P3788:**

<sup>5967</sup> P569 (Map of Prijedor municipality).

<sup>5968</sup> See Adjudicated Fact 1116; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3355; P536 (Photograph of model of Omarska); P543 (Aerial photograph of Omarska).

<sup>5969</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 4, 30; P6585 (SRNA press release, 22 August 1992); see Adjudicated Facts 1116, 1124.

<sup>5970</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 4, 30–31 (reporting that between 27 May and 16 August 1992, a total of 3,334 people were brought to Omarska); P5528 (Report of Prijedor SJB, June 1992), p. 5; Nusreta Sivac, T. 20406 (26 October 2011); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1897, 1902, 1904 (under seal); KDZ026, T. 10378 (17 January 2011) (closed session). See Adjudicated Facts 1117, 1118 (stating that the only Serb prisoners held at Omarska were said to have been there because they were “on the side of the Muslims”); KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16751. But see Željko Mejakić, T. 44280 (29 November 2013) (testifying that the total number of people held at Omarska was 3,400, but that there was never a time when it held 3,000 people at one time).

<sup>5971</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6630–6633; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1904, 1908 (under seal). See also Adjudicated Facts 1119, 1122, 1182.

'I was in the defence force - but not caught in a fight. I tried to get to Trnopolje transit camp (a civilian camp) but the army caught me on the way and brought me here.'

Sebakoudin, who shows no signs of beating, says: 'We are being investigated. Because I know that nothing can be hidden, I tell the truth and hope I will be OK. If I am guilty, then I'll have to face the consequences. I speak only of myself - personally, nobody touched me.'

Trnopolje cannot be called a 'concentration camp' and is nowhere as sinister as Omarska : it is very grim, something between a civilian prison and transit camp. The Yugoslav Red Cross has a small station here, and there are meagre cooking facilities.

In addition, approximately 40 women were held at Omarska; they were kept in the canteen during the day to help with the preparation of the food.<sup>5972</sup> **(#Civilians and combatants#! However, there was a number of women involved in the very core leadership of the armed rebellion, as can be seen from D4421:**

We have fairly reliable and verified reports that the main leaders of the extremist nationalist movement within the SDA /Party of Democratic Action/ in the Kozarac area in the Municipality of Prijedor are: Suljo KUSURAN, a.k.a Kole from Kozarac, Ramiz ČIRKIN from the hamlet of Mahovljani in Kozarac, Hilkan MEMIĆ and his brother called Puco, Besim ALIĆ, Bećo MEDUNJANIN, president of the SDA in Kozarac, Velida MAHMULJANIN, a teacher from Kozarac, Mujo REDŽIĆ, son of

**Velida Mahmuljin is a woman. Further**

Dedo, his brothers Idriz and Dalija, Harem BEŠIĆ, and certain persons of Muslim nationality who have the following nicknames: Didin, Sutko, Šara, etc. Most of these persons were wearing camouflage uniforms and berets bearing the insignia of the Territorial Defence of Bosnia and Herzegovina. They were armed with automatic weapons and they acted and spoke and behaved in a way that encouraged the uniting of the Muslim People in this area and the organization of armed resistance to the members of the Army and the Territorial Defence of the Serbian Republic of Bosnia and Herzegovina. They assumed the roles of leaders and potentates in the environment in which they lived. They verbally threatened loyal citizens of Muslim nationality and called anything that had to do with Serbs Chetnik. Suljo KUSURAN known as Kole was particularly short-tempered, and he said at assemblies of the local commune and citizens' meetings that he would kill anyone who recognized the newly formed organs of power in Prijedor as well as anyone who returned weapons. Since a certain number of armed men were committed to him, he inspired fear in all those who did not agree with such behaviour and ideas.

**As can be seen, those leaders made a pressure and threats to those who were in favour of peace. Further, the same D4421:**

<sup>5972</sup>

Nusreta Sivic, T. 20406 (26 October 2011); see Adjudicated Facts 1117, 1119, 1167; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1899–1900 (under seal); KDZ026, T. 10319 (17 January 2011) (closed session). See also Miroslav Kvočka, T. 45601–45602 (20 January 2014); KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16920.



According to our operative data, the following persons were involved in the organization of the SDA's military formations: Sejfo JAKUPOVIĆ, a former colonel in the JNA /Yugoslav People's Army/ who left the JNA of his own free will towards the end of 1991; Mirsad SELIMBEGOVIĆ, son of Raza, a former major in the JNA who left it of his own free will; Abaz PIDIĆ, a retired staff sergeant 1<sup>st</sup> class; Suljo BEŠIĆ, reserve captain 1<sup>st</sup> class; Emir SINANAGIĆ, an employee of the SJB /Public Security Station/ in Prijedor; Turkan ARNAUTOVIĆ, son of Munib, a retired JNA colonel; Vasko KULAŠIĆ and certain other persons whose identity we have not managed to discover yet. Certain data shows that these persons themselves organized the acquisition of arms for the needs of the SDA in the Kozarac area and elsewhere and were involved in the organization and formation of units of the Territorial Defence of Bosnia and Herzegovina in this area. Suljo KUSURAN and the other persons whose names are mentioned above were under their command and carried out their requests.

**Prominent members of the Bosnian Muslim and Bosnian Croat local communities, including women involved in local affairs, were detained at Omarska.<sup>5973</sup> (As can be seen, these prominent Muslims and Croats decisively participated in the rebellion which brought deaths so far from any frontline! A civilians participated in rebellion too!)**

1750. Detainees at Omarska were either transferred from other camps, such as Trnopolje or Keraterm, or were arrested in different areas of Prijedor municipality.<sup>5974</sup> Various buildings in the mine complex were used to house detainees, including a hangar, the largest of four buildings at the camp, the administration building, and two smaller structures, known as the "white house" and the "red house", which was at the edge of the compound.<sup>5975</sup> To the north of the hangar and separated by an open concrete area, known as the "pista", was the administration building, which contained a kitchen, an eating area, as well as sleeping quarters for female detainees, and offices upstairs used, *inter alia*, for interrogation.<sup>5976</sup> There was also a small garage to the far north of the administration building and a grassy area to the west of the hangar.<sup>5977</sup>

1751. Omarska was established by the Prijedor Crisis Staff through a written order issued by Drljača on 31 May 1992.<sup>5978</sup> As Chief of the SJB in Prijedor, Drljača ordered that security at the camp be provided by the Omarska SJB under the command of Omarska SJB commander Mejakić.<sup>5979</sup> Dušan

<sup>5973</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1903–1905 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), pp. 40–41. See Adjudicated Facts 1119, 1120, 1121, 1188. Prominent Bosnian Muslims and Bosnian Croats detained at Omarska included political leaders, such as Professor Muhamed Čehajić, the mayor of Prijedor prior to the take-over, members of the police, doctors, lawyers and judges, professors, and businessmen.

**(But, the very same Muhamed Čehajić, as a president of all the citizens of Prijedor clandestinely organized the blockade of the JNA in and around Prijedor, see...@. and such introduced an additional tensions. It has to be kept in mind that those who lost somebody must have been very angry with him.)** KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1903–1905, 1909–1921 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6630, 6633–6634, 6680, 6684–6687; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 38–39, 57–58 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), p. 31; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3365–3370; Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*, T. 3736–3737.

<sup>5974</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 9 (under seal); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2648 (under seal); Mevludin Sejmenović, T. 20492–20493 (27 October 2011); KDZ074, P709 (Transcript from *Prosecutor v. Stakić*, T. 2316; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 12; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1848–1852 (under seal).

<sup>5975</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3410–3412; P543 (Aerial photograph of Omarska); P2091 (Video footage of Omarska and the white house); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*, T. 6232; KDZ026, T. 10315–10317 (17 January 2011) (closed session); P2101 (Excerpt of documentary re Prijedor, with transcript) (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1926–1928 (under seal); P6593 (Aerial photograph of Omarska marked by Miroslav Kvočka); Miroslav Kvočka, T. 45603–45605 (20 January 2014). See Adjudicated Facts 1159, 1160.

<sup>5976</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3410; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1876–1877 (under seal); P543 (Aerial photograph of Omarska); D4413 (Diagram of administration building in Omarska); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*, T. 6201, 6206–6208 (stating that female detainees were detained on the first floor of the "restaurant building" in the former offices). **(The former offices couldn't be so uncomfortable? Before and after housing the detainees, the same facilities housed the Serb refugees and VRS soldiers without any reconstruction of the space!)** See P611 (Plan of first floor of restaurant building in Omarska marked by KDZ093) (on which KDZ093 marked with a "U" the room in which she slept in the restaurant building); Adjudicated Facts 1161, 1162 1163, 1166.

<sup>5977</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3410; P543 (Aerial photograph of Omarska); see Adjudicated Facts 1163, 1166.

<sup>5978</sup> P2640 (Prijedor SJB report, 31 May 1992); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 3–4, 29, 32; P2637 (Report of Prijedor SJB, 1 July 1992); D4138 (Witness statement of Željko Mejakić dated 26 November 2013), pp. 3, 4; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 38; see Adjudicated Facts 1105, 1115, 1124, 1126, 1131. [REDACTED].

<sup>5979</sup> P2640 (Prijedor SJB report, 31 May 1992), pp. 1–2; D4138 (Witness statement of Željko Mejakić dated 26 November 2013), pp. 1, 6; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), paras. 6, 9, 38; KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*, T. 16730–

Janković was Mejakić's superior and was directly subordinated to Drljača and supervised the implementation of Drljača's 31 May 1992 order in Omarska.<sup>5980</sup> Miroslav Kvočka, patrol sector leader in the Omarska SJB, was delegated the authority to activate the reserve police force in order to serve as guards in the camps.<sup>5981</sup> Members of the VRS formed an external security ring around Omarska and members of the TO staffed posts in a second ring and were tasked with preventing unauthorised persons from entering the camp and ensuring that detainees did not escape.<sup>5982</sup>

1752. Drljača further ordered mixed teams of investigators, comprised of representatives from civilian public security, state security, and military security, to interrogate and categorise detainees at Omarska.<sup>5983</sup> Mejakić and the heads of the interrogation teams reported to Drljača every day pursuant to his order.<sup>5984</sup>

1753. Following interrogation, detainees were grouped into three categories.<sup>5985</sup> The first category was to be comprised of individuals who were suspected of "the gravest crimes" and who had directly organised or participated in "armed rebellion".<sup>5986</sup> However in practice, the first category also included intellectuals and political leaders from the Bosnian Muslim and Bosnian Croat communities.<sup>5987</sup> **(#Distorted#! This is an invalid categorisation, since they weren't detained because of being "intellectuals" but because of being a leading persons in the armed rebellion.)** The second category included individuals who had supported or assisted detainees in the first category in the armed rebellion, while the third category encompassed detainees who were of "no security interest", or the "least guilty", including women and children, and who were to be eventually released.<sup>5988</sup> **(What "children"? why it was so difficult to be accurate?)**

### (iii) Conditions of detention

16731; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6616–6617; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 10 (under seal); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 4, 29–30, 32; see Adjudicated Facts 1115, 1125, 1128, 1129, 1132, 1133. See also Željko Mejakić, T. 44215, 44232–44233 (29 November 2013); P5520 (List of individuals providing security at Omarska, 21 June 1992).

5980 D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), paras. 6, 9; Miroslav Kvočka, T. 45580 (20 January 2014); Dušan Janković, T. 47280–47282 (18 February 2014); KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*, T. 16745–16746. See also Adjudicated Fact 1130 (stating that Janković's duties in regard to implementing Drljača's order were to be carried out "in collaboration with the Banja Luka [CSB]"), 1131, 1132. But see Dušan Janković, T. 47275–47278 (18 February 2014) (testifying that the security of Omarska could not have been overseen by the police station in Omarska because there was no such police station, only a reserve police station; moreover, the administration at Omarska could only receive orders from the Crisis Staff or someone higher up than Drljača; and finally that he never visited Omarska personally and did not have any connection to Drljača's order). However, the Chamber does not find Janković's evidence on this issue to be reliable, in light of the accepted testimony of Kvočka, who was stationed at Omarska during the relevant period. In reaching this conclusion, the Chamber also considered that Janković's evidence in this regard was contradictory; he was also evasive and lacked sincerity.

5981 D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 9; see Adjudicated Facts 1133, 1134. See also D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), paras. 21–26.

5982 Željko Mejakić, T. 44232 (29 November 2013); D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 38; see Adjudicated Fact 1137.

5983 P2640 (Prijeđor SJB report, 31 May 1992), p. 1; see Adjudicated Facts 1126, 1128, 1162; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 3, 6, 29, 32. See also KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 2049 (under seal); KDZ026, T. 10386 (17 January 2011) (closed session). Drljača's order assigned responsibility to co-ordinate the work of the investigators to Ranko Mijić, Mirko Ješić, and Lieutenant Colonel Majstorović. P2640 (Prijeđor SJB report, 31 May 1992), p. 1; see Adjudicated Fact 1127.

5984 D4138 (Witness statement of Željko Mejakić dated 26 November 2013), paras. 18–19; Željko Mejakić, T. 44231–44232 (29 November 2013); see P2640 (Prijeđor SJB report, 31 May 1992), p. 3.

5985 D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 4, 30; P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4; see Adjudicated Fact 1120; Željko Mejakić, T. 44229 (29 November 2013); KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*, T. 21106–21109 (under seal).

5986 D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 4, 30; P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4; [REDACTED].

5987 P3528 (Witness statement of Kerim Mešanović, undated), pp. 40–41, 54; Kerim Mešanović, T. 19852 (4 October 2011). See also Adjudicated Fact 1120; D4251 (List of persons detained at Omarska, 23 July 1992).

5988 D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 4, 30; P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4; P3528 (Witness statement of Kerim Mešanović, undated), pp. 40–41; [REDACTED]. See also Adjudicated Fact 1120; KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*, T. 21107, 21119 (under seal).

1754. Conditions at Omarska were appalling. The food was grossly insufficient, the medical care was inadequate, and the hygiene facilities were poor.<sup>5989</sup> Some days, the detainees received no food at all.<sup>5990</sup> Groups of about 30 men at a time were taken to the canteen to receive their daily meal, and had to eat in under two minutes to avoid being beaten.<sup>5991</sup> Nevertheless, detainees were often beaten in the canteen, to the point they could not walk and had to be carried.<sup>5992</sup> Detainees often chose to skip meals in order to avoid the beatings that accompanied them.<sup>5993</sup> Sejmenović recounted how the arms of a 13 year old boy were broken so badly that he had to be carried into the canteen and fed by other detainees.<sup>5994</sup> **However, there was a number of youngsters who participated in the armed rebellion from the very preparations, as can be seen from P3788, or D04681:**

We have in possession the strength /as printed/ of the BiH Patriotic League in Trnopolje area, as well as names of members of other military units of the Patriotic League in Kozarac area.

**In between is a list of more than a hundred leaders of the Patriotic League, and finally "about ten children aged 16-17" so we had seen both women and youngsters among the rebels.**

21. Jafik MAJDANAC

22. (about ten children aged 16-17)

3 June 1992

number: 177/92

Miloš

Many detainees lost between 20 to 30 kilograms during their detention, others lost considerably more.<sup>5995</sup> **(#Fake#: nobody spent so much time to have lost so many kilograms! The families were allowed to bring in a food, and did it, see D4234 bellow!)** Serb nationalist songs were loudly and continuously played over speakers.<sup>5996</sup> Detainees were denied drinking water for long periods and when water was provided, it was not potable.<sup>5997</sup> This caused the detainees intestinal problems.<sup>5998</sup> **(It is not specified whether it was a willing and intentional deprivation of water, or a "vice majeure"? "For long periods" is not sufficient, because we know that nobody could live without water.)**

<sup>5989</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 27, 49–50, 70–71; Mevludin Sejmenović, T. 20494–20495 (27 October 2011); KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2338–2339; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3370. See also Željko Mejakić, T. 44223–44224 (29 November 2013); Miroslav Kvočka, T. 45586, 45613–45614 (20 January 2014); D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 14; D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), para. 54. But see Željko Mejakić, T. 44285–44286 (29 November 2013) (testifying that some medical care was offered at Omarska by one of the detainees, as well as another doctor who visited Omarska every day); D4388 (Witness statement of Momčilo Gruban dated 31 January 2014), para. 23 (stating that medical staff came to Omarska in order to disinfect detainees' rooms); Momčilo Gruban, T. 47486 (20 February 2014) (testifying that there was a physician and nurse available at Omarska and medical assistance was provided when people requested it).

<sup>5990</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2338–2339; Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7940; see Adjudicated Fact 1143.

<sup>5991</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 27, 49–50, 70–71; KDZ026, T. 10317–10318, 10378–10380 (17 January 2011) (closed session); P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 60–61 (under seal); Nusreta Sivac, T. 20429 (27 October 2011); P3779 (Excerpt from ITN video clip of canteen at Omarska); P3543 (Excerpt from video clip of visits to Omarska and Trnopolje, with transcript); see Adjudicated Facts 1141, 1142; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6680–6681.

<sup>5992</sup> Mevludin Sejmenović, T. 20495 (27 October 2011).

<sup>5993</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1897 (under seal); see Adjudicated Fact 1144.

<sup>5994</sup> Mevludin Sejmenović, T. 20495 (27 October 2011).

<sup>5995</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3370; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1881 (under seal); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2750 (under seal); see Adjudicated Fact 1145.

<sup>5996</sup> Mevludin Sejmenović, T. 20495 (27 October 2011).

<sup>5997</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6642; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 58 (under seal). See also Adjudicated Facts 1146, 1147.

<sup>5998</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6642. See also Adjudicated Fact 1147.



1755. The detainees had only occasional access to water for washing, and were given no soap or toothpaste, or any change of clothing.<sup>5999</sup> **(Who could provide so many underwear and other needs? The conflict abrupted suddenly, and nobody was prepared for such a great number of detainees. Not to forget that the RS was under the sanctions!)** Their access to toilet facilities was also limited, depending on which room they were held in; detainees had to wait hours before being allowed to use them, and sometimes risked being beaten if they asked.<sup>6000</sup> Detainees were often forced to excrete and urinate in their rooms.<sup>6001</sup> Skin diseases were prevalent as well as acute cases of diarrhoea and dysentery.<sup>6002</sup> Some detainees were able to receive personal items from their families outside the camp, through individual guards, but these cases were rare.<sup>6003</sup> **But we have seen the document which confirmed that the VRS ordered to facilitate the detainees to get their needs from their homes and families. See D04234, as early as of 7 June 92:**

1. – During lulls in the fighting, agreed cease-fires, and similar situations, facilitate the /?clearance/ of the battlefield and the burial with religious rites of enemy soldiers who have been killed.
2. – Allow prisoners to receive food and cigarettes from their families, the Red Cross and Red Crescent, religious and other types of humanitarian organisations.
3. – Behave towards prisoners of war in a dignified way, act humanely, without violence, insults or intimidation. Provide them with accommodation, sustenance and, if sick, medical care, in accordance with the provisions of international war law.

**Having in mind that in Omarska there were the investigators, working from 9 to 5 pm. And the detainees could have objected those conditions, therefore, these are #exaggerations# :**

1756. The rooms at Omarska were extremely crowded; sometimes 200 to 300 detainees were confined in rooms that were too small.<sup>6004</sup> Around 29 May 1992, 120 detainees were transferred to the camp from the Benkovac military barracks and crammed into a garage for several days; two young men suffocated to death as a result.<sup>6005</sup> **(#Deadly combination#! When it was adjudicated? How this Defence is to check it? What were the names of those that suffocated?)** Detainees were also crowded together in the lavatories where they were packed one on top of the other and often had to lie in the midst of excrement.<sup>6006</sup> The crowded and overflowing rooms at Omarska were stifling in the summer heat and guards often refused to open windows or demanded that detainees pay them with one of their possessions in exchange for opening a window or obtaining a glass of water.<sup>6007</sup> **(#Dealdy combination#! Here is very easy to allege anything, since this Defence can not do anything about that. As we have seen in D4234, the VRS envisaged and ordered a regular procedure. The Defence witnesses testified that the conditions were as it could be, and that in the same facilities there were**

<sup>5999</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1886 (under seal); KDZ026, T. 10318 (17 January 2011) (closed session).

<sup>6000</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1877, 1886 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), pp. 27, 70; Željko Mejakić, T. 44223, 44230 (29 November 2013); Miroslav Kvočka, T. 45586, (20 January 2014); see Adjudicated Fact 1148.

<sup>6001</sup> Adjudicated Fact 1148.

<sup>6002</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6642. See Adjudicated Fact 1149.

<sup>6003</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1886 (under seal).

<sup>6004</sup> P3528 (Witness statement of Kerim Mešanović, undated), p. 26; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1875–1877 (under seal); see Adjudicated Fact 1139.

<sup>6005</sup> See Adjudicated Fact 1172.

<sup>6006</sup> See Adjudicated Fact 1139.

<sup>6007</sup> See Adjudicated Fact 1140. However, Momčilo Gruban testified that (i) the conditions at Omarska were humane under the circumstances; (ii) the detainees had access to water, toilets, and showers; (iii) they received sufficient food, including the same food eaten by the guards; and (iv) detainees did not fear ill-treatment. D4388 (Witness statement of Momčilo Gruban dated 31 January 2014), paras. 8, 16–23. The Chamber does not find Gruban's evidence to be credible in this regard. In reaching that conclusion, the Chamber considers that he was not forthright with the Chamber on several occasions and that due to his involvement at Omarska, he had an interest in distancing himself from any knowledge of conditions there. **(#Deadly combination#! Without any evidence, this is nothing but a garbage, and the Chamber shouldnt expose the Defence to an impossible task to deal with so general assertions.**



**accommodated the Serb refugees and the Serb army before and after the detainees. What this President has to do else?)**

(iv) Treatment of detainees

*Beatings and killings*

1757. Upon arriving at Omarska in buses, the guards on duty approached the detainees, demanded all of their belongings, verbally abused them, and then beat them, sometimes to death.<sup>6008</sup> **(Who died that way? If there is no an objective evidence, why the Chamber accepted such a #general assertions#?)** On one occasion, the guards who escorted one of the arriving buses formed a gauntlet through which the detainees had to pass while being beaten and forced to sing nationalist songs.<sup>6009</sup> The detainees were then escorted to the “pista”, to rooms in the hangar, or in the majority of cases, to the white house, and were often beaten on the way.<sup>6010</sup> Kvočka, Drago Prcać, Mladen Radić, or “Krkan”, a shift commander at Omarska, and Milojica Kos, or “Krle”, a shift leader, were often present during these beatings.<sup>6011</sup> They did nothing to prevent them.<sup>6012</sup> **(#Deadly combination#! Without any evidence, this is nothing by a garbage, and the Chamber shouldnt expose the Defence to an impossible task to deal with so general assertions.)**

1758. Several non-Serb detainees arrived at Omarska after being held in the same cell at the Prijedor SJB Building earlier that day. When they arrived, they were made to line up against a wall, where they were beaten and insulted.<sup>6013</sup> They were then taken to the white house and put in a small room, which was already crowded with about 60 to 70 men.<sup>6014</sup> All the men were extremely frightened and were not allowed to speak.<sup>6015</sup> **(#Deadly combination#! Looking at the sources, this is really not correct to have this kind of unproven assertions, based mainly on 92bis and Adjudicated Facts.)**

1759. Other detainees were immediately brought to an office in the administration building and interrogated upon arrival.<sup>6016</sup> For example, upon Sejmenović’s arrival at Omarska from Trnopolje, an inspector from the Prijedor SJB, Dragan Radaković, interrogated him.<sup>6017</sup> On the third day of questioning, two inspectors from Banja Luka arrived and questioned him for about an hour.<sup>6018</sup> When Nusreta Sivac arrived at Omarska, she was immediately taken to the reception office of the

<sup>6008</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 51–52; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 37–40 (under seal); Mevludin Sejmenović, T. 20492–20493 (27 October 2011); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6201. See also Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6612–6614; Miroslav Kvočka, T. 45584–45585 (20 January 2014); Adjudicated Fact 1138.

<sup>6009</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 51–52; D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 64 (stating that it was members of the MP who accompanied the detainees on the buses and later formed the gauntlet); see Adjudicated Fact 1156 (stating that Krkan in fact organised the gauntlet of guards who beat detainees on one occasion).

<sup>6010</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 37–38 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), pp. 51–52; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2649–2651, 2653, 2655 (under seal).

<sup>6011</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 37–39, 43 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), p. 51. See also Adjudicated Fact 1156.

<sup>6012</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 37–39, 43 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), p. 51. See also Adjudicated Fact 1156.

<sup>6013</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1869 (under seal).

<sup>6014</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1869–1870, 1875 (under seal). See also KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2316; P711 (Witness statement of KDZ074 dated 23 September 1994), e-court p. 12.

<sup>6015</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1870 (under seal).

<sup>6016</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 9–10 (under seal). See also Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6612, 6614.

<sup>6017</sup> Mevludin Sejmenović, T. 20492–20494 (27 October 2011).

<sup>6018</sup> Mevludin Sejmenović, T. 20493 (27 October 2011).

administration building where Mejakić, Kvočka, Krle, and others were waiting.<sup>6019</sup> She was then interrogated by Nenad Babić and Nenad Tomčić about her involvement in implementing the referendum for a sovereign BiH.<sup>6020</sup> **(#Justified detention#! This is the first class evidence that the reason for their detention was not their religion or ethnicity, but it was a suspicion about their involvement in the skirmishes caused by the illegal referendum and implementation of it in a such sensitive multi-ethnic municipality!)**

**1760.** While in detention, beatings of detainees were frequent.<sup>6021</sup> It was commonplace for detainees to be called out during the night by the guards.<sup>6022</sup> Indeed, it was the nights that were most feared by the detainees for this reason.<sup>6023</sup> In addition, detainees were beaten constantly by the guards, at the slightest perceived provocation, and some were beaten to death.<sup>6024</sup> **(#No names#! The Defence can not take it seriously without the names and times. This is really unbelievable, to charge a distant person, who even didn't know about Omarska with such a general statements and assertions!) what does it have to do with the President? If it was a part of any of his plans, why it didn't happen prior to the attacks of the Muslims?)** KDZ392 was beaten on numerous occasions during his detention at Omarska.<sup>6025</sup> At one point, KDZ392 and his father were beaten two days in a row by Dušan Knežević, a.k.a “Duca”, and Zoran Žigić. **Zigic was noticed as a trespasser and there was an official note, see: D1440:**

Compiled on 4 July 1992 in the offices of the Prijedor II RSM regarding Zoran (/son of/ Nikola) ŽIGIĆ from Muharema Suljanovića street number 8.

Zoran (/son of/ Nikola) ŽIGIĆ, an armed uniformed person (I do not know which unit he belongs to) came to the *Keraterm* reception centre several times at night, together with Duško KNEŽEVIĆ, Zoran VOKIĆ and Željko TIMARAC. Despite our warnings not to enter the reception centre compound, they entered explaining that they were going to talk to one of the prisoners.

According to the guards, they beat prisoners to exhaustion after which they left. Those beaten would die a few days after they left.

I hereby ask the responsible bodies to suggest to the military command that /overwritten by hand: such/ conscripts should be prevented from committing these arbitrary acts.

Any intervention on our part would result in an armed conflict, which is not in anyone's interest at this moment.

Note compiled by  
Commander of *Keraterm* Security  
Duško SIKIRICA

**:Zigic was reported to the prosecutor by S. Drljaca, see the criminal report. And the prosecutor accepted the criminal report, see P06597, and he was arrested, see D1926. #Officials vs. crimes#!)** Afterwards, his father was singled out and beaten more severely.<sup>6026</sup> KDZ392's father was left deformed and in severe pain and as a result of the beatings, he died the next morning.<sup>6027</sup> His body was taken away in a dark blue police van.<sup>6028</sup> **(92bis, should be cross-**

<sup>6019</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 9–10, 26 (under seal).

<sup>6020</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 32–33 (under seal).

<sup>6021</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 27–28; KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2657–2663, 2744–2749 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6680–6682; KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6201–6203; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 28–30, 32 (under seal); Željko Mejakić, T. 44225–44226, 44240–44241 (29 November 2013). See also Adjudicated Facts 1150, 1151, 1154, 1155.

<sup>6022</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1873 (under seal); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2744–2749 (under seal).

<sup>6023</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1887–1888, 1906 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), pp. 27–28.

<sup>6024</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1883–1884 (under seal). See also KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2728–2729, 2744–2749 (under seal); Adjudicated Fact 1155 (stating that on religious holidays or if the relative of a guard was killed in the battlefield, beatings intensified).

<sup>6025</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2657–2663, 2744–2749 (under seal).

<sup>6026</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2661–2663, 2730–2737, 2744–2751, 2761–2764, 2770–2771 (under seal) (testifying that both Knežević and Žigić wore camouflage “military” uniforms).

<sup>6027</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2737–2740 (under seal).

<sup>6028</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2740–2741 (under seal).

**examined!!! #Not investigated#! The Defence doesn't exclude such a possibility, but that must be investigated, and established what was the #official's attitude# towards that! Certainly we can find many #“next level#” examples, where the chiefs of shifts prevented those misdeeds!)**

**1761.** One room in the white house was reserved for brutal assaults on prisoners, who were often stripped, beaten, kicked, and otherwise abused; many detainees died as a result of these repeated assaults on them in the white house.<sup>6029</sup> **(#“Many died”!!! in which court this sentence may have any consequence? Did anyone challenge this allegation? And how to challenge this “many”?)**

1754. Between 600 and 700 detainees at a time were held outside in the “pista” area of Omarska for prolonged periods.<sup>6030</sup> The detainees had to sit, and sometimes lie, on the ground, with machine-guns pointed at them.<sup>6031</sup> While on the “pista”, KDZ026 witnessed the guards forcing a young mentally handicapped detainee by the name of Crnalić to drink motor oil. He then heard gunfire and the young man was not seen again.<sup>6032</sup> **(#Heard, not seen#! A famous sentence, suggested in the same workshop. How possibly the Chamber could be “satisfied” since nobody have seen it, just heard? How many other inferences could have been drawn? The “young man” could have been exchanged, released on somebody’ guarantee or moved to another detention!)** The Chamber is satisfied that this detainee was killed in this incident. On 10 June 1992, Nusreta Sivac saw Žigić call out the names of three male detainees on the “pista”; when these three men finally returned, they were swollen, covered in bruises, and their “faces were completely distorted”.<sup>6033</sup>

**1755.** Detainees were also severely beaten during interrogations.<sup>6034</sup> Detainees brought to the red house for interrogation were often killed.<sup>6035</sup> **(#Some maybe killed some#! How many, who, when, by whom? Without a credible evidence, no a serious chamber should even mention this. This is rather a sort of an anti-war propaganda than a serious criminal case.)** KDZ093 **(Who was he/she?)** testified that in July 1992, she saw men, including a Muslim or Croat doctor and a Muslim teacher she recognised, being called out from an area in the restaurant building in Omarska called the “glass house”.<sup>6036</sup> They were taken to the red house and later that night, KDZ093 heard gunfire and guards cursing, using the words “Ustashas” and “balijas”.<sup>6037</sup> **(#Heard, not seen#! Does it mean that somebody got killed? Is it enough? The two features, somebody taken to the red house and “later that night” gunfire heard, may not be in any connection. Was it so unexpected to hear a gunfire in a civil war?#Deadly combination#!)**

1756. After their interrogation, detainees were often made to sign false statements regarding their involvement in acts against Serbs.<sup>6038</sup> **(This is not true, since the authorities (CS Prijedor) as early as 2 June ordered that all that had been detained by mistake be released immediately, see: P2741:**

<sup>6029</sup> Adjudicated Facts 1175, 1176.

<sup>6030</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1876–1877 (under seal). See Adjudicated Facts 1164, 1165.

<sup>6031</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1876–1877, 1885 (under seal). See Adjudicated Facts 1164, 1165.

<sup>6032</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1908 (under seal).

<sup>6033</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 52–53 (under seal).

<sup>6034</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 35–36; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1883, 1917–1918 (under seal); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2661–2662 (under seal); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3356–3357; Željko Mejakić, T. 44224–44225 (29 November 2013). See Adjudicated Facts 1150, 1151. See also P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 31–32, 38 (under seal); KDZ523, T. 23358–23359 (19 January 2012) (closed session); D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), paras. 62–63.

<sup>6035</sup> See Adjudicated Fact 1179.

<sup>6036</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6230–6232.

<sup>6037</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6232.

<sup>6038</sup> See Adjudicated Fact 1152.

At its meeting held on 2 June 1992, the Crisis Staff of the Prijedor Municipality adopted the following

All Serbs who have been imprisoned by mistake are hereby released from further imprisonment.

han, it was numbered several categories that were to be released, and finally the next:

All persons older than 60 for whom an investigation has confirmed that they did not commit an offence are hereby released from further imprisonment.

All soldiers and military personnel who have been imprisoned by mistake while actually on leave with the authorisation of the appropriate military authorities are hereby released from further imprisonment.

was regardless of ethnicity, as well as the next:

Other prisoners who may be found not guilty in legal proceedings conducted by competent organs shall be released from further imprisonment.

since there was so many that had evidently been responsible, the Omarska authorities didn't need to force anyone, and since there was 59% of the released, that means that there was no any successful "persuading" to admit any felony! Finally, the investigations had been conveyed by the best professionals available !)

Detainees were also ordered to beat other detainees.<sup>6039</sup> They were humiliated in front of other detainees, forced to sing Serbian nationalist songs, make the three fingered Serbian sign, and were subjected to ethnic slurs by the camp guards.<sup>6040</sup> On one occasion, on a Serb holiday, guards at the camp got drunk, set fire to rubber tires, and threw Smail Duratović, a well-known Bosnian Muslim athlete, into the fire, along with at least nine other detainees.<sup>6041</sup> Detainees, including female detainees, were regularly threatened with death.<sup>6042</sup> At one point during his detention in Omarska, KDZ026 was told by two guards that his name was on a list of detainees to be "liquidated", but that he would be saved if he gave them money.<sup>6043</sup>

1757. The beatings were administered by camp guards at Omarska, including Milutin Popović, a.k.a. "Pop", and Žarko Marmat,<sup>6044</sup> as well as by individuals from outside the camp who were permitted to enter and mistreat detainees, including Žigić and Knežević.<sup>6045</sup> Detainees feared these outside

<sup>6039</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2733, 2771 (under seal).

<sup>6040</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2737 (under seal) (testifying that after being beaten, his father was forced to lick his own blood); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6640–6641, 6644; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 11, 19–21, 30 (under seal); Željko Mejakić, T. 44224–44225 (29 November 2013). See also Adjudicated Facts 1135, 1169, 1171, 1182. But see Milorad Sajić, T. 44162–44164 (27 November 2013) (testifying that Radić told him that detainees at Omarska raised three fingers and sang songs about Serbia during a delegation visit at the camp, but that the detainees did these things spontaneously and he was not told that they were forced to do so); D4114 (Witness statement of Milorad Sajić dated 24 November 2013), para. 57.

<sup>6041</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6682–6683 (testifying that Duratović managed to escape the fire, but was badly burned); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3357–3359 (testifying that one man who was thrown into the fire was never seen after this incident).

<sup>6042</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 30 (under seal); KDZ026, T. 10320–10321 (17 January 2011) (closed session). See also Adjudicated Fact 1170.

<sup>6043</sup> KDZ026, T. 10320–10321 (17 January 2011) (closed session) (testifying that the guards demanded 10,000 German marks but when KDZ026 protested that he did not have access to that amount of money, they suggested the sum of 3,000 marks and KDZ026 managed to send letters to his wife asking her to try to get the money; however, she was unable to raise enough money). See also P2094 (KDZ026's letters from Omarska) (under seal).

<sup>6044</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 34–35, 49–52; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 28, 38–40 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1883–1884 (under seal). See Adjudicated Fact 1154.

<sup>6045</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2728–2729, 2731–2737 (under seal); P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 40–41, 52–53 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1885 (under seal); D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 15; Željko Mejakić, T. 44233–44235 (29 November 2013); D4219 (Witness statement of Miroslav Kvočka dated 17 January 2014), para. 57. See Adjudicated Facts 1153, 1157, 1158, 1173. But see D4388 (Witness statement of Momčilo Gruban dated 31 January 2014, paras. 25, 31 (stating that although no such beatings occurred in his presence, there were some cases of individual armed groups from the outside getting in to the camp and mistreating the detainees; however, these groups were armed and the guards at Omarska were not able to resist them because of low numbers). We saw that Zigic was reported for an extortion of money, and for the intrusion in Keraterm with the aim



individuals even more than the camp guards, as the beatings were worse when they appeared; the detainees were beaten with a variety of sticks, iron bars, and lengths of heavy electric cable, sometimes with nails embedded in them to pierce the detainees' skin.<sup>6046</sup> They were also attacked with knives.<sup>6047</sup> Members of the intervention squad also mistreated detainees at Omarska.<sup>6048</sup>

1758. Prominent Bosnian Muslim and Bosnian Croat political leaders, including SDA officials and members, as well as doctors, professionals, and police, were among the individuals most often mistreated and killed at Omarska.<sup>6049</sup> **(#So arbitrary#, so unofficial, like a gossip, but certainly not like a criminal case material! What kind of argument is this. This is a sort of political and propaganda statement. In a criminal case either you do not mention it, or you prove it!)** Detainees frequently saw dead bodies on the lawn in front of or near the white house.<sup>6050</sup> The detainees witnessed bodies being taken away by truck and they could also hear the sounds of earth-moving equipment in the vicinity of the camp.<sup>6051</sup> Detainees were required to clean the white house and the red house and they often found hair, teeth, skin, blood, clothes, footwear and empty pistol cartridges.<sup>6052</sup> Camp guards also forced detainees to load onto trucks dead bodies of detainees who had been killed in the white and red houses.<sup>6053</sup> As a result, the detainees constantly lived in fear of being killed at any time.<sup>6054</sup>

1766. Detainees were also taken from Omarska and killed outside the camp.<sup>6055</sup> In late July 1992, 46 detainees, including two female detainees, were taken out of Omarska, put on a bus, and told that they would be exchanged in the direction of Bosanska Krupa.<sup>6056</sup> They were

**to beat somebody. But the authorities were strongly opposed to it, and how anyone from the authorities, let alone the President, could be convicted for such a cases? #No official responsible!#)**

<sup>6046</sup> See Adjudicated Facts 1153, 1173.

<sup>6047</sup> See Adjudicated Fact 1173.

<sup>6048</sup> D4139 (Report of Prijedor SJB, 13 June 1992); D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 15; Željko Mejakić, T. 44218–44220 (29 November 2013). See also Adjudicated Fact 2487.

<sup>6049</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1909–1915, 1917–1921 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6629–6630; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 24–25 (under seal) (stating that Prać and other guards called people, usually high-ranking members of the SDA or HDZ, out from lists and they were never seen again); P3528 (Witness statement of Kerim Mešanović, undated), pp. 40–41, 54; Kerim Mešanović, T. 19852 (4 October 2011); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3365–3368. See also Adjudicated Fact 1120. On 27 July 1992, Professor Muhamed Cehajić, an SDA official and the former mayor and president of the Prijedor Municipal Assembly, was humiliated, mistreated, and disappeared. Zlatan Besirević, the director of the Bosna Montaza company in Prijedor, was called out one day and never returned; Dr. Sadiković was also called out one night and taken away by bus with detainees who had been held in Keraterm, none of whom were seen again. Fikret Mujdžić and Camil Pezo were severely beaten and both subsequently died from their injuries. Similarly, Idriz Jakupović was severely beaten and then taken out and disappeared one night. Mustafa Crnalić, Burhurudin Kapetanović, Abdulah Puskar, Ziko Crnalić and his son, Zijad Mahmuljin, Osman Mahmuljin, Alessandra Komsić, Esref Crnkić, Nedžad Serić, Omere Kerenović, Esad Mehmedagić, Mustafa Tadžić, Mehmedalija Kapetanović, Asaf Kapetanović, Rufat Suljanović, Ibrahim Okanović, Bajram Zgog, Senad Mujkanović, Kadir Mujkaonović, Fikret Mujakić, Islam Bahunjić, Meho Tursić, Hamdija Balić, and Huseain Crnkić were called out at night and never returned. [REDACTED]. **(#“Never returned” doesn’t mean necessarily they got killed, and this sentence is repeated in all statements of the Muslim witnesses. But, all of those last and some of the first names are on the lists of proven perpetrators of crimes. (...) Only on that basis KDZ026 should be discredited, because this is a horrible lie. As well as the testimonies of others. All together, Prijedor did have about 500 non-Serb casualties throughout the entire war, and the Serbs had even more. The names in the above fn. 6061 are very famous names. For instance, Muhamed Cehajic was a president of the municipal Assembly, but he was acting as an enemy of Yugoslavia and the Serbs from a very powerful position in the common authorities. He organized the blockade of the JNA and encouraged and orchestrated the Muslim organization and armament. Many people have loste their dearest and kept him responsible. The state had only one interest, to organize a trial for him and others, but pitifully he was killed. Certainly, this was against the state interests. All other names are very known as a Muslim extremists, who initiated fights and prepared a hell to the people in Prijedor.)**

<sup>6050</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 41–42 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1902 (under seal); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6204–6205. See P610 (Photograph of model of Omarska marked by KDZ093) (on which KDZ093 marked the areas where she saw the bodies outside of the white house); Adjudicated Fact 1178.

<sup>6051</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 42–43 (under seal); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1902 (under seal); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6232–6233; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3370–3371.

<sup>6052</sup> See Adjudicated Facts 1176, 1180.

<sup>6053</sup> See Adjudicated Facts 1178, 1181.

<sup>6054</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1905 (under seal).

<sup>6055</sup> [REDACTED].

<sup>6056</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2741, 2743–2744 (under seal); P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 46–47 (under seal) (stating that two female detainees, Edna Dautović and Sadeta Medunjanin, were called out one day by Mejakić and informed that they were going to be exchanged; they boarded a bus with other people which said “Šešelj Private Driving School” and had Bihać plates, and were

never seen again.<sup>6057</sup> The Chamber finds that these 46 detainees were killed after being taken out of Omarska in late July 1992. **(#Some killed some#! In any other country, any chamber would require at least the names of deceased, and the names of a suspected perpetrators, and other relevant data. Could be used only as an argument against civil wars, not against this President!)**

1767. In addition, the Chamber received forensic evidence to support the deaths of some identified individuals who were detained at Omarska between 25 May 1992 and 21 August 1992.<sup>6058</sup> **(#Unproven#! How possibly we may have known that they didn't join the ABiH and died in combats? Had we had their names, there could be done checking in the lists of victims! #Released, re-joined ABiH, died in combat#!)**

### *Sexual violence*

1769. At Omarska, there were frequent incidents of female detainees who were called out of their rooms by different guards, as well as the camp commander, and were raped or sexually assaulted.<sup>6059</sup> **(But, the witness N. S. lied in the New York Court about her being raped. There would be more hard evidence to put this in the Judgment. How come the Chamber was so easily satisfied with such a testimonies? As if they needed anything, in order to convict the President.)** On one occasion, Krkan called a female detainee into his office and told her that he knew high-ranking military officials and could help her if she had sexual intercourse with him.<sup>6060</sup> Nedeljko Grabovac, a.k.a. "Kapitan", who stayed at Omarska for only a short period and wore an olive uniform similar to the former JNA uniform, also sexually assaulted female detainees.<sup>6061</sup>

1770. KDZ093 testified that several times during her detention at Omarska, she was called out at night and during the day, by the same guard, and taken to another room in the restaurant building

---

never seen again until their bodies were exhumed in 2000 from a mass grave in Bosanska Krupa municipality); Željko Mejakić, T. 44257–44258 (29 November 2013) (confirming that he was present when 44 men and two women were called out from a list brought to the camp by Drljača's driver and put on a bus and that the bodies of all of these detainees were exhumed from a mass grave in Jama Lisac in Bosanska Krupa). See also Adjudicated Fact 1186.

<sup>6057</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2741, 2743–2744 (under seal); P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 46–47 (under seal). See also Adjudicated Fact 1186.

<sup>6058</sup> P4410 (Death certificates from Prijedor) (confirming the deaths of 21 identified individuals at Omarska between 3 June and 20 August 1992); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 14–15, 18–20, 22–32, 37–41; P5909 (Bihać MUP identification reports concerning Stari Kevljani mass grave, 30 June 2005), pp. 5, 7, 10–18, 20, 22–24, 29–36, 38–42, 45, 47–57, 59, 61–67 (confirming that 73 identified individuals who went missing from Omarska were exhumed from the Stari Kevljani mass grave); P4892 (BiH State Commission for Tracing Missing Persons list of exhumed persons from Prijedor, Čelinac, Bosanski Novi, 29 October 2002) (confirming two individuals who went missing from Omarska and were exhumed from Jakarina Kosa mass grave). **How others recovered from Jakarina Kosa died, when and where? Was it a mass grave where only those allegedly "went missing" from Omarska were buried? If there was many others that died somewhere else, it is clear that they had been combat casualties all together! #Released, re-joined ABiH, died in combat#!** See also P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, pp. 8–9; P4893 (Bihać MUP report on Stari Kevljani exhumation, 18 January 2004); P4890 (BiH State Commission for Tracing Missing Persons report on Jama Lisac exhumation, 20–28 June 2000); P4891 (Bihać Cantonal Court record of exhumation at Jama Lisac, 11 July 2000); P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 34–43 (under seal); Nicolas Sébire, P694 (Transcript from *Prosecutor v. Stakić*), T. 7370–7371; Nicolas Sébire, P694 (Transcript from *Prosecutor v. Brđanin*), T. 16699; Adjudicated Fact 1186 (stating that during the exhumation in Jama Lisac, 56 bodies were found and most of them died from gunshot injuries; DNA analysis allowed the investigators to identify the bodies of Sureta Medunjanin, the wife of Bećir Medunjanin, and Ekrem Alić and Smail Alić, who were last seen in Omarska). The Chamber notes that Adjudicated Fact 1186, which is based on Sébire's testimony in the *Stakić* case, refers to the name "Sureta" Medunjanin as the wife of Bećir Medunjanin and one of the individuals who was exhumed in Jama Lisac; however based on the other evidence before it, including Sébire's subsequent testimony in the *Brđanin* case, the Chamber considers that this was an error and is satisfied that the individual's name is "Sadeta" Medunjanin. See Nicolas Sébire, P694 (Transcript from *Prosecutor v. Brđanin*), T. 16699; P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), p. 37 (under seal).

<sup>6059</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 34, 47–51 (under seal); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6226, 6228–6230. See also Adjudicated Fact 1168. But see D4388 (Witness statement of Momčilo Gruban dated 31 January 2014), para. 29 (stating that there were no such cases of rape or sexual assault of female detainees during his shifts and he did not hear that such things took place during other shifts). The Chamber does not find Gruban's evidence to be credible in this regard. In reaching that conclusion, the Chamber refers to its earlier assessment in fn. 6014 regarding the credibility of Gruban. **(Why Gruban should be trusted, after all he was a Serb!)**

<sup>6060</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 34, 47–49 (under seal).

<sup>6061</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 49–51 (under seal).

where she was raped by this guard; afterwards, several other men entered the room and raped her repeatedly.<sup>6062</sup> **(And she never reported this to any superior in Omarska?)**

1771. Guards at Omarska also attempted to force a male detainee to rape another female detainee.<sup>6063</sup> On the night of 26 June 1992, a detainee heard some guards laughing, the voice of a young woman crying, and a man he recognised as Mehmedalija Sarajlić pleading with the guards.<sup>6064</sup> Sarajlić was told by the guards to rape the young woman and when he refused he was beaten.<sup>6065</sup> The next morning, the detainee saw Sarajlić's body lying outside, not far from the white house.<sup>6066</sup> **(The Muslim witnesses were totally free to lie and tell stories without any possibility to check it?)**

1772. Female detainees were also physically assaulted at Omarska. On one occasion, a man, wearing a camouflage uniform and a cap with a cockade symbol on it, entered the restaurant and started shouting and hitting a Bosnian Muslim female prisoner sitting at a table; he then carved a cross on her cheek and she started to bleed.<sup>6067</sup> **(Certainly, not a regular soldier, cockarde was not allowed! #Insignias#!)** On another occasion, a guard approached a female detainee in the restaurant, uncovered her breast and took out a knife and went over her breast with it for several minutes, while other guards watched laughing.<sup>6068</sup> **(#No evidence#! If this horror really happened, there should be a strong evidence, heard and seen in the courtroom. Therefore, the Defence has every reason to doubt it, apart from the unavoidable fact that the President had nothing to do with that crime. The President prevented it by a general order of 13 June 92, Djerić did it even in April 92, Mladić in May 92. And the President repeated it many times, through the orders that went to the services, and had been published, so that everyone knew what must not be done ever, under the threat of punishment. Would any president be liable for such an exceptional event, not approved, not tolerated and prohibited the strictest way and repeatedly, nominating the most immediate commanders responsible for a conduct of subordinates? Or, would any president be liable for misdeeds of a renegades that he banned and disowned, and ordered their arrest and prosecution?)**

1773. Female detainees were made to work in the canteen at Omarska.<sup>6069</sup> On one occasion, Milorad Tadić, a.k.a. "Brk", Mejakić's driver and bodyguard, entered the kitchen and shouted at the women for giving prisoners more bread than permitted; he ordered them to face the wall with their hands up for 40 minutes, then laughed, and said it was a "warning" and he would shoot them if they gave out too much bread again.<sup>6070</sup> After completing their work duty during the day, the women would clean the interrogation rooms in the evening; they found blood on the floors and walls, traces of torn clothing, and various devices, such as batons, with traces of blood as well.<sup>6071</sup> **(#Uncorroborated and unbelievable#, since all the interrogations had been made by the highest professionals from Banja Luka. They worked every day, from 9 to 5, in order to scan all 3,000 detainees. As a result of their work, 59% of those brought in had been released!)**

*Conclusion on conditions of detention and treatment of detainees*

<sup>6062</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6226, 6228–6229 (testifying that she did not know the name of the guard); see P611 (Plan of first floor of restaurant building in Omarska marked by KDZ093) (on which KDZ093 marked with a "U" the room in which she was raped at night, number B1).

<sup>6063</sup> [REDACTED]. See also Adjudicated Fact 1183.

<sup>6064</sup> [REDACTED]. See also Adjudicated Fact 1183.

<sup>6065</sup> [REDACTED]. See also Adjudicated Fact 1183.

<sup>6066</sup> [REDACTED]. See also Adjudicated Fact 1183.

<sup>6067</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 40–41 (under seal); Nusreta Sivac, T. 20413–20414 (26 October 2011) (private session).

<sup>6068</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), p. 41 (under seal).

<sup>6069</sup> Nusreta Sivac, T. 20429 (27 October 2011).

<sup>6070</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 30–31 (under seal).

<sup>6071</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 31–32 (under seal).

1774. Based on the above, the Chamber finds that non-Serbs, including civilians, were transferred to and detained at Omarska by Serb Forces between 25 May 1992 and 21 August 1992.

**(Here is why these inferences and findings are wrong:**

**(1). All that had been detained in Omarska were #caught in the combat zone# after the Hambarine (22 May) and Kozarac (24 May) attacks of the Muslim forces;**

**(2). Immediately after establishing that somebody was civilian without participation in the attacks, these persons had been pardoned and released. What was the meaning of these releases, and why all of them hadn't been released?;**

**(3). #Being civilian doesn't mean not to be perpetrator of a crime#!;**

**(4). All of them formally had been civilians, because they had been a secret, clandestine part of the ABiH, not formed and declared as an army unit, therefore they had been in a status of terrorists;** The detainees were held in poor conditions characterised by lack of space, poor sanitary conditions, inadequate medical care, and insufficient food.

**(5). Nobody expected such a huge rebellion, with the participation of thousands of perpetrators, so the poor conditions wasn't any wilful determination of the authorities, but there was no other possibility;**

**6. In the same facilities there were the Serb refugees, and then the Serb army soldiers before and after the detainees, without any improvement of the facilities;** The Chamber finds that the male detainees at Omarska were subjected to severe beatings by Serb Forces.

**(7). The evidence of beatings is very weak and unconvincing, particularly since throuth the working hours there vere a highly professional investigators, whom a mistreated detainees could report, and beside that, we did see an evidence that the officials endeavoured to protect the detainees from the intruders and outsiders, who did some misdeeds.** The Chamber also finds that a number of Bosnian Muslim women detained at Omarska were subjected to acts of sexual violence by Serb Forces and were forced to work.<sup>6072</sup>

**(8). There had been an evidence that some women worked in the cantine, but we do not have a convincing evidence that they had been forced to work. We do not have any convincing evidence about a sexual violence. Nusreta Sivac was lying in the New York court, while in this court she denied any sexual assault, which makes her uncredible witness. (if we are disabled to obtain the evidence of that, it still doesn't change the substance)** Finally, the Chamber finds that a large number of non-Serbs were killed by Serb Forces at Omarska, or after they were taken from the camp, between 25 May 1992 and 21 August 1992.<sup>6073</sup>

**(9). This is also too general, unspecified assertion, not corroborated by a hard evidence as it would be required in a criminal case. We have seen an evidence that 59% of the detained persons was released. If they joined the ABiH and got killed, and recovered from some grave, it is not a sufficient proof that they had been killed while in Omarska. A "large number" is not enough, it should be specified by their names and circumstances of their deaths, as well as about the shifts and the chiefs if it, and finally of a perpetrators. Certainly, there is a degree of the command responsibility of the commander of the detention, but it is limited strictly to him and his knowledge and abilities to prevent or punish.**

<sup>6072</sup> However, the Chamber notes that this type of forced labour is not charged in the Indictment, which only covers forced labour at the frontlines.

<sup>6073</sup> This finding does not include the persons alleged to have been killed in Scheduled Incidents B.15.3 and B.15.4, which are discussed below.



**(10). Anyway, whatever happened, it was in a sharp contradiction with everything what the President ordered in many occasions! (# In contrast with presidential orders#!)**

(iii) Scheduled Incident B.15.3

**1775.** The Indictment refers to the killing of a number of men and women taken from Omarska in the area called Hrastova Glavica on or about 5 August 1992.<sup>6074</sup> **(#Some killed some!# Who was killed by whom, wneh and where?)**

**1776.** On 5 August 1992, two bus loads of approximately 120 detainees from Keraterm were brought to Omarska.<sup>6075</sup> Dr. Esad Sadiković, who was regarded by other detainees as a “moral and spiritual authority” at the camp, was called out by Prcać that night and he was made to board one of the buses along with the other detainees from Keraterm already on the buses; they left Omarska in the direction of Sanski Most.<sup>6076</sup> **(But in the Serb community Dr. Sadikovic had a terrible reputation. The rumors about his activities against the fertility of the Serb women may have been exaggeration, and probably it was an exaggeration, but still it indicates a bad reputation. So, beloved by the Muslims and demonised by the Serbs, he must have been a bit more than “moral and spiritual authority”, regrettably.)**

**1777.** The Chamber took judicial notice that on the way to Sanski Most, unidentified Bosnian Serbs shot dead a number of the detainees being transported on the buses.<sup>6077</sup> **(#Somebodi unknown#! How do we know that it wasn't a Muslim ambush shooting at the Serb bus, or some of many groups of the Muslim terrorists operating in the zone, see the documents pasted above! And is this President responsible for misdeeds of these unidentified Serbs, or others?)** The bodies of 126 individuals were later found in an area called Hrastova Glavica and 46 individuals were identified.<sup>6078</sup> **(#Identified, as who?# the same way would be identified all the combat casualties, buried during the sanitation process after a battle! What happened to the others? A combat casualties? How come that one third of the remains were found to be illegally killed, and for the two third the causes and manner of death unestablished? Wouldn't it be the most reasonable to infer that all of them were combat casualties, and that those who once were in Omarska had been exchanged, then joined the BH Army and got killed in skirmishes?** For 121 of the 126 bodies, the forensic experts determined that the cause of death was a gunshot wound.<sup>6079</sup> **(No wonder, taking into account a permanent armed skirmishes. How the Chamber differentiated who were a combat casualties from those allegedly killed. The Chamber had an evidence from May 28, 1992, signed by “Milos” (P06685) stating that there were a hundreds of casualties in the combats, even before the attack on Prijedor on 30 May 92, see P06685:**

<sup>6074</sup> See Indictment, Scheduled Incident B.15.3, fn. 5 (wherein the Prosecution alleges that detainees from Keraterm were among the victims of Scheduled Incident B.15.3).

<sup>6075</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2522–2523, 2527, 2531–2532; P1949 (Excerpt from KDZ050's witness statement dated 19 November 2000) (providing a list of about 60 names of men he knew who were taken from Keraterm on two buses and stating that he heard from other detainees that these men were first taken to Omarska); Željko Mejakić, T. 44258 (29 November 2013) (confirming that two busloads of detainees from Keraterm were brought to Omarska on the afternoon of 5 August 1992). See also Adjudicated Fact 1220.

<sup>6076</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6686–6687; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1837–1838 (under seal); KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2522; Željko Mejakić, T. 44258 (29 November 2013). See also Adjudicated Facts 1188, 1220; fn. 6056.

<sup>6077</sup> See Adjudicated Fact 1220. See also P4887 (Bihać Cantonal Court record of Hrastova Glavica exhumation, 7 December 1998), p. 2.

<sup>6078</sup> P4887 (Bihać Cantonal Court record of Hrastova Glavica exhumation, 7 December 1998), pp. 2, 8–9; P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 32–33 (under seal); P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, pp. 7–8; P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 42–44; P4414 (Death certificate for Ismet Avdić). KDZ050 subsequently identified the bodies of some of the 120 men who were taken away in the two buses on 5 August 1992, which were recovered from Hrastova Glavica in Sanski Most. KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2522–2523, 2527–2528, 2531–2532; P1949 (Excerpt from KDZ050's witness statement dated 19 November 2000). See also Željko Mejakić, T. 44258–44259 (29 November 2013); Adjudicated Facts 1220, 1221.

<sup>6079</sup> P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 32–33 (under seal). See also Adjudicated Fact 1222.

The situation in the area of the Municipality of Prijedor is gradually returning to normal. The fighting in the Kozarac area is coming to an end and most of the places are held by the Army of the Serbian Republic of Bosnia and Herzegovina. Our forces have lost 5 men and about 10 have been wounded, whereas, according to many fairly reliable sources, it is estimated that enemy losses amount to several hundred men. A huge number of persons have been arrested or have surrendered and the municipal authorities are having great difficulty in providing them with food and shelter, especially since there are many children, women and old people amongst them. There is fighting in the area of the Municipality of Sanski Most and it is thought that it could escalate and become even more violent. Once we have processed and analysed the data we have gathered we will provide you with more detailed information on this situation as well as on other events.

28 May 1992

/handwritten/: Number: 162/92

MILOŠ

1) First, we see that the civilians were a big burden to the local authorities, because there was no sufficient space for accommodation, there was no food, and so on, which explicitly depicts that a “detaining” of civilians was not an objective of the authorities, but a taking care of them in the combat zone!

(2) What happened with those #“several hundred” combat casualties#? Had they been buried? When exhumed, how this combat casualties were characterised? As a civilians? They had to be buried, and eventually exhumed after the war. How many times the Muslim commission for missing persons reported that there were a combar casualties? Never, they presented all of them as a civilian victims of an unlawful killing. And this court is to help them in forging the history of this conflict, or the Chamber will be so easy to be deceived? #Combat casualties as civilian#!)

1778. Based on the above, the Chamber finds that approximately 120 non-Serb civilians taken from Keraterm and Omarska were killed by Serb Forces on or about 5 August 1992 in the area of Hrastova Glavica. (Again, an #abuse of a “Serb Forces”# although it was an “unidentified Bosnian Serb”, although the “Serb Forces” had about 215,000 soldiers, and about 2,150 professional and several hundred reserve policemen, and nobody out of this official forces was a member of the “Serb Forces”. So, this is deeply unfair to allocate every single crime in a civil war to the official “forces”. Nobody denied that some outsiders sometimes succeeded to intrude in the Investigation Center, but were prevented whenever it was possible, see D3488.

i. Scheduled Incident B.15.4

1779. The Indictment refers to the execution of over 150 men from the Brdo region of Prijedor at Omarska on or about 20 July 1992.

1780. On 16 July 1992, a group of about 200 people from the Brdo area, including Hambarine, were brought to Omarska in buses and detained in the white house.<sup>6080</sup> In the middle of the night, KDZ048 heard gunshots and saw a number of dead and wounded people lying in front of the white house.<sup>6081</sup> He then saw camp guards, including Zivko Marmat, firing one additional shot into the heads of each of these people.<sup>6082</sup> A truck arrived, and detainees held in the hangar were given the

<sup>6080</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3359–3361; P3528 (Witness statement of Kerim Mešanović, undated), p. 56; Nusret Sivac, T. 19529–19530 (28 September 2011). See also Adjudicated Facts 1185, 1191.

<sup>6081</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3360–3361. See also Adjudicated Fact 1185.

<sup>6082</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3360. See also Adjudicated Fact 1185.

task of loading the bodies on to the truck, which was then driven away.<sup>6083</sup> The truck returned several times to be re-loaded and KDZ048 estimated that there were about 180 bodies in total.<sup>6084</sup>

**(#Dealdy combination#! How possibly any reasonable chamber could accept this “esteem” from a phantom like KDZ048, 92bis, not cross examined or tested in any way in this case?)**

All of the detainees held in the white house were killed that night and it was empty the following day.<sup>6085</sup>

**(#Impossible#! It would be impossible to have such a mass execution in a facilities full of detainees and guards, close to many settled places, and not to have a general knowledge about that. If the white house “was empty the following day”, there are many possible inferences, more probable than executions!)**

**1781.** Based on the totality of the evidence before it, the Chamber therefore finds that at least 150 non-Serb detainees from the Brdo region were killed by Serb Forces on or around 20 July 1992 at Omarska. **(#Muslim strongholds#! The Brdo region was full of the combatants, there were certain fights, but it was visible (Atlija) that there were a two kinds of “soldiers”, a regular one, and another kind, with the insignias not characteristic for the VRS, and their conduct was not a typical one. We saw how the authorities characterized this conduct, in the Drljaca and Župljanin, and Milos documents, see it pasted!)**

#### (vi) Visits to Omarska and transfer of detainees

1782. On or around 15 July 1992, a high-ranking delegation from Banja Luka and Prijedor, including Brđanin, Kuprešanin, Župljanin, Stakić, Radoslav Vujić, Predrag Radić, and Talić, visited Omarska and were received by Drljača and Mejakić.<sup>6086</sup> Nusreta Sivac and other women watched the delegation arrive through the glass walls of the canteen at Omarska; a choir of detainees—“living skeletons”—had been lined up outside the canteen and they sang Chetnik songs and gave the three finger Serbian salute as the delegation passed by.<sup>6087</sup>

1783. According to Mejakić, Drljača then met with the delegation in the administration building without Mejakić present, where Župljanin denounced the camp and asked that it be dismantled immediately.<sup>6088</sup> However, the camp was not closed immediately after this visit and, in fact, on 20 July 1992, Župljanin sought the view of RS officials regarding the status of detainees of no security interest being held in ARK detention facilities and recommended that they be treated as

<sup>6083</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3360–3362; P3528 (Witness statement of Kerim Mešanović, undated), pp. 55–56. *See also* Adjudicated Fact 1185.

<sup>6084</sup> KDZ048, P678 (Transcript from *Prosecutor v. Stakić*, T. 3362; P3528 (Witness statement of Kerim Mešanović, undated), p. 56. *See also* Adjudicated Fact 1185.

<sup>6085</sup> P3528 (Witness statement of Kerim Mešanović, undated), p. 56. However, Mejakić gave evidence that crimes in Prijedor were “fabricated and attributed to Serbs under RS leadership”. According to him, this includes the killing of 3,500 civilians at Omarska and, in particular, the killing of a group of 250 detainees brought in from the Brdo area; he stated that this incident was fabricated and is not supported by evidence. D4138 (Witness statement of Željko Mejakić dated 26 November 2013), pp. 3–4. However, the Chamber does not find Mejakić’s evidence to be reliable on this issue in light of the other evidence before the Chamber regarding this incident. **This is totally unacceptable, to discredit Mejakić, and to trust KDZ048, on such a drastic allegation. There is no chance that such a thing happened and not to be seen by many, many witnesses. Any sanitation of the battlefield, any combat casualties could have been, and had been presented as a civilian casualties of some Serb bestialities. But, anyway, the Chamber doesn’t have a credible evidence that those witnesses told the truth.**

<sup>6086</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 10–22 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6639–6641; D4138 (Witness statement of Željko Mejakić dated 26 November 2013), p. 10; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*, T. 7437–7438; [REDACTED]. *See also* P6465 (Photograph of model of Omarska marked by Nusreta Sivac); P11 (Article from Kozarski Vjesnik, entitled “Krajina Representatives in Prijedor”, 17 July 1992), p. 1; P3482 (Article from Kozarski Vjesnik, entitled “It’s Difficult for Everyone”, 17 July 1992); Adjudicated Fact 1135.

<sup>6087</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 10–11, 12–21 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*, T. 6640–6641; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*, T. 7437–7438 (testifying that it amounted to psychological abuse to force the detainees to sing these kind of songs). *See* P6465 (Photograph of model of Omarska marked by Nusreta Sivac); Adjudicated Fact 1135.

<sup>6088</sup> D4138 (Witness statement of Željko Mejakić dated 26 November 2013), p. 10. *See* Željko Mejakić, T. 44264–44267 (29 November 2013).

“hostages” to exchange for Serb detainees.<sup>6089</sup> Furthermore, following the visit, Brđanin publicly stated that: “What we have seen in Prijedor is an example of a job well done”.<sup>6090</sup> According to Kuprešanin, following the delegation visit, the President called Kuprešanin to suggest that he influence the municipal authorities in Prijedor to close the “investigation centres” in the municipality.<sup>6091</sup> **(#EXCULPATORY!#)** Kuprešanin subsequently asked the authorities of Omarska and Keraterm to close the facilities and to improve the living conditions for the detainees until their disbandment.<sup>6092</sup>

1784. As mentioned above, pursuant to an order issued by Mladić on 3 August 1992, Talić ordered the authorities at Omarska, Trnopolje, and Manjača to urgently prepare for visits by the ICRC and teams of reporters.<sup>6093</sup>

1785. In early August 1992, the majority of detainees remaining at Omarska were transferred to either Trnopolje or Manjača camps.<sup>6094</sup> **(#This is incorrect#: the majority had been released and went elsewhere, or to Trnopolje for their own safety, see P:3788, p.5 ,Edward Vulliamy’s report**

Stories in Trnopolje, more freely told than at Omarska, are brimful of the squalid violence and black absurdity of civil war. There is Sana, aged 13, who says: ‘I was a fighter for the Muslims. They used to put us at the front when the fighting started. I was so scared that I ran away to the Serbian side of the village, to come here. I am still frightened, but I feel safer.’

1786. On 5 August 1992, Dragoljub Prcać came to the restaurant building at Omarska and read out a list of women’s names, including the names of KDZ093 and Nusreta Sivac.<sup>6095</sup> Although Prcać said they were “going home”, that day a bus came to pick up this group of women and took them to Trnopolje.<sup>6096</sup> **(As already clear: Trnopolje was a #reception centre# for securing people in jeopardy!)**

1786. On 5 August 1992, Vulliamy and two television reporting teams from ITN, including Penny Marshall and Ian Williams, visited Omarska and met with Drljača, Stakić, Kovačević, and an interpreter, Nada Balaban, upon their arrival.<sup>6097</sup> The journalists interviewed detainees; however, the detainees were told not to complain about the conditions of detention.<sup>6098</sup> **(#Adversary testimony#! This witness was an organizer of the rebellion, and was not entirely credible while testifying about his adversaries!)** The journalists were not allowed to see anything beyond the cafeteria, despite informing Drljača and Mejakić that they had approval from the President to visit the whole camp.<sup>6099</sup> On or around 12 August 1992, representatives from the

<sup>6089</sup> P1097 (Banja Luka CSB dispatch to SerBiH MUP, 20 July 1992).

<sup>6090</sup> P11 (Article from Kozarski Vjesnik, entitled “Krajina Representatives in Prijedor”, 17 July 1992), p. 2.

<sup>6091</sup> D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 46; Vojislav Kuprešanin, T. 43530, 43543–43545 (14 November 2013). See also P6510 (Excerpt of Vojo Kuprešanin’s interview with OTP), e-court p. 11.

<sup>6092</sup> D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 46; Vojislav Kuprešanin, T. 43543–43545 (14 November 2013).

<sup>6093</sup> P5461 (VRS Main Staff Order, 3 August 1992); P5460 (Order of 1<sup>st</sup> Krajina Corps, 3 August 1992). See para. 1404. See also 1849.

<sup>6094</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6211–6213; Željko Mejakić, T. 44280–44281 (29 November 2013); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1928 (under seal); KDZ026, T. 10391 (17 January 2011) (closed session); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2749–2750, 2766 (under seal); see Adjudicated Fact 2489.

<sup>6095</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6211–6212; P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 53–54 (under seal).

<sup>6096</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6211–6213; Željko Mejakić, T. 44281 (29 November 2013) (confirming that on 3 August 1992, a group of approximately 140 or 150 detainees were transferred to Trnopolje).

<sup>6097</sup> Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7937–7946, 7948–7953. See Adjudicated Facts 1136, 2488.

<sup>6098</sup> Mevludin Sejmenović, T. 20499–20501 (27 October 2011); see Adjudicated Fact 2488.

<sup>6099</sup> Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7939–7946, 7948–7953; Edward Vulliamy, T. 21043–21048 (9 November 2011); P3543 (Excerpt from video clip of visits to Omarska and Trnopolje, with transcript); P3797 (Excerpt of ITN video clip of journalist visit to Omarska and Trnopolje); P3785 (Excerpt of ITN video clip of journalist visits to Omarska and Trnopolje, with transcript); D4138 (Witness statement of Željko Mejakić dated 26 November 2013), p. 10; Željko Mejakić, T. 44271–44273 (29 November 2013).



ICRC, as well as international and Serbian journalists, visited Omarska.<sup>6100</sup> The ICRC delegation was given access to visit the whole camp.<sup>6101</sup> **(#The President is criticized by all# Being kept responsible and guilty before the locals in Prijedor, but also before this Tribunal. He invited the journalists, brought them in his (governmental) plane and have given them all freedom to visit anything in the RS. The Chamber should at least notice and mention this in the Judgment.)**

1787. Sejmenović was present when international journalists arrived at Omarska and was brought out to speak to them; however they did not interview him.<sup>6102</sup> He had been interviewed by Serbian journalists earlier, but he did not tell the truth; rather he answered in the manner he was told in order to save his life.<sup>6103</sup> The day after the international journalists visited Omarska, Sejmenović met with Kuprešanin who informed him that he would be leaving Omarska for Banja Luka that day.<sup>6104</sup> Later Sejmenović learned Kuprešanin's intentions for taking him out of Omarska when he overheard a phone conversation between Kuprešanin and the President.<sup>6105</sup> Kuprešanin "received instructions" and responded that he was planning to get a suit for Sejmenović and allow him time to recuperate, and then he was planning round-table discussions for Sejmenović to speak publicly about the situation in Bosnian Krajina.<sup>6106</sup> At his own request, Sejmenović was then taken to his sister's house in Vrbanja, where Kuprešanin visited him three times.<sup>6107</sup> On the third visit, Kuprešanin informed Sejmenović he was going to Banja Luka to meet with the President and others.<sup>6108</sup> Sejmenović was brought by Kuprešanin as one of the two official SDA functionaries to meet with the President, Vance, and Owen.<sup>6109</sup> Following the meeting, Sejmenović confirmed Vance's public statement that Vance did not agree with the President that "no ethnic cleansing was taking place" in BiH, and stated that this was consistent with his own observations of what was occurring in the region.<sup>6110</sup> Sejmenović left Vrbanja on 15 January 1993 after obtaining the proper documents to present to international agencies and officials to be able to leave.<sup>6111</sup> Kuprešanin wrote an accompanying letter, confirming Sejmenović's identity, which referred to the fact that he was released from Omarska at the request of the President.<sup>6112</sup>

1788. On 6 August 1992, around 600 of the Omarska detainees were called out as being "not dangerous" and were sent to Trnopolje.<sup>6113</sup> **(#Investigation results#! But, behind this decision there was a long way of investigation. So, nothing had been arbitrary, the professionals were working all the times, every day, in clarifying who was responsible and dangerous for the peace and order, and who was not. As it is presented here, with the quotation marks, looks bad and not correct. Let us see what Drljaca reported about the ending of the investigating process: P02772 on 5 August 1992:**

<sup>6100</sup> D4138 (Witness statement of Željko Mejakić dated 26 November 2013), p. 10; Željko Mejakić, T. 44274 (29 November 2013).

<sup>6101</sup> D4138 (Witness statement of Željko Mejakić dated 26 November 2013), p. 10.

<sup>6102</sup> Mevludin Sejmenović, T. 20498–20499 (27 October 2011).

<sup>6103</sup> Mevludin Sejmenović, T. 20499–20501 (27 October 2011). See P3696 (Video footage of Mevludin Sejmenović in Omarska).

<sup>6104</sup> Mevludin Sejmenović, T. 20503–20504 (27 October 2011).

<sup>6105</sup> Mevludin Sejmenović, T. 20504–20505 (27 October 2011), T. 20578–20579, 20586 (28 October 2011) (testifying that he learned that Kuprešanin wanted Sejmenović to "fatten up" and get better for upcoming public appearances). Sejmenović recognised the Accused's voice, which was "very familiar" to him, on the phone and later Kuprešanin confirmed it was the Accused. See also Vojislav Kuprešanin, T. 43546–43547 (14 November 2013). Sejmenović further confirmed that communication by telephone, "certainly [...] between Prijedor and Banja Luka" was possible in August 1992, despite the Accused suggesting that communication was restored only in September 1992. Mevludin Sejmenović, T. 20586–20587 (28 October 2011). See D1357 (Report of Prijedor SDS Municipal Board, 11 September 1991–26 December 1992), p. 6.

<sup>6106</sup> Mevludin Sejmenović, T. 20504–20505 (27 October 2011). See also Vojislav Kuprešanin, T. 43546–43547 (14 November 2013).

<sup>6107</sup> Mevludin Sejmenović, T. 20506–20507 (27 October 2011).

<sup>6108</sup> Mevludin Sejmenović, T. 20507 (27 October 2011).

<sup>6109</sup> Mevludin Sejmenović, T. 20507–20510 (27 October 2011), testifying about P3698 (STV video footage of interview with Radovan Karadžić).

<sup>6110</sup> Mevludin Sejmenović, T. 20511–20512 (27 October 2011), testifying about P3699 (Video of NTV news re Vance's statements in Banja Luka).

<sup>6111</sup> Mevludin Sejmenović, T. 20512 (27 October 2011).

<sup>6112</sup> P3700 (Letter from Vojislav Kuprešanin to Banja Luka CSB, 12 January 1993). The Chamber notes that the letter is dated 12 January 1992; however given Sejmenović's evidence regarding when he left Vrbanja and the context of the surrounding evidence, the Chamber considers that this is a typographical error and the letter should in fact be dated 12 January 1993.

<sup>6113</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1928 (under seal).

Please be advised that the Prijedor Public Security Station, in cooperation with the competent security services of the Banja Luka CSB and the army of the Serbian Republic of Bosnia and Herzegovina, has completed the processing of the prisoners of war.

**:And further: .**

The investigation has found elements of criminal liability in 1,466 cases, for which valid documentation exists, which we shall transfer under guard, along with the persons it pertains to, to the Manjača military camp on 6 August 1992. The remaining persons are of no security interest, and will be transferred to the reception camp in Trnopolje on the same day and under escort provided by this SJB. Trnopolje is a location where Muslims fleeing from the combat operations in the municipality have found shelter. Security at the camp is provided by the army of the Serbian Republic of Bosnia and Herzegovina.

**(#Innocent released#! So, behind the entire job after the capture of the suspects had been entrusted to the highest officials from Banja Luka, who investigated and gave the conclusions. As in any other country. The 59% of detainees had been released! The investigating documentation had been taken away by the SFOR! But the release happened all the time, immediately after established innocence, see a certificate of 24 July 92, D4714:**

Number: 11-12-30

Date: 24 July 1992

### C E R T I F I C A T E

It is hereby certified that Dr. Ibrahim BEGLERBEGOVIĆ was taken by mistake to the Omarska refugee camp. He was subjected to operational processing and it was established that there were no elements for his further detention.

**!** On the same day, a second group of approximately 1,300 detainees, including KDZ026, were taken to Manjača.<sup>6114</sup> The men in this second group were put on to buses by members of the intervention squad and the buses departed Omarska; there were approximately 100 to 120 men on KDZ026's bus.<sup>6115</sup> Between 170 and 180 detainees remained at Omarska after these transfers.<sup>6116</sup>

**1789.** That evening, approximately 200 military beds were delivered to Omarska and thereafter, detainees received two meals a day and conditions improved.<sup>6117</sup> A delegation of ICRC representatives and journalists visited the camp again a week later, on or around 12 August 1992.<sup>6118</sup> By mid-August 1992, a total of 1,773 detainees were transferred from Omarska to Trnopolje.<sup>6119</sup> On 21 August 1992, the last group of detainees was transferred to Manjača, on buses escorted by Mejakić, and Omarska was closed.<sup>6120</sup> **(#No killed at all, look at figures#! So, without the last group, (unknown number) there was all together 3239 transferred detainees. How many had been killed? We can see from the evidence in the file that all together there was some above 3,000 detainees. Taking into account that behind**

<sup>6114</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1928 (under seal); KDZ026, T. 10391 (17 January 2011) (closed session); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2749–2750, 2766 (under seal). See Adjudicated Fact 2489.

<sup>6115</sup> KDZ026, T. 10322 (17 January 2011) (closed session).

<sup>6116</sup> Željko Mejakić, T. 44273, 44280 (29 November 2013); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4.

<sup>6117</sup> Željko Mejakić, T. 44273–44274, 44280 (29 November 2013).

<sup>6118</sup> Željko Mejakić, T. 44273–44274, 44280 (29 November 2013); P3543 (Excerpt from video clip of visits to Omarska and Trnopolje, with transcript).

<sup>6119</sup> See Adjudicated Fact 2489; Željko Mejakić, T. 44280–44281 (29 November 2013). But see Željko Mejakić, T. 44281 (29 November 2013) (testifying that transfers of detainees to Trnopolje started in early June 1992 and that the total number of detainees transferred there was much lower than 1,700).

<sup>6120</sup> Željko Mejakić, T. 44281–44282 (29 November 2013); P6585 (SRNA press release, 22 August 1992) (reporting that Omarska had been closed down in the course of the day and that authority over Trnopolje had been handed over to the Red Cross). See also Milomir Stakić, T. 45278–45281 (17 December 2013) (testifying that once Manjača camp opened, there was no longer a reason to keep Omarska and Keraterm open and those who were “found to be guilty of war crimes” were transferred to Manjača).

those 3,073 some 170 to 180 remained in Omarska, where are data about those #“huge number” of detainees killed in Omarska? The overall count doesn’t leave any possibility to even meditate about so many detainees killed in Omarska: 1,466 conveyed to Manjaca + 1,773 transferred to Trnopolje + 170 – 180 remained in Omarska, all together = 3,414 with known outcome, not killed in Omarska! There is no any evidence that there was more than this 3,414 detainees in Omarska!#A Big Lie disclosed#! )

a. Scheduled Detention Facility C.20.3

1790. The Indictment refers to the use of Keraterm as a detention facility in Prijedor municipality between 15 May and 6 August 1992.

i. Establishment of camp and arrival of detainees

1791. A former ceramic tile factory located on the eastern outskirts of Prijedor, Keraterm operated as a detention facility between 24 May and 21 August 1992.<sup>6121</sup> Keraterm was clearly visible from the main road from Prijedor to Banja Luka.<sup>6122</sup>

1792. Keraterm was established by the Prijedor Crisis Staff.<sup>6123</sup> The camp operated under camp commander, Duško Sikirica, and security at the camp was provided by members of the Prijedor SJB and MP.<sup>6124</sup>

1793. Approximately 4,000 detainees, primarily Bosnian Muslim and Bosnian Croat men, were held at Keraterm throughout its operation as a camp.<sup>6125</sup> Some of the detainees brought to Keraterm were originally detained at the Prijedor SJB Building, but were brought to Keraterm when the SJB was unable to accommodate the increased number of detainees.<sup>6126</sup>

<sup>6121</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2312; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7081–7083; P541 (Photograph of Keraterm); P542 (Photograph of Keraterm); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4; P2968 (Report of Prijedor SJB January 1993), p. 5; P5555 (Report of Prijedor SJB, 29 September 1992), p. 4. See Adjudicated Facts 1102, 1103, 1192, 1196.

<sup>6122</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7083. See also P6594 (Aerial photograph of Keraterm marked by Dragan Radetić); D4254 (Aerial photograph of Keraterm marked by KW609); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 3.

<sup>6123</sup> See Adjudicated Facts 1105, 1193; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 2–3, 6, 11, 29, 32. See also P2741 (Decision of Prijedor Crisis Staff, 2 June 1992); P2637 (Report of Prijedor SJB, 1 July 1992). Defence witnesses Milomir Stakić and Slavko Budimir testified that the Crisis Staff did not participate in the formation of Keraterm and had no authority over the facility; rather that only the police was in charge of the facility. D4195 (Witness statement of Milomir Stakić dated 16 November 2013) paras. 23, 48–49; Milomir Stakić, T. 45242–45246, 45254 (17 December 2013); Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 12947–12958, 12964. However, the Chamber does not find this evidence to be credible based on the accepted evidence before the Chamber to the contrary which confirms that the Prijedor Crisis Staff was involved in the establishment of Keraterm and in its operations. **Again, this is not correct, because this is another thing to allow the police to use some facilities, and another thing is an operational governing of an institution established that way. The same kind of confusion is shown when the operational command of the VRS is in question. Once again we have to state that the Chamber was very keen to discredit a Defence argument no matter what.**

<sup>6124</sup> See Adjudicated Facts 1193, 1194; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 3, 6, 11, 29, 32. See also P2915 (Summary of conclusions of Prijedor's Executive Board, 29 April–17 August 1992), p. 3; P2741 (Decision of Prijedor Crisis Staff, 2 June 1992); P2637 (Report of Prijedor SJB, 1 July 1992). Damir Došen, a.k.a “Kajin”, was one of the shift commanders at Keraterm. See Adjudicated Fact 1195.

<sup>6125</sup> P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4. See Adjudicated Fact 1197 (stating that “[t]here were a couple of Albanians, and a Bosnian Serb accused of not being a loyal Serb” detained at Keraterm). **This is #not correct interpretation#, since it was not about loyalty, but about doings of unlawfulness. Beside that, this Commission had been formed and tasked by the very same Accused, in the realm of his efforts to introduce the rule of law. How this could be used against him? #Good deeds#!**

<sup>6126</sup> KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16727–16728. See also Dušan Janković, T. 47285 (18 February 2014) (stating that people held at the Prijedor SJB who were under investigation or interrogation were taken to the Keraterm or Omarska detention facilities).

1794. Keraterm held up to as many as 1,500 prisoners at one time, crowded into a number of large rooms or halls.<sup>6127</sup> Between 200 and 500 Bosnian Muslim and Croat men, between the ages of 17 and 55, were detained in Room 2 at Keraterm.<sup>6128</sup> There were other rooms used to house detainees, known as Rooms 1, 3, and 4.<sup>6129</sup> Between 250 and 270 men were initially held in Room 3 but later two more groups arrived and the number grew to 570.<sup>6130</sup> There were machine guns placed near the entrance to the camp.<sup>6131</sup>

1795. Interrogation teams were sent to Keraterm to interview and investigate detainees there;<sup>6132</sup> the teams were comprised of representatives from civilian public security, state security, and military security.<sup>6133</sup> Dragan Radetić, a Serb military prosecutor appointed as a member of one of the commissions investigating detainees at Keraterm, testified that over a period of 15 days, his commission interviewed 50 detainees, all adult men who denied having been involved in the conflict or with the armed forces.<sup>6134</sup>

## ii. Conditions of detention

1796. Conditions in Keraterm were atrocious.<sup>6135</sup> Detainees were crowded into unlit, windowless rooms, with barely enough space to lie down on concrete floors.<sup>6136</sup> In Room 3, the floor was wet and the walls were stained.<sup>6137</sup> The rooms in Keraterm were intensely hot in the summer with no ventilation and the detainees were kept locked in these rooms for days on end, crowded together.<sup>6138</sup>

1797. There were few toilet facilities and the detainees were allowed to go to the toilet only once a day, five men at a time, and escorted by guards.<sup>6139</sup> Initially, one lavatory was available for all of the detainees but it became blocked and barrels were supplied instead which leaked, causing an

<sup>6127</sup> See Adjudicated Fact 1196. See also P572 (Sketches of Keraterm drawn by Jusuf Arifagić).

<sup>6128</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3757–3758 (stating that approximately 500 men were being held in Room 2 when he arrived). Cf. Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7086–7087 (estimating that there were approximately 200 to 300 people in Room 2 when he arrived); KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2315; P711 (Witness statement of KDZ074 dated 23 September 1994), p. 8 (stating that about 200 other Bosnian Muslim male prisoners were being held in Room 2).

<sup>6129</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7106–7108; P572 (Sketches of Keraterm drawn by Jusuf Arifagić).

<sup>6130</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2503; see Adjudicated Fact 1198. However, Dragan Radetić testified that (i) the number of Bosnian Muslims held at Keraterm was much lower than 4,000, and he had never heard of any Serbs or Albanians being held there; (ii) Keraterm camp could not have possibly held 1,500 prisoners at once; (iii) the number of 570 being detainees held in Room 3 is exaggerated. D4226 (Witness statement of Dragan Radetić dated 17 January 2014), paras. 36–38. The Chamber does not find Radetić's evidence to be credible in this regard. In reaching that conclusion, the Chamber considers that he was not forthright with the Chamber on several occasions and that due to his involvement in interrogating detainees at Keraterm, he had an interest in distancing himself from any knowledge of conditions there. **But why Radetić would be distancing himself from a knowledge of the number or conditions, since he was not responsible for the number, nor he brought anyone in? This shows how low threshold for discrediting the Defence witnesses had the Chamber! This was a completely neutral issue, particularly from the standpoint of Radetić! #Easy discrediting Defense witnesses!#!**

<sup>6131</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7084–7086, 7108; see P572 (Sketches of Keraterm drawn by Jusuf Arifagić).

<sup>6132</sup> Defence witnesses testified that Keraterm was used as an investigation centre for those individuals who refused to mobilise and were considered armed and dangerous, or for those who had participated in armed rebellion, such as members of the Green Berets. D4882 (Witness statement of Dušan Đenadija undated), para. 6; Vojislav Kuprešanin, T. 43454–43455 (14 November 2013); D4010 (Report of Prijedor SJB, September 1993), p. 2.

<sup>6133</sup> D4226 (Witness statement of Dragan Radetić dated 17 January 2014), paras. 28, 30, 35; Dragan Radetić, T. 45677 (20 January 2014); KW609, D4246 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 16911–16913; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 3, 6, 29, 32. See Adjudicated Fact 1207 (stating that interrogators at Keraterm “consisted of members of the Banja Luka CSB and of the Banja Luka Corps”). See also Adjudicated Fact 1204 (stating that “most of the detainees in Keraterm were interrogated in an attempt to identify opponents of the new Serb regime”); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1840–1841 (under seal).

<sup>6134</sup> D4226 (Witness statement of Dragan Radetić dated 17 January 2014), paras. 28, 30, 31, 35. See also KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1840–1841 (under seal); KDZ026, T. 10308, 10381–10382 (17 January 2011) (closed session).

<sup>6135</sup> Adjudicated Fact 1198; P3661 (UNPROFOR Memo, 4 July 1992), p. 2 (reporting that “100–200 Muslims believed to be [held at Keraterm] under extremely bad conditions”). See also D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), para. 54.

<sup>6136</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2502–2503; see Adjudicated Facts 1198, 1199.

<sup>6137</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2502–2503.

<sup>6138</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2503, 2505; see Adjudicated Fact 1199.

<sup>6139</sup> See Adjudicated Fact 1200.



overpowering stench.<sup>6140</sup> Detainees were not able to bathe, but they could occasionally wash a little.<sup>6141</sup> The detainees received no soap or toothpaste.<sup>6142</sup> Infestations of lice appeared.<sup>6143</sup> Dysentery was rife and there was no medical care.<sup>6144</sup>

1798. At Keraterm, both the quality and quantity of food provided to the detainees were totally inadequate, and they suffered from malnutrition and, in some instances, starvation.<sup>6145</sup> The detainees received two pieces of bread that they had to eat very quickly or they would be beaten.<sup>6146</sup> Furthermore, the food was not delivered regularly and sometimes there was no food provided at all.<sup>6147</sup> To supplement the meagre camp provisions, detainees were sometimes allowed to receive food brought to the camp by their families, although these occasional supplements were not sufficient to alleviate their hunger and malnutrition.<sup>6148</sup>

### iii. Treatment of detainees

1799. Detainees were beaten upon arrival at Keraterm.<sup>6149</sup> Jusuf Arifagić was brought to Keraterm on 14 June 1992, by bus, along with a group of about 40 other men captured with him in Mujkanovići.<sup>6150</sup> When his group arrived at the camp, two “Serb soldiers” entered the bus, ordered the men to get off in small groups, and began beating and kicking them as they lay on the ground.<sup>6151</sup> Safet Tači, a young Bosnian Muslim man who resided in Kozarac with his family until 1992, was also taken to Keraterm by “Serb forces” in mid-June 1992.<sup>6152</sup> Arifagić and Tači were put in Room 2, where other men from villages in the Prijedor region, who had also been physically mistreated, were being held.<sup>6153</sup> On the evening of their arrival, Arifagić and the men who had been brought in with him were ordered to leave Room 2 and to lie down on the ground outside, where they were severely beaten and told to confess to being members of the Green

<sup>6140</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2505–2506; see Adjudicated Fact 1199. KDZ050 testified that in the first two days at Keraterm, they were not allowed to leave Room 3 for any reason, including to use the toilet, and they had to use a blue plastic barrel which had been placed inside the room. KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2505–2506.

<sup>6141</sup> See Adjudicated Fact 1200. In addition, Radetić testified that the lack of hygienic care at Keraterm was due to a general shortage of water, and that the guards also suffered from this shortage. D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 39 (referring to D4227 (Notification re water supply in Prijedor, 29 September 2000), p. 1).

<sup>6142</sup> Adjudicated Fact 1200.

<sup>6143</sup> Adjudicated Fact 1200.

<sup>6144</sup> Adjudicated Fact 1201. *But see* D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 40 (stating that he “did not know there were problems like this” at Keraterm). The Chamber does not find Radetić’s evidence to be credible in this regard. In reaching that conclusion, the Chamber refers to its earlier assessment in fn. 6137 regarding the credibility of Radetić.

<sup>6145</sup> See Adjudicated Facts 1200, 1202. KDZ050 testified that he was given no food or water for two days after arriving at Keraterm. KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2505.

<sup>6146</sup> Adjudicated Fact 1202.

<sup>6147</sup> Adjudicated Fact 1202.

<sup>6148</sup> See Adjudicated Fact 1203. KDZ093 visited her husband in Keraterm for the first time in mid-June 1992 and brought him food and clothes, but a guard took the bag at the gate and said he would give it to him; she saw her husband from far away and he looked very thin and exhausted. KDZ093 visited him a second time around the end of June 1992 and as she approached the gate, Zoran Žigić recognised her and brought her husband to the fence and said to her: “Here. Take a good look at your husband. He’s going to fall first for the freedom of this town.” Her husband was very thin and exhausted; he did not say anything to her at the fence, but tears ran down his face. KDZ093 never saw her husband again after that day; she heard later from more than a hundred witnesses that her husband was beaten and killed in broad daylight in Omarska camp. KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6191–6194, 6236, 6244. *But see* D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 41 (stating that the guards also suffered from malnutrition due to wartime shortages of food). ). **(#General shortage#! Certainly, this fact shouldn’t be in a fn. Because throughout the Judgment there is a parade with such a statements and “findings”, as if it was a policy to starve the detainees, but it was not.**

<sup>6149</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7084, 7089; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2314–2315; P711 (Witness statement of KDZ074 dated 23 September 1994), p. 8; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2501–2502. *See also* Adjudicated Fact 1205.

<sup>6150</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7080, 7083–7084. KDZ093 testified that her husband was detained by “Serb forces” in mid-June 1992 and taken to Keraterm. KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6189, 6191.

<sup>6151</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7084.

<sup>6152</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3755–3756.

<sup>6153</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3755–3757; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7084–7086, 7107; KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2315. *See also* P572 (Sketches of Keraterm drawn by Jusuf Arifagić).

Berets.<sup>6154</sup> **(#Deadly combination#! All of it based only on the Rule 92bis and adjudicated facts, without possibility of the Defence to challenge it!)**

1800. KDZ074 was captured in the woods between Čarakovo and Hambarine by armed men in camouflage uniforms and taken to Keraterm on 8 July 1992.<sup>6155</sup> Upon his arrival, he was interrogated and beaten, and then taken to Room 2.<sup>6156</sup> **(#Combatant#! What was he doing in the woods in a combat zone? Was he climbing, or he was a combatant? Only, a way he had been captured confirms more certainly that the witness wasn't an unarmed civilian arrested for no reason.)**

1801. While in detention, beatings were very frequent at Keraterm.<sup>6157</sup> The guards called out the names of detainees, often at night, and they were taken outside and beaten.<sup>6158</sup> Those who returned were bloody and bruised all over; some died of their injuries.<sup>6159</sup> Some detainees who were called out never returned, and the other detainees assumed that they had died as a result of the beatings.<sup>6160</sup> **(#Assumption that they died#! But, how many reasonable assumptions could be made? Could they be released? Or moved to another room or building? Or exchanged? The Prosecution and witnesses may say such a things, but the Chamber shouldn't spoil the Judgment text with such a "possibilities" that are not proven - assumptions of detainees.)** Arifagić testified that the bodies of the men who died after being taken out at night were deposited in a part of the camp referred to as the "garbage dump".<sup>6161</sup> **(No other evidence of such an "obvious" event??? So, Arifagić's testimony is a type of: "give me anything"!)**

1802. Detainees were beaten with bars and batons, and made to beat each other.<sup>6162</sup> Detainees were often beaten and humiliated in front of other detainees.<sup>6163</sup> Two former Bosnian Muslim policemen were severely beaten with chains and metal rods, one of whom died as a consequence of this beating.<sup>6164</sup> Detainees were also beaten during interrogations at Keraterm.<sup>6165</sup> The beatings were administered by the guards at Keraterm, in particular by Nenad Banović, a.k.a. "Čupo", and Zoran Žigić,<sup>6166</sup> as well as by people from outside the camp allowed in by the guards, such as

<sup>6154</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7087–7090 (further stating that he sustained a number of injuries as a consequence and the next day was taken to a hospital in a van, along with some other detainees, accompanied by Žigić, where his wounds were dressed, and then he was returned to Keraterm). One of the detainees who was with Arifagić—Emsud Bahonjić—later died as a result of his injuries and Arifagić assisted in carrying his body to the guards' cabin in the camp. Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7090. Dušan Janković testified that members of the Green Berets were captured during the attack on the Prijedor municipal building on 30 May 1992 and were taken to the Keraterm and Omarska detention facilities to be investigated. Dušan Janković, T. 47272, 47274 (18 February 2014).

<sup>6155</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2304–2305, 2312 (stating that he was unarmed and in civilian clothes at the time of his capture).

<sup>6156</sup> KDZ074, P709 (Transcript from *Prosecutor v. Stakić*), T. 2314–2315; P711 (Witness statement of KDZ074 dated 23 September 1994), p. 8.

<sup>6157</sup> See Adjudicated Fact 1208.

<sup>6158</sup> See Adjudicated Facts 1208, 1209; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7090–7091; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2506–2507; Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3758.

<sup>6159</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7090–7091; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2506–2507; see Adjudicated Fact 1209.

<sup>6160</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7090–7091; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2506–2507; see Adjudicated Fact 1209. [REDACTED].

<sup>6161</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7091.

<sup>6162</sup> See Adjudicated Fact 1208.

<sup>6163</sup> See Adjudicated Fact 1212.

<sup>6164</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7093–7094 (stating that the two men were wearing police uniforms when they arrived at Keraterm and said that although they had signed the oath of loyalty and had continued to work as policemen, they had nonetheless been disarmed and brought to the camp). See also Adjudicated Fact 1210.

<sup>6165</sup> See Adjudicated Fact 1206.

<sup>6166</sup> See Adjudicated Facts 1195, 1211; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2501–2502, 2507, 2520–2521, 2536–2538 (stating that when "Čupo Banović's shift was on duty, they took out people" to be beaten more often, and that he sometimes visited the camp when he was not on duty in order to "torture" the detainees); Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7089, 7091; Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3758–3763 (stating that Žigić wore a camouflage uniform, often wore sunglasses, and always had a bandage on his hand, and that he was often involved in beatings and the detainees were all in fear of him; on one occasion, he was beaten by Žigić as he returned to Room 2 from the toilet); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6192–6194, 6244 (stating that she knew Žigić well from attending elementary school together and that he was wearing a military uniform and a red "beret" when she saw him at Keraterm at the end of June 1992); Dragan Radetić, T. 45681–45684 (20 January 2014), T. 45689–45691 (21 January 2014) (stating that Žigić was a member of the civilian police). However, the Chamber also received evidence that Žigić was an "armed uniformed person" who entered the camp in the evenings and beat detainees, despite warnings from officials of the camp not to enter, suggesting that Žigić was not a guard at Keraterm. D4140 (Official note of Prijedor SJB, 4 July 1992).

Duško Knežević.<sup>6167</sup> **(#Officials vs. crime#! However, we saw the documents that it wasn't so, and that the guards and in particular Sikirica, reported Zigic to the Army, since he wasn't in the police competence, see D04140**

Zoran (/son of/ Nikola) ŽIGIĆ, an armed uniformed person (I do not know which unit he belongs to) came to the *Keraterm* reception centre several times at night, together with Duško KNEŽEVIĆ, Zoran VOKIĆ and Željko TIMARAC. Despite our warnings not to enter the reception centre compound, they entered explaining that they were going to talk to one of the prisoners.

According to the guards, they beat prisoners to exhaustion after which they left. Those beaten would die a few days after they left.

I hereby ask the responsible bodies to suggest to the military command that /overwritten by hand: such/ conscripts should be prevented from committing these arbitrary acts.

Any intervention on our part would result in an armed conflict, which is not in anyone's interest at this moment.

Note compiled by  
Commander of *Keraterm* Security  
Duško SIKIRICA

**.... See D01926**

**Subject: Order for Detention  
of Zoran ŽIGIĆ**

TO THE PRISON ADMINISTRATION

Banja Luka

Prijedor SJB on 1 July 1992 **detention is ordered for**

Zoran ŽIGIĆ, son of Nikola, from Prijedor, M. Softića street number 10, on suspicion that he committed the crime of Accepting Bribery described in Article 230, paragraphs 1, 4 and 5 of the SR BH Criminal Code.

**(#Officials vs. crimes#! So, the position of the Serb officials was the same as the one of the Prosecution and the Chamber. In the first year of the war there were many groups and individuals with armament, with an unknown affiliation. Those were the forces which the President disowned 13 June 92, ordering their legal persecution.)**

Additionally, some prisoners were questioned about money and taken to their homes and were made to search for money, which was handed over to the guards if found.<sup>6168</sup>

1803. Women detained in Keraterm were also raped.<sup>6169</sup> KDZ093, a Bosnian Muslim woman from Prijedor, was arrested with others from her apartment building on 14 July 1992 by "Serb forces" wearing police uniforms—light blue shirts and grey-blue trousers—and brought to Keraterm.<sup>6170</sup> They were immediately brought to a room and Sikirica, who introduced himself as the commander of the camp, ordered them to take off their jewellery and everything they had

<sup>6167</sup> See Adjudicated Fact 1211; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7089; D4140 (Official note of Prijedor SJB, 4 July 1992). See also Dragan Radetić, T. 45681–45684 (20 January 2014), T. 45689–45690 (21 January 2014). Stakić also testified that at Keraterm, "people would be taken away by armed individuals", but he did not know who these individuals were. Milomir Stakić, T. 45250–45251 (17 December 2013).

<sup>6168</sup> See Adjudicated Fact 1214. See also D1925 (Prijedor SJB criminal report, 2 July 1992) (stating that Zoran Žigić was under suspicion of having received a bribe from Esad Marošlić, a detainee held at Keraterm, on 9 June 1992); D1926 (Order of Banja Luka CSB, 1 July 1992) (ordering that Žigić be detained for three days for accepting the bribe from Marošlić). However, Radetić stated that (i) he never noticed that the persons he interviewed had any signs of physical abuse; (ii) beatings did not occur during interrogations while he worked at Keraterm; (iii) beatings never occurred in his presence; (iv) "Muslim members of the security structures, including the police, were not kept together with the civilians held at Keraterm" and he believed they were interviewed separately; and (v) he never heard of any cases of detainees being made to search for money in their homes by guards and he is convinced it was not done by anyone participating in the commissions interviewing detainees. D4226 (Witness statement of Dragan Radetić dated 17 January 2014), paras. 32, 43–46, 48; Dragan Radetić, T. 45680 (20 January 2014). However, Radetić also admitted that he received information and was aware that Žigić, Knežević, and others beat prisoners at Keraterm, after which the detainees died. Dragan Radetić, T. 45681–45684 (20 January 2014), T. 45689–45690 (21 January 2014). See also D4140 (Official note of Prijedor SJB, 4 July 1992). Based on these internal inconsistencies in Radetić's evidence, as well as the Chamber's observation that he was not forthright on several occasions, the Chamber does not find Radetić's evidence that beatings did not occur at Keraterm to be reliable. The Chamber also notes that during his testimony, as demonstrated by these statements, Radetić attempted to distance himself from any knowledge of mistreatment of detainees or conditions of detention.

<sup>6169</sup> See Adjudicated Fact 1213.

<sup>6170</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6194–6195.

on.<sup>6171</sup> That night, Nedeljko Timarac took KDZ093 and another Muslim woman who was her neighbour, to two separate offices inside the Keraterm building.<sup>6172</sup> KDZ093 was then repeatedly raped by Timarac and “other men” throughout the night on a table.<sup>6173</sup> A guard found her in the morning in a pool of blood and ordered her to wash up and brought her out to the yard where she sat for two to three hours in bloodstained clothes.<sup>6174</sup> The same guard brought KDZ093’s neighbour out that morning; she looked frightened and was crying.<sup>6175</sup> That afternoon, KDZ093, her neighbour, and a group of six or seven men were taken to Omarska camp in a “police van”.<sup>6176</sup>

**(It is not believable that Sikirica had to do anything with this Timarac, since he reported one Timarac (FN unclear in the original) further, the prompt removal to Omarska was motivated by an attempt to spare the women. #Officials vs. crimes#!)**

1804. Detainees at Keraterm were eventually transferred to Omarska or Trnopolje.<sup>6177</sup> Arifagić was transferred by bus from Keraterm to Trnopolje on 1 August 1992, along with many others.<sup>6178</sup> On 5 August 1992, a soldier read out a list of names of detainees, numbering about 120 men in total, and they were put on to two buses and drove away.<sup>6179</sup> After those two buses were driven away, new buses arrived and the remaining detainees in Keraterm, including KDZ050, were put on these buses and taken to Trnopolje.<sup>6180</sup>

(iv) Conclusion on conditions of detention and treatment of detainees

1805. Based on the above, the Chamber finds that non-Serb civilians from multiple locations were brought to and detained at Keraterm by Serb Forces from 24 May 1992 until at least 5 August 1992. **(#Distorted and fake#!T his finding can not survive, since the term “civilians” is not corroborated with any proof. There was an armed rebellion, the uprisal of the terrorists who weren’t either declared or marked as an army, and certainly having a civil cloathings. How come so many Serb soldiers and policemen got killed? Why the Serb Army and Police would detainee so many civilians, while so many contemporaneous documents confirmed arrest and capture a couple of thousands of the Muslim terrorists who made this armed rebellion and killed so many Serbs? Every civilian without participation in this criminal act had been released immediately! So, only after the first triage, a separation of those that had been detained by mistake from those that were responsible for the bloodshed, one could mention civilians, but only as released.)** The detainees were held in poor conditions which included lack of space, inadequate bedding, poor sanitary conditions, lack

<sup>6171</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6196.

<sup>6172</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6197–6198 (further stating that she knew Nedeljko Timarac well from primary school; he wore a military uniform with a grey military “cap”).

<sup>6173</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6198–6199. See also Adjudicated Fact 1213.

<sup>6174</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6199–6200. See also Adjudicated Fact 1213.

<sup>6175</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6200. Radetić stated there was no mention of such cases of rape during the time he was at Keraterm. D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 47. The Chamber does not find Radetić’s evidence in this regard to be credible given his attempt to distance himself from any knowledge of mistreatment of detainees at Keraterm. **How possibly a military prosecutor would be responsible for what was happening in a detention unit after a working hours? Why would he distant himself? He simply testified that this was not known at the time, otherwise he would have it in his investigating evidence. Why would he hesitate to react, whyle Sikirica, as the commander, filed a criminal report? If the Chamber didn’t trust another lawyer, a military prosecutor, whom it would trust? The Chamber really didn’t think twice.**

<sup>6176</sup> KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6200–6201.

<sup>6177</sup> Adjudicated Fact 1197.

<sup>6178</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7105.

<sup>6179</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2522. KDZ050 provided a list of about 60 men, who he stated were “men who were taken away before, who were killed. That is, people that I used to know personally. And this shows also people who were taken out before and those men who were put on those two buses”. KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2523; P1949 (Excerpt from KDZ050’s witness statement dated 19 November 2000). KDZ050 subsequently identified the bodies of some of the 120 men who were taken away in the first two buses on 5 August 1992, which were recovered from Hrastova Glavica in Sanski Most; though he confirmed that he had heard from other detainees that these men were first taken to Omarska. KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2527, 2531–2532. See Schedule Incident B.15.3. See also Indictment, Scheduled Incident B.15.3, fn. 5 (wherein the Prosecution alleges that detainees from Keraterm were among the victims of Scheduled Incident B.15.3).

<sup>6180</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2524.



of food, and inadequate medical care. **(Still, it doesn't prove an official intention to be that way, but only a conditions and capability of the authorities to find out a solution for a sudden event that wasn't expected in such an extent!)** The Chamber finds that detainees were subjected to regular beatings by Serb Forces at Keraterm. The Chamber finds that at least one detainee died as a result of beatings.<sup>6181</sup> **(#Abuse of the "Serb Forces" term#! The "Serb Forces" was Zigic, for whom Sikirica didn't know to what formation he belonged, and made a criminal report against him, demanding the prosecution!)** The Chamber also finds that a number of Bosnian Muslim women were raped by Serb Forces at Keraterm. **(The Defence wasn't in a position to challenge the rapes allegations.)**

(v) Scheduled Incident B.15.1

1806. The Indictment refers to the killing of approximately 150 people in Room 3 at Keraterm on or about 24 and 25 July 1992.

1807. On 20 or 21 July 1992, the detainees held in Room 3 were relocated to Rooms 2 and 4.<sup>6182</sup> Room 3 was then filled with groups of Bosnian Muslim men who arrived in buses from the Brdo area.<sup>6183</sup> A few days later, on or around 24 July 1992, the detainees held in Room 3 were allowed to leave the room to lie on the grass outside for two or three hours.<sup>6184</sup> On that day, there was a noticeable increase in activity at the camp, with more vehicles and more "soldiers" present, who were singing.<sup>6185</sup> Early that evening, the detainees were brought back to Room 3, and the door was locked.<sup>6186</sup> The detainees in Room 2 were also told to go into their room early, just before nightfall, face the wall, and stay calm.<sup>6187</sup>

1808. Later that night, around 9 or 10 p.m., the detainees heard a lot of commotion outside, including trucks and members of the army entering the camp.<sup>6188</sup> A table was set up opposite Room 3, with a chair beside it and the area was lit up with strong lights; later, a heavy machine gun was placed on the table, pointed towards Room 3.<sup>6189</sup>

**1809.** At around 11 p.m. or midnight, there was a short burst of gunfire towards the window of Room 3, and later pebbles were thrown at the windows and on the roof.<sup>6190</sup> The detainees inside began to behave strangely, their eyes stinging, and KDZ050, who was at the back of the room, began to feel faint.<sup>6191</sup> He concluded that some kind of tear gas or other poisonous gas must have been thrown in the room.<sup>6192</sup> **(#“He concluded”???? He may have said it, but the Chamber**

<sup>6181</sup> This finding does not include the persons alleged to have been killed in Scheduled Incident B.15.1, which is discussed below.

<sup>6182</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7095; Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3766. *See also* Adjudicated Fact 1215.

<sup>6183</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2498–2503 (testifying that he surrendered to “Serb troops” on 23 July 1992 at a check-point in the hamlet of Brkić and was transported to Keraterm camp in two buses with approximately 120 to 130 other Bosnian Muslim men who had surrendered or been captured in the Brdo area); Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7096–7097 (testifying that he saw their documents being taken away from them upon their arrival in the camp and after their arrival, this group of people were not permitted to leave Room 3 or to mix with the other detainees); Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3766. *See also* Adjudicated Fact 1215. Upon arriving at the camp, the men on the buses were searched, their valuables and personal documents taken, and their names recorded. They were then made to lie on the grass, and some of them were beaten; an hour or so later, they were moved into Room 3. KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2501–2502.

<sup>6184</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2507–2508.

<sup>6185</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2509, 2535; Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3764–3765; P572 (Sketches of Keraterm drawn by Jusuf Arifagić).

<sup>6186</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2510.

<sup>6187</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7097. *See also* Adjudicated Fact 1216.

<sup>6188</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7097. *See also* Adjudicated Fact 1217.

<sup>6189</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3764–3766; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7097, 7101. *See also* Adjudicated Fact 1217.

<sup>6190</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2510.

<sup>6191</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2511.

<sup>6192</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2511. *See also* Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3780 (testifying that he subsequently learned from a survivor from Room 3 that some kind of poisonous gas had been thrown into the room, which meant the occupants could not breathe and had to try to break out of the room); [REDACTED].

**shouldn't take it for granted!)** The detainees began to push against one another, and then broke the door down in an effort to escape, at which point KDZ050 heard the first burst of machine-gun fire from outside.<sup>6193</sup> The shooting lasted for four or five minutes, and then there was a lull, before it started again.<sup>6194</sup> KDZ050 passed out briefly, but counted three such bursts of machine-gun fire in total.<sup>6195</sup> He heard men crying out for help, as well as the sound of the soldiers outside trying to prevent people from escaping.<sup>6196</sup> Afterwards, he also heard infantry weapons being fired outside a couple of times.<sup>6197</sup> **(#Distorted#! There is a clear indication of a riot among the detainees. To guess the reasons is not a recommendable, and it should have been established by professionals. It is pity that no live witnesses of this incident was heard in the courtroom, but such a general assertions are not acceptable in a criminal case! One fact is beyond a reasonable doubt: there was an attempt to escape, and since the detainees had been captured in the Brdo area, that could have been a desperate attempt to escape, since they were aware of their own responsibility for so many victims of their rebellion!)**

**1810.** Detainees in Room 2 heard a burst of gunfire from automatic rifles, the sounds of metal and glass breaking, and men crying out from Room 3.<sup>6198</sup> One of the detainees in Room 2 heard one of the "Serb soldiers" swearing and saying: "Don't come out or we'll shoot. There they are. They're fleeing" and then the sound of gunfire.<sup>6199</sup> **(Another evidence in favour of an escape attempt.)**

**1811.** The next morning, KDZ050 saw blood all over the inside of Room 3, as well as the bodies of injured and killed men lying around.<sup>6200</sup> He estimated that there were around 200 dead bodies piled inside and outside the room.<sup>6201</sup> **(His #“esteem”# is not a judicial fact, there should be an exact evidence. Not to forget that he was in the opposite Army, or rather a terrorist group affiliated to this Army, a group that had been defeated, and therefore he was interested in lying!)** The survivors were then told to come outside, where they stayed on the grass for three or four hours.<sup>6202</sup> Also that morning, a large truck arrived in the camp and was parked in front of Room 3.<sup>6203</sup> All the detainees were told to come out of their rooms, and those who looked strongest, including Tači and Arifagić, were directed to load bodies from Room 3 into the truck.<sup>6204</sup> It took about an hour to load all of the bodies, and then the truck drove away.<sup>6205</sup> In addition, those who had survived but were injured were also taken away in the truck.<sup>6206</sup> Blood dripped from the truck as it left.<sup>6207</sup> A fire engine, or some type of truck equipped with water and

<sup>6193</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2511, 2531. See also Adjudicated Fact 1217.

<sup>6194</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2512–2514; Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3767; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7098 (stating that the shooting lasted for about half an hour in total, or even an hour).

<sup>6195</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2512–2514.

<sup>6196</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2512. See also Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3766–3767.

<sup>6197</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2516. See also Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3767.

<sup>6198</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7097–7098; Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3766–3767. See also Adjudicated Fact 1217.

<sup>6199</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3767.

<sup>6200</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2516. See also Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7098–7099; Adjudicated Fact 1218.

<sup>6201</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2516–2517. See also Adjudicated Fact 1218.

<sup>6202</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2516–2517.

<sup>6203</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3768–3769; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2517. See also Adjudicated Fact 1218; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3974 (under seal).

<sup>6204</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3768–3769; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7098–7099 (stating that the guards were looking for volunteers who “were not afraid of the dead”); KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2517–2518. See Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7947 (testifying that a detainee told him that he had to clear the bodies from a hangar in Keraterm after about 200 people had been killed in one night); Edward Vulliamy, T. 21050–21051 (9 November 2011). See also KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3974 (under seal).

<sup>6205</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3770; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7098–7099; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2517–2518.

<sup>6206</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2517–2518; Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3769. See also KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3974, 4066 [REDACTED].

<sup>6207</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7098–7099. See also Adjudicated Fact 1218.

a hose, arrived and was used to wash the blood from the ground of Room 3 and the surrounding area.<sup>6208</sup> **(#Exaggeration#! Had this witness been at a disposal to the Defence, there would be established a real number of bodies, particularly taking into account of the time consumed to load them on the truck, since 30 seconds wouldn't be enough to board one body. Anyway, this exaggeration about 200 of killed is not important, as is important to establish whether it was an attempt to break out and escape, or a mere murder without necessity! There is sufficient evidence that it was an attempt to break through and escape!)**

**1812.** Those who survived were returned to Room 3 after it was cleaned.<sup>6209</sup> The following night, Arifagić heard shooting again from Room 3, although it did not last as long as the first time.<sup>6210</sup> At one point he heard someone shouting: “What are we going to do? There are survivors here”, and he then heard about 40 individual shots.<sup>6211</sup> Once again, the next morning, a truck arrived and bodies were loaded on to it.<sup>6212</sup> In addition, the occupants of Rooms 1, 2, and 4 were ordered to go outside, and those who had injuries were told to board the truck, as were the six men who had been involved in loading the bodies, and it drove away.<sup>6213</sup> A day or two after the shootings, Arifagić saw Simo Drljača in the camp, near Room 1.<sup>6214</sup> Some of the detainees approached him, and he said that “this” should not have happened and they had his assurances that they would not be harmed again.<sup>6215</sup> **(#Official vs. crime#! So, the most important official distanced himself from the incident, seems to be sorry and promised to undertake a security measures not to have it repeated. Certainly, the incident was not a part of any policy of the RS!)**

**1813.** Defence witnesses testified that the killing incident which occurred in Room 3 at Keraterm (i) resulted from a rebellion or an escape attempt by the detainees;<sup>6216</sup> or (ii) were spontaneous killings by local battalions or reservists, committed in revenge for Serbian soldiers killed at the frontline.<sup>6217</sup> The Chamber considers that these claims are speculative and hearsay; therefore, the Chamber does not find the evidence of these witnesses to be reliable. **(#Not intended#! But, certainly, the Chamber didn't have any evidence that it was a premeditated move within the state policy, and that is the most important from the standpoint of this Defence. Once it is excluded, all other reasons and inferences are irrelevant from the standpoint of this President.)**

**1814.** The Chamber took judicial notice that a minimum of 190 persons were killed in Room 3 at Keraterm.<sup>6218</sup> Furthermore, in assessing the overall number of persons killed during this incident, the Chamber has considered witness testimony that (i) there were approximately 200 dead bodies piled inside and outside of Room 3 the morning after the killings there;<sup>6219</sup> and (ii) out of

<sup>6208</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3770; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7099. See also Adjudicated Fact 1219.

<sup>6209</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2518 (testifying that out of approximately 570 Bosnian Muslim men who were detained in Room 3, about half of them survived the killings in Room 3).

<sup>6210</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7100.

<sup>6211</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7100.

<sup>6212</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7100.

<sup>6213</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7100.

<sup>6214</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7104.

<sup>6215</sup> Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7104.

<sup>6216</sup> D4242 (Witness statement of Draško Vujić dated 24 January 2014), para. 8 (stating that he received information that there had been a “rebellion” of detainees at Keraterm and that firearms were used and many people killed as a result); Dušan Janković, T. 47282–47283 (18 February 2014) (testifying that he heard there was a mutiny by the detainees at Keraterm and in the process, the mutineers were killed); D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 49 (stating that he heard that some of the detainees attempted to escape from Keraterm and that some of them were killed as a result).

<sup>6217</sup> D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 24; Milomir Stakić, T. 45286 (17 December 2013) (testifying that according to his intelligence at the time, as well as information from Drljača, after several Serbian soldiers were killed at the frontline, members of their unit “raided Keraterm and killed several dozens of prisoners out of revenge”).

<sup>6218</sup> See Adjudicated Fact 1219.

<sup>6219</sup> See KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2516. [REDACTED]. See also P4853 (Updated Table 2 to the Report of Amor Mašović), p. 26 [REDACTED]; P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002, pp. 173, 266 (under seal) [REDACTED]).

approximately 570 Bosnian Muslim men who were detained in Room 3, about half of them survived the killings in Room 3 on or around 24 July 1992.<sup>6220</sup> In addition, the Chamber received forensic evidence to support the deaths of some identified individuals at Keraterm in connection with the killings in Room 3 on or around 24 July 1992.<sup>6221</sup>

1815. In weighing the totality of the evidence before it, the Chamber is therefore satisfied that at least 190 Bosnian Muslim men were killed in Room 3 at Keraterm by Serb Forces on or about 24 and 25 July 1992. (#Not intended, but incident#! Let it be even much less, this is a horrible crime only if it wasn't caused by an attempt to break through and escape. Otherwise, it would be a tragedy of a civil war among neighbours. Had it been an attempt of escape, there must be taken into account that the guards are also scared and facing a possibility of their deaths every day. However, what happened in this incident was in a #sharp contrast to everything what this President had ordered or banned#. Also, there are elements which indicate that there was really an attempt of an escape, and this can not be dismissed so easy, since several Muslim witnesses testified that had heard such a noises. In any case, this incident wasn't proven to be a premeditated even by the local authorities, let alone the central one, or the President himself. This can only be a strong evidence against a civil war, not against this President.)

#### D04675, Milos about the Muslim forces around Prijedor, 23 May 92 (by mistake 93)

We have highly reliable information at our disposal that there are very strong, organised *Zelene Beretke* /Green Beret/ military formations in the Kozarac area, Prijedor municipality. In the Ljubija area, Prijedor municipality, there are extremist HOS /Croatian Defence Forces/ armed groups which are in control of government in one part of that area, and hold some vital facilities. Kozarac poses the greatest threat to the security situation in Prijedor municipality. It is to be expected that there will be inter-ethnic incidents and armed conflicts in almost all the municipalities in the Bosanska Krajina, most of all in the Kotor Varoš, Prijedor, Ključ and Skender Vakuf municipalities.

23 May 1993

/handwritten:

NUMBER: 157/92

MILOŠ/

It is very well documented that the area of Prijedor was a battlefield with a very intense armed skirmishes, with the fear on all the sides, with many combat casualties, and without any insight into the situation by the central authorities, let alone any possibility to help, influence or intervene! Let us see how was in at the end of July 92, D3827:

<sup>6220</sup> See KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2518.

<sup>6221</sup> See P4409 (Death certificates from Prijedor), e-court pp. 1–14, 17–24, 27–32, 35–38, 41–46, 58–63 (confirming the deaths of 22 identified individuals at Keraterm camp between 23 July and 28 July 1992); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 16–20, 23–31, 34, 41 (wherein Mašović identifies the names of 76 identified individuals who went missing from Keraterm on or around 24 July 1992 and who were later exhumed from various mass graves, including the Stari Kevljani mass grave, who he links to the killings in Room 3); P5909 (Bihać MUP identification reports concerning Stari Kevljani mass grave, 30 June 2005), pp. 1, 3–4, 8–12, 16, 19–20, 22–23, 31, 35–36, 43, 49–51, 57–58 (confirming that 21 identified individuals who went missing from Keraterm, and were linked to the killings in Room 3, were exhumed from the Stari Kevljani mass grave). See also P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, pp. 8–10; P4893 (Bihać MUP report on Stari Kevljani exhumation, 18 January 2004); [REDACTED]; P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 29–30, 259–268 (under seal) (stating that, at the time of the creation of his report, none of the bodies of the victims of the incident in Room 3 at Keraterm had been exhumed, but finding that 69 identified individuals died during the incident based on witness testimony and court rulings declaring individuals as officially dead in connection with this incident); Nicolas Sébire, P694 (Transcript from *Prosecutor v. Stakić*), T. 7358–7359.



3. – The situation on the ground is characterised by the gradual capture and elimination of extremist groups in the Prijedor and Kotor Varoš areas.

Requests to move out from the Muslim and Croatian populations have intensified.

**(#Combat casualties as civilian# POW-s as civilians#! What happened with those captured during these two months combats? They had to be detained somewhere. How the casualties had been depicted? In these fake testimonies, none of the combat casualties were mentioned, all had been depicted as a different killings in detention facilities! How the President could have been liable for such a development which depended exclusively on the conduct of the local sides, particularly the Muslim one?)**

(d)Scheduled Detention Facility C.20.4 and Scheduled Incident B.15.5

1816. The Indictment refers to the use of Trnopolje as a detention facility in Prijedor municipality between at least 15 May and 30 September 1992. The Prosecution alleges that a number of people were killed at Trnopolje and at various places after they were taken from the camp between 28 May and October 1992.

i. Arrival of detainees and control over detention facility

1817. Trnopolje is located in the village of Trnopolje, which lies to the southeast of Prijedor town and on the train line from Prijedor to Banja Luka.<sup>6222</sup> The camp was established in a former elementary school and its surrounding buildings, which included a gymnasium, shop, the former municipal centre, and an attached theatre, known as the “dom”.<sup>6223</sup> **(Trnopolje was a predominantly Muslim settlement, 2,677 Muslims and 583 Serbs, and the Muslim refugees were in a position to get out in the villages and collect food, which they did!)**

1818. Trnopolje became operational on or around 24 May 1992 during the attacks on Hambarine and Kozarac when residents of those areas who had been displaced from their homes were brought there.<sup>6224</sup> **(This is an #incorrect interpretation#, since it implies that somebody displaced the residents of those areas. There is a sufficient evidence that the population escaped from the fights which appeared after the Muslim attacks on the reservists in Hambarine, and on 24 May, an attack from Kozarac. At the first moment the population was gathering in the Prijedor town, which was under the Serb control. After the City core was full and without sufficient place, the population was redirected to Trnopolje. There is a sufficient evidence that it was so. Even Wulliamy wrote in his interview with two Muslims that Trnopolje was what the Defence sais, a reception centre, see P3788!)** Initially, primarily Bosnian Muslim and

<sup>6222</sup> P569 (Map of Prijedor municipality). See Adjudicated Fact 1223.

<sup>6223</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6867, 6873; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3407–3409; P535 (Aerial photograph of Trnopolje); P537 (Photograph of Trnopolje school); P538 (Photograph of Trnopolje); P539 (Photograph of Trnopolje); P540 (Photograph of Trnopolje); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7747–7748; P3894 (Sketch drawn by Idriz Merdžanić of Trnopolje); Idriz Merdžanić, T. 21455–21457 (16 November 2011); D1924 (Aerial photo of Trnopolje camp annotated by Idriz Merdžanić); P3528 (Witness statement of Kerim Mešanović, undated), pp. 65–68; P3543 (Excerpt from video clip of visits to Omarska and Trnopolje, with transcript); KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6222–6223. See Adjudicated Fact 1226; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 2.

<sup>6224</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7755, 7759 (testifying that he arrived at Trnopolje on 26 May 1992); P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7105; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6867, 6873–6874; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6688–6690; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 2–3, 28; P2968 (Report of Prijedor SJB, January 1993), p. 5; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 22; Milomir Stakić, T. 45239 (17 December 2013). See also KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3997 (under seal); Adjudicated Facts 1102, 1224, 1225; P3898 (Photograph of detainees at Trnopolje); P3899 (Photograph of detainees at Trnopolje); P3900 (Photograph of detainees at Trnopolje).

Bosnian Croat women, children, and elderly were brought to Trnopolje; however, later Bosnian Muslim and Bosnian Croat men of military age were transferred there from Keraterm and Omarska.<sup>6225</sup> **(Only those that hadn't been found responsible for the rebellion, and there was 1,773 of them, many more than those sent to Manjaca!)**

1819. The President presented evidence that Trnopolje was an “open reception centre” where Bosnian Muslim and Bosnian Croat refugees went voluntarily and stayed for their own protection and shelter during the conflict.<sup>6226</sup> The President argues that due to its “civilian nature”, Trnopolje was only partially enclosed by a fence.<sup>6227</sup> The Chamber considers that although Trnopolje was not entirely fenced in, a barbed wire fence surrounded parts of the compound.<sup>6228</sup> **(But, in this compound there was no any people, the compound was a storage of the construction tools, and this is not disputable!)** Further, the Chamber considers that despite Trnopolje being “open” in certain areas, detainees were not allowed to leave unless under certain circumstances.<sup>6229</sup> For instance, some people were allowed to leave the camp to collect food from nearby villages, as long as they left their identification documents at the camp or were escorted by guards.<sup>6230</sup> **(There was a war zone out of the Trnopolje reception centre, who would be responsible if something happened to the refugees? It seems that whatever the Serbs did, no matter how noble, they are guilty!)** Others could leave only if they were authorised for release by Drljača or the camp commander, Slobodan Kuruzović, or if they were transferred to another camp.<sup>6231</sup> Furthermore, Trnopolje was otherwise surrounded on all sides by guards, machine-gun nests, and armed posts pointing guns towards the camp.<sup>6232</sup> **(This was a lie, without any corroboration!)** Idriz

<sup>6225</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7756, 7787–7788; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12468–12469 (under seal); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6876–6877; P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 8, 12–13; KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5748–5750; P5555 (Report of Prijedor SJB, 29 September 1992), p. 4; P2968 (Report of Prijedor SJB, January 1993), p. 5; P3785 (Excerpt of ITN video clip of journalist visits to Omarska and Trnopolje, with transcript), pp. 7–15; P3780 (Excerpt from ITN video clip of men at Trnopolje). See also Adjudicated Facts 1103, 1225, 1296; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 2–4, 28–29.

<sup>6226</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 2–3, 28–29 (describing Trnopolje as an “Open Reception Centre” established to house citizens who did not want to participate in the fighting, to ensure their safety and protect them from attacks by “extremists”); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 3; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 22; D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), paras. 6–7, 18–19; Slavko Puhalić, T. 43397–43399, 43402–43405 (13 November 2013), T. 43452, 43454–43455 (14 November 2013); D4009 (Video footage of Trnopolje); D3968 (Report of Prijedor SJB, 9 August 1992); P3784 (Video clip of interview with Radovan Karadžić) (in which the Accused states that Trnopolje is a “place for people who have no place to stay”). See also D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 38; D4230 (Witness statement of Čedo Šipovac dated 18 January 2014), para. 16; Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7326–7327; P636 (ECMM Report, 3 September 1992), pp. 1–2. Mevludin Sejmenović testified that he entered Trnopolje twice unobserved. Mevludin Sejmenović, T. 20487–20488 (27 October 2011).

<sup>6227</sup> See Defence Final Brief, paras. 1596–1597. The Accused further submits that Penny Marshall and her team of journalists chose to set up her camera and interview detainees inside the tool shed area at Trnopolje which was surrounded by barbed wire, but in fact all of the people they filmed were “free”. See Accused Opening Statement, T. 845–847 (1 March 2010).

<sup>6228</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7750–7751, 7838–7851 (testifying that a barbed wire fence was erected when Keraterm and Omarska were disbanded to contain the detainees transferred to Trnopolje from those camps and that Penny Marshall filmed detainees behind the fence surrounding the shop building at Trnopolje, but that this was not the same fence erected temporarily to contain the detainees transferred from Keraterm and Omarska); P3909 (Sketch of Trnopolje marked by Idriz Merdžanić); P3910 (Excerpt of video clip of Trnopolje); Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7946, 7963, 8141–8144 (testifying that on 5 August 1992, he and Penny Marshall interviewed detainees at Trnopolje who had been transferred from Keraterm and Omarska and were detained behind a barbed wire fence and in a “serious state of decay”, but there seemed to be two barbed wire fences at Trnopolje—one that was older and one newer); P3780 (Excerpt from ITN video clip of men at Trnopolje); P3781 (Excerpt from ITN video clip of men at Trnopolje); P3697 (Video footage of visit of foreign journalists to Trnopolje); Edward Vulliamy, T. 21051 (9 November 2011); Mevludin Sejmenović, T. 20491 (27 October 2011), T. 20581 (28 October 2011) (testifying that there was a fenced-in area used for agricultural equipment, but also that detainees transferred from Keraterm were specifically placed inside a wired area, called the “quarantine” by camp authorities, and were strictly prohibited from leaving the area); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6983–6984; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12464–12465 (under seal); KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6306–6309. See also Adjudicated Fact 1230.

<sup>6229</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7748, 7750–7751; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3350–3352; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12464–12465 (under seal); KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3997 (under seal); Milomir Stakić, T. 45239 (17 December 2013); Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7326–7327. See P2637 (Report of Prijedor SJB, 1 July 1992); P2741 (Decision of Prijedor Crisis Staff, 2 June 1992); P2915 (Summary of conclusions of Prijedor's Executive Board, 29 April–17 August 1992), p. 3; [REDACTED]. See also Adjudicated Fact 1230.

<sup>6230</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6875; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7757–7758; Mevludin Sejmenović, T. 20489–20490 (27 October 2011), T. 20580 (28 October 2011).

<sup>6231</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6875, 6984; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7750; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6691; P2741 (Decision of Prijedor Crisis Staff, 2 June 1992); [REDACTED].

<sup>6232</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7751–7755; P3909 (Sketch of Trnopolje marked by Idriz Merdžanić); Mevludin Sejmenović, T. 20491 (27 October 2011), T. 20581–20582 (28 October 2011); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3351–3352; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12464–12465 (under seal); Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T.

Merdžanić, a physician brought to Trnopolje, testified that “apart from the checkpoints and the guards, even if only a simple line had been drawn on the ground, nobody would dare cross that line”.<sup>6233</sup> Stakić further testified that people were not brought to Trnopolje, or held there, voluntarily.<sup>6234</sup> The Chamber considers that in light of evidence of the security conditions surrounding the camp, the poor conditions and mistreatment which occurred there, and the testimony of witnesses who were held there,<sup>6235</sup> it finds that Trnopolje was a detention facility for the duration of its existence. **(This is #not correct# finding. Probably there was some shortages in food and other needed stuff, but it was the same with all population and the army. Also, there may have happened some rude expressions and conduct, but generally, it was a chelter. Ed Vulliamy should be trusted, since he was really an anti-Serb reporter!)**

1820. Trnopolje was established by the Prijedor Crisis Staff.<sup>6236</sup> The camp commander was Slobodan Kuruzović, a former TO commander and member of the Prijedor Crisis Staff; he was referred to in the camp as “Major”.<sup>6237</sup> Kuruzović and all of the camp guards at Trnopolje wore military uniforms.<sup>6238</sup> Kuruzović stayed in a house on the camp premises and was often seen by the detainees with his body guards, the Balaban twin brothers.<sup>6239</sup> Slavko Puhalić assisted Kuruzović in the operation of the camp early on.<sup>6240</sup>

---

7327. See also Adjudicated Fact 1230. However, Puhalić testified that Trnopolje was not surrounded by soldiers, nor were there machine-gun nests or armed positions with guns pointed at the camp. D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 21. The Chamber does not find Puhalić’s evidence to be credible in this regard. In reaching that conclusion, the Chamber considers that he was not forthright with the Chamber on several occasions and that due to his involvement at Trnopolje, he had an interest in distancing himself from knowledge of conditions there. **Puhalić was not his superior, but vice versa, and he would have an interest to see that his superior is accused of something, and there was no his interest to distant himself. This is already seen, a Serb witness doesn’t have any chance. However, there was no any new fences, but only a partial and already existing fence. The barrels hadn’t been pointed towards the camp, no evidence except Merdzanic, who was interested in denigrating the Serbs..**

<sup>6233</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7751. See also KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12464–12465 (under seal) (stating that he did not feel free to leave Trnopolje at any time and people did not leave the camp); KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3997 (under seal) (testifying that “[i]t was not a place for refugees. It was a camp. There was no freedom there at all”); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3351–3352 (testifying that he felt imprisoned and was not there of his own free will).

<sup>6234</sup> Milomir Stakić, T. 45239 (17 December 2013). The Accused argues that people came to Trnopolje voluntarily and that Stakić did not suggest that they were brought in forcibly. See Accused Closing Argument, T. 47881–47882 (1 October 2014). The Chamber considers Stakić to be clear that everyone did not go to Trnopolje voluntarily.

<sup>6235</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7751; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12464–12465 (under seal); KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3997 (under seal); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3351–3352. See also Edward Vulliamy, T. 21114–21116 (9 November 2011); Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7326–7327.

<sup>6236</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 2, 28–29; P2772 (Report of Prijedor SJB, 5 August 1992); D4468 (Confirmation of decisions adopted by Crisis Staff by Prijedor Municipal Assembly, 24 July 1992), e-court p. 6. See Adjudicated Fact 1105. However, Stakić stated that Trnopolje was not established by the Crisis Staff. D4195 (Witness statement of Milomir Stakić dated 16 November 2013), paras. 22, 48; Milomir Stakić, T. 45238–45240 (17 December 2013). The Chamber does not find this evidence to be credible based on the accepted evidence before the Chamber to the contrary which confirms that the Prijedor Crisis Staff was involved in the establishment of Trnopolje.

<sup>6237</sup> P3710 (Decision of Prijedor Crisis Staff, 29 May 1992) (in which Stakić orders that Kuruzović be placed under the “Regional Command”); Milomir Stakić, T. 45239 (17 December 2013) (testifying that Kuruzović was appointed as commander on behalf of the “army”); D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 3; D4468 (Confirmation of decisions adopted by Crisis Staff by Prijedor Municipal Assembly, 24 July 1992), e-court p. 6 (assigning the duty of providing security for Trnopolje to the “Regional Command”); P3536 (Decisions and orders of Prijedor Municipal Assembly and Prijedor Crisis Staff, published in Prijedor Official Gazette on 25 June 1992), p. 8; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7759–7760; KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5823 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12513–12515 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 8; KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3352; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7105; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3959 (under seal); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6874–6875; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6224. See also Adjudicated Fact 1227.

<sup>6238</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12513–12515 (under seal); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3352; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3998 (under seal); D3968 (Report of Prijedor SJB, 9 August 1992) (reporting that Trnopolje was secured by the SerBiH Army). See also Adjudicated Facts 1227, 1228.

<sup>6239</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6874–6875; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7830–7832; D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 3; P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 8; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3959–3960 (under seal). See also Adjudicated Fact 1229 (stating that the Balaban brothers were “well known for their brutality”).

<sup>6240</sup> D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), paras. 3–4; Slavko Puhalić, T. 43409 (13 November 2013) (testifying that he was at Trnopolje until 11 June 1992 and then went for a spa treatment until 17 July 1992, after which he returned to Trnopolje until around 15 August 1992).

1821. Trnopolje was officially closed at the end of September 1992 but some people remained there until December 1992.<sup>6241</sup> **(The Muslim civilians re-opened it several times, and voluntarily remained there, which is a firm evidence that this wasn't any "detention" facility. How anyone can say that there was any enforcement?)**

i. Conditions of detention

1822. Detainees were held in poor conditions at Trnopolje.<sup>6242</sup> **(The whole country was in a "poor conditions", it wasn't only Trnopolje. The country was in the war, and under the sanctions and without any contact with the world, particularly economic, except with FRY, which itself was under the sanctions too.)** Early on, the buildings at Trnopolje could not house all of the detainees, so detainees were forced to sleep outdoors in makeshift shelters of plastic bags, sticks, and blankets.<sup>6243</sup> **(Nobody forced them, there was no alternative. It is #not fair# to leave that question this way, as if the Serb authorities had a room, but didn't give it!)** Only after the majority of the women and children were transferred out of Trnopolje were male detainees able to sleep inside in the sports hall of the school or elsewhere.<sup>6244</sup> Even then, there was little space to sleep, no beds or blankets, and detainees had to sleep on the floor.<sup>6245</sup> **(Nothing of that was due to a bad will of the authorities!)**

1823. Little or no food was supplied to the detainees by the camp authorities;<sup>6246</sup> detainees received some food which was brought to them by relatives or local residents in the area, but it was insufficient.<sup>6247</sup> Detainees who had money were able to buy bread, but the remaining detainees had to rely upon others sharing food with them.<sup>6248</sup> There was almost no potable water at Trnopolje, as only one pump existed for the whole camp.<sup>6249</sup> There was no running water and only limited lavatory facilities.<sup>6250</sup> Furthermore, there were no facilities to wash and the heat and

<sup>6241</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7800; D3110 (ICRC press release, 2 October 1992); P6504 (Report of Prijedor Red Cross, 30 September 1992), pp. 9–10; P2948 (Report of humanitarian organisation, 8 October 1992) (under seal), p. 2; P2968 (Report of Prijedor SJB, January 1993) (stating that Trnopolje remained in operation until November 1992). *See also* Adjudicated Fact 1224. The Chamber will address the date on which Trnopolje closed in further details below in this section.

<sup>6242</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7756–7760; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12462 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6783–6784; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6875–6878; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3958–3960 (under seal); P3528 (Witness statement of Kerim Mešanović, undated), pp. 65–68; P3543 (Excerpt from video clip of visits to Omarska and Trnopolje, with transcript); P3797 (Excerpt of ITN video clip of journalist visit to Omarska and Trnopolje); P6503 (Video footage of Penny Marshall's visit to Trnopolje). *See also* Slavko Puhalić, T. 43403–43404 (13 November 2013).

<sup>6243</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6877–6878; KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5749; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12556; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7756–7757; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6783–6784; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6223–6224; Charles McLeod, P712 (Transcript from *Prosecutor v. Brđanin*), T. 7327; P3797 (Excerpt of ITN video clip of journalist visit to Omarska and Trnopolje). *See also* D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 11; Slavko Puhalić, T. 43418 (13 November 2013); *see* Adjudicated Facts 1231, 1236.

<sup>6244</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6877–6878.

<sup>6245</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7757; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6877–6878; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; P3885 (Photographs at Trnopolje). *See also* Adjudicated Fact 1236.

<sup>6246</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6249, 6309–6311; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12462 (under seal); P4101 (Statement of KDZ611 to investigators dated 26 June 1995), e-court p. 30; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7757–7758. *See* Adjudicated Fact 1234; P684 (Witness statement of KDZ054 dated 13 June 2002), e-court p. 3.

<sup>6247</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7757–7758; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12462 (under seal); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6875–6876; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6311–6312; Mevludin Sejmenović, T. 20489–20490 (27 October 2011); P3797 (Excerpt of ITN video clip of journalist visit to Omarska and Trnopolje); D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 11.

<sup>6248</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6876; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12462 (under seal); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7757–7758; KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5749; KDZ014, P674 (Transcript from *Prosecutor v. Brđanin*), T. 12556.

<sup>6249</sup> Adjudicated Fact 1233.

<sup>6250</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6876; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7759; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3959–3960 (under seal). *See* Adjudicated Fact 1232.



flies made the situation unbearable.<sup>6251</sup> Due to the lack of food and unsanitary conditions, lice and scabies were rampant, and the majority of detainees suffered from dysentery.<sup>6252</sup> There was no organised medical care at Trnopolje but some medical assistance was provided by non-Serb detainees held in the camp, including Merdžanić and Azra Blazević, a veterinarian.<sup>6253</sup> They worked out of a clinic at the camp but were not provided with any medical supplies by the camp authorities until the International Red Cross arrived.<sup>6254</sup> **(The same was with the medical institutions in Prijedor, which depended on the ICRC, and also the authorities appealed to other humanitarian organisations to help. So, nothing was induced by the authority's resentment or negligence. See what the Medical Center in Prijedor wrote to the Muslim humanitarian organisation Merhamet: D1928**

**TO: MUSLIM CHARITABLE SOCIETY  
MERHAMET**

We hereby inform you that our General Hospital treats patients, including a large number of refugees, from our municipality, as well as from Sanski Most and Bosanski Novi municipalities. From the outset of war, our hospital incurred an increased level of consumption and costs in an effort to provide care for the wounded and the sick. The share of burden is almost equally distributed among hospital wards, but particularly affected are the surgery and hemodialysis wards where research materials are needed for securing the necessary drugs and medical supplies for these services to function properly. We must emphasise that we had serious financial difficulties before the conflict broke out, and that the present situation, when we treat 150 Muslim patients on a daily basis without anyone paying for their treatment, may end up in a total suspension of health care services. For the sake of a better insight, we should add that the above-mentioned figure encompasses patients of all ages and with all kinds of diseases.

The only purpose of this information is to prompt your charitable society to get organised and aid our institution by providing drugs, medical supplies, food or money, so that we can continue to treat members of your ethnicity, to which our institution remains committed.

**Why it was so difficult to understand in what kind of troubles was the country in a war and under a sanctions? The Chamber is #selectively collecting# and #distorting# evidence, so tu fit to the Prosecution needs!)**

#### i. Treatment of detainees

##### *Beatings and killings*

1824. Although the scale of abuse at Trnopolje was less than that at Omarska, mistreatment was common there.<sup>6255</sup> Camp guards cut male detainees with knives and beat them with baseball bats,

<sup>6251</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6876.

<sup>6252</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7759, 7778; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3959 (under seal); P3797 (Excerpt of ITN video clip of journalist visit to Omarska and Trnopolje); P3903 (Photograph of a detainee at Trnopolje); P3904 (Photograph of a detainee at Trnopolje); *see* Adjudicated Fact 1235 (stating that as many as 95% of the detainees at Trnopolje suffered from dysentery). Detainees also noted that the condition of people who arrived at Trnopolje from the Omarska and Keraterm camps was much worse. They had all lost a lot of weight, were dirty, unshaven, had dysentery, and many of them had been severely beaten and could not even walk. KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12468 (under seal). *But see* D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 23 (stating that he did not witness these issues and given that he sat with the “people in the camp [...] he would have caught these diseases as well” if they had existed there).

<sup>6253</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7730–7731, 7747–7748; Mevludin Sejmenović, T. 20489 (27 October 2011); P3528 (Witness statement of Kerim Mešanović, undated), p. 66; P3797 (Excerpt of ITN video clip of journalist visit to Omarska and Trnopolje); P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6249–6252. *See also* D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 11.

<sup>6254</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7747–7748, 7785–7786; Idriz Merdžanić, T. 21473–21474 (17 November 2011); P3797 (Excerpt of ITN video clip of journalist visit to Omarska and Trnopolje); KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6249–6250.

iron bars, rifle butts, or whatever they had at their disposal.<sup>6256</sup> Detainees who were taken out for questioning would often return badly beaten and covered with blood.<sup>6257</sup>

1825. A laboratory inside the clinic at Trnopolje was used for interrogations and beatings.<sup>6258</sup> Merdžanić could hear the sounds of camp guards beating and verbally abusing the detainees there.<sup>6259</sup> Merdžanić treated some of the detainees after they were beaten there and photographed them without anyone knowing.<sup>6260</sup> Beatings also occurred outside and in a boiler room in the school building.<sup>6261</sup> On one occasion, Žigić beat and kicked one of the detainees who had arrived from Keraterm and no one tried to stop him.<sup>6262</sup> **(#Arrested, criminally reported#! Obviously, this happened before Zigic was arrested. All the above described misconduct could have been reported to Kuruzovic, and he would find a remedy. However, the Defence is of an opinion that there is too many #exaggerations#, encouraged by a permissive attitude of the Chamber! Namely, there was no remedy for a lying witnesses!)**

1826. Detainees, including female detainees, at Trnopolje were verbally abused, insulted with ethnic slurs, and threatened with death.<sup>6263</sup> Detainees were forced to fight each other in the camp.<sup>6264</sup> Detainees were selected to bury dead bodies in nearby villages and in the camp.<sup>6265</sup> They were also taken out to perform forced labour.<sup>6266</sup> **(#All uncorroborated lies#! How possibly these inmates from Trnopolje could have been “forced” to a frontline, while the closest frontline was distant from Trnopolje a hundred and more kilometres? However, burying a bodies was an obligation for all the citizens, as well as other works, not related to fights. Namely, according to the law, all able bodied people had to have either military, or working compulsory obligation. Since the Muslims and Croats hadn’t been under the compulsory combat duties, the working obligation remained!)**

1827. Detainees at Trnopolje were killed inside and outside the camp.<sup>6267</sup> A number of detainees died as a result of the beatings by the guards during interrogations.<sup>6268</sup> At least two detainees died in Trnopolje as a result of lack of medical care.<sup>6269</sup> Others were killed by camp guards or other

<sup>6255</sup> See Adjudicated Fact 1237.

<sup>6256</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7766–7768; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3958 (under seal). See also Adjudicated Fact 1237.

<sup>6257</sup> KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6250; P4101 (Statement of KDZ611 to investigators dated 26 June 1995), e-court p. 30; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9. See also Adjudicated Fact 1237. Further, Puhalić stated that there were some individual incidents of mistreatment at Trnopolje in the beginning before military security was introduced there; however, Puhalić reported these incidents to Kuruzović who went to the police and asked that these incidents be investigated. According to him, after military security was introduced, these incidents no longer occurred. D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), para. 25.

<sup>6258</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7766, 7780–7785; P3905 (Sketch drawn by Idriz Merdžanić of clinic in Trnopolje); P3906 (Photograph of interrogation room in Trnopolje) (showing blood stains on the walls from the beatings); P3907 (Photograph of interrogation room in Trnopolje); Mevludin Sejmenović, T. 20491 (27 October 2011).

<sup>6259</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7766, 7780–7785.

<sup>6260</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7766–7767, 7769–7774, 7780–7785; P3896 (Photograph of a detainee at Trnopolje); P3897 (Photograph of a detainee at Trnopolje).

<sup>6261</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7768.

<sup>6262</sup> Safet Tači, P693 (Transcript from *Prosecutor v. Kvočka*), T. 3770–3773; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7768–7769.

<sup>6263</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3995–3997 (under seal); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7760–7761; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9.

<sup>6264</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9.

<sup>6265</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12466 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 9; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7786–7787; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; Mevludin Sejmenović, T. 20489 (27 October 2011).

<sup>6266</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7786–7787, 7838. However, the Chamber notes that the Indictment only covers forced labour at the frontlines.

<sup>6267</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7785–7787, 7804; P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 9; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6253–6254; KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2524–2525, 2532; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6870–6873; P3908 (Excerpt of video clip of Trnopolje, with transcript), p. 2. See also P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002) (under seal), p. 313; see Adjudicated Fact 1242.

<sup>6268</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7773–7774, 7785; P3908 (Excerpt of video clip of Trnopolje, with transcript), p. 2. See also Adjudicated Fact 1242.

<sup>6269</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7785–7786; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 8; P3908 (Excerpt of video clip of Trnopolje, with transcript), p. 2.

soldiers who entered the camp.<sup>6270</sup> For instance, on the first night of KDZ038's detention in the shop building at Trnopolje, a uniformed Serb he knew took out an elderly man, Sulejman Kekić, and beat him.<sup>6271</sup> Later that night, the same man was taken away, KDZ038 heard two shots, and the man did not return.<sup>6272</sup> **(#Some killed some#! #Heard, not seen#! #Didn't return#! What else could have happened with him? Only killing? Did anyone see his body or buried him? In any case, even if that happened, this would be an individual crime, not a crime of the system, for which this President would be liable!)** The Chamber is satisfied that this individual was killed. **(Would any court in the countries of origin of the Honourable Judges be satisfied with this kind of evidence?)** KDZ054 recalled one night during his detention when soldiers from a reserve unit came into the camp and called out six detainees from the Forić family.<sup>6273</sup> They took them behind the corner of the building and about 10 to 20 minutes later, KDZ054 heard shooting.<sup>6274</sup> Later, the detainees who were selected to bury the bodies confirmed that the six detainees who had been taken out earlier were shot dead.<sup>6275</sup> **(All and every single example indicates a sort of #personal revenge#, which is still a crime, but certainly not induced by the authorities, which can be liable for a negligence, incompetence and other omissions. This has nothing to do with the President!)**

**1828.** Shortly after KDZ038 arrived at Trnopolje on 20 July 1992, a group of men from Bišćani arrived at the camp on a bus; KDZ038 saw that 12 of the men were called out and sent back to the bus, which drove them away.<sup>6276</sup> Later, he was told by people who had walked some of the way from the Brdo area to Trnopolje that they had seen the dead bodies of these men in an area called Kratalj.<sup>6277</sup> **(How those being in Brdo could have known who were those taken out of Trnopolje, and how they could have recognized them as bodies?)** KDZ038 later spoke to a man who had been in this group of 12, who told him that the bus drove them back towards Bišćani, but that it stopped along the way and the men were lined up and shot with some kind of automatic rifle.<sup>6278</sup> He and one other man survived the incident.<sup>6279</sup> **(A third and fourth hand evidence! why the survivors didn't come to testify?)**

**1829.** Furthermore, on or around 8 September 1992, KDZ050 saw some of the detainees taken out to a nearby fish pond.<sup>6280</sup> Shortly afterwards, KDZ050 heard rounds of fire from that direction, and those detainees never returned.<sup>6281</sup> The Chamber is satisfied that these individuals were killed in this incident. **(#Heard, not seen#! #Never returned#! Why would they return, since the Trnopolje reception centre was on the way to be disbanded and closed, and the detainees transferred to the Central Bosnia or elsewhere? Not necessarily all shootings were a criminal events, or executions. There was always some shooting to be heard in a civil war. This can not be taken for granted, as it is so far: nobody had seen, many "had heard"!)**

<sup>6270</sup> KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3998–3999 (under seal); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6880; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6253–6254. *See also* Adjudicated Fact 1242. **But it is entirely unbelievable for everyone who knew Kuruzovic. And had it been so, it would be known widely.**

<sup>6271</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6867, 6880 (testifying that he was in a group of men taken by bus from Bišćani to Trnopolje on 20 July 1992, and put into a shop building at Trnopolje).

<sup>6272</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6880.

<sup>6273</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6253–6254; P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 9; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7786, 7804; Mevludin Sejmenović, T. 20488–20489 (27 October 2011).

<sup>6274</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6253–6254.

<sup>6275</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; KDZ054, P682 (Transcript from *Prosecutor v. Stakić*), T. 6253–6254.

<sup>6276</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6870.

<sup>6277</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6871.

<sup>6278</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6872–6873.

<sup>6279</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6871–6873.

<sup>6280</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2524–2525, 2532.

<sup>6281</sup> KDZ050, P680 (Transcript from *Prosecutor v. Sikirica*), T. 2524–2525.

*Sexual violence*

1830. There were many incidents of rape at Trnopolje between May and October 1992.<sup>6282</sup> During one of these incidents, the perpetrator told the victim: “Muslim women should give birth to Serb children”, and he also told her earlier that “Muslims were not human beings”.<sup>6283</sup> [REDACTED].<sup>6284</sup> [REDACTED].<sup>6285</sup> [REDACTED].<sup>6286</sup> [REDACTED].<sup>6287</sup> [REDACTED].<sup>6288</sup> [REDACTED].<sup>6289</sup> [REDACTED].<sup>6290</sup> [REDACTED].<sup>6291</sup> [REDACTED].<sup>6292</sup> [REDACTED].<sup>6293</sup> **(Such a protected witness, admitted here due to Rule 92bis, could have lied as much as he wanted!)**

1831. Camp guards at Trnopolje allowed men from outside the camp, including Serb soldiers and other Serbs, to enter the camp and rape women and girls.<sup>6294</sup> Detainees assigned to work in the clinic at Trnopolje, including Merdžanić and Vasif Gutić, treated and counselled many victims of rape there, including a 12 year old girl.<sup>6295</sup> The incidents of rape at Trnopolje caused terrible fear and mental trauma among all of the detainees.<sup>6296</sup> **(#Lies, not reported by ICRC#! There was nothing to prevent the alleged victims of rapes to report it to the ICRC, but there was no such a reports, because there would be an immediate investigation!)**

(iv) Conclusion on conditions of detention and treatment of detainees

1832. Based on the above, the Chamber finds that non-Serbs, including women and children, were transferred to and detained at Trnopolje by Serb Forces beginning on or around 24 May 1992 until at least 30 September 1992. The detainees were held in poor conditions, including lack of space, poor sanitary conditions, inadequate medical care, and insufficient food. The Chamber finds that male detainees at Trnopolje were subjected to beatings by Serb Forces and were forced to work.<sup>6297</sup> The Chamber also finds that a number of women detained at Trnopolje were raped by Serb Forces, including by the camp commander, Kuruzović. Finally, the Chamber finds that a number of non-Serbs were killed by Serb Forces in Trnopolje and at various places after they were taken from the camp between 28 May 1992 and approximately 8 September 1992.<sup>6298</sup> **(#Deadly combination#! The “findings” are completely based on 92bis evidence, on adjudicated facts,**

<sup>6282</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), p. 8; Mevludin Sejmenović, T. 20490 (27 October 2011) (testifying that he heard from other detainees that rapes of women, including younger women and children, were taking place in the former cinema in the camp); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7759–7764; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6690. See also Adjudicated Fact 1238. Puhalić also testified that he was aware of rapes committed at Trnopolje in the beginning before the military guard was established by “unknown people who were outside any control” who broke into the camp. He stated that he reported the incidents to Kuruzović and some of the individuals who committed the rapes were arrested by the military police, but he did not know if any of them were prosecuted. However, Puhalić stated that it was not true that people were allowed to visit the camp from the outside. D4008 (Witness statement of Slavko Puhalić dated 11 November 2013), paras. 18, 26; Slavko Puhalić, T. 43408, 43421–43423 (13 November 2013)

<sup>6283</sup> [REDACTED].

<sup>6284</sup> [REDACTED].

<sup>6285</sup> [REDACTED].

<sup>6286</sup> [REDACTED].

<sup>6287</sup> [REDACTED].

<sup>6288</sup> [REDACTED].

<sup>6289</sup> [REDACTED].

<sup>6290</sup> [REDACTED].

<sup>6291</sup> [REDACTED].

<sup>6292</sup> [REDACTED].

<sup>6293</sup> [REDACTED].

<sup>6294</sup> P684 (Witness statement of KDZ054 dated 14 March 2000), p. 8; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7761–7764. See also Adjudicated Fact 1238. However, on one occasion, on 3 August 1992, Žigić came to Trnopolje and a guard at the entrance of a room where women from Omarska were being held ordered the women to lie down because “Žigić is coming”. Žigić asked the guard where the women were, but the guard cocked his weapon at Žigić and told him that there were no women there and forbid him to enter the room. P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 54–55 (under seal); KDZ093, P705 (Transcript from *Prosecutor v. Kvočka*), T. 6234–6236.

<sup>6295</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7760–7764; see Adjudicated Fact 1239.

<sup>6296</sup> See Adjudicated Fact 1241.

<sup>6297</sup> However, as noted above, the Chamber notes that the Indictment only covers forced labour at the frontlines.

<sup>6298</sup> This finding does not include the persons alleged to have been killed in Scheduled Incident B.15.6 which is discussed below.



**and on a several testimonies of a very extreme Muslim adversaries of their Serb neighbours in Prijedor! Even if some cases really happened, it could only have been an individual crime committed clandestinely by a disobedient individuum, and nothing in the system enabled this kind of conduct!)**

i. Scheduled Incident B.15.6

1833. The Indictment refers to the killing on or about 21 August 1992 of approximately 200 men taken from Trnopolje to Vlašić mountain in Skender Vakuf.

1834. On 21 August 1992, a convoy of four buses marked “Autotransport Prijedor”, organised by the Prijedor Crisis Staff and the Prijedor Red Cross to transport people out of Prijedor into Muslim-held territory, arrived at Trnopolje.<sup>6299</sup> Primarily male detainees, including witnesses KDZ038 and KDZ611, as well as some women and children, were loaded onto them.<sup>6300</sup> Kuruzović and members of the intervention squad were present as the detainees boarded the buses.<sup>6301</sup> When the buses were full, they left in the direction of Kozarac, accompanied by members of the intervention squad and escorted by police and military vehicles.<sup>6302</sup> Near Kozarac, the convoy stopped and was joined by four other buses and eight trucks, which had been loaded in Tukovi with Bosnian Muslim men, women, and children under orders from intervention squad commander, Miroslav Paraš.<sup>6303</sup> Paraš and Kuruzović spoke to each other during this stop.<sup>6304</sup> At this point, the convoy included eight buses and eight trucks, accompanied by a number of police vehicles.<sup>6305</sup> The convoy continued through Banja Luka and on to Skender Vakuf, moving towards their final destination, which was the line of separation between Serb and Muslim controlled territory near Travnik.<sup>6306</sup>

1835. The convoy stopped a number of additional times on the way.<sup>6307</sup> At one stop, one of the guards on the bus ordered KDZ038 to collect money and valuables from the men on his bus.<sup>6308</sup> Members of the intervention squad also collected money and other valuables from the detainees

<sup>6299</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6883; KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5823–5824 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12472 (under seal); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 13–14; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7789–7790; Dušan Janković, T. 47299–47301 (18 February 2014). *See also* Adjudicated Fact 1243; [REDACTED]; P4259 (Photograph of Autotransport Prijedor Bus).

<sup>6300</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6883; KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5823–5824 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12473 (under seal) (testifying that the drivers of the bus were regular civilian drivers and that the bus he was on also carried two armed men in former JNA uniforms); P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 13–14; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7829; Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4619–4620. *See also* Adjudicated Fact 1243.

<sup>6301</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6884; P4101 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 14. *See also* Adjudicated Fact 1243.

<sup>6302</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6887; KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12473 (under seal) (testifying that the convoy escorts included men in camouflaged blue police uniforms); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 14–15 (under seal); Dušan Janković, T. 47300–47301 (18 February 2014); P2969 (Report of Prijedor SJB, 15 September 1992). *See also* Adjudicated Facts 1243, 1244; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 6; P697 (Witness statement of Elvedin Nasić dated 15 March 2000), e-court p. 10.

<sup>6303</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6887, 6896; KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12472–12473 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 15 (under seal); [REDACTED]; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brdanin*), T. 12711–12713; Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4619–4620. *See also* Adjudicated Fact 1243.

<sup>6304</sup> [REDACTED].

<sup>6305</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6896.

<sup>6306</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6897; P599 (Map of Trnopolje-Vlašić route); KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12473–12474 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 15–16 (under seal); P4101 (Statement of KDZ611 to investigators dated 26 June 1995), e-court pp. 30–31, 49; Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4619–4620. *See also* Adjudicated Fact 1245.

<sup>6307</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6898; KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12474 (under seal).

<sup>6308</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6898.

and placed them in plastic bags.<sup>6309</sup> At another stop, soldiers in olive drab uniforms boarded the buses and remained for the rest of the journey.<sup>6310</sup>

1836. Shortly after Skender Vakuf, the convoy stopped again near a stream; young men of military age were then pulled out of the convoy by members of the intervention squad at Paraš's orders and loaded into two empty buses.<sup>6311</sup> The men on KDZ038's bus were ordered to line up outside of the bus.<sup>6312</sup> They were then told to board one of two empty buses and to lie on the floor.<sup>6313</sup> KDZ038 estimated that there were 100 men packed on to the first bus.<sup>6314</sup>

1837. The men of military age on the bus of KDZ611 were separated and loaded into the other empty bus; some women and older men were allowed to stay on one of the original buses.<sup>6315</sup> KDZ611 estimated that there were "well over 100 people" on his bus, which proceeded, behind the first bus while the rest of the convoy carried on ahead of them, towards Travnik.<sup>6316</sup>

1838. The buses continued for another 10 to 15 minutes before stopping again on a road flanked on one side by a steep cliff and on the other by a deep gorge; an area referred to as Korićanske Stijene.<sup>6317</sup> Members of the intervention squad directed the detainees on the bus KDZ038 was on to disembark, form a column two by two, and walk down the road.<sup>6318</sup> After they walked for about 100 metres, the men were ordered to stop, turn left, take three steps forward, and kneel down facing the abyss.<sup>6319</sup> KDZ038 heard a man in police uniform in charge say: "Here we exchange the dead for the dead and the living for the living" and then shots were fired towards the line of men at the edge of the gorge.<sup>6320</sup> KDZ038 saw people falling down and shouted at his father to throw himself into the abyss; his father then pushed him into the gorge.<sup>6321</sup> KDZ038 then found himself at the bottom, his ankle broken, and his foot hanging by a tendon.<sup>6322</sup> Two men came

<sup>6309</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12713; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 6; P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 18 (under seal); [REDACTED]; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6903; Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4619–4620.

<sup>6310</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6899–6900; P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 16 (under seal). KDZ611 noticed a man in an olive-grey uniform with a red beret on his head, carrying a walkie-talkie. KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5826–5827 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12474 (under seal).

<sup>6311</sup> [REDACTED]; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12475–12476 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 17–18 (under seal); P699 (Statement of KDZ611 to investigators dated 26 June 1995), e-court p. 50 (under seal); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6900–6901. See also Adjudicated Fact 1246.

<sup>6312</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6900. See also Adjudicated Fact 1246.

<sup>6313</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6900–6901. See also Adjudicated Facts 1248, 1249.

<sup>6314</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6902. See also Adjudicated Fact 1248.

<sup>6315</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12475–12476 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 17 (under seal); P699 (Statement of KDZ611 to investigators dated 26 June 1995), e-court p. 50 (under seal). See Adjudicated Fact 1247 (stating that a truck appeared and the women and children were told to board it; another truck arrived and departed with more detainees but left behind a number of people who had been at Trnopolje and some residents of Kozarac).

<sup>6316</sup> P699 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 17–18 (under seal); see KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12475–12476 (under seal) (testifying that there were "around 150" men on his bus). Nasić testified that he was on this convoy but when it stopped and some of the men were told to get off, he stayed on it. At a place near Vlašić, the convoy stopped again and the remaining people were told to disembark and they walked from there to Travnik. According to Nasić, about 150 to 200 men who started out on the convoy did not make it to Travnik. Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12714. See also Senija Elkasović, P690 (Transcript from *Prosecutor v. Tadić*), T. 4620–4622 (testifying that after leaving on one of the organised buses from Trnopolje, her bus stopped at a big stone barricade and the passengers were told to get off and walk; she walked 40 or 50 kilometres to a school in Travnik while others who could not walk remained on the road and somehow were transported to Travnik).

<sup>6317</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6903–6905; KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5829, 5836 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12479–12480 (under seal); P564 (Photograph of road at Mount Vlašić); P565 (Photograph of road at Mount Vlašić); P566 (Photograph of road at Mount Vlašić); P567 (Photograph of Mount Vlašić); P568 (Photograph of Mount Vlašić). See also Adjudicated Facts 1250, 1251.

<sup>6318</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6904–6905; KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21142 (under seal). See also Adjudicated Fact 1252.

<sup>6319</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6905; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12481 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 19 (under seal). See also Adjudicated Fact 1252.

<sup>6320</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6905–6906; [REDACTED]. See also Adjudicated Fact 1253.

<sup>6321</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6906. See also Adjudicated Fact 1255.

<sup>6322</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6907.

down into the abyss and shot anyone who tried to escape in the head; KDZ038 pretended to be dead.<sup>6323</sup> He then heard more shooting and saw dead bodies around him.<sup>6324</sup>

1839. Once the second bus stopped, the men on board, including KDZ611, were told to disembark by a soldier in a red beret.<sup>6325</sup> KDZ611 saw the other bus parked ten metres away.<sup>6326</sup> They were ordered to form a column two abreast and to walk for several minutes until they reached a wooded area with a steep slope on one side of the road and a steep drop on the other side.<sup>6327</sup> The men were ordered to face the drop, to step forward to the edge, and to kneel down, at which point gunfire was directed at them by members of the intervention squad.<sup>6328</sup> KDZ611 was pushed by the man beside him down the slope.<sup>6329</sup> He fell to the bottom uninjured, and continued to hear the sounds of gunfire for a number of minutes.<sup>6330</sup> He saw many other men falling down the slope to the bottom.<sup>6331</sup> Individuals who did not fall into the abyss were pushed into it by the men shooting at them.<sup>6332</sup> Grenades were also thrown into the gorge.<sup>6333</sup>

1840. When night fell, KDZ038 crawled to the river at the bottom of the gorge and spent the night there. He roughly bandaged his foot and the next day began to crawl along the river until he came to a derelict mill where he took shelter.<sup>6334</sup> He was later found by some soldiers who took him to Skender Vakuf, where he was given medical attention and a statement was taken from him about the killings at Korićanske Stijene; he was then taken by ambulance to a hospital in Banja Luka.<sup>6335</sup> **(#Real “Serb Forces”#! So, he was rescued by the real “Serb Forces”# – and those were the legal Serb Forces under the President’s Army and Ministry of Interior, while criminals, renegades, paramilitaries weren’t the “Serb Forces”. The similar case was with Grgo Stojic: once he got in touch with the Serb Forces, from an ordinary Serb peasant through police, to MD-s, he was saved!)**

1841. KDZ611 and another man who had survived the shooting<sup>6336</sup> remained hidden in the woods for two or three days, after which they surrendered to a group of Serb soldiers at a place called Galica.<sup>6337</sup> They were then taken to Skender Vakuf and held with three other wounded survivors of the incident, and interrogated about what had happened at Korićanske Stijene by both

<sup>6323</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6907–6909.

<sup>6324</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6908–6909.

<sup>6325</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12479–12480 (under seal).

<sup>6326</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12480 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 18 (under seal).

<sup>6327</sup> KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5829 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12480–12481 (under seal); [REDACTED].

<sup>6328</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12490 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 20 (under seal); [REDACTED]. See also Adjudicated Fact 1256 (stating that the primary perpetrators of the killings at Korićanske Stijene were members of the Prijedor intervention squad).

<sup>6329</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12490 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 20 (under seal).

<sup>6330</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12490–12491 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 20 (under seal).

<sup>6331</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12490 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 20 (under seal).

<sup>6332</sup> [REDACTED]. See also Adjudicated Fact 1255.

<sup>6333</sup> [REDACTED]; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6908. See also Adjudicated Fact 1255.

<sup>6334</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6910–6913.

<sup>6335</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6913–6918.

<sup>6336</sup> KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5833 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 20–21 (under seal) (stating that at one point the other survivor he was with, Bahrija Jakupović, went back for a look and told KDZ611 that people from the other bus were being killed in small groups, rather than lining them up all at once). **So, aunt said to uncle, and he back to another aunt. The family Jakupovic has a prominent place on the lists of criminal reports, and a reputation of a very extreme and militant people, see D4257; D1743; D4681; D4414, and there is more!)**

<sup>6337</sup> KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5833–5834 (under seal). See P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 21 (under seal).

an army officer and the police.<sup>6338</sup> They were then transferred to a hospital in Banja Luka.<sup>6339</sup> **(#EXCULPATOR#Y! Again, the real “Serb Forces”, acting properly!) Why would several criminals and renegades, who didn’t respect the strictest orders from the President and their Minister for Interior, be considered as a “Serb Force” while the vast majority of the officials involved in this case wouldn’t be considered the “Serb Forces” that acted in accordance with the President’s orders?)**

**1842.** In the hospital, KDZ038, KDZ611, and other survivors were beaten and mistreated by other patients and by local civilians, police, and soldiers, with the permission of the guards who were watching them.<sup>6340</sup> Later, they were transferred to another hospital at Paprikovac, near Banja Luka, where they and other non-Serbs were also mistreated.<sup>6341</sup> Following his release from the hospital, and after being interviewed by a judge in Banja Luka about the incident at Korićanske Stijene, KDZ611 was housed by a Muslim charity in Banja Luka called Merhamet.<sup>6342</sup> Later, an international organisation took him back to Trnopolje to get the necessary papers to permit him to leave RS, and then on to Karlovac, from where he travelled to a third country.<sup>6343</sup> KDZ038 remained in the Paprikovac hospital until 15 October 1992, when he was told that he was free to leave and, with the assistance of Merhamet, he went to stay at the mosque.<sup>6344</sup> The wound on KDZ038’s ankle festered badly and his foot was finally amputated.<sup>6345</sup> **(#Deadly combination#! #All of this is a massive lie#, simply unbelievable and impossible, since the doctors would never allow this, and the Red Cross and the Muslim Charitable Society Merhamet were included in rescuing the survivors! It was so easy to check it, the Chamber missed the opportunity to do that, which would discredit so many fake witnesses!)**

**1843.** On 22 August 1992, a meeting was held with Paraš, Župljanin, Bogdan Subotić, Drljača, and other high level officials at the Prijedor SJB to discuss the incident at Korićanske Stijene.<sup>6346</sup> That day, members of the intervention squad who had been told to go into hiding after the incident returned to Prijedor and resumed their duties.<sup>6347</sup> **(6354) Even far before this incident the Minister for Interior was dissatisfied with such a units within the police, and therefore ordered to disband them, see: D1534:**

We hereby inform you that by the order of the Minister of the Interior of the Serbian Republic of Bosnia and Herzegovina, strictly confidential no. 10-17/92 dated 27 July 1992 all special units formed in public security stations during wartime must be immediately disbanded and placed under the command of the Army of the Serbian Republic.

**As a poorly controlled and sufficiently incompetent, these units had been disbanded by the Minister Stanisic, which is closely related to this incident!) On 23 or 24 August 1992, members**

<sup>6338</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12501–12503 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court p. 21 (under seal) (providing the names of the other survivors: Midhet Mujkanović, Mehmed Sivac, and Sulejman Kahrmanović and noting that they also gave a statement to a judge in Banja Luka after they had been released from the hospital).

<sup>6339</sup> KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5835 (under seal).

<sup>6340</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6920; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12503–12504 (under seal).

<sup>6341</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6922–6924; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12503–12505 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5835 (under seal) (testifying that there they also met another survivor of the incident at Korićanske Stijene, Sanimir Kljajić).

<sup>6342</sup> KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12509 (under seal). See D4236 (Report of Banja Luka Lower Court, 24 September 1992); D2044 (Report of Banja Luka Public Prosecutor’s Office, 14 September 1992).

<sup>6343</sup> KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5835–5836 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12510 (under seal); P699 (Witness statement of KDZ611 dated 11 September 1995), e-court p. 37 (under seal).

<sup>6344</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6923.

<sup>6345</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6922–6924, 6956, 6959 (testifying that during his time in Paprikovac, he met other survivors of the killings at Korićanske Stijene and gave a statement to the ICRC which he said was not a true statement; he stated that he was constantly watched by guards when he gave it and they told him not to tell the truth).

<sup>6346</sup> [REDACTED]; Dušan Janković, T. 47302–47303 (18 February 2014). See also [REDACTED]; D2041 (1<sup>st</sup> Krajina Corps combat report, 22 August 1992), p. 2 (wherein the 1<sup>st</sup> Krajina Corps Command reported to the VRS Main Staff about the Mount Vlašić incident, including that “a massacre against civilians—Muslim men—was committed on 21 August between 1830 and 1900 hours [...] by a group of policemen escorting a convoy of refugees to Travnik”).

<sup>6347</sup> [REDACTED].



of the intervention squad were taken back to Korićanske Stijene to attempt to recover bodies from the abyss; Drljača and Župljanin were both present.<sup>6348</sup> Approximately 150 to 200 dead bodies were seen at Korićanske Stijene after the incident.<sup>6349</sup> The attempt to extract the bodies failed as they did not have the heavy machinery required for such an operation.<sup>6350</sup> A second attempt was made to extract the bodies with a crane but it also failed, as did their attempt to burn the bodies.<sup>6351</sup> During the second attempt, some of the bodies were destroyed; members of the intervention squad then tried to cover the remaining bodies with stones and branches, under the supervision of Drljača, Paraš, and two other commanders.<sup>6352</sup> **(There may have been some members of the Intervention squad, but not the same those who perpetrated the crime.)**

1844. Shortly after the incident, the intervention squad was disbanded and its 40 members were sent on a combat mission to Han Pijesak.<sup>6353</sup> **(This is #not correct interpretation#. They hadn't been sent, they escaped, The squad went hiding in the Kozara mount)**

.. On 3 September 1992, the 1<sup>st</sup> Krajina Corps reported to the VRS Main Staff that Drljača was responsible for the incident at Korićanske Stijene and that it had caused indignation among citizens and members of the 1<sup>st</sup> Krajina Corps, creating a “dark stain”, but that it was fortunate that the “international community did not find out about it in more detail”.<sup>6354</sup>

1845. On 14 September 1992, in response to a request by Mićo Stanišić to initiate an investigation into the incident,<sup>6355</sup> Drljača stated that an investigation could not be carried out because the officers who had participated in the convoy and incident were currently deployed in the battlefield.<sup>6356</sup> Although an investigation into the incident was initiated,<sup>6357</sup> none of the policemen involved in the incident were held accountable for their involvement.<sup>6358</sup> Furthermore, in November 1993 and June 1994, members of the intervention squad, as well as high officials involved in the incident, such as Drljača, Paraš, Milutin Čađo, and others in the Prijedor SJB, were promoted and awarded medals of bravery by the President.<sup>6359</sup> **(Knowing the technology of promoting and awarding, this shouldn't be treated that way. The proposals for awarding a**

<sup>6348</sup> [REDACTED].

<sup>6349</sup> Nenad Krejić, P3760 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 14037–14039; P3767 (Aerial photograph marked by Nenad Krejić); P3768 (Witness statement of Milan Komljenović dated 28 October 2011), pp. 6–7; [REDACTED].

<sup>6350</sup> [REDACTED]. See also D4379 (Witness statement of Vladimir Glamočić dated 10 February 2014), paras. 19–24.

<sup>6351</sup> [REDACTED]; Vladimir Glamočić, T. 47240–47241 (17 February 2014); P6673 (Video footage re Korićanske Stijene). See also D4379 (Witness statement of Vladimir Glamočić dated 10 February 2014), para. 33.

<sup>6352</sup> Nenad Krejić, P3760 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 14049–14050, 14055; Milan Komljenović, T. 20916–20919 (3 November 2011); P3768 (Witness statement of Milan Komljenović dated 28 October 2011), pp. 9–10, 21–22, 24–25; [REDACTED]. See P3929 (Report of 1<sup>st</sup> Krajina Corps, 3 September 1992), p. 4.

<sup>6353</sup> Dušan Janković, T. 47303–47304 (18 February 2014) (testifying that disbanding the unit and sending them to the frontline was a compromise as if Drljača had arrested them, they would have resisted and “it could not be done without bloodshed”); [REDACTED]. See D1882 (Letter from Simo Drljača, 14 September 1992); D1885 (Dispatch from Simo Drljača to Stojan Župljanin, 13 October 1992).

<sup>6354</sup> P3929 (Report of 1<sup>st</sup> Krajina Corps, 3 September 1992), p. 4.

<sup>6355</sup> P3763 (Order of Banja Luka CSB forwarding order of RS MUP, 11 September 1992); Mićo Stanišić, T. 46411–46413 (4 February 2014).

<sup>6356</sup> D1882 (Letter from Simo Drljača, 14 September 1992); D1885 (Dispatch from Simo Drljača to Stojan Župljanin, 13 October 1992). See also Adjudicated Fact 2492.

<sup>6357</sup> D2040 (Special report of the 22<sup>nd</sup> Light Infantry Brigade, 21 August 1992); D2042 (Miloš's report re Korićanske Stijene incident, 22 August 1992); D2043 (Record of forensic examination at Korićanske Stijene, 31 August 1992); D2044 (Report of Banja Luka Public Prosecutor's Office, 14 September 1992); D4236 (Report of Banja Luka Lower Court, 24 September 1992); D1883 (Letter from Banja Luka Prosecutor's Office to Banja Luka CJB, 30 September 1992); P6644 (Letter from Banja Luka CJB to Banja Luka Prosecutor's Office, 1999); Mićo Stanišić, T. 46411–46413 (4 February 2014), T. 46542–46548 (5 February 2014); D4235 (Witness statement of Jevto Janković dated 24 January 2014), paras. 9–10, 12. See P3768 (Witness statement of Milan Komljenović dated 28 October 2011), para. 4; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 30.

<sup>6358</sup> [REDACTED]; P3768 (Witness statement of Milan Komljenović dated 28 October 2011), pp. 6–7. See also P2958 (Christian Nielsen's expert report entitled “The Bosnian Serb Ministry of Internal Affairs: Genesis, Performance and Command and Control 1990–1992”, 19 May 2011), paras. 327–328.

<sup>6359</sup> [REDACTED]; P4261 (Article in the Kozarski Vesnik entitled “Shoulder to Shoulder with the Army”, 26 November 1993); P4265 (Compilation of video footage from various Serbian TV stations, undated, with transcript). The Chamber will discuss in further detail the Accused's knowledge of this incident and subsequent actions in Section IV.A.3.a.v: Accused's knowledge of crimes and measures he took to prevent them. See paras. 3346, 3418, 3432. Furthermore, rather than being treated as a “rogue police chief”, as alleged by the Accused during his case, Drljača was rewarded as a hero for his actions in Prijedor and given more appointments in Banja Luka and Prijedor over the subsequent years. For instance, Drljača was appointed as assistant Chief of the Banja Luka CSB on 17 January 1994, and later, he was again appointed as Chief of the Prijedor SJB on 27 April 1994. P6638 (Decisions of RS MUP, 17 January 1994 and 27 April 1994); Mićo Stanišić, T. 46517–46518 (5 February 2014); Miroslav Kvočka, T. 45631 (20 January 2014); P4261 (Article in the Kozarski Vesnik entitled “Shoulder to Shoulder with the Army”, 26 November 1993); P4265 (Compilation of video footage from various Serbian TV stations, undated, with transcript); [REDACTED].

**number of the members of police and the VRS came, as always, from the grassroots, and the only that could prevent it was a judicial record of a fine for crimes! There were several instances to decide before it reached the President.)**

**1846.** The Chamber took judicial notice of the fact that on 21 August 1992, approximately 200 men travelling in a convoy over Mount Vlašić were killed by Serb armed men at Korićanske Stijene.<sup>6360</sup> Furthermore, in assessing the overall number of persons killed during this incident, the Chamber has considered witness testimony that there were two buses with approximately 100 men or more on each bus.<sup>6361</sup> In addition, the Chamber received forensic evidence to support the deaths of some identified individuals in connection with the killings at Korićanske Stijene.<sup>6362</sup> **(This is not accurate data, nor a reasonable inference: there were many busses and tracks, up to 2,000 people, and there were disembarked about 140 and killed the way it is depicted in the Judgement. There is no a Serb that can stay calm before this data, and this is a moral stain and moral responsibility of all the Serbs. But, the criminal responsibility belongs only to those who committed the crime, because it was clear that there was no any plan, that there was no any military, or political, or ethnical reason, since the people were moving to the Muslim controlled zone. But, there is a very persuasive evidence that the robbery and private criminal interests were present and had been crucial, because all the valuables taken from the people had ended in the dormitory of the perpetrators!)**

**1847.** Based on the above, the Chamber finds that approximately 200 non-Serb men, some of whom were taken from Trnopolje, were killed on 21 August 1992 by Serb Forces at Korićanske Stijene. **(The crime was committed by a small group of the police unit, but all the other #Serb officials acted the most adequate# way, saving and healing the survivors. The Judgement didn't mention that at that time the President was in London for the Conference, and as soon as the President was notified about the crime, he ordered the strictest investigation and legal action, as several witnesses testified! Finally, but not the least: another Chamber of this Court RIGHTFULLY ACQUITTED MR. STANI[I], THE MINISTER OF INTERIOR FOR THIS INCIDENT! HOW A MORE REMOTE OFFICIAL, AS PRESIDENT WAS, COULD HAVE BEEN KEPT LIABLE FOR THAT SAME INCIDENT!**

**Another question was: how come the main perpetrator, almost the only one, but certainly a chief of this “heroic endeavour” got a “guilt plea” status and protective measures???)**

<sup>6360</sup> See Adjudicated Fact 1254.

<sup>6361</sup> See paras. 1836–1837.

<sup>6362</sup> P4437 (Death certificates for 16 individuals reported missing on Mount Vlašić) (under seal); P4421 (Death certificate for Bećir Bešić) (under seal); P4422 (Death certificate for Rasim Bašić) (under seal); P4423 (Death certificate for Almir Fazlić) (under seal); P4424 (Death certificate for Nedžad Čaušević) (under seal); P4425 (Death certificate for Samir Garibović) (under seal); P4426 (Death certificate for Šefik Garibović) (under seal); P4427 (Death certificate for Zijad Huskanović) (under seal); P4428 (Death certificate for Fehret Jaskić) (under seal); P4429 (Death certificate for Hasan Kararić) (under seal); P4430 (Death certificate for Fahrudin Mujkanović) (under seal); P4431 (Death certificate for Sejad Avdić) (under seal); P4432 (Death certificate for Zijad Tadžić) (under seal); P4433 (Death certificate for Suad Zulić) (under seal); P4434 (Death certificate for Mesud Zulić) (under seal); P4435 (Death certificate for Sejad Kadirić) (under seal); P4438 (Death certificate for Midhet Hodžić) (under seal); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 91–93 (wherein Mašović identifies the names of 55 identified individuals who went missing Korićanske Stijene on 21 August 1992 and who were later exhumed from Korićanske Stijene); P4640 (DNA reports of persons exhumed from Korićanske Stijene on 3 October 2003); P5911 (DNA reports of persons exhumed from Korićanske Stijene on 15–21 May 2003). KDZ611 identified Jasim Fazlić, his brother, eight neighbours with the last name Garibović, Kadir Kararić, and Elvir Kararić as individuals who were with him on the convoy and were killed at Korićanske Stijene). KDZ611, P698 (Transcript from *Prosecutor v. Kvočka*), T. 5830 (under seal); KDZ611, P698 (Transcript from *Prosecutor v. Brdanin*), T. 12511 (under seal); P699 (Witness statement of KDZ611 dated 27 February 1999), e-court pp. 14–15, 19 (under seal). See also P4851 (Witness statement of Amor Mašović dated 23 March 2012), Confidential Appendix B, pp. 16–19 (under seal); P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 63, 68–69, 72–73, 76–78, 84, 86, 95–96, 113–116, 123–124, 142, 148, 169, 176, 181–184, 201, 204–206, 210–213 (under seal).

i. Transfer of detainees out of Trnopolje

1848. Women and children were taken away in convoys from Trnopolje early on until there were primarily only men left in the camp.<sup>6363</sup>

1849. As mentioned above, pursuant to an order issued by Mladić on 3 August 1992, Talić ordered the authorities at Omarska, Trnopolje, and Manjača to urgently prepare for visits by the ICRC and teams of reporters.<sup>6364</sup>

1850. When journalists and foreign delegations visited Trnopolje, camp officials would take down the barbed wire fence and sometimes a sign would be put up saying that it was a “collection centre”.<sup>6365</sup> **(This is a #MEAN AND MALICIOUS LIE#, uncorroborated by any document. That would be widely known it that happened! The area was never fenced, and the barb wire was all the time only around a compound-storage for a construction tools!)** On 18 August 1992, ICRC representatives were denied access to Trnopolje for a week.<sup>6366</sup> In that week, officials prepared the camp for subsequent visits by journalists and ICRC representatives by organising numerous convoys, including the convoy to Mount Vlasić on 21 August 1992, to transfer Bosnian Muslims and Bosnian Croats out of Trnopolje in order to empty the camp.<sup>6367</sup> **(#Distorted#! The objective was not “to empty the camp”, but to comply with the three-party agreement on a unilateral release of civilians, signed in London, as it is confirmed in the ICRC document, see: D3110:**

**The operation took place under the terms of the agreement reached in London last August whereby the three parties to the conflict pledged to release all civilian detainees unilaterally.**

**So, a noble and charitable agreement and it’s realisation is depicted as a cunning move aimed to deceive somebody. Again, #testimonies of the Muslim adversaries contra ICRC documents# are more powerful than a genuine contemporaneous documents!?)** The convoys transferring detainees out of Trnopolje were organised and secured by the Prijedor Crisis Staff, Prijedor SJB, Banja Luka SJB, and the VRS.<sup>6368</sup> ICRC re-gained access to Trnopolje on 26 August 1992 and began registering detainees for the first time.<sup>6369</sup> **Let us see P807, p. 3**

**the most precarious situation of detention of the several thousands civilians kept there. After many demarches at local and the highest political level it was only this very morning that our delegates were able to enter in these camps again. One full week we were prevented to fulfil our humanitarian mandate with possible transfers, as it has already been the case. I expect it shall not happen again.**

**(NOTA BENE: “”...to enter these camps again!” Therefore, that was not for the first time they visited the camps! This is not correct assertion in the Judgment. The ICRC had been**

<sup>6363</sup> KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6876–6877 (testifying that he watched the convoys of buses and trucks leaving from the camp, carrying women and children, and sometimes tried to get on board, but was unable to board).

<sup>6364</sup> P5461 (VRS Main Staff Order, 3 August 1992); P5460 (Order of 1<sup>st</sup> Krajina Corps, 3 August 1992). See also paras. 1404, 1784.

<sup>6365</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7793; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6879.

<sup>6366</sup> P807 (Address by ICRC President at the London Conference, 26 August 1992), p. 3.

<sup>6367</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7789–7791; Idriz Merdžanić, T. 21395–21398 (16 November 2011); P3901 (Photograph of detainees at Trnopolje); P3902 (Photograph of detainees waiting to board a truck at Trnopolje); KDZ014, P674 (Transcript from *Prosecutor v. Stakić*), T. 5748–5750; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12517–12518 (under seal); Dušan Janković, T. 47301 (18 February 2014). See also Adjudicated Fact 1296.

<sup>6368</sup> P5503 (Report of Prijedor SJB, 18 July 1992); KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6881–6882 (testifying that an intervention squad known as “Sarenci” would come to Trnopolje whenever one of the convoys was leaving to guard the convoys as the people were being loaded on to the buses and trucks and describing that the unit wore a police combat uniform of blue and yellow camouflage with the word “Milicija” in Cyrillic); [REDACTED]. See also Adjudicated Fact 1296.

<sup>6369</sup> P807 (Address by ICRC President at the London Conference, 26 August 1992), p. 3; KDZ038, P676 (Transcript from *Prosecutor v. Stakić*), T. 6882–6883; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7799. See D4253 (Video footage of interviews at Omarska, with transcript), p. 9. See also P6585 (SRNA press release, 22 August 1992) (reporting that authority over Trnopolje had been handed over to the Red Cross in the course of the day pursuant to a decision by the RS President).

**allowed and even encouraged by the President personally, repeatedly, many times, to access every single place under the Serb control. These documents are already known: P03505**

Redovito posjecivan od 14.07.1992. do 16.12.1992.  
Regularly visited from to

**See: D00101**

Pursuant to our document of 13 June 1992 concerning the observation of international standards in war, I hereby re-issue the following

ORDER:

1. All protagonists should fulfil their obligation to observe international humanitarian law, especially the Third and Fourth Geneva Conventions;

**See D01853:**

Pursuant to the agreement which was signed by the Minister of Health, Labour and Social Welfare on the authorisation of the President of the Serbian Republic in the International Committee of the Red Cross, Geneva, the authorities of the Serbian Republic are obliged to send certain information about the prisons under the control of the Serbian Republic.

**See D01874, p.1 of 23 September 92**

In accordance with agreement no. 3 which was ratified on 6 June 1992, Mr KALINIĆ, a representative of Mr Radovan KARADŽIĆ, President of the Republika Srpska, on 16 September 1992 allowed delegates of the International Red Cross (ICRC) access to prisoners in Manjača for the /circled: seventh/ time.

The ICRC delegates conducted a general visit which includes access to all detention facilities, a visit to previously registered prisoners, the registration of new prisoners, tête-à-tête conversations with prisoners according to their choice and with no time restrictions.

The ICRC is taking this opportunity to thank the camp administration for its cooperation and full support which was extended to the ICRC delegates during the visit.

The ICRC would like to thank Commander POPOVIĆ and his associates for their excellent cooperation and help during the whole operation.

**So, as early as 6 June 92 the President authorised his Minister for Health to commit to the agreement, which served as a basis for the engagement of the ICRC throuout the entire period of war. And the Manjaca camp administration, and the Commander himself, deserved the official thanks for being cooperative and well minded.**

**See: D01872; See D01875, See D00103, see D04740, see D01876, see D04821, see: D01850 see D03110, p. 1 of 2 October 92:**

Geneva (ICRC) - The International Committee of the Red Cross (ICRC) confirms having evacuated on 1 October 1,560 people from Trnopolje camp (near Prijedor in northern Bosnia-Herzegovina) to a reception centre in Karlovac, south-west of Zagreb, where they were handed over to staff of the United Nations High Commissioner for Refugees (UNHCR). The evacuation started in the early morning and was completed during the night.

The people concerned are civilian victims of the ongoing hostilities in northern Bosnia, and had all been visited and provided with assistance by ICRC delegates since the ICRC was first able to enter the camp on 10 August. Each of them was given the opportunity to confirm that he or she did in fact wish to be evacuated.

The operation took place under the terms of the agreement reached in London last August whereby the three parties to the conflict pledged to release all civilian detainees unilaterally.



So, this #contemporaneous and genuine document# from an international organisation that hadn't been understanding the Serb position and problems, is in contrast to everything that the Prosecution, and now the Chamber find about Trnopolje. Therefore, there had been the only one week of a standstill of the regular visits, certainly without and against the President's orders.

1851. Trnopolje was officially closed at the end of September 1992, but some detainees stayed there longer so that they could be registered and leave.<sup>6370</sup> **(This is an evidence that the people decided by themselves to be in Trnopolje, because nobody would register them while in their homes.)** A large convoy from Trnopolje was organised by the ICRC on 1 October 1992; 1,560 people were transferred from Trnopolje to a reception centre in Karlovac.<sup>6371</sup> All of the detainees transferred in this convoy were required to sign documents relinquishing their property rights in Prijedor to Serbs.<sup>6372</sup> **(And this is another #horrible lie#, which disqualifies withness Merdzanic and many others. First, had it happened, it would be recorded in the ICRC document (D03110) Second, the President had already annulled any such a statement pertaining to the property matters. Third, even the Chamber accepted that there was no any transference of private property whatsoever!)** It was only after signing these documents that they were permitted to leave.<sup>6373</sup> **(No ends of the false testimonies: on one hand, there are the accusations for an “ethnic cleansing”, on the other hand the assertions that the local authorities made many obstacles to those who wanted to leave, including many papers, and finally a demand to hand over properties! Why would anybody collect so many papers and documents, , if didn’t want to leave? And even and allegedly to give up properties?)** According to the Prijedor Red Cross, over 23,000 people had been “housed” at Trnopolje by the end of September 1992.<sup>6374</sup>

1852. Some detainees remained at Trnopolje until the end of 1992.<sup>6375</sup> **(They remained there #by their own will#, as those coming to the Center from the beginning!)** On 2 December 1992, Kirudja co-ordinated a convoy of 600 to 800 people out of Trnopolje to Dvor, in Croatia.<sup>6376</sup>

a. Scheduled Detention Facility C.20.5

1853. The Indictment refers to the use of the Miška Glava Dom as a detention facility in Prijedor municipality between 21 and 25 July 1992.

i. Arrival of detainees and control over the detention facility

1854. Located in the village of Miška Glava, the Miška Glava Dom was used as a detention facility in Prijedor from around 21 to 25 July 1992.<sup>6377</sup> Miška Glava Dom was a cultural club which had been transformed into a command post staffed and guarded by members of the Miška Glava TO.<sup>6378</sup>

<sup>6370</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7791, 7800; D3110 (ICRC press release, 2 October 1992); P6504 (Report of Prijedor Red Cross, 30 September 1992), pp. 9–10; P2948 (Report of humanitarian organisation, 8 October 1992) (under seal), p. 2. *See also* Adjudicated Fact 1224.

<sup>6371</sup> D3110 (ICRC press release, 2 October 1992); Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7791, 7800, 7834–7835; P684 (Witness statement of KDZ054 dated 14 March 2000), e-court p. 9; P6504 (Report of Prijedor Red Cross, 30 September 1992), pp. 9–10. *See* P786 (Third notebook of Herbert Okun’s ICFY diary), e-court p. 13.

<sup>6372</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7800, 7834–7835; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7106, 7133–7134.

<sup>6373</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7800, 7834–7835; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7106.

<sup>6374</sup> P6504 (Report of Prijedor Red Cross, 30 September 1992), p. 9.

<sup>6375</sup> P2968 (Report of Prijedor SJB, January 1993), p. 5 (stating that Trnopolje remained in operation until November 1992). *See also* Adjudicated Fact 1224. In a meeting with international representatives on 3 October 1992, it was brought to the attention of Okun and other ICFY representatives that more than 1,000 people entered Trnopolje “voluntarily” after it “had been emptied” a few days prior with the departure of the large convoy on 1 October. P786 (Third notebook of Herbert Okun’s ICFY diary), e-court p. 20.

<sup>6376</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 74, fn. 187; P3833 (UNPROFOR Memo, 8 December 1992).

<sup>6377</sup> P598 (Map of Prijedor area); Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5215, 5217–5218, 5226; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12693–12695, 12698; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3. *See also* Adjudicated Fact 1102.

<sup>6378</sup> P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5219–5220. *See also* Adjudicated Facts 1257, 1258. The secretary of the local commune had his office at Miška Glava Dom and local commune meetings were held there. Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5215, 5217, 5219.

1855. Around 21 July 1992, a group of approximately 114 Bosnian Muslim men and boys were captured by Serb soldiers and transported in buses to Miška Glava Dom.<sup>6379</sup> This group had been part of a column of between 200 and 300 men and boys walking in the direction of Bihać.<sup>6380</sup> The column was attacked by Serb soldiers in the Kalejevo woods and it broke apart.<sup>6381</sup> A group from the column, including Nermin Karagić and Elvedin Nasić, ran into the woods near Miška Glava and were surrounded by about 20 soldiers dressed in olive-grey JNA uniforms and blue reserve police uniforms.<sup>6382</sup> The group was lined up in four columns, searched, and ordered to throw all of their possessions in a pile on the ground.<sup>6383</sup> They were then led to the road, where a van was brought to take them in groups to Miška Glava Dom.<sup>6384</sup> Three men tried to escape on the way to the van, one of whom was shot.<sup>6385</sup>

1856. When they arrived at Miška Glava Dom, the detainees were locked in a room that had served as a café.<sup>6386</sup> Their names were recorded by an officer.<sup>6387</sup>

ii. Conditions of detention and treatment of detainees

1857. Detainees were held in the café at Miška Glava Dom for between three to five days.<sup>6388</sup> The room was small and so overcrowded that detainees had to sit in a crouching position, with their knees to their chests and their arms around their legs.<sup>6389</sup> It was stiflingly hot.<sup>6390</sup> While at Miška Glava Dom, detainees received little to no food and they had to “earn” drinking water by singing songs about Greater Serbia.<sup>6391</sup> **(#Deadly combination#! There is no any evidence except these 92bis! So, the Muslim extremists (because those who hadn't been extreme, continued to live in Prijedor until 94 and 95.) are free to lie as much as they wanted!)**

1858. Detainees were regularly called out of the café to a smaller room to be interrogated and were beaten by soldiers with their fists and rifle butts.<sup>6392</sup> They suffered concussions, bleeding, and heavy bruising.<sup>6393</sup> Karagić heard the moaning of his father as he was being beaten and when his father returned, he was covered in bruises.<sup>6394</sup> Karagić also saw a man named Islam Hopovac

<sup>6379</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5213–5215, 5223; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12691, 12693. See also Adjudicated Fact 1259.

<sup>6380</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5211–5212 (testifying that the column consisted of adult men and boys his age (17 years old)); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12690, 12723.

<sup>6381</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5213; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12690; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3.

<sup>6382</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12690–12691; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5213–5214, 5219–5220; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3.

<sup>6383</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5214; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12691; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3.

<sup>6384</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5214–5215; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12691.

<sup>6385</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5215 (testifying further that he heard later that the other two men were killed in Sanski Most); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12691, 12700; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3. The Chamber notes these killings are not charged pursuant to Schedule A or Schedule B of the Indictment. See fn. 13.

<sup>6386</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12693; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5215, 5218; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3.

<sup>6387</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5218; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12693; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3. See also Adjudicated Fact 1259.

<sup>6388</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5218; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12694; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3.

<sup>6389</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5220, 5225; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3.

<sup>6390</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5220.

<sup>6391</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5219–5220 (stating that the detainees were given a single loaf of bread and a packet of sweets to share amongst all of them); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12709–12710 (testifying that he was given nothing to eat during his detention at Miška Glava Dom).

<sup>6392</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12694; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5220–5221; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3. See also Adjudicated Facts 1258, 1259, 1260.

<sup>6393</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5220–5221, 5223. See also Adjudicated Fact 1260.

<sup>6394</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5220–5221.

beaten until he was “black and blue”.<sup>6395</sup> Detainees were also beaten when they went outside to go to the bathroom.<sup>6396</sup>

1859. At one point, a man whose son was allegedly killed by Muslims in Rizvanovići entered the room and called out ten men from Rizvanovići, including Ismet Hamulić, and said he would “do the same” to them; these men were never seen again.<sup>6397</sup> In addition, at least three men were taken out of the room by soldiers and did not return.<sup>6398</sup> **(#Did not return# how many outcomes and reasons could have been? This should not be sufficient to conclude that they had been killed, and beside that, a #personal revenges# can not be allocated as a responsibility of the authorities, particularly a distanced ones!)**

1860. On around 25 July 1992, the remaining detainees were put on to two buses and transferred to the Ljubija football stadium.<sup>6399</sup>

### (iii) Conclusion

1861. Based on the above, the Chamber finds that Bosnian Muslims, including minors, were detained at Miška Glava Dom by Serb Forces from around 21 July to 25 July 1992. The Chamber also finds that detainees were held in poor conditions characterised by lack of space and insufficient food and were subjected to severe beatings by Serb Forces. **(#Deadly combination#! To keep somebody between three to five days, it looks like the civilians had been housed while the combats were around. However, the Defence couldn’t check anything, since all about this incident C.20.5 was based on the Rule 92bis and adjudicated facts, and the Defence was helpless in this case!)**

### (f) Scheduled Detention Facility C.20.6 and Scheduled Incident A.10.8

1862. The Indictment refers to the use of the Ljubija Football Stadium as a detention facility in Prijedor municipality on or about 25 July 1992.<sup>6400</sup> The Prosecution alleges that a number of men were killed at the Ljubija Football Stadium and surrounding areas on or about 25 July 1992.<sup>6401</sup>

#### i. Arrival of detainees and control over the detention facility

1863. On or around 25 July 1992 in the afternoon, Bosnian Muslim civilians who had been detained at Miška Glava Dom were transferred by bus to the Ljubija Football Stadium.<sup>6402</sup> Ljubija Football Stadium was located at the entrance to Gornja Ljubija.<sup>6403</sup> On the way to the stadium,

<sup>6395</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5223.

<sup>6396</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12693.

<sup>6397</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5221–5225 (further testifying that he could not recall if the man was wearing a uniform or civilian clothing); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12695, 12723–12724; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3. The Chamber notes these killings are not charged pursuant to Schedule B of the Indictment with respect to this detention facility. *See* fn. 13.

<sup>6398</sup> P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12723–12724 (testifying that three men were taken out of the room by soldiers from Banja Luka and were never seen again); Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5221–5225 (testifying that a man from Cazin and a man from Višegrad were taken from the room and that he heard the sounds of these two men being killed outside and saw a soldier in an olive-grey uniform take three other detainees from the café one by one, and each time, the soldier returned to the café alone with blood on his knife and glove). The Chamber notes these killings are not charged pursuant to Schedule B of the Indictment with respect to this detention facility. *See* fn. 13. **(Because even the Prosecution didn’t believe that!)**

<sup>6399</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5225–5226; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3; Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12695. *See also* Adjudicated Fact 1261; Scheduled Detention Facility C.20.6.

<sup>6400</sup> In its Final Brief, the Prosecution notes a typographical error in the Indictment for Scheduled Detention Facility C.20.6, namely that it omitted to allege the year as 1992. *See* Prosecution Final Brief, Appendix B, p. 43, fn. 642.

<sup>6401</sup> The Chamber notes that these killings are alleged under Schedule A of the Indictment. However, they are killings related directly to the Ljubija Football Stadium listed as Scheduled Detention Facility C.20.6 in the Indictment.

<sup>6402</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12695–12696; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5226–5227. *See also* Adjudicated Facts 1102, 1261.

<sup>6403</sup> P569 (Map of Prijedor municipality); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12696–12697; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5227; P563 (Map of Ljubija-Briševo) (on which Karagić identified the stadium as photograph number 2). *See also* Ivo Atlja, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5634; P3688 (Excerpt from video clip of aerial flyover of Prijedor).



one of the buses stopped at the entrance to an iron ore mine near Gornja Ljubija.<sup>6404</sup> **(All #92bis evidence#.)** A policeman named “Simo”, soldiers wearing dark blue and black camouflage overalls, and members of a “Special Forces intervention squad” boarded the bus and began to beat and kick the detainees.<sup>6405</sup> The bus then continued on to the stadium, and the detainees were ordered off.<sup>6406</sup> **(#Deadly combination! All 92bis evidence.#)**

1864. Upon arriving at the stadium, children were separated from the other detainees and held in a building that served as a changing room for athletes.<sup>6407</sup>

1865. Ljubija Football Stadium was guarded by Bosnian Serb policemen, members of the military, and members of the intervention squad who accompanied the buses.<sup>6408</sup> A guard in civilian clothes, who was called “vojvoda”, was also present at the stadium.<sup>6409</sup>

i. Treatment of detainees

1866. As they exited the bus, the detainees were beaten by civilians who had assembled at the stadium, as well as by soldiers and members of the intervention squad and police, with metal rods, rifle butts, baseball bats, and other implements.<sup>6410</sup>

1867. Some detainees were ordered to bend forward against a brick wall surrounding the stadium and were kicked until there was a stream of blood running along the wall.<sup>6411</sup> Karagić was kicked in the face and from behind; he sustained a broken nose and hit his head against the wall.<sup>6412</sup> Detainees were made to raise their arms so that their hands were positioned on top of the wall; the driver of the bus then walked on top of the wall, stepping on their fingers.<sup>6413</sup> While being beaten, the detainees were forced to sing songs about Greater Serbia.<sup>6414</sup> **(There is no such a song!)** For several hours, the soldiers beat the detainees until some of them died.<sup>6415</sup> **(#Not corroborated# by any document, depending only on 92bis evidence!)**

1868. A group of men were singled out from the detainees at the wall and taken to a wire fence surrounding the stadium to be killed.<sup>6416</sup> **(All #92bis evidence#.)** Karagić witnessed at least one

<sup>6404</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12695–12697 (testifying that the mine was located at “Ljubija Zeljezne Rude”, a different location than the “Kipe” mine); P569 (Map of Prijedor municipality).

<sup>6405</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12695–12696; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 3; P697 (Witness statement of Elvedin Nasić dated 15 March 2000), e-court p. 9.

<sup>6406</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12696.

<sup>6407</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5228, 5234, 5236 (testifying that he only heard children had been separated later from the children themselves and that although he was only 17 years old, he was not sent to the changing room; in addition, one Serb detainee was allowed to go to the changing room later and survived); P563 (Map of Ljubija-Briševo) (on which Karagić identifies a white two-story building that served as the changing room in photograph number two).

<sup>6408</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12698–12700, 12702 (testifying that he recognised a local reserve policeman called “Stiven” and a soldier named Predrag Vasiljević); P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5231 (testifying that there was a “Major” in an olive-grey uniform and a military police officer in a camouflage uniform with a white belt). *See also* Adjudicated Facts 1078, 1262.

<sup>6409</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5231.

<sup>6410</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12698–12699 (testifying that there were civilians assembled at the entrance to the stadium who helped beat the detainees when they arrived); P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5228, 5230 (testifying that detainees on his bus were ordered to run into the stadium past the bus driver as he beat them). *See also* Adjudicated Fact 1263.

<sup>6411</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5228, 5230–5231, 5233.

<sup>6412</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5233, 5235.

<sup>6413</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5235, 5241–5242.

<sup>6414</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5235, 5241.

<sup>6415</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5236.

<sup>6416</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5227, 5233–5234 (testifying that he saw two or three men, including Ismet Avdić and Ferid Kadirić or Kadić taken to the fence; Karagić could not say how many men were singled out and taken to the fence but estimated that there were “a lot of people there”); P563 (Map of Ljubija-Briševo). *See also* Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12699; KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 3930–3931 (under seal) [REDACTED]; Adjudicated Fact 1079.

detainee being shot.<sup>6417</sup> Furthermore, Nasić's cousin, Irfan Nasić, was singled out, sent to the fence, and shot by Stiven with a pistol at close range.<sup>6418</sup> Nasić saw a guard nicknamed "Duča" fire at Muharem Petrovac, splitting his head in two.<sup>6419</sup> **(All #92bis evidence.)** Nasić also saw a third man shot and killed.<sup>6420</sup> Nasić was then beaten on the head with a metal baton by a soldier and lost consciousness. When he regained consciousness, he was ordered to move the bodies of the three men who had been killed.<sup>6421</sup> **(#Deadly combination# All 92bis evidence. This kind of allegation should have been presented at the courtroom and exposed to a verification through the cross examination!)**

1869. The surviving detainees were then lined up in columns, with their hands behind their necks, and forced to board a bus as they were beaten further by soldiers with baseball bats.<sup>6422</sup> Some detainees were ordered to load the dead bodies on to the bus.<sup>6423</sup> Karagić thought that one of the bodies he was made to carry was his father's, but he was not sure as the body was missing half of the skull.<sup>6424</sup> As Karagić was carrying the bodies, he saw a pile of between 15 and 20 bodies that were already in the back of the bus.<sup>6425</sup> After loading the dead bodies on to the bus, the detainees had to sit in the bus with their heads down, while the soldiers shouted ethnic slurs at them.<sup>6426</sup> The detainees were then transported to the "Kipe" mine.<sup>6427</sup> **(#Deadly combination! All 92bis evidence.)**

1870. The Chamber took judicial notice of the fact that at least 15 detainees were killed at Ljubija Football Stadium.<sup>6428</sup> The Chamber also received forensic evidence to support the deaths of three identified individuals who were detained at Ljubija Football Stadium on or around 25 July 1992.<sup>6429</sup> Furthermore in assessing the total number of detainees killed at the stadium, the Chamber has considered witness testimony that there were between 15 to 20 dead bodies loaded on to the bus before the detainees were transferred out of the stadium.

#### i. Conclusion

1871. Based on the above, the Chamber finds that on or around 25 July 1992, Bosnian Muslims, including minors, were transferred to and detained at Ljubija Football Stadium for several hours by Serb Forces, and that while held there, the detainees were subjected to severe beatings by Serb Forces. The Chamber also finds that at least 15 detainees were killed by Serb Forces at Ljubija Football Stadium on or around 25 July 1992. **(#Deadly combination#! Based only on a few 92bis testimonies? Even if there was a single slap, it is unacceptable, but there is no sufficient**

<sup>6417</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5233–5235 (testifying that the detainees were ordered to look towards the wall, but Karagić looked up and saw a member of the military police wearing a multi-coloured uniform and white belt shoot three bullets into one man at the fence). *See also* Adjudicated Fact 1079.

<sup>6418</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12695, 12698–12699 (testifying that Stiven had asked if any of the men had weapons and someone said that Irfan Nasić had a "zolja", however Irfan Nasić did not have any weapons); P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4. *See also* Adjudicated Fact 1078.

<sup>6419</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12699–12700; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4. *See also* Adjudicated Fact 1078.

<sup>6420</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12700; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4.

<sup>6421</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12701; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4.

<sup>6422</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12701–12702.

<sup>6423</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5237. *See also* Adjudicated Fact 1080.

<sup>6424</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5238–5239 (testifying that he recognised his father's pale blue jumper on the torso, and that the body had the same build as his father).

<sup>6425</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5237.

<sup>6426</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5239.

<sup>6427</sup> P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5244. *See also* Adjudicated Fact 1082.

<sup>6428</sup> *See* Adjudicated Fact 1081.

<sup>6429</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 34–35 (confirming that the bodies of Ismet Avdić and Muharem Petrovac were exhumed from a mass grave in Redak in 2000); Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5247–5249 (testifying that a year and a half later, he identified his father's body at the exhumation in Redak and that a DNA analysis later confirmed that it was his father). *See also* P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 26–29 (under seal); Nicolas Sébire, P694 (Transcript from *Prosecutor v. Stakić*), T. 7356.

evidence about who were those Muslims, why they had been detained, what did it mean “minors”, since we saw from Vuliamy’s report that the Muslims mobilised even 13 years old boy... Also, what does it means, “for several hours” while it was clear that it was the combat zone, which required removal of the civilians out of this zone? However, there is a regular combat report of 15 July 1992 confirming the existence and permanent activities of the Muslim armed groups in Prijedor, see D1942:

In the area of responsibility of the Prijedor command, there are still defeated groups of Muslim extremists who wish to break through and link up with Bihać and the Cazinska Krajina. They have been prevented from doing so at present, and this command is successfully controlling the area of Bosanska Krupa – Bosanski Novi – Bosanska Dubica – Sanski Most as far as the village of Ivanjska.

All of the #combat casualties# there had been depicted by the Muslim witnesses-members of the Muslim Army, as a detainees killed while detained. It was impossible to have somebody killed at a stadium and not to have it public! See what was reported on 17 July 92 by the 1.KK intelligence: D1941:

-The situation in the Cazin Krajina is again becoming complicated. About 700 Croats that live in this area want to leave this area in an organised way. Muslim forces from the Cazin Krajina are infiltrating DTG /sabotage and terrorist groups/ into our dispositions and upon the completion of an action they are paid 1,000 German marks.

So, not only the military and police forces in Prijedor had to oppose the internal terrorist groups, hidden in the woods and dug-outs, but they had to face a DTGs from the Bihać region, which made the #area of Prijedor a constant battlefield#!)

#### (iv) Scheduled Incident A.10.7

1872. The Indictment refers to the killing of a number of men in the Ljubija iron ore mine Kipe on or about 25 July 1992.<sup>6430</sup>

1873. On or around 25 July 1992, at least 50 detainees from Ljubija Football Stadium were put on a bus, provided by a local public transport company and guarded by numerous armed soldiers.<sup>6431</sup> They were taken to an iron ore mine southwest of Ljubija referred to as “Kipe” (“Kipe mine”).<sup>6432</sup>

1874. The bus stopped at Kipe mine between 8 p.m. and 10 p.m. and the soldiers called the detainees off the bus in groups of three and shot them.<sup>6433</sup> The dead bodies were thrown into a hole in the ground.<sup>6434</sup> As Nasić and two other men were getting off the bus, four other detainees broke a window and tried to escape, distracting the soldiers.<sup>6435</sup> In the confusion, Nasić and the

<sup>6430</sup> The Chamber notes that these killings are alleged under Schedule A of the Indictment. However, they are killings related to the Ljubija Football Stadium listed as Scheduled Detention Facility C.20.6 in the Indictment.

<sup>6431</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12701–12702; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5241, 5245 (testifying that the bus was a local “Autotransport” or “Autoservice” bus with approximately 50 seats and all the seats and aisle were full); P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4 (stating that about 90 detainees were put on a “double bus”). See also Adjudicated Fact 1082.

<sup>6432</sup> P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5242–5245; P563 (Map of Ljubija-Briševo); Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12697. See also Adjudicated Fact 1082; P569 (Map of Prijedor municipality); Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5592–5594 (noting the location of the mine on a video clip); P3689 (Video footage of destroyed buildings and monuments in Prijedor).

<sup>6433</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12702–12703; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5243–5246. See also Adjudicated Fact 1083.

<sup>6434</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12703, 12705–12706; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court pp. 4–5. See also Adjudicated Fact 1085.

<sup>6435</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12703 (testifying further that of the four men who managed to escape the Kipe mine, “only two are currently alive”); P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 4; Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5246.

other two men were not shot, and Nasić hid in the hole between the bodies and pretended to be dead.<sup>6436</sup> While this was going on, Karagić jumped through the broken bus window.<sup>6437</sup> He managed to run away without being shot because the soldier guarding the bus was changing his ammunition clip.<sup>6438</sup> As he was fleeing, Karagić recognised two other detainees from the bus who had also managed to escape.<sup>6439</sup> **(Why he didn't testify? Looks rather like a movie. And if the guards fired during this escape, which would be legitimate, this would be an incident in this Indictment!)**

1875. After the commotion, one of the soldiers said that some of the men were still alive so they illuminated the area with flashlights to ensure that everyone was dead.<sup>6440</sup> If they noticed any survivors or heard moaning, the soldiers shot them again while cursing their “Muslim mothers”.<sup>6441</sup> Nasić was still lying in the hole but he was not hit by any bullets.<sup>6442</sup> Once the soldiers were certain that everyone had been killed, they left.<sup>6443</sup> Nasić returned to the site a few days later and the hole had been covered with dirt and he saw blood and pieces of clothing and shoes.<sup>6444</sup>

1876. The Chamber took judicial notice of the fact that all of the detainees on the bus, save Nasić and Karagić, were killed.<sup>6445</sup> The Chamber also received forensic evidence to support the deaths of some identified individuals who were executed at Kipe mine on or around 25 July 1992.<sup>6446</sup>

1877. Based on the above, the Chamber finds that about 50 non-Serbs were killed by Serb Forces on or about 25 July 1992 at Kipe mine. **(#Some killed some#! This is not a serious presentation of a case! Neither the story sounds convincing, nor there is mentioning any name of perpetrators, which would have to be the case since they knew each other very well, nor there are any document to corroborate this story of the two. This is too serious case, with references and consequences to the entire future of the region, and there shouldn't be anything “easy to sell”, through the Rule 92bis and adjudicated facts! Finally, there is no any connection with the President!)**

#### a. Scheduled Detention Facility C.20.7

- <sup>6436</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12703; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court pp. 4–5.
- <sup>6437</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5246.
- <sup>6438</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5246. *See also* Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5614.
- <sup>6439</sup> Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5246–5247 (testifying further that he heard later that other detainees had managed to escape).
- <sup>6440</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12703–12706 (stating that the soldiers also used the headlights of a car to illuminate the area); P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 5.
- <sup>6441</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12705–12706.
- <sup>6442</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12705–12706; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 5.
- <sup>6443</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12706; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court p. 5.
- <sup>6444</sup> Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12710; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court pp. 5–6. Ivo Atljija testified that “just after the attack on Briševo” he came across a heap of bodies, possibly as many as 200, at Kipe mine. He knew about the killings there because he met Karagić after he escaped. Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5611–5614. *See also* P3684 (Photograph of mass grave in Redak).
- <sup>6445</sup> *See* Adjudicated Fact 1084. The Chamber however notes the evidence before it in this case establishing that there were additional survivors to Nasić and Karagić in this incident. *See* para. 1874.
- <sup>6446</sup> P646 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), pp. 28–29 (confirming that in 2000, the bodies of 64 individuals were exhumed from the Kipe mine site and 21 individuals were identified; for 63 of the 64 bodies, the forensic experts determined that the cause of death was a gunshot wound) (under seal); Nicolas Sébire, P694 (Transcript from *Prosecutor v. Stakić*), T. 7355–7358; P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 34–36; P4415 (Death certificate for Sabahudin Kadirić). *See also* Elvedin Nasić, P696 (Transcript from *Prosecutor v. Brđanin*), T. 12706–12707; P697 (Witness statement of Elvedin Nasić dated 15 January 1995), e-court pp. 4–5 (testifying that the following men were detained with him and killed that night: Reuf Fikić; Abdulah (“Dule”) Muhić; Rasid Medić; Suad Mulalić, Islam Hopovac; **Islam Hopovac (mentioned in many documents, as an extremist)**; Besim Hegić; and others with the surnames Muhić, Hamulić, Jamastagić, Kadirić, and Kekić); Nermin Karagić, P651 (Transcript from *Prosecutor v. Stakić*), T. 5247 (testifying further that a year and a half after the executions at Kipe mine, he identified the exhumed body of Islam Hopovac at the Redak grave).



1878. The Indictment refers to the use of the Prijedor barracks as a detention facility in Prijedor municipality between at least May and June 1992.

i. Arrival of detainees

1879. Located in Urije, the Prijedor Barracks, also known as the Žarko Zgonjanin barracks, was used as a transition detention facility in Prijedor in June 1992.<sup>6447</sup> Prijedor Barracks was one of the locations in Prijedor used by the military and civilian police to investigate and interrogate suspects.<sup>6448</sup> **(#Legal and obligatory#! What is wrong with that? There was a terrorist rebellion causing a horrible consequences so far from the front line, that interrogations were inevitable, to separate a responsible one from those caught by accident because they had been present!)**

1880. In early June 1992, KDZ026 was arrested and detained at Prijedor Barracks for a few hours; while there, he recognised another man detained there.<sup>6449</sup>

1881. Around 9 June 1992, KDZ392 **92bis (a #very extreme family#, leading the rebellion!)** and his mother and father were captured in Bešići by soldiers wearing camouflage uniforms.<sup>6450</sup> They had been trying to reach the Sava River in order to cross over to Croatia.<sup>6451</sup> **(#Combatants only#! A many thousands of the Prijedor Muslims didn't try to "reach the Sava River" because didn't participate in the rebellion. This family did, and this is so obvious from the documents, and from this escape too!)** At the time, the father of KDZ392 had a pistol with him but KDZ392 and his mother were not armed.<sup>6452</sup> After being captured, KDZ392 and his parents were taken to Prijedor Barracks.<sup>6453</sup> On the way, the soldiers captured two other men, a father and son named Suad and Fehid Trnjanin.<sup>6454</sup> En route, KDZ392 also observed traces of burning in all of the villages inhabited by Bosnian Muslims along the main road leading from Prijedor to Banja Luka; while the villages approaching Omarska and at the exit of Prijedor inhabited by Serbs were not burned.<sup>6455</sup> **(#The only reasonable inference# is that from the Serb houses nobody attacked the Army. There is missing an unbiased and comprehensive review of what was a cause for the detention of those people, and what was the difference between them and the others that hadn't been detained ever, which is far more than 90% of the Muslim population in Prijedor!)**

(ii) Treatment of detainees

<sup>6447</sup> P3528 (Witness statement of Kerim Mešanović, undated), pp. 2–4; P3532 (Map of Prijedor with photographs); P3533 (Photograph of barracks in Prijedor); P3534 (Photograph of barracks in Prijedor); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2633, 2648 (under seal); P608 (Map of Prijedor town); KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1840 (under seal). See also Adjudicated Facts 1102, 1264. Defence witnesses testified that the Prijedor Barracks was not set up as a “prison” and that no civilians were detained there. D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 27 (stating further that Prijedor Barracks was only used for holding suspects); Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*, T. 12946 (testifying that he did not see any civilians being detained at Prijedor Barracks when he visited from time to time). However, the Chamber does not find this evidence to be reliable based on the evidence before the Chamber to the contrary which suggests that non-Serb civilians were brought to the Prijedor Barracks and detained there for a short period before being transferred to other detention facilities. In reaching this conclusion, the Chamber also considered that Radetić was not forthright with the Chamber on several occasions.

<sup>6448</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*, T. 21108–21109 (under seal).

<sup>6449</sup> KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*, T. 1840 (under seal).

<sup>6450</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2628–2629, 2632, 2648 (under seal); P607 (Map of Prijedor).

<sup>6451</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2622, 2642 (under seal).

<sup>6452</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2627, 2630–2631 (under seal).

<sup>6453</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2629–2630, 2632 (under seal).

<sup>6454</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2629–2630 (under seal).

<sup>6455</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*, T. 2646–2647 (under seal).

1882. While held at Prijedor Barracks, detainees were interrogated and mistreated by soldiers and military and civilian police.<sup>6456</sup>

1883. When KDZ392 and his parents arrived at the barracks, they were hit and made to kneel down in the field outside of the barracks with their hands behind their heads.<sup>6457</sup> KDZ392 was taken to a building while his mother and father remained in the field.<sup>6458</sup> He could hear the soldiers shouting ethnic slurs outside, and when his father entered the building, he was covered in blood and one side of his nose had been slit.<sup>6459</sup> KDZ392 and his parents were then taken to the prison building in the barracks.<sup>6460</sup> Despite being injured and physically exhausted, they did not receive medical treatment.<sup>6461</sup>

1884. Detainees were held at Prijedor Barracks for a short period before being transferred to Keraterm or Omarska.<sup>6462</sup>

### (iii) Conclusion

1885. Based on the above, the Chamber finds that non-Serb civilians were detained at Prijedor Barracks by Serb Forces in June 1992. **(#Combatants, not civilians#! The Chamber doesn't have any basis to conclude that they were "civilians", since there is a firm evidence that they had been involved in the armed rebellion, causing the war in Prijedor, in the status of terrorists, being responsible for many deaths. The mere fact they escaped towards Croatia confirms that there was a founded reason to capture and detain them. Also, there is no connection to the President, since he didn't decide to start the war in BiH and certainly not in Prijedor!) To find evidence about Med.392@** The Chamber also finds that detainees at Prijedor Barracks were subjected to beatings and deprived of medical treatment. **(What a "medical treatment" for such a short period?)**

### 1. Scheduled Incident D.17

1886. The Indictment refers to the destruction of 18 mosques and two Catholic churches in Prijedor between at least May and December 1992.<sup>6463</sup>

1887. The Chamber recalls its finding that Serb Forces burned and destroyed the Čaršijska mosque in Prijedor town on 30 May 1992 during the attack.<sup>6464</sup> **(#Whose attack?# Wasn't it a very famous Muslim attack on Prijedor? Wasn't the Sarsijska mosque used as a military object, as was every single mosque in the combat zones?)** As it was damaged beyond repair, in July 1992, pursuant to orders from the Prijedor Executive Board, Serb engineers and architects demolished the remainder of the Čaršijska mosque, as well as houses in the area, and removed the rubble.<sup>6465</sup> The Chamber recalls that the Zagrad mosque in Prijedor town was also burned and

<sup>6456</sup> KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21108–21109 (under seal); KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2633–2635 (under seal).

<sup>6457</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2633–2634 (under seal).

<sup>6458</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2634 (under seal).

<sup>6459</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2634–2635, 2638–2639, 2645 (under seal) [REDACTED].

<sup>6460</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2638 (under seal).

<sup>6461</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2625–2627, 2638 (under seal) [REDACTED].

<sup>6462</sup> KDZ392, P707 (Transcript from *Prosecutor v. Kvočka*), T. 2645, 2647–2648 (under seal) [REDACTED].

<sup>6463</sup> The religious sites identified in Schedule D.17 are the (1) Kozaruša mosque, (2) Stari Grad mosque, (3) Čarakovo mosque, (4) Hambarine old mosque, (5) Čaršijska mosque in Prijedor town, (6) Zagrad mosque in Prijedor town, (7) Bišćani mosque, (8) Gornja Puharska mosque, (9) Donja Puharska mosque, (10) Rizvanović mosque, (11) Brežićani mosque, (12) Ališići mosque, (13) Zecovi mosque, (14) Čejreci mosque, (15) Gomjenica mosque, (16) Kevljani mosque, (17) Kamićani mosque, (18) Kozarac-Mutnik mosque; as well as the Prijedor town Catholic church and the Briševo church. Indictment, Schedule D.17.

<sup>6464</sup> See para. 1606.

<sup>6465</sup> P3484 (Decision of Prijedor Executive Board, 21 July 1992), pp. 1–3; Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6692–6694.

destroyed on 30 May by Serb Forces.<sup>6466</sup> (#All within the battle, none before the Muslim attacks.# The main question is: why not other non-Serb civilians? Why so many Croats. And a bit less Muslims from the Prijedor area were in the VRS throughout the war? Why so many Muslims stayed in Prijedor until 94, and then asked to be allowed to leave after some Muslims butchered six Serb policemen? Why some remained in Prijedor the entire time? Why less than 5% of the Muslim population was subject to the police-army investigations? What should be expected that some of these 5% would testify, particularly if not cross examined?)

1888. The Chamber recalls that the Mutnik mosque, as well as other mosques in Kozarac, were destroyed during the attack on the area by Serb Forces at the end of May and June 1992.<sup>6467</sup> The Chamber further recalls that the mosque in Kamičani was set alight by Serb Forces between 24 and 26 May 1992.<sup>6468</sup> (All of it after 22 May and the beginning of the armed conflict instigated by the Muslim extremists in Hambarine, and within the fights! #None before the Muslim attack#!)

1889. Additionally, the Chamber recalls that the mosque in Hambarine was shelled during the attack on Hambarine in May 1992, and again during the attack on the village in July 1992, by Serb Forces.<sup>6469</sup> The Chamber also recalls that the Rajkovac mosque was shelled in late July 1992.<sup>6470</sup> The Chamber further recalls that the mosque in Biščani was destroyed on 20 July 1992, and that the mosque in Rizvanovići was destroyed in the summer months, before August 1992.<sup>6471</sup> The Chamber also recalls that the mosque in Čarakovo was destroyed on 23 July 1992 by Serb soldiers.<sup>6472</sup> (#Abuse of religious objects#! The Chamber should also have in mind that mosques were a very suitable military objects, for firing from it, and also that many mosques served as military storages. But the main objection is such a general assertion concerning “Serb Forces”. As we all know very well, in this civil war everyone was armed, but not all of the armed Serbs were the “Serb soldiers”. In a criminal case Prosecution should be supposed to be quite specific, and a chamber should establish beyond reasonable doubt that it was the “Serb soldier”, and not an armed civilian.)

1890. In addition, the Donja Puharska mosque in Prijedor was blown up and destroyed on 28 August 1992 by Serb Forces; the explosion occurred within ten minutes of the explosion that destroyed the Catholic church in Prijedor town.<sup>6473</sup>

1891. The Chamber took judicial notice of the facts that within the summer months of 1992, the mosque in Gornja Puharska was razed to the ground,<sup>6474</sup> the minaret of the mosque in Kozaruša

<sup>6466</sup> See para. 1606.

<sup>6467</sup> See para. 1639.

<sup>6468</sup> See para. 1643.

<sup>6469</sup> See paras. 1666, 1681.

<sup>6470</sup> See para. 1681.

<sup>6471</sup> See para. 1706.

<sup>6472</sup> See para. 1684.

<sup>6473</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6606–6608; P3528 (Witness statement of Kerim Mešanović, undated), pp. 81–82; Drasko Vujić, T. 46079–46080, 46082–46083 (28 January 2014); P3564 (Photograph of destroyed mosque in Prijedor); P3565 (Photograph of destroyed mosque in Prijedor); P6613 (Photographs of destroyed mosque in Donja Puharska, Prijedor); D4381 (Prijedor Basic Court's on-site investigation report, 29 August 1992). See also P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), e-court pp. 231–232; Adjudicated Fact 1284.

<sup>6474</sup> See Adjudicated Fact 1292. See also P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), e-court pp. 229–230.

was badly damaged,<sup>6475</sup> and that the new mosque in Kevljani was completely destroyed by mines.<sup>6476</sup>

1892. The Prijedor SJB reported that by September 1993, not a single Bosnian Muslim place of worship remained in Prijedor.<sup>6477</sup> **(#No Serb officials liable#! The Prijedor SJB belonged to the authorities, and certainly wasn't responsible for what happened to the mosques. As a matter of fact, the very same document named by the Chamber sais that what happened was out of the intentions and control of the authorities. This is a document for the internal purpose, and not for the public, and the Chamber didn't do it correctly, and have hidden the right sense of the document: see D04010**

In the course of combat operations and later on, many things went on that were not in keeping with official stands and views. There was uncontrolled /?exploitation/ and destruction of property, looting, abuse, arson, blowing up of privately owned

buildings and places of worship of other faiths. On the basis of this, it may be concluded that currently not a single Muslim place of worship remains in the municipality of Prijedor and that over 80% of the housing that belonged to this part of the population has been demolished, destroyed and looted.

**The Chief of the SJB was not happy because of that!**

The increased presence of armed persons has led to an uncontrolled use of firearms which has resulted in a number of murders, suicides, serious or minor injuries and damage to several privately owned buildings in town, to say nothing of the constant disturbance of people by shooting and explosions. The village of Puharska, which had a majority Muslim population before the war, is the worst case in point. The Muslim population there continues to be more numerous than in other areas where Muslims have moved out completely because of the war. Most of the buildings in this village were spared by the combat operations and the population mostly remained in them. Over the past few months, due to the mass influx of refugees from other areas and resettlement from neighbouring Serbian villages, there have been undesirable security problems, i.e., frequent incidents in which buildings are blown up, locals intimidated, or even murdered, all with the aim of unlawfully obtaining their property.

.....

In light of the fact that the Green Berets and their collaborators were active in the area of Kozara, Briševo and Raljaši, Prijedor Public Security Station, together with Republika Srpska Army personnel and neighbouring public security stations, in the course of last year and the first half of this year carried out a number of very successful search operations in the field, setting up ambushes and blockades, uncovering about 50 various dug-outs and other shelters and accommodation facilities, caught and liquidated a considerable number of extremists, seized a large quantity of weapons, ammunition, mines, explosives and various food items, thus breaking up those groups and drawing the conclusion that there are no such groups any more in these areas.

**(#Serb officials vs. crime#! There is no doubt that the Chief of the Prijedor SJB in his "strictly confidential report# was critical of the features, not jubilant, and we see the reasons for the irregularities. And this is an official position, against any unlawfulness, crimes and chaos!)**

<sup>6475</sup> See Adjudicated Fact 1291. See also P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 211–212 (stating that the minaret of the Kozaruša mosque had been destroyed down to its base by a blast).

<sup>6476</sup> See Adjudicated Fact 1293. See also P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), pp. 244–245

<sup>6477</sup> D4010 (Report of Prijedor SJB, September 1993), p. 3. See P586 (Map of destroyed mosques in Prijedor).



1893. In regard to the Catholic churches, the Chamber further recalls that on 29 July 1992, the Catholic church in Briševo was destroyed.<sup>6478</sup> Furthermore, the Catholic church in Prijedor town was destroyed on 28 August 1992 when Bosnian Serb soldiers broke into it and planted explosives which later detonated and destroyed the church.<sup>6479</sup> **(#Officials not liable# The Court in this footnote was the Serb municipal court, which indicates that the authorities didn't have any connection with this destruction. Also, taking into account the extent of destruction, it is evident that somebody without any knowledge did these explosions, since the houses in the vicinity of mosque, including the Serb houses, were damaged, see D4381:**

It must be pointed out that the religious buildings were destroyed during curfew. When the explosion destroyed the church, private and socially-owned residential and business buildings in Vladimira Nazora, Ratka Maruša, Moše Pijade and Maršala Tita streets were damaged, and so were some buildings in the wider surroundings of the site.

**There should be noticed that the refugees from Croatia and the Muslim-Croat parts of BiH had many reasons for revenge, since their churches had been all destroyed. For instance, the Serb refugees in Eastern Bosnia, coming from the Muslim areas only, and in this region there was not a single Catholic church damaged!)** Serb engineers and architects later toppled the bell of the Catholic church and used heavy machinery to remove the rubble.<sup>6480</sup> **(It would be more, and the only correct to quote the reason for which the bell was toppled, see: D4381:**

Catholic priest's house damaged. The bell tower was badly damaged: it came out of its foundations, one storey was destroyed and it was moved from its original position. It remained standing in a leaning position and, as far as could be seen with the naked eye, it is no longer joined to the ground with a foundation.

**So, had it not been removed, the public would be jeopardized, for it could have fallen!)**

1894. According to Riedlmayer's reports, a total of 18 mosques and two Catholic churches in Prijedor were damaged or destroyed during the war.<sup>6481</sup> The Chamber notes that with respect to one mosque, the Gomjenica mosque, Riedlmayer describes it as "lightly damaged" and that it was

<sup>6478</sup> See para. 1727.

<sup>6479</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6606–6607; P3528 (Witness statement of Kerim Mešanović, undated), pp. 81–82; Drasko Vujić, T. 46082 (28 January 2014); P3563 (Photograph of destroyed church in Prijedor); D4381 (Prijedor Basic Court's on-site investigation report, 29 August 1992). See also P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 251–254; Adjudicated Fact 1285.

<sup>6480</sup> Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6693–6694, 6756–6757.

<sup>6481</sup> Riedlmayer identified the level of damage with respect to each of the mosques and Catholic churches listed by name in the Indictment: (i) completely destroyed: Stari Grad mosque, Čaršijska mosque, Zagrad mosque, Donja Puharska mosque, Rizvanović mosque, Brežićani mosque, Ališići mosque, and Prijedor Catholic church; (ii) almost destroyed: Čarakovo mosque; (iii) heavily damaged: Kozaruša mosque, Biščani mosque, Hambarine mosque, Gornja Puharska mosque, Zecovi mosque, Čejreci mosque, Kevljani mosque, Kamičani mosque, Kozarac mosque, and Briševo Catholic church; (iv) lightly damaged: Gomjenica mosque. P4070 (Attachment to the expert report of Andrés J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 211, 213, 216, 219, 222, 225, 227, 229, 231, 233, 236–238, 240, 243–244, 246, 248, 251, 255. See also P4069 (Cultural destruction database), records 214–215, 217–220, 224, 228, 232, 236–237, 239, 241, 245, 247–249, 251, 256–257.

the only mosque in the Prijedor region that still had a roof at the end of the war.<sup>6482</sup> Riedlmayer states that all of the remaining 17 mosques and two Catholic churches were heavily damaged, almost destroyed, or completely destroyed. The Chamber therefore finds that 17 mosques and two Catholic churches were heavily damaged, almost destroyed, or completely destroyed. **(And to whom the Chamber allocates this crime? To the local authorities? To the President? Such an absurd doesn't have any precedents!)**

1895. The Chamber has considered the evidence it has received which identified Serb Forces as responsible for the destruction of mosques in Prijedor between May and December 1992.<sup>6483</sup> It also had regard to the fact that almost all mosques in the municipality sustained heavy damage or were completely destroyed after Serb Forces took over the municipality. **(#Wrong! And drastically incorrect#! A mere "taking over" of #only the Serb municipality# had nothing to do with it, but the fights that occurred three weeks later and lasted in an intensive degree till the end of July caused both detention of combatants – not civilians – and destruction of properties! Even after the "take over" the Serbs controlled only their settlements, while the Muslims and Croats were free to form their own municipalities and organise their life, and this process started, but was interrupted by the Muslim attack in Hambarine, and all the fights afterward! ONLY A COMPLETE BLINDNESS OR MALICE WOULDN'T DIFFERENTIATE THE #CAUSES AND CONSEQUENCES#!)** Having weighed these factors, the Chamber is satisfied beyond reasonable doubt that Serb Forces were responsible for the attacks on and destruction of mosques and Catholic churches in Prijedor.

**1896.** Therefore, the Chamber finds that 17 mosques and two Catholic churches were heavily damaged, almost destroyed, or completely destroyed by Serb Forces in Prijedor between May and December 1992. **(Incorrect! There is no a single evidence that the official "Serb Fosces" did any of these crimes. But, the Chamber, just like the Prosecution, equalize the entire Serb population with the "Serb Forces" as a criminal organisation, just as the biased media did! #No Serb officials liable#!)**

(7) Movement of the population from Prijedor and appropriation of property

**D01835: Mujadž'i, plans for transfer of population:**

So, the general plan for Prijedor in the beginning was to evacuate population to the left bank of the river Sana, in accordance with the general defence plan, in case the general security of the population was compromised. In that case they should be given the opportunity to go to the free territory.

1897. Following the attacks on towns and villages in Prijedor between late May and end of July 1992, the non-Serb population was expelled from the municipality.<sup>6484</sup> **(#Causes and consequences#! Who attacked Prijedor? Is the Chamber of the opinion that the Serbs attacked Prijedor? Had there been a cable from the Muslim MUP to take over Prijedor and**

<sup>6482</sup> P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court p. 243.

<sup>6483</sup> In his final brief, the Accused argues that some of the cultural sites in Prijedor were destroyed by forces outside the control of the legal authorities in Prijedor. See Defence Final Brief, para. 1612. However, the Chamber considers that in support of this argument, the Accused only refers to testimony from Drasko Vujić, who recounted that his soldiers told him that the explosion which destroyed the Donja Puharska mosque was "a total surprise". See D4242 (Witness statement of Draško Vujić dated 24 January 2014), para. 11. The Chamber does not consider that Vujić's evidence in this regard contradicts the evidence which relates to the conduct of Serb Forces in the destruction of the mosques and Catholic churches during the attacks on villages throughout Prijedor. **However, the D04010 is an internal document of the Serb MUP, and it is clear that the official authorities were against that feature, but were unable to prevent it. #Officials against crimes#!)**

<sup>6484</sup> KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6802 (under seal). See Sections IV.A.1.b.i.D.3: Take-over of Prijedor town; IV.A.1.b.i.D.4: Attacks on surrounding villages.

start fights with the JNA, or not? If had, all that followed was an inevitable consequence, with the full responsibility of the Muslim side. It is undoubted fact that the Muslim extremists started skirmishes in Hambarine on 22 May, with the casualties, it is undoubted fact that the “Green Berets” started armed conflict from Kozarac, and finally, it is a marble truth that the Muslim-Croat extremists attacked Prijedor on 30 May from five directions.)

1898. At a meeting on 20 May 1992, the ARK Crisis Staff adopted several conclusions, including that there was “no reason for the population of any nationality to move out of the territory of the [ARK]”.<sup>6485</sup> However, on 29 May 1992, the ARK Crisis Staff decided that Bosnian Muslims and Bosnian Croats would be allowed to leave Prijedor and other municipalities in the ARK, as part of an organised resettlement of non-Serbs in central BiH and Serbs in Krajina.<sup>6486</sup> On 1 June 1992, Kuprešanin informed the Civil Affairs Office in Sector North that 15,000 Bosnian Muslim refugees from municipalities in the ARK, including Prijedor, were moving across the border towards Dvor, Croatia, and that another 15,000 would likely follow.<sup>6487</sup> **(#No system, no expulsion#! But this can not and must not be qualified as an expelling, because there is no any prerequisite for that. An unease among the general population in the entire BiH was a consequence of the war. Prijedor left many Serbs and Muslims even before the war, and particularly after the fights initiated by the Muslim extremists. The evidence supporting this assertion is numerous, and it is numbered in the final appeal. But, let us post a principle of comparison:**

**1) the Chamber can not accept the Prosecution’s exclusion of so many municipalities without any problem. Had it been a system, there would be the same in all of them.**

**2) not only there was a significant difference between different municipalities, but even in the very same municipalities with problems, there was a great difference between a vast majority of the Muslim-Croats who didn’t have any problem, and much smaller groups, always less than 10% of the population of this communities that did have a problems. In any of those municipalities there was a few percent of the minority population being arrested, detained, questioned, and even fewer that had been found suspect of some crimes and detained after the investigation. A picture created by the media and the Prosecution is extremely distorted on the account of the Serbs, while the Muslim/Croat federation (now FBiH) conducted the total ethnic cleansing and killed many more Serbs, ruining literally every single settlement of the Serbs!) in such a situation of a lynch there can not be a fair trials!)**

1899. On 7 June 1992, Prijedor municipal authorities decided, along with six other municipalities in the region, that “Muslims and Croats should move out to a level at which all the municipalities can maintain Serbian power on their territories”.<sup>6488</sup> **(#Forgery#! his is below any criterion, to accept such a papir, that is entirely forged, informal, unbelievable, no names of the participants, no signature, nothing. The Appeal Chamber should extract it from the file to save at least a bit of the face... Neither there existed any “sub-region” organisation, not even in an informal sense, nor there was such a meeting, but was some on the next day, but without any conclusions like that. Finally, even if it was a demand towards the ARK organs, and towards the RS organs, neither of them received it. And even if received, this was not considered, and**

<sup>6485</sup> D1309 (Conclusions of the ARK Crisis Staff, 20 May 1992); D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 95.

<sup>6486</sup> P3461 (Conclusions of meeting of ARK Crisis Staff, 29 May 1992), p. 1.

<sup>6487</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 53.

<sup>6488</sup> P2641 (Conclusions of sub-regional meeting of municipalities sent to ARK Crisis Staff, 7 June 1992), p. 2 (stating that if the leadership of the ARK fails to solve this issue “our seven municipalities will take all Muslims and Croats under military escort from our municipalities to the centre of Banja Luka”).

even if considered, it wasn't and wouldn't ever be adopted and carried out. This is a pure idiotism. Why the Chamber was so easy to be deceived?)

- 1900.** Mass departures from Prijedor began to take place after the attack on Hambarine in late May 1992 and gained momentum through June and July 1992.<sup>6489</sup> The Prijedor SJB estimated that 20,000 citizens, primarily non-Serbs, had moved out of Prijedor by mid-1992.<sup>6490</sup> (#Who attacked# Hambarine? Left as that, it is suggested that the Serbs attacked, while it is clear that the Muslim extremists, including a policeman Aliskovic, started the war by attacking in Hambarine! Regardless of so many evidence indicating that there was no any "deportation" but just contrary to that, a reluctance of the local Serb authorities to allow the leave of the non-Serbs, while these "departed" insisted to be allowed to leave. There were many obstacles to those who wanted to leave, demanding many papers to be obtained by the migrants, to deregister themselves, to pay all the taxes, electricity and housing fees, and finally to pay a ticket for a bus. Those who didn't want to leave could have simply decided not to obtain some or any of those requirements, and they wouldn't be boarded on bus. But, as before the war both the Serbs and Muslims left Prijedor *en mass*, so both continued to leave Prijedor, sharply demanding to be approved. See what the 1<sup>st</sup> Krajina Corps reported on 2 August 92: D3833:

established. Organised Muslim-Croat extremists continue to be active in the area of Kotor Varoš, putting up resistance in an organised manner, carrying out operations and bringing fresh troops in from the Lašva river valley.

There are no significant enemy activities in Prijedor area. Pressure, requests, and organised emigration on the part of Muslims and Croats from the wider area of Krajina are increasing, although some of the émigrés do return in organised manner and join the enemy ranks.

More comprehensive measures are being taken to control the situation in the city of Banja Luka, as well as to bring various formations under the command of the Army.

The same continued to the very end of the war. For instance, in 1994 there were international pressures on the President to allow the Muslims and Croats to leave Prijedor!)

- 1901.** The Prijedor Crisis Staff and civilian authorities facilitated the movement of the non-Serb population of Prijedor out of the municipality through the use of buses, trucks, and other vehicles, and by negotiating with the ICRC and the Prijedor Red Cross regarding the movement of convoys.<sup>6491</sup> (This is rather #commendable#, because the authorities served the citizens in their needs! Would it be reccomendable to ban them from leaving the combat area? At the London Conference on BiH there was adopted an agreement on 22 May, D01603, p.6-11, and then in mid July, D04710, and September 30, October 1 1992, D01141, that all the sides are obliged to facilitate a movement of the civilians from the combat zones. Do those documents mean anything? How possibly it could be skipped and avoided? #Against documents#!)

<sup>6489</sup> P3852 (Banja Luka CSB Security Assessment for Prijedor Municipality, 23 October 1992), p. 2 (stating that since the security situation deteriorated in May 1992 Bosnian Muslims and Croats have started a "mass exodus" from Prijedor); Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7910–7912 (testifying that approximately "40,000 Muslims" had left the Kozarac area by 5 August 1992). See Scheduled Incidents A.10.1, A.10.2, A.10.5. See also Section IV.A.1.b.i.D.4.a.ii: Aftermath of the attack. See also Adjudicated Fact 1295 (stating that on 20 July 1992, 20,000 non-Serbs were expelled from the areas of Hambarine and Ljubija which were under Serb control).

<sup>6490</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 31.

<sup>6491</sup> Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7834–7835; D4247 (Letter from Prijedor Municipal Secretariat for the Economy and Public Services, undated), p. 1 (stating that in the month of July 1992 alone, the Prijedor Crisis Staff rented 31 buses from Autotransport, a bus company from Prijedor town, which together travelled a total of 1,300 kilometres); P6614 (Record of Autotransport Prijedor, July 1992), pp. 1–3; P3852 (Banja Luka CSB Security Assessment for Prijedor Municipality, 23 October 1992), p. 2; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 31.



**1902.** The Chamber recalls that thousands of non-Serbs were transferred to, and detained at, detention facilities in Prijedor municipality in 1992.<sup>6492</sup> As detention facilities were closed in Prijedor, detainees held there were transferred around the municipality as well as to camps outside of the municipality and ultimately often to third countries.<sup>6493</sup> **(The “whole truth” would be to say that there were #1,400 combatants captured# and detained, and conveyed to Manjaca the POWs camp, treated as POWs, although being terrorists, that there were 1,700 accidentally captured and released after the first interrogations as innocent civilians, and that all the others were not detained, but received in the centers like Trnopolje. No movement of the people without their own decision and the participation of the ICRC, Prijedor Red Cross and other humanitarian organisations!)**

**1903.** Non-Serb residents of Prijedor who left the municipality during the conflict had to sign over their property to the Serb authorities in Prijedor, either to the ARK or to the RS;<sup>6494</sup> at first, real property certificates were issued in order to justify the confiscation, but later on certificates were no longer issued.<sup>6495</sup> In contrast, Bosnian Serb residents did not have their property confiscated.<sup>6496</sup> **(This is also #not correct, and against documents#! Those Serbs who left the RS were even in much worse position than the Muslims or Croats, because they did have a military obligation, while the Muslims-Croats didn’t. Also, the Chamber is only wasting the time, because even this Judgment admitted that there was no any such appropriation that had been carried out. Finally, the President unnullled all such a papers and banned this practice, see: D101, of 19 August 92:**

**3. Forcible resettlement and other illegal measures against the civilian population should be prevented, and any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void;**

**@The translation is incorrect, since it was an Order, it should have been translated as: “must be prevented” not a conditionally “should be”!@ Why nothing what the President had done “doesn’t matter at all”?)**

**1904.** Property left behind by non-Serbs was appropriated by the Prijedor Crisis Staff as “municipal property”, and was often redistributed to Bosnian Serbs<sup>6497</sup> and, in some cases, to Bosnian Croats.<sup>6498</sup> **(#Legal and legitimate#! A temporary use of the abandoned property was possible**

<sup>6492</sup> See Scheduled Detention Facilities C.20.1, C.20.2, C.20.3, C.20.4, C.20.5, C.20.6, C.20.7.

<sup>6493</sup> P2772 (Report of Prijedor SJB, 5 August 1992), p. 1; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 3–4, 6, 11; D1551 (Order of Banja Luka CSB, 21 August 1992), p. 1; D1864 (Order of Banja Luka CSB, 19 August 1992), p. 1; D1865 (Prijedor SJB dispatch to Banja Luka CSB, 22 August 1992), p. 1; D4464 (Minutes of Prijedor Municipal Assembly National Defence Council session, 29 September 1992), p. 1; P3757 (Official note from the Security Centre in Banja Luka, 10 August 1992), pp. 1–2 (under seal); P3753 (Manjača camp daily report to the 1st Krajina Corps, 22 August 1992), p. 1 (under seal). See paras. 1746, 1785, 1788–1789, 1804, 1848, 1850–1852, 1860, 1884.

<sup>6494</sup> P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 56–57 (under seal) (stating that the documents were signed by Budimir); KDZ092, P702 (Transcript from *Prosecutor v. Stakić*), T. 4003 (under seal) [REDACTED]; **There was no need to redact the part of this footnote, saying that N. Sivac refused to leave Prijedor. If she refused, it means that it wasn’t obligatory, and therefore one didn’t have to. But, the most important is that the Chamber doesn’t pay any attention to the documents signed by the President or his plenipotentiaries, which are in contrast to all of these assertions. Do the Chamber have any example in documents corroborating these assertions and findings? #Contrary to documents#!**; Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5655; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7800, 7834–7835; Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7106, 7133–7134; KDZ611, P698 (Transcript from *Prosecutor v. Brđanin*), T. 12510 (under seal); Nusret Sivac, P3478 (Transcript from *Prosecutor v. Stakić*), T. 6696. See Adjudicated Fact 1101. See also para. 1851.

<sup>6495</sup> See Adjudicated Fact 1101.

<sup>6496</sup> Adjudicated Fact 1101.

<sup>6497</sup> D4178 (Decision of the ARK Secretariat of National Defence, 5 June 1992), p. 26 (stating that flats left empty for more than 15 days would be used to house the homeless and particularly participants in the war); P3536 (Decisions and orders of Prijedor Municipal Assembly and Prijedor Crisis Staff, published in Prijedor Official Gazette on 25 June 1992), pp. 16–17; Bosko Mandić, T. 45775 (21 January 2014); KDZ048, P678 (Transcript from *Prosecutor v. Stakić*), T. 3379–3382; Idriz Merdžanić, P3881 (Transcript from *Prosecutor v. Stakić*), T. 7800.

<sup>6498</sup> Ivo Atljija, P3672 (Transcript from *Prosecutor v. Stakić*), T. 5651–5653 (testifying that he was offered abandoned property in the Bosnian Muslim village of Biščani directly from Stakić in late August 1992). See para. 1737.

according to the Law of all-Peoples Defence, and even if not abandoned, a part of it could be used by the authorities for the purpose of defence. On 19 June 1992 the ARK Crisis Staff decided that all “abandoned” property would be proclaimed property of the state and placed at the disposal of the municipal assemblies.<sup>6499</sup> **(The Chamber keeps this assertion as a drunk sticks to fences, although it never happened, and the President annulled all of such a papers, already on 19 August 1992.)**

**1905.** On 16 August 1992, the Prijedor SJB issued termination of residence notices to 13,180 residents, in exchange for the residents receiving permits to leave the municipality.<sup>6500</sup> **(#Ignorant of domestic laws#! This is a complete absence of knowledge of the domestic laws. Once somebody changes a place of residence, it must have been registered, for many reasons: first, he is not going to be charged of taxes while out of the place, second, the courts were to know whereabouts of all the citizens in a case they are needed, third, the Ministry for Defence must have known about whereabouts of the able-bodied men. So, to say “in exchange for the permits” is not correct, because it was not “in exchange”, but a part of the process of changing place of temporary (boraviste in Serbian) or permanent (prebivaliste in Serbian) place of residence!)** By the end of September 1992, the Prijedor SJB reported that due to the “increasing migration of the population, especially of the Muslim and Croat population”, it had received and processed 15,280 applications for departure.<sup>6501</sup> Those who desired to leave the municipality were first required to unregister their official residences with the local Serb authorities as a condition to receive an exit permit.<sup>6502</sup> **(This is all in vain! It was not important what the locals may have issued, this matters were defined by the law, and their return was guaranteed by the central authorities, signing many documents of commitment to this. Now, we see a duplicity: When the Serbs are President for something that had been committed by the locals – no matter the central authorities didn’t order or even banned it, the Serbs were not excused when acting minimally in an ultimate defence... Another word: the Serbs were indicted for the misdeeds on the terrain, which the officials didn’t order, but contrary, have banned, the Serbs are still not recognised for a good documents issued. So, more strength did have something the Serbs didn’t order, nor ever happened, than all what the Serb authorities have ordered in good direction! #Contrary to official orders#!)**

**1906.** On 19 August 1992, representatives from Prijedor, including both Bosnian Muslims and Bosnian Serbs, met with UNHCR and the UN Civil Affairs Office to discuss, *inter alia*, whether the UN would assist in evacuating thousands of Bosnian Muslim “applicants”.<sup>6503</sup> **(However, the exhibit D470 brings the data that even before the war abrupted some ... Muslims left Prijedor, see D00470, p. 5**

- According to the operational findings of SJB Prijedor, about four to five thousand persons, mainly of Muslim ethnicity, left the municipality before the armed conflict. On the basis of public complaints discussion and some other indicators, it is assumed that the immediate families of advocates of armed conflict with the Serbs are among this group. Prijedor SJB has no information about these persons, since they did not submit any application to unregister their place of residence in line with the law.

**(The document confirms that an unregistration was a law provision! Also, as objected by the ordinary Muslim people, the first to leave Prijedor were families of those who secretly prepared the attack and war in Prijedor!)**

<sup>6499</sup> P3451 (Decisions of the ARK Crisis Staff, June 1992), p. 13.

<sup>6500</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 31. See P3691 (Witness statement of Nusreta Sivac dated 22 October 2011), pp. 56–57 (under seal); P3693 (Decision of SerBiH’s Ministry of Defence, Prijedor Section, 18 August 1992); Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 13142.

<sup>6501</sup> P5555 (Report of Prijedor SJB, 29 September 1992), p. 8. See Jusuf Arifagić, P689 (Transcript from *Prosecutor v. Stakić*), T. 7133–7134. See also P2958 (Christian Nielsen’s expert report entitled “The Bosnian Serb Ministry of Internal Affairs: Genesis, Performance and Command and Control 1990-1992”, 19 May 2011), para. 325.

<sup>6502</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 6–7, 31.

<sup>6503</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 111.

- From the beginning of the armed conflict in the municipality of Prijedor until 16 August 1992, according to data that have been insufficiently checked out, about 20,000 citizens left the municipality, mainly of Muslim and Croatian, but also of Serbian ethnicity, of all age groups and both sexes. Prijedor SJB has no records about this group of citizens either, because they also did not follow the legally prescribed procedure for unregistering citizens' legal places of residence.

**(Again, repeated that it was a #law obligation#, which wasn't always respected, i.e. one could leave the municipality without procedure. It is not clear why the Chamber didn't notice that the Serbs were leaving Prijedor too?)**

Slovenia or other countries of Western Europe. This group still has not left the municipality, but has just completed the unregistering of residences, and is now, with the help of religious and humanitarian organisations, looking for a way of resettling in the desired direction. Prijedor SJB has no data about what these people have done with their immovable assets or what they have done or will do with their movable assets.

**(Unregistering the residence is a #legal obligation#, which discharges the people from owing the taxes and other obligations, and this is the same in a peace as in a war times. In this para it was said that their property wasn't managed by the municipal authorities. Is anyone in the court able to read the documents properly, and to see how these documents are standing within the domestic laws, and how the Prosecutor's allegations were senseless and the findings of the Chamber unfounded?)**

1907. The Prijedor delegation wanted a convoy to go through Sector North, and the applicants included 8,000 Bosnian Muslims from Prijedor who, according to the delegation, wanted to leave the municipality "voluntarily".<sup>6504</sup> **This was primarily a request of the Muslim representatives in the mixt delegation. Look what para 113 of the Kirudja's (P03804) statement said:**

ISLAMČEVIĆ prefaced his remarks with a statement that he was "authorized" to request that UNPROFOR escort the convoy. He claimed that those requesting evacuation did not want to go from one part of BiH to another; that they had guarantees from relatives to support them elsewhere; that the Serbian authorities were treating them fairly; and that they wanted to ensure that no one was taken from the convoy until they reached Karlovac.<sup>268</sup>

**(Islam~evi} is, as his own name sais, a Muslim by ethnicity, and he was speaking on behalf of his Muslim community. What else is needed to persuade the Chamber that it was the Muslim's decision, and that the local authorities didn't have any misunderstanding with the ordinary people, not involved in the extreme military activities?)** The UNHCR representative responded that UNHCR would not assist with the removal of people.<sup>6505</sup> Kirudja did not believe that these people wanted to leave voluntarily and furthermore, thought that the detailed lists of applicants prepared by the delegation demonstrated the "meticulous" system used to remove people from the area.<sup>6506</sup> **(This is an #outrageous conduct# of an international official#, which certainly did cost the region more tensions! What Kirudja "thought" is his private matter, but a very irresponsible move in an area of a high tensions! Who would force the Muslim people to prepare so many papers and documents, and plus to pay the transport fees? Why he didn't believe Islamcevic and other Muslims in the delegation?)**

1907. According to Serb assessments, by October 1992, about 38,000 Bosnian Muslims and Bosnian Croats had left the municipality of Prijedor.<sup>6507</sup> Approximately 3,600 of these individuals left the area with the help of the ICRC and the Prijedor Red Cross.<sup>6508</sup> **(#Good deeds used against**

<sup>6504</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 112.

<sup>6505</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 115.

<sup>6506</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 112, 114.

<sup>6507</sup> P3852 (Banja Luka CSB Security Assessment for Prijedor Municipality, 23 October 1992), p. 2. See P2948 (Report of humanitarian organisation, 8 October 1992) (under seal), p. 2.

<sup>6508</sup> P3852 (Banja Luka CSB Security Assessment for Prijedor Municipality, 23 October 1992), p. 2; Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 13142. See P6504 (Report of Prijedor Red Cross, 30 September 1992), p. 9.

**Serb officials#! This was not a “Serb assessment” but an assessment of the Serb officials in Banja Luka! This document is another proof that the authorities tried to improve the situation, but it is, as usually, used against the Serb authorities. In the same document it is said what is happening, and why the chaos is developing in Prijedor, see: P03852, p. 2:**

The remainder of the Muslim and Croatian population – at least the more extreme ones among them – must be treated with extreme caution, for they refuse to accept the present situation and are undoubtedly trying to consolidate their ranks and act at an opportune moment.

This entire period is characterised by the blowing up and destruction of buildings owned by Muslims and Croats, as well as of places of worship. This represents a direct threat to the life and property of all the citizens of the municipality. The harassment of citizens of other nationality by individuals wearing military uniform is also evident. Such individuals are increasingly becoming a threat to all the other citizens of the municipality of Prijedor. For instance, they can be seen drunk almost every day, breaking and destroying anything they can lay their hands on, making threats and harassing the citizens, and all this with impunity and without being prevented by anyone.

**The document of the Serbian officials, clearly shows who were the perpetrators of these crimes: “they can be seen drunk every day, breaking and destroying anything... making threats and harassing citizens...” and those are exactly the groups that this President “disowned” on 13 June 92 and ordered their legal persecution. This document in no case can be used to prove the Serb liability for crimes. See further P3852: #No liability#!**

Out of this number, 1,561 persons have left the area through the International Committee of the Red Cross assisted by the Prijedor Municipality Red Cross. The Prijedor Red Cross organised the departure of 1700 people to Travnik, and of another 300 to Novska, on the grounds of reuniting families, sick people and foreign nationals./as printed/

**Further:**

Available information suggest that some of the Muslims and Croats who have left Prijedor may get involved in hostile activities against Republika Srpska, organised in commando, terrorist, reconnaissance, intelligence or military groups whose goal would be to threaten R. Srpska, and particularly the area of Prijedor.

This assessment is proving true, and the enemy POWs or their papers showing that they come from the area are a proof of it.

**Further:**

The degree of alertness in guarding facilities and property has decreased, which has resulted in daily plundering of steadily shrinking and increasingly worthless socially-owned property.

**It is clear that this “Official document, Strictly confidential” is a honest one, and that depict the chaos in Prijedor as a consequence of the fights, and not as a wanton action of the official authorities.)**

1908. By 1993, the vast majority of non-Serb towns and villages in Prijedor were uninhabited and destroyed.<sup>6509</sup>

**(It should be pointed out that #only those villages# that did have a terrorist groups# were damaged, 11 of them heavily, but ten of others with a significant Muslim population nobody touched. Why? Because they didn’t fight.)** In September 1993, the Prijedor SJB estimated that 80% of Bosnian Muslim houses in Prijedor had been destroyed.<sup>6510</sup>

**(This is again a document of the Serb authorities, and this document clearly states that the authorities are #against any illegal conduct#! The inference is wrong.)** The Chamber also recalls that by mid-1993, most of the Bosnian Muslim places of worship in Prijedor had been

<sup>6509</sup> P3852 (Banja Luka CSB Security Assessment for Prijedor Municipality, 23 October 1992), p. 2 (stating that Čarakovo, Zecovi, Hambarine, Rizvanovići, Biščani, Rakovčani, Kozarruša, Kozarac, Kamičani, Babići, and Kevljani had been completely destroyed, while Gornji Garevici, Čela, Čejreci, Donja Puharska, Trnopolje, Donja Ljubija, Gornji and Donja Ravska, Šurkovac, Briševo, Žune, Gornji Volar, and the old part of Prijedor were partly destroyed).

<sup>6510</sup> D4010 (Report of Prijedor SJB, September 1993), p. 3.



almost or completely destroyed.<sup>6511</sup> **(It is also seen from the official Serb documents. If these destructive acts had been done by the responsible Serb authorities, why the same authorities would denounce themselves? The most reasonable move would be to cover it, not to report it, but since it had been reported with criticism, it is obvious that the authorities were #against this kind of conduct#!)**

1909. In May 1993, the Bosnian Serb MUP estimated that 42,000 Bosnian Muslims and 2,000 Bosnian Croats had moved out of Prijedor, while 14,000 Bosnian Serbs had moved in.<sup>6512</sup> Some of the Bosnian Muslims and Bosnian Croats who had moved out of Prijedor had been “deported in cattle cars”.<sup>6513</sup> Bosnian Muslims and Bosnian Croats continued to move out of Prijedor into 1994.<sup>6514</sup> **(#The Serb refugees#! But, what made these Serbs to come to Prijedor? Did they leave their homes and their goods elsewhere? Were the Serbs refugees too? No a Serb authority’s liability for the state in Prijedor at all. Everything that the Chamber knew was coming from the Serb official documents. Would it be so, if the Serb authorities wanted that to happen? Why would the Serb authorities criticize themselves in a strictly confidential documents?#No Serb liability#!)**

1910. Slobodan Kuruzović, the commander of Trnopolje, confirmed that the plan of the Serb authorities was to reduce the number of Bosnian Muslims in Prijedor to 10% or less, and then later to reduce this to 2% or less.<sup>6515</sup> **(#Deadly combination#! Such a drastic element is included in this case as an adjudicated fact!!! When and where he heard it? And how would he and only he would know what the authorities wanted. Had it been so, it would be on the front pages of all the world media! What would happen if the Muslims accepted to form their own municipality and to live together with the Serbs, i.e. what would happen if they didn’t attack the Serbs in Prijedor? Why nothing similar happened in the neighbouring municipalities, as Srbac, Gradiska, Prnjavor, ^elinac, Derventa, Mrkonji} Grad, all the municipalities that didn’t have a war? Why it was so easy to “sell” such a fake assertion, and associate it with a very decent man as Kuruzovi} was? Was there a war in the “Municipalities” named in the Indictment, and did there existed the Muslim secret Army, Patriotic League and Green Berets!)**

**1911.** The President contends that Bosnian Muslims, and to a lesser extent, Bosnian Serbs and Bosnian Croats, left Prijedor voluntarily and without external pressure, and that non-Serbs were not forced to sign over their possessions in order to receive permits to leave the municipality.<sup>6516</sup> Furthermore, Budimir testified that everyone who applied to him for permission to leave Prijedor received it, but that many people left on their own in their personal vehicles without approval from the municipality.<sup>6517</sup> **(#Obstacles to leave#! But Budimir testify that he didn’t condition them with the statement pertaining to the property! See P3691, testimony of Nusreta Sivac, who testified that there was many things to be paid in order to leave Prijedor and cross to a “free territory”, P3691,p.57:**

<sup>6511</sup> D4010 (Report of Prijedor SJB, September 1993), p. 3. See Scheduled Incident D.17.

<sup>6512</sup> P10 (Report of the MUP, Banja Luka SNB, May 1993), p. 2.

<sup>6513</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7436.

<sup>6514</sup> D705 (UNPROFOR report re meetings with Radovan Karadžić and Alija Izetbegović, 7 April 1994), pp. 3–4; D1138 (Radovan Karadžić’s Order, 3 April 1994); D4213 (Radovan Karadžić’s Order, 4 July 1994).

<sup>6515</sup> See Adjudicated Fact 1093.

<sup>6516</sup> Defence Final Brief, paras. 1537, 1539. In support, the Accused refers to the following evidence: D1357 (Report of Prijedor SDS Municipal Board, 11 September 1991–26 December 1992), p. 3; D4195 (Witness statement of Milomir Stakić dated 16 November 2013), paras. 25–26; D4229 (Witness statement of Boško Mandić dated 18 January 2014), para. 9; D4226 (Witness statement of Dragan Radetić dated 17 January 2014), para. 6; Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 13037, 13142.

<sup>6517</sup> Slavko Budimir, D4463 (Transcript from *Prosecutor v. Stakić*), T. 13144 (testifying further, however, that although some people left voluntarily, “Muslims and Croats were worse off than Serbs”). But see KDZ026, T. 10407 (17 January 2011) (closed session) (testifying that he did not have the money to “pay for [his] exit out of that hell”).

A. Yes. Everything had to be paid for, every certificate of this kind had to be paid for, and nothing was free. I can't remember how much I paid for it, but I also had to sign another

Q. We are almost at the end of my questions for you. After you got this document, did you leave Prijedor and the ARK?

A. Not immediately, because it wasn't easy to reach the free territory but in any case, this certificate was great help. Without it, I wouldn't have been able to leave Prijedor at all. I left soon after I was issued with it and I crossed over to the free territory. Of course, I stayed with friends and relatives, because I had no apartment of my own, no where to stay. I was just waiting out a period of time before I would be able to leave Prijedor.<sup>212</sup>

**This testimony, which was in accord with all others pertaining to the leaving Serb areas, is in a #sharp contrast with all the allegations# about a forceful displacement and ethnic cleansing!@)**

1912. However, the Chamber recalls the movement on a mass scale of non-Serbs within and out of Prijedor and the fact that non-Serbs in Prijedor were forced to sign over their property to Serb authorities. **(#This is a lie!!! No evidence on that!!! And even if they signed, which they didn't, the President cancelled it in August 92, and this was never and nowhere carried out in practice, see D101. Anyway, according to the domestic Law on Defence, all the private property could have been used by the local authorities for the war purposes, of course on a temporary basis!)** The Chamber has had regard to the immense pressure put on Bosnian Muslims and Bosnian Croats, given the surrounding circumstances in the municipality, including *inter alia*: (i) armed attacks against their towns, villages, and homes; (ii) destruction of religious and cultural property; (iii) forcible arrest and removal from their homes; (iv) detention in multiple detention facilities; as well as (v) mistreatment and killings. **(#Why not in other municipalities?# Whether the Chamber infers that there was no a Muslim and Croat terrorists? And why it didn't happen in any other municipality where there was no a Muslim/Croat attacks? And what was the number of those arrested and investigated in comparison with the total Muslim/Croat population? All together no more than 5%, and the number of those who were found guilty and sent to the POWs prison was less than 2,8%! Only in Kozarac there was between 2,000 and 3,000 combatants, while those sent to the POW-s camp Manjaca was only 1,466, see: P2772):**

The investigation has found elements of criminal liability in 1,466 cases, for which valid documentation exists, which we shall transfer under guard, along with the persons it pertains to, to the Manjača military camp on 6 August 1992. The remaining persons are of no security interest, and will be transferred to the reception camp in Trnopolje on the same day and under escort provided by this SJB. Trnopolje is a location where Muslims fleeing from the combat operations in the municipality have found shelter. Security at the camp is provided by the army of the Serbian Republic of Bosnia and Herzegovina.

**Non-Serbs: Croats: 6,300 + Muslims 49454 + "ostali" others 2,600 = 58354 Serbs + Yugoslavs: 47,745 + 6,371 = 54,116 – which makes less than 2,51% of the non-Serb population of Prijedor )**

1913. For these reasons, the Chamber finds that Bosnian Muslims and Bosnian Croats were forced to leave Prijedor. By 1995, the population of Prijedor municipality consisted of approximately 92% Bosnian Serbs, 5% Bosnian Muslims, and 1% Bosnian Croats.<sup>6518</sup> **(#All wrong inferences#! We have seen that the President had been under the tremendous pressure in 1994 to allow some 80 busses and tracks a day for the evacuation of the Muslims from Prijedor. The Chamber should have noticed this fact, confirmed by Mr. Akashi! But several thousands of**

<sup>6518</sup>

P5449 (Report of the MUP, Banja Luka RDB, February 1995), pp. 6–7. See D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 16 (reporting that approximately 2,000 non-Serbs remained in Prijedor in 1995).

the Serb refugees arrived in Prijedor also influenced this percentage, and should have been taken into account!

(But, the most important is the fact that the President didn't have anything to do with all what happened in Prijedor and other, particularly those distant municipalities. Both, the central organs of the SDS and central authorities of the Republic of Srpska undertook all needed measures to prevent the war, and when the war broke out, all the needed measures to maintain the peace and respect for the human rights and provisions of the Law of war. Once the war abruptly, it became a local, municipal matter. There was as many civil wars as many municipalities being embattled and participated in fights. There was no authority which was entitled or able to order what kind of defence respective community would implement. If the state couldn't protect the peace and security of the citizens, they had all rights to do so, according to the domestic laws, as well as due to the basic human right for life.)

## (E) Sanski Most

1. Charges

2. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Sanski Most as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>6519</sup> Under Count 1, the Prosecution further alleges that in certain municipalities, including Sanski Most, this persecutory campaign included or escalated to include conduct that manifested an intent to destroy in part the national, ethnical, and/or religious groups of Bosnian Muslims and/or Bosnian Croats as such.<sup>6520</sup>

1915. Acts alleged to have been committed in Sanski Most by Serb Forces and Bosnian Serb Political and Governmental Organs include killings during and after the take-over,<sup>6521</sup> killings related to one detention facility,<sup>6522</sup> as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at scheduled detention facilities.<sup>6523</sup> The Prosecution characterises these acts as killing, an underlying act of genocide, under Count 1; persecution, a crime against humanity, under Count 3; extermination, a crime against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.<sup>6524</sup>

1916. Other acts alleged to have been committed in Sanski Most by Serb Forces and Bosnian Serb Political and Governmental Organs include torture, beatings, and physical and psychological abuse, rape and other acts of sexual violence, during and after the take-over and in scheduled detention facilities, as well as the establishment and perpetuation of inhumane living conditions in detention facilities, as cruel or inhumane treatment, an act of persecution under Count 3.<sup>6525</sup> In relation to Count 1, the Prosecution alleges that in scheduled detention facilities in Sanski Most thousands of Bosnian Muslims and Bosnian Croats were subjected to cruel or inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, and beatings by Serb Forces and Bosnian Serb Political and Governmental Organs; the Prosecution characterises this inhumane treatment as causing serious bodily or mental harm to members of the Bosnian Muslim and Bosnian Croat groups, an underlying act of genocide.<sup>6526</sup> In addition, under Count 1, the Prosecution alleges that members of the Bosnian Muslim and Bosnian Croat groups were detained under conditions of life calculated to bring about physical destruction, namely through cruel and inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, inhumane living conditions, forced labour and the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities.<sup>6527</sup>

1917. Under Count 3, other acts of persecution alleged to have been committed in Sanski Most by Serb Forces and Bosnian Serb Political and Governmental Organs include: (i) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes;<sup>6528</sup> (ii) unlawful detention in scheduled detention facilities;<sup>6529</sup> (iii) forced labour at the frontlines and the use of

<sup>6519</sup> Indictment, paras. 48–49.

<sup>6520</sup> Indictment, para. 38.

<sup>6521</sup> Indictment, para. 60(a)(i). See Scheduled Incidents A.12.1, A.12.2, A.12.3, A.12.4, A.12.5.

<sup>6522</sup> Indictment, para. 60(a)(ii). See Scheduled Incident B.17.

<sup>6523</sup> Indictment, para. 60(a)(ii). See Scheduled Detention Facilities C.22.1, C.22.2, C.22., C.22.4, C.22.5.

<sup>6524</sup> Indictment, paras. 40(a), 60(a), 63(a), 63(b).

<sup>6525</sup> Indictment, para. 60(b), 60(c), 60(d) (specifying that the conditions included the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities). See Scheduled Detention Facilities C.22.1, C.22.2, C.22.3, C.22.4.

<sup>6526</sup> Indictment, para. 40(b).

<sup>6527</sup> Indictment, para. 40(c). See Scheduled Detention Facilities C.22.1, C.22.2, C.22.3, C.22.4, C.22.5.

<sup>6528</sup> Indictment, para. 60(f).

<sup>6529</sup> Indictment, para. 60(g). See Scheduled Detention Facilities C.22.1, C.22.2, C.22.3, C.22.4, C.22.5.



Bosnian Muslims and Bosnian Croats as human shields;<sup>6530</sup> (iv) appropriation or plunder of property during and after the take-over, during arrests and detention, and in the course of or following acts of deportation or forcible transfer;<sup>6531</sup> (v) the wanton destruction of private property including homes and business premises and public property including cultural monuments and sacred sites;<sup>6532</sup> and (vi) the imposition and maintenance of restrictive and discriminatory measures.<sup>6533</sup>

1918. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>6534</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Sanski Most in which they had been lawfully present.<sup>6535</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killings, destruction of houses, cultural monuments, and sacred sites, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>6536</sup>

# 1. Lead-up

1919. Sanski Most is a municipality centrally located in the ARK and is surrounded by Bosanski Novi, Bosanska Krupa, Bosanski Petrovac, Prijedor, Banja Luka, and Ključ.<sup>6537</sup> In 1991, the population of Sanski Most was approximately 28,000 Bosnian Muslims, 25,000 Bosnian Serbs, and 4,000 Bosnian Croats.<sup>6538</sup> Villages with a predominantly Bosnian Muslim population included Vrhopolje, Hrustovo, Sehovci, Begići, and Kenjari.<sup>6539</sup> Škrlejevita was a village with a predominantly Bosnian Croat population.<sup>6540</sup> **(#Only a few villages embattled#! Any reasonable chamber should be expected to find out what happened and why. Picking up only several out of 79 villages is not correct, particularly if the Prosecution ambition was to prove an existence of an Overall Joint Criminal Enterprise, which means – a systemic approach to the minorities. There were seven (7) almost exclusively Croatian villages, and several other where the Croats lived with the Serbs, and a fewer where they lived with Muslims. Out of those 7 Croatian villages, there was only one incident in the vicinity of only one, Škrlejevita, and none of other Croatian villagers sustained any disturbance. There were 26 (twenty six) predominantly Muslim villages, and many villages where the Muslims lived as a minority with the Serbs and a fewer with the Croats. Finally, there was forty six (46) predominantly Serbian villages.**

<sup>6530</sup> Indictment, para. 60(h).

<sup>6531</sup> Indictment, para. 60(i).

<sup>6532</sup> Indictment, para. 60(j). See Scheduled Incident D.19. The Indictment refers to the Hrustovo-Kukavice mosque as being two different mosques (the old and new mosque) situated next to each other. Indictment, fn. 17.

<sup>6533</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services.

<sup>6534</sup> Indictment, paras. 68–75.

<sup>6535</sup> Indictment, paras. 69, 72.

<sup>6536</sup> Indictment, para. 71.

<sup>6537</sup> P3638 (Map of Sanski Most municipality).

<sup>6538</sup> P6548 (Conclusions of the Sanski Most Municipal Assembly, 4 October 1993), p. 6; D4452 (Map of ethnic composition of Sanski Most); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3302–3303 (under seal). See also P3310 (Map of Sanski Most's ethnic composition); Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5486; P3634 (Witness statement of KDZ490, undated), p. 3 (under seal); P4994 (Addendum to Ewa Tabeau's expert report entitled "Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997", 3 February 2009), pp. 30, 33, 39 (listing the 1991 population as approximately 22,830 Bosnian Muslims, 21,746 Bosnian Serbs, and 3,688 Bosnian Croats).

<sup>6539</sup> P3634 (Witness statement of KDZ490, undated), p. 3 (under seal); P532 (Map of Sanski Most). For locations of these villages, see P3638 (Map of Sanski Most municipality); P3310 (Map of Sanski Most's ethnic composition).

<sup>6540</sup> P532 (Map of Sanski Most).

**The Chamber doesn't have any explanation, if accepts the allegation on the Overarching JCE, for the following:**

**(1) Why #only five Muslim villages# did have the problems, fights and arrests?**

**(2) Why none of the Croat villages did have any combat, except for an isolated incidents out of the Skrljevit village?**

**(3) Why the Muslims and Croats living in the mixed villages with the Serbs didn't have any problem?**

**(4) Had there existed any Overarching Joint Criminal enterprise to expel the non-Serb population from the Serb areas, why the Serbs didn't expel those Muslims that had lived as a majority in 21 villages, and those who lived as a minority in the predominantly Serb villages?**

**(5) Why the Serbs didn't expel the Croats from any of those 7 villages, or at least from the Serb villages with the Croatian minority?**

**But, after a reasonable answer to these questions, there wouldn't be any Indictment, and any Judgement, except for a possible direct perpetrators of crimes. WHY IT WAS IMPOSSIBLE?**

**WHO NEEDS SUCH A DISASTROUS START OF THE INTERNATIONAL JUSTICE?**

1920. The SDS, SDA, and HDZ parties were formed in Sanski Most in 1990.<sup>6541</sup> The President and Krajišnik came to Lušci Palanka, a Bosnian Serb village in Sanski Most, on the occasion of the formation of the SDS in Sanski Most.<sup>6542</sup> As a result of the multi-party elections in November 1990, the SDS won 23 seats, the SDA won 22 seats, the HDZ won 4 seats, and the reform party won 11 seats in the 60 seat Municipal Assembly.<sup>6543</sup> Nedeljko Rašula, who was then the president of the Sanski Most SDS, became the president of the Municipal Assembly.<sup>6544</sup> Vlado Vrkeš was the secretary of the Sanski Most SDS and he later became its president.<sup>6545</sup> Mirzet Karabeg, a Bosnian Muslim, was appointed as the president of the Executive Board.<sup>6546</sup> **(From the election results it is clear that the census wasn't accurate, and that the Serbs were majority, because the Yugoslavs were also the Serbs. Beside that, there was a majority of the Serbs in the adult stratum of population.)**

a. Militarisation of Sanski Most

1921. The arming of the Bosnian Serb population in Sanski Most began in late 1990, with the distribution of JNA weapons to SDS members.<sup>6547</sup> **(However, as proven many times, this is a #distorted fact#! The JNA didn't make any difference between the national parties, and didn't favour the SDS, but only the Serbs were ready to accept mobilisations and to form the reserve batalions, because there was a civil war with Slovenia and Croatia undergoing. However, this Court is acting as the majority of the western International Community, assuming that only Serbs armed themselves, and only Serbs wanted the war, and everything depended on them. This brings us in front of the main question: why this Court pretends not to incriminate the crime against peace, and thus avoids to establish truth, meanwhile putting all the burden on the Serbs, inferring that they must have been responsible since they "armed themselves" with an aim to make the Greater Serbia. However, the Serbs responded to the federal mobilisation and were ready to defend the existing status quo, or at least to prevent an unlawful violent change of it.)**

1922. As in other municipalities in BiH, the armed conflict in Croatia led to a mobilisation call in Sanski Most for volunteers to fight in Croatia with the JNA.<sup>6548</sup> **(Right!)** Those who did not respond to the call-up were ordered to return their uniforms and weapons and were to be deleted from the mobilisation lists.<sup>6549</sup> **(Naturally!!! #Legal aand obligatory#! And that was how the Serbs kept their weapons. In the light of this fact, the inference in the first paragraph is wrong.)**

<sup>6541</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5486–5487. See also D4653 (Certificate of Sanski Most SJB, 7 May 1991).

<sup>6542</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5488–5490, 7643–7645; P142 (Photograph of Radovan Karadžić and Momčilo Krajišnik).

<sup>6543</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6069; P3304 (Decision of Serb people of Sanski Most, 25 March 1992), p. 3. See also Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5492; D4233 (Witness statement of Branko Davidović dated 20 January 2014), para. 4.

<sup>6544</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6070; Mirzet Karabeg, T. 18686, 18690 (13 September 2011); KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7630 (under seal); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26141 (under seal); KDZ474, T. 19243 (21 September 2011) (closed session). See also Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5487, 5492; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7023; P3634 (Witness statement of KDZ490, undated), pp. 5, 18 (under seal); P3396 (Photographs depicting Radovan Karadžić, Ratko Mladić, Biljana Plavšić, Momčilo Krajišnik and others), p. 1; KDZ474, T. 19243 (21 September 2011) (closed session).

<sup>6545</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5487; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7642, 7654 (under seal); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26302–26303 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 1797.

<sup>6546</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6066; Mirzet Karabeg, T. 18690 (13 September 2011). Karabeg held the position of president of the Executive Board until 17 April 1992. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6066.

<sup>6547</sup> P3634 (Witness statement of KDZ490, undated), pp. 38–42 (under seal); KDZ490, T. 20207 (19 October 2011) (closed session).

<sup>6548</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5497.

<sup>6549</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5497.

1923. At the end of 1991, Mladić attended a meeting in Sanski Most and, afterwards, JNA weapons were distributed to Bosnian Serbs in the area.<sup>6550</sup> **(Again #wrong#! It was preparation for the war in Croatia, not in BiH. At that period there was the Conference on Bosnia, and there was a good prospective that there wouldn't be any war in Bosnia. But still the JNA needed reservists, and could rely only on the Serb reservists.)**

1924. In November 1991, weapons owned by the staff of the TO were transferred to the goods reserve of the TO.<sup>6551</sup> This order came from the 5<sup>th</sup> corps of the JNA to the local TO staff.<sup>6552</sup> In 1992, the weapons were taken by Colonel Branko Basara and distributed to the Bosnian Serbs in Sanski Most.<sup>6553</sup> **(#Before VRS#! That was an order of the 5<sup>th</sup> Corps of the JNA, and can not be in any way connected to the Serbs in Bosnia. The order that all the TO weapons be handed over to the JNA had been issued by the federal Presidency of the SFRY even before the first multiparty elections. Until SFR Yugoslavia existed, and the JNA had been legally present there, which was until the end of April 1992, there existed an obligation to defend the country, and those who fulfilled this obligation had been entitled to keep the weaponry and equipment of the JNA! See D5, 7 March 92 belowe:.)**

1925. At the end of 1991, the Serbian Defence Forces (“SOS”) an armed group, was formed.<sup>6554</sup> They were commanded by Duško Šaović, a.k.a. Njunja.<sup>6555</sup> The SOS received orders from the SDS in Sanski Most.<sup>6556</sup> **(This is an #exaggeration#, they didn't receive orders from anyone. Their letters of criticism of the SDS are the best prove for that. The SOS were formed in Banja Luka too, both because of a suspicion that the JNA would defend the Serbs, and it was done against the President's recommendation that the Serbs have to rely upon the JNA and vice versa, which was a very known attitude of the President, confirmed in many intercepts admitted by the Chamber!)** On 28 February 1992, members of the SDS and the SOS broke into the premises of the Public Auditing Service and tried to physically remove the head of the institution.<sup>6557</sup> Karabeg and the Executive Board condemned this action.<sup>6558</sup> **(Of course, #a Muslim extremist# Karabeg condemned this action, because Karabeg sabotaged the nomination of a Serb to this position, as agreed among the parties. The Muslim side didn't respect any agreement, and particularly wanted to continue to keep such a significant posts as the police commander and the chief of the SJB, which was incompatible, or the Public Auditing Service. All of that was with the aim to arme the Muslims and prevent the Serbs to get an insight in these illegal actions! And that was a pattern used in many municipalities! There is sufficient evidence on that in the file!)** Soon after, the SOS started targeting buildings and businesses belonging to Bosnian Croats and Bosnian Muslims and blew them up with explosives.<sup>6559</sup>

<sup>6550</sup> P3634 (Witness statement of KDZ490, undated), p. 39 (under seal).

<sup>6551</sup> P3634 (Witness statement of KDZ490, undated), p. 42 (under seal); P3643 (Order of Sanski Most TO, 6 November 1991).

<sup>6552</sup> P3634 (Witness statement of KDZ490, undated), p. 42 (under seal); P3643 (Order of Sanski Most TO, 6 November 1991).

<sup>6553</sup> P3634 (Witness statement of KDZ490, undated), p. 43 (under seal).

<sup>6554</sup> P3634 (Witness statement of KDZ490, undated), p. 20 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3314–3315 (under seal).

<sup>6555</sup> P3634 (Witness statement of KDZ490, undated), p. 20 (under seal). Duško Šaović was also Vrkeš's bodyguard. P3634 (Witness statement of KDZ490, undated), p. 20 (under seal); D4387 (Witness statement of Dušan Mudrinić dated 15 February 2014), para. 4; Dušan Mudrinić, T. 47365 (19 February 2014); see, e.g., KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7829 (under seal).

<sup>6556</sup> P3634 (Witness statement of KDZ490, undated), pp. 22, 25, 30 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3316–3317, 3555 (under seal); Vinko Nikolić, T. 45439–45441 (16 January 2014).

<sup>6557</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6082–6083; P3309 (Minutes of meeting of Sanski Most's Executive Board, 5 March 1992).

<sup>6558</sup> P3309 (Minutes of meeting of Sanski Most's Executive Board, 5 March 1992). See also Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6083; Mirzet Karabeg, T. 18767–18768 (14 September 2011) (testifying that it was an attempt to channel the taxes from Sanski Most to Banja Luka, instead of Sarajevo).

<sup>6559</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6076–6077; P3634 (Witness statement of KDZ490, undated), pp. 31–32 (under seal); P3397 (Report of Sanski Most SOS Intervention Platoon, 16 September 1992), p. 2. See also KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7634–7635 (under seal) (testifying that from late 1991 through the beginning of 1992, businesses in Sanski Most were blown up); see Adjudicated Fact



1926. Soldiers of the JNA's 6<sup>th</sup> Partisan Brigade arrived in Sanski Most in early April 1992.<sup>6560</sup> This brigade initially consisted of three battalions but later expanded.<sup>6561</sup> It was commanded by Basara.<sup>6562</sup> Rašula invited the SDA leaders to a meeting with Basara where Basara introduced himself and stated that he had brought the 6<sup>th</sup> Krajina Brigade to Sanski Most because they were on leave from fighting in Croatia and that they were "guarantors of peace".<sup>6563</sup> The 6<sup>th</sup> Krajina Brigade was later subordinated to the 1<sup>st</sup> Krajina Corps.<sup>6564</sup> By the end of May 1992, the 6<sup>th</sup> Krajina Brigade was comprised of 3,907 soldiers, making up 11 battalions and artillery units.<sup>6565</sup>

1927. After the arrival of the 6<sup>th</sup> Krajina Brigade, check-points were set up throughout the municipality and soldiers from the 6<sup>th</sup> Krajina Brigade asked residents to stop and show their identity cards.<sup>6566</sup> **A #legal and legitimate# action, since just across the boarder there was the war going on!**

1928. On 22 April 1992, the Crisis Staff decided to integrate the SOS as a special unit of the TO.<sup>6567</sup> The Crisis Staff also provided financial assistance to the SOS.<sup>6568</sup> **(That also was a #legal move#, since the TO was the legal municipal armed force, while the SOS weren't! How fragile and arbitrary is the construct called "the Serb Forces" could be seen from several contemporaneous documents, such as D1806:**

2523. Dušan Mudrinić testified that he was not aware of such explosions blowing up buildings and denied that the SOS was involved in these acts. Dušan Mudrinić, T. 47377–47378, 47385 (19 February 2014). The Chamber does not find his evidence on this point to be reliable. In reaching this conclusion, the Chamber found that the evidence of Mudrinić was evasive, contradicted on numerous occasions by other accepted evidence, including P3397 (Report of Sanski Most SOS Intervention Platoon, 16 September 1992), and was overall unconvincing.

<sup>6560</sup> P148 (Order of 5<sup>th</sup> Corps, 1 April 1992); P149 (5<sup>th</sup> Corps combat report, 2 April 1992); P3634 (Witness statement of KDZ490, undated), p. 35 (under seal); P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 2; P3640 (Document entitled "Informator of the Serbian Democratic Party Sanski Most", 1992), pp. 38–39 (referring to it as the 6<sup>th</sup> Krajina Brigade); Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5498–5499; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6099; P3660 (Handwritten "War Record" of the 6<sup>th</sup> Krajina Infantry Brigade, undated), p. 2 (referring to it as the 6<sup>th</sup> Infantry Brigade); KDZ490, T. 20181–20182 (19 October 2011) (closed session). As seen in the documents cited above, the 6<sup>th</sup> Partisan Brigade was also referred to as the 6<sup>th</sup> Krajina Brigade or another name. For ease of reference, the Chamber will refer to it as the 6<sup>th</sup> Krajina Brigade throughout this Judgement. KDZ490 stated that later when it grew to 12 battalions, it changed its name to the 6<sup>th</sup> Sana Brigade but "[t]his brigade, whether called Partisan/Krajina/Sana brigade was subordinated and under the command of General Momir Talić, Commander of the 5<sup>th</sup> JNA Corps, later the 1<sup>st</sup> Krajina Corps during 1992". P3634 (Witness statement of KDZ490, undated), pp. 34–35 (under seal).

<sup>6561</sup> P3634 (Witness statement of KDZ490, undated), p. 34 (under seal).

<sup>6562</sup> P3634 (Witness statement of KDZ490, undated), pp. 34, 37 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6100; P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 1; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7017; P2614 (Conclusions of Sanski Most's Crisis Staff, 30 May 1992).

<sup>6563</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7020–7021; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5499–5500; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6101–6102.

<sup>6564</sup> P3634 (Witness statement of KDZ490, undated) (under seal), p. 34.

<sup>6565</sup> P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 4. *See also* P3660 (Handwritten "War Record" of the 6<sup>th</sup> Krajina Infantry Brigade, undated). Members of the SOS were later integrated into the 6<sup>th</sup> Krajina Brigade. P3634 (Witness statement of KDZ490, undated), pp. 27, 30 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3315–3317 (under seal). *See also* P6681 (Report of Sanski Most SOS, 4 September 1992).

<sup>6566</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6099; *see* Adjudicated Fact 2525. *See also* Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6766–6767.

<sup>6567</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3325–3326 (under seal); D1679 (Conclusions of meeting of Sanski Most Crisis Staff, 22 April 1992), p. 1. *See also* Adjudicated Fact 2107.

<sup>6568</sup> P6682 (Conclusions of Sanski Most Crisis Staff, 18 June 1992), p. 1 (showing that Aničić, the TO commander, submitted a report on the work of the SOS and the Crisis Staff approved giving the SOS financial assistance).

SANSKI MOST

30 November 1992

## PUTTING A STOP TO PARAMILITARIES

Military sources have reported at the Command of the 1<sup>st</sup> Krajina Corps that measures have been taken to prevent activities by a group that calls itself the Serbian Defence Forces in Sanski Most. This concerns a group of around 40 armed people under the command of someone called Duško SAOVIĆ, aka Njunjo, owner of a café, Josip Mažara Street, Sanski Most. The same sources reported that the group had been active for a while as part of the 6<sup>th</sup> Krajina Brigade as an intervention platoon and had distinguished itself when mopping up the terrain around Sanski Most and Jajce. For a while it was under the immediate command of the former Chief of Staff of Veljko BRAJIĆ's Brigade. He took part together with his /?comrades/ in the crushing of the *Zelene Beretke* /Green Berets/ group of Arif /?ZUKANOVIĆ/, who is a very wealthy Muslim from the Sanski Most area. Although the operation was planned together with the civilian police, BRAJIĆ organised the operations with Duško SAOVIĆ's group which, after crushed the group, appropriated extremely valuable booty – Veljko BRAJIĆ disassociated himself from the distribution and appropriation of a part of this booty. The Command of the 1<sup>st</sup> Krajina Corps is emphatic that an end must be put to all paramilitaries in the Krajina territory and that they must be prevented from operating or, rather, from meting out justice and frightening the population. Measures have already been taken with this aim at the Corps' Military Police Battalion: to hold talks with this group and to place it under the command of the 6<sup>th</sup> Krajina Brigade or to disarm it, as set out in the Order of the Presidency of Republika Srpska.

**This is an #official attitude towards the paramilitaries#, which the SOS became after insincere integration in the 6<sup>th</sup> Brigade of VRS. The document confirms that this order was founded on the #Order of the Presidency# of Republika Srpska!)**

- 1929.** On 28 April 1992, the Crisis Staff decided that Basara would meet with the Crisis Staff and “start regulating the relationship” between the TO forces and the JNA.<sup>6569</sup> **(Once a JNA unit is present, the TO is obliged to subordinate to the JNA!)** On 7 May 1992, the Crisis Staff held a meeting where Mladen Lukić and Mirko Vrućinić were ordered to hold talks with Basara to involve him in transforming the JNA into the “Serbian TO”.<sup>6570</sup> **(That was just after the SFRY ceased to exist, and it was evident that the JNA will leave BiH. #All legal and legitimate#. Before VRS# The Sanski Most boys had been in this unit anyway.)** The TO was ordered to set up a MP platoon.<sup>6571</sup> All “able-bodied persons” were required to report to the Red Cross, the list would be forwarded to the TO staff, and those who were not registered would be “detained and sent to the municipalities of their residence”.<sup>6572</sup> **(#Defence necessity#! Now, it is time to show why the Serbs in Sanski Most were taking these precautionary measures, and what had been known to the security services. Let us see D5, from 7 March 92:**

<sup>6569</sup> P3328 (Conclusions of meeting of Sanski Most Crisis Staff, 28 April 1992), para. 4.

<sup>6570</sup> P3645 (Conclusions of the Sanski Most Crisis Staff, 7 May 1992), p. 1.

<sup>6571</sup> P3645 (Conclusions of the Sanski Most Crisis Staff, 7 May 1992), p. 1.

<sup>6572</sup> P3645 (Conclusions of the Sanski Most Crisis Staff, 7 May 1992), p. 1.

According to verified information, several people dressed in *Zelene Beretke* /Green Beret/ uniforms were observed in the vicinity of the *Sanski Most* DP /joint stock enterprise/, moving freely around inhabited areas, i.e. Sanski Most. They wear the crescent and star insignia on their berets, are armed with APs /automatic rifles/, and they are brazen and aggressive. Particularly prominent among the aforementioned members of the ZB /Green Berets/ are the brothers Arif and Izet HURANOVIĆ from Vrpolje. About 500 armed civilians were noted at a recent meeting of Muslim citizens in the village of Donji Kamengrad. Also present among them were members of the ZB who sought that everyone who was armed launch an attack on the Serbian village of Suhača. According to realistic estimates, about 3,000 Muslims own long barrels and are part of the SDA /Party of Democratic Action/ armed formations. Those mainly responsible for the SDA's activities are: Imet ŠARČEVIĆ, a lawyer, Suad ŠABIĆ, a lawyer, Adil DRAGANOVIĆ, president of the court, Revzid KURBEGOVIĆ, president of the SDA board, Mirzet KARABEG, chairman of the Sanski Most IO /Executive Committee/ and Enver BURNIĆ, commander of the Sanski Most SM /Police Station/.

7 March 1992

/handwritten:

NUMBER: 011/92

MILOŠ/

**(#Muslims attacked#! Therefore, the most powerful Muslim officials in the common institutions had already at the beginning of March been fully dedicated to the future armed conflict with their Serb neighbours!!! How come this document didn't deserve any attention of the Chamber? After this information, the entire self-defence and All-Peoples Defence mechanisms had to be started. According to the domestic laws, the Serbs were obliged to undertake all precautionary measures. And, remember those names, and those villages, and you will see where there the battles took place, and who were those detained. Those the highest officials of the "common" municipal authorities, at the same time a members of the complot core, and some of them appeared as the Prosecution witnesses. How "unbiased" witnesses! And an imminent attack on the Serb village of Suhaca (327 Serbs, 1 Croat) without any army facilities!)**

**(b) Establishment of Bosnian Serb institutions**

**1930.** The regionalisation process with the formation of the ZOBK led to increasing disagreements between members of the SDS, SDA, and HDZ in Sanski Most.<sup>6573</sup> Faik Bišćević, the president of the SDA, stated that the SDA could not agree with this regionalisation process.<sup>6574</sup>

**(#Legal and constitutional#! What does it mean, they "could not agree with this regionalisation process"? This was not only a constitutional right of any sovereign people, but it was a Serb concession and a condition for the BiH to leave Yugoslavia. Does it mean that the Chamber would justify the Muslim dictate to the Serbs, to obey with the Muslim decisions to secede and not to secure a safeguards for their freedom, security and legitimate interests? The whole world knows, all the prominent leaders of the then world knew that this**

<sup>6573</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5495–5496.

<sup>6574</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5496.

kind of butchering a sovereign state of Yugoslavia before securing the legitimate rights of peoples, would result in a horrifying bloodshed. Why the Serbs would accept the illegal secession, and the Muslims wouldn't agree with a legal decentralisation of the country? Anyway, the Indictment, and unfortunately even the Judgement look like a political materials of the SDA and the Islamic fundamentalists!)

1931. In February 1992, the SDS encouraged “all the Serbs of [BiH]” to abstain from voting in the upcoming referendum on the independence of BiH, claiming that it was against the interests of the “Serbian people”.<sup>6575</sup> (#Not criminal, not forbidden#, a guaranteed democratic right! Who was in charge of taking care about the interests of te Serbian people? It sounds like it was a felony, a nasty conduct of people in some colony. So ignorant of the domestic laws and constitution, the chambers couldn't decide otherwise!)

1932. In March 1992, the main issue that the SDS raised for discussions in the Municipal Assembly was whether Sanski Most should declare itself as “Serbian Sanski Most”, (#Two municipalities – peace#! All distorted: it was under the presumption that the Muslim community would form their own Muslim municipality, which may not want to join the ARK.a part of the ARK.<sup>6576</sup> (The main villain and responsible for the war in Sanski Most, M. Karabeg was free to lie! It was never envisaged that the entire municipality would be proclaimed for a Serb municipality, but only the newly formed Serb municipality!) Sanski Most was the only municipality (out of the 17 municipalities in the Bosnian Krajina) whose assembly had not yet decided on this matter.<sup>6577</sup> On 25 March 1992, Rašula and Vrkeš signed a proclamation declaring that all Bosnian Serb territories in Sanski Most were part of the SerBiH, “as a unique Serb municipality of Sanski Most”.<sup>6578</sup> (Exactly, #only the Serb parts# of Sanski Most, unified in the Serb municipality, which in no way concerned the Muslim part of the municipality. Until that moment there was still the valid Lisbon agreement about forming the three ethnic states in BiH. But, if the Chamber listened only to the Muslim extreme leaders (Biscevic, Karabeg) that are named in the D5, than there will not be “the whole truth”!)

1933. On 3 April 1992, Rašula issued a decision on behalf of the “Serbian People's Assembly” that the “Serbian Municipality” of Sanski Most would become part of the ARK.<sup>6579</sup> This decision was made by the Sanski Most SDS deputies only.<sup>6580</sup> By 6 or 7 April 1992, the Sanski Most Municipal Assembly stopped meeting altogether.<sup>6581</sup> (#Only the Serb municipality#! That means that the Serbs formed their own municipality. Having in mind exhibit D5, and how many Muslim officials in the municipal organs had been taking part in the secret preparations to count down with the Serbs, the formation of the Serb municipality was a minimal measure. Karabeg was one of the most prominent extremists! To keep in mind that the war already started elsewhere in BiH!)

<sup>6575</sup> P3308 (SDS Leaflet); P3329 (Excerpt from handwritten diary of Nedeljko Rašula), p. 6; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6077–6078.

<sup>6576</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6095. See also Adjudicated Fact 2514.

<sup>6577</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6096–6097.

<sup>6578</sup> P3304 (Decision of Serb people of Sanski Most, 25 March 1992) (listing 25 “local communities and Serb settlement” which formed a “unique Serb municipality” in Sanski Most); Mirzet Karabeg, T. 18688–18689 (13 September 2011). See also Adjudicated Fact 2515. So what? That was #their right#, particularly since this witness participated in a secret plan tu attack the Serbs.

<sup>6579</sup> P3325 (Decision of Sanski Most Municipal Assembly, 3 April 1992); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6102. See also Adjudicated Fact 2516.

<sup>6580</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6102–6103.

<sup>6581</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6098.



1934. On 14 April 1992, the Crisis Staff of Sanski Most was established at a session of the Municipal Board of the Sanski Most SDS.<sup>6582</sup> Rašula was appointed as president.<sup>6583</sup> The Crisis Staff was the “centre of power” in Sanski Most and had, for instance, authority over the police.<sup>6584</sup> **(The municipal Crisis Staffs were the substitutes of regular organs of authorities, and it’s members were *ex officio* officials of these regular organs!)**

1935. On 16 April 1992, the “Serbian Municipality” of Sanski Most was formed.<sup>6585</sup> **(And the Serb Municipality of Sanski Most comprised of #only the Serb parts# local communes and settlements, see: D1682**

Serbian Municipality of Sanski Most shall comprise the following entities: Serbian local communes and Serbian settlements, as set out in the Decision adopted at the session of the Serbian Assembly held on 3 and 4 April 1992.

**And these settlements are numbered in the document from the said session of the Serb Assembly, see D1804. Therefore, the Muslims in Sanski Most hadn’t been restricted in their legitimate rights, but we just saw how their tactics was to “procrastinate” agreements and get stronger, see below D1678)**

1936. On 17 April 1992, Stojan Župljanin, head of the Banja Luka CSB, ordered that all police employees must sign a statement of loyalty to the Serb Municipality of Sanski Most.<sup>6586</sup> The police then became effectively divided along ethnic lines: all of the Bosnian Serbs signed the statement, only one Bosnian Croat signed it, and none of the Bosnian Muslims did.<sup>6587</sup> Those who did not sign the loyalty oath left the police.<sup>6588</sup> **(#Two municipalities accepted#! The principle of the “whole truth” would require to be presented that the Muslim side accepted to form their own municipality and municipal organs, including the police station, and those who didn’t want to work in the Serb police station, obviously decided to cross over to the Muslim police station!)** The chief of the SJB ordered all police members to change the emblems on their caps to the Serbian tricolour to show loyalty as Serbs.<sup>6589</sup> **(Of course, a Karabeg’s malicious interpretation! That was not to “show loyalty as Serbs”, but that was an official emblem of one of the three states-entities agreed to be formed in BiH. Therefore, #legal, legitimate and agreed on the ICFY#!)** This was done in accordance with the order from Župljanin that police employees should wear new uniforms with sleeve insignias of the word “milicija” written in Cyrillic and blue berets with the tricolour badge.<sup>6590</sup> Rašula enforced this order by stating that all police members who accepted this would retain their jobs and those who refused would be

<sup>6582</sup> P3329 (Excerpt from handwritten diary of Nedeljko Rašula), pp. 19–21.

<sup>6583</sup> P3634 (Witness statement of KDZ490, undated), p. 6 (under seal) (stating that the Secretariat of the SDS evolved into the Crisis Staff); P3329 (Excerpt from handwritten diary of Nedeljko Rašula), p. 20 (listing as other members: Colonel Nedeljko Ančić, Nemanja Tripković, Boro Savanović, Mirko Vrućinić, Dragan Majkić, Mladen Lukić, Vlado Vrkeš, and Zvonko Nikolić). See also KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3340–3342 (under seal). By 30 May 1992, the Crisis Staff of Sanski Most consisted of 12 persons, namely: (1) Rašula, (2) Vrkeš, (3) Mladen Lukić, economic affairs, (4) Boro Savanović, president of the club of SDS deputies, (5) Boro Tadić, secretary of the People’s Defence Secretariat, (6) Vrućinić, (7) Ančić, TO commander, (8) Milenko Stojinović, commander of the municipal civilian protection staff, (9) Nenad Davidović, medical services, (10) Basara, (11) Vinko Nikolić, in charge of vehicles, and (12) Nemanja Tripković, integrating and co-ordinating humanitarian associations. P2614 (Conclusions of Sanski Most’s Crisis Staff, 30 May 1992), p. 1.

<sup>6584</sup> KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26300–26302, 26325–26326, 26330–26331 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3328, 3342 (under seal). See, e.g., P2613 (Conclusions of Sanski Most’s Crisis Staff, 22 May 1992); P2614 (Conclusions of Sanski Most’s Crisis Staff, 30 May 1992).

<sup>6585</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7652 (under seal).

<sup>6586</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7652 (under seal); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26338 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3311 (under seal). See also Adjudicated Fact 2520.

<sup>6587</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7652 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3311 (under seal).

<sup>6588</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3311–3312 (under seal).

<sup>6589</sup> P3634 (Witness statement of KDZ490, undated), pp. 46–47 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6104.

<sup>6590</sup> P3330 (Conclusions of session of Banja Luka CSB Enlarged Centre Council, 6 April 1992), para. 4.

transferred.<sup>6591</sup> **(Transferred, where? Certainly, to the Muslim police station and the Muslim municipality of Sanski Most!)**

1937. After refusing to sign the loyalty oath, the Bosnian Muslim and Bosnian Croat policemen who had left the police went to the fire brigade building on the other bank of the Sana River to establish their own police force.<sup>6592</sup> **(#Two municipalities#! That was understood, because the Serbs expected the Muslims to form their own municipality, with all the belonging structures and organs. In such a case, nobody and never would expel anyone from the municipality of Sanski Most.** Karabeg and other Bosnian Muslim and Bosnian Croat leaders then went to the municipality building in Sanski Most both as a sign of protest and in order to organise their own administration.<sup>6593</sup> In discussions on 18 April 1992, the SDA, SDS, and HDZ agreed that the municipality should be divided; however, the Executive Board of the SDS later rejected the agreement.<sup>6594</sup> **(#SDA reneged on agreement#! However, it seems that the SDA felt “coerced” and it wasn’t the SDS who rejected the agreement. Obviously, as in all other municipalities where an agreement was on the way, the central of SDA forced their own members to reject it, as happened in Vlasenica, Bratunac, Foca and others. Simultaneously, there was a pressure by General Halilovic, the Commander of the Muslim Army, to stop talking with the “agresors” and to start the war, see: D3904:**

I have followed the development of the BH Army in the Bihać region with full attention, and in organising its embryo, the Patriotic League, I was in the region personally on six occasions. Therefore, the situation in the wider region from the pre-war days till today is completely familiar to me. I was even in a position to alert the government organs in that region that armed combat was being obstructed, since they waited rather long and, while war was raging in all of the RBH /Republic of Bosnia and Herzegovina/, in this region they were still negotiating with the aggressor.

1938. On 30 April 1992, the Crisis Staff appointed Vrućinić as acting chief of the SJB and Mladen Lukić as president of the Executive Board.<sup>6595</sup> Rašula maintained his power as the president of the Crisis Staff.<sup>6596</sup> **(All of it #only in the Serb municipality# of Sanski Most, nothing in the Muslim parts of municipality!)**

#### 1. Take-over of Sanski Most

1939. At approximately 9:30 p.m. on 19 April 1992, Rašula issued an ultimatum to the Bosnian Muslims and Bosnian Croats inside the municipality building to surrender by 10 p.m. or the Crisis Staff would not be responsible for the consequences—the 6<sup>th</sup> Krajina Brigade, which had been in Sanski Most since early April, was deployed close by.<sup>6597</sup> In response, the Bosnian Muslims and Bosnian Croats exited through the back of the municipality building and escaped to Sehovći.<sup>6598</sup>

<sup>6591</sup> KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26338 (under seal).

<sup>6592</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7659–7660 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3311–3312 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6106–6107.

<sup>6593</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7660–7662 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6107; P3634 (Witness statement of KDZ490, undated), p. 47 (under seal). See also Adjudicated Fact 2521.

<sup>6594</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7661–7663 (under seal). KDZ474 specifies that the agreement from the SDA was coerced as the Bosnian Muslims were in a position of weakness. KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7665 (under seal).

<sup>6595</sup> P3306 (Conclusions of meeting of Sanski Most Crisis Staff, 30 April 1992); P3634 (Witness statement of KDZ490, undated), pp. 10–11, 45 (under seal); D4347 (Decision of Sanski Most Crisis Staff, 1 May 1992). See also P6670 (List of Sanski Most SJB employees for advance on salary for April 1992), p. 3. Vrućinić was formally appointed as chief of the SJB on 13 June 1992. P6379 (Decision of Banja Luka CSB, 13 June 1992); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3410 (under seal).

<sup>6596</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7651 (under seal). See also P2614 (Conclusions of Sanski Most's Crisis Staff, 30 May 1992), p. 1.

<sup>6597</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7666–7668, 7671–7677, 7862–7863 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3312–3313 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6110, 6113–6116; P3634 (Witness statement of KDZ490, undated), pp. 47–48 (under seal); Faik Biščević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7023–7024. See also Adjudicated Facts 1299, 2521, 2522; Mirzet Karabeg, T. 18692 (13 September 2011); P3305 (5<sup>th</sup> Corps combat report, 20 April 1992), p. 1. Rašula did not offer any guarantees of safety for those who surrendered. KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7671 (under seal).

<sup>6598</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7672–7673 (under seal); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3312–3313 (under seal).

The building was subsequently attacked by the 6<sup>th</sup> Krajina Brigade and members of the SOS and TO.<sup>6599</sup> **(#Vice versa#! But it would be more correct to say that the Muslim/Croat group occupied the municipal building in an attempt to prevent the forming of the Serb municipality and to take the control over the entire Sanski Most. It is the main question: why there was an ultimatum, and why the Muslim/Croat group escaped?)**

1940. The following day, on 20 April 1992, representatives of the SDS, SDA, and HDZ met with military representatives, including Talić, Commander of the 1<sup>st</sup> Krajina Corps, and Basara, Commander of the 6<sup>th</sup> Krajina Brigade.<sup>6600</sup> **(#Before VRS#! Wrong data: at that time there was no any 1<sup>st</sup> Krajina Corps, there was the 5<sup>th</sup> Corps of JNA. And the very same JNA was proclaimed by the Muslim authorities in Sarajevo on 12 April 92 as an enemy, which was supposed to be annihilated, as the famous order called "The combat readiness: immediate!")** The SDA presented six requests, which the SDS rejected.<sup>6601</sup> Talić ended the meeting by

<sup>6599</sup> P3634 (Witness statement of KDZ490, undated) (under seal), pp. 48–49; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6116–6118; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3317, 3322 (under seal). See also Adjudicated Facts 1299, 2523.

<sup>6600</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7700 (under seal); KDZ474, T. 19336 (21 September 2011) (closed session). See also P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992); P3929 (Report of 1<sup>st</sup> Krajina Corps, 3 September 1992), p. 8.

<sup>6601</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7701–7702, 7706 (under seal); KDZ474, T. 19339 (21 September 2011) (closed session). The requests included: (i) guarantee of the public safety of citizens and their property; (ii) establishment of the organisation and the functioning of the legal public security service and police station by finding the appropriate facilities and dividing resources; (iii) functioning of the legitimate municipal assembly and its organs; (iv) functioning of the economy and payment of transactions in keeping with the agreement in Bosanski Novi of 17 April 1992; (v) establishment of activity by all public institutions and companies with special emphasis on the work of the radio station with parity programming; and (vi) determination of the sequence of events on 18 and 19 April 1992 through the work of a mixed committee with the presence of European Community observers and representatives of the regular army. KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7702 (under seal); P3329 (Excerpt from handwritten diary of Nedeljko Rašula), p. 23. **This document was entirely misquoted and misinterpreted in the Judgment. The document contains a firm evidence about the subversive conduct of the Muslim side. Let us see what had been said on the meeting with Gen. Talić: P3329, p.17**

- Col. BASARA: He was told (by Redo) that his having come with the Army wasn't good. The negotiators said that the MUP would be divided painlessly. Redo again exerted pressure that I not bring the Army. I made the rounds, but in our absence, which the colonel's driver noticed, they deployed snipers on the roofs in the organisation (Muslims).  
Territorial Defence = expected HALILOVIĆ, but he did not want to come to carry out his orders.  
The unit (6<sup>th</sup> Krajina) did not succeed in arriving /on time/ to separate the two sides.
- Major ZELJAJA: Divide yourselves, but without war and /?clashes/. Redo said that the Army's arrival meant the occupation of Sana. We have problems around noon. The Territorial Defence, and the next day you accept when you receive your suggestions from Sarajevo. The Executive Council President wants the Army to inform him of its movement, while we receive orders that you are spying on the Army and informing Sarajevo.  
/added: Muslims/

**The JNA was a legal and legitimate force there at the time, and the Muslims opposed it's arrival. And it was spied by the highest Muslim official of the municipality, M. Karabeg, a witness in this case**

- Col. HASAGIĆ: He was present at a distant and famous theatre of war. Horrifying images from the theatre. Agreements and agreements! We are preventing the transfer of the focus of war here.
- General TALIC: (concluding remarks) Reach agreement, but without undue delay. The police /added: military police/ from Prijedor shall remain, and if need be, from Banja Luka. We do not recognise the paramilitary formations. We are not allowing barricades to be put up.  
The JNA /Yugoslav People's Army/ will guarantee the peace of the citizenry and the security of property. We are asking for your help. /added otherwise you will see; /"see" crossed out/

**Colonel Hasagic was a Muslim in the Command of 5<sup>th</sup> Corps of JNA in BL. Talić wanted them to agree fast. And only then we see the critical sentence quoted in the Judgment, as if only this sentence was pronounced:**

threatening that the SDA should not call anyone for help.<sup>6602</sup> On the same day, the Crisis Staff held a meeting in which it concluded that it only recognised the “Serbian Municipality” of Sanski Most, including the “Serbian TO” and the “Serbian SJB”.<sup>6603</sup> The Crisis Staff also declared that the “former Municipal Assembly of Sanski Most” was illegal and that only the laws of the SerBiH would be in effect in Sanski Most.<sup>6604</sup> **(#For the Serbs only#! That was a provision for the Serb Municipality of Sanski Most, not for the Muslim one! The Chamber is in an obligation to see and to bring the whole truth, that means that the Serbs in Sanski Most have lost their fate in their neighbours Muslims, because they had been undertaken many measures to attack the Serbs, see D5. Instead of attacking them first, the Serbs founded their own municipality, recommending to the Muslims to do the same, which was initially accepted, but later the Muslims wanted to “buy some time” and deceive the Serbs, which the Serbs rejected! But, without any contact with the central organs, the local Serbs did have every rights to secure themselves against the wide organisation, coordinated with Sarajevo, aimed to destroy the Serbs. Even if the local Serbs were able to contact the central RS organs, nobody could stop them to prevent their catastrophe. According to the then laws, they had every single right to protect themselves.)**

1941. On 28 April 1992, the Crisis Staff concluded that all citizens in Sanski Most must surrender their weapons.<sup>6605</sup> **(All the citizens, which were not engaged in the JNA, #regardless of ethnicity!#)** Radio Sana then broadcast a message that all citizens in Sanski Most must turn in their weapons to the SJB or the TO by 3 May 1992 and that their security would be protected.<sup>6606</sup> Operations were carried out to disarm the citizens in predominantly Bosnian Muslim and Bosnian Croat villages.<sup>6607</sup> There were never any efforts made to disarm the Bosnian Serb population.<sup>6608</sup> **(#Within JNA#! Why would the Serbs be disarmed, if they had been within the framework of the JNA, still legally present there? Had the Muslim and Croat reservists joined the JNA, as certain number did in all municipalities, or the TO which was under the JNA, they would be in the same position as the Serb reservists! Many Muslims and Croats joined the VRS, defending the secular way of life together with the Serbs, and were treated the same as the Serbs!)**

1942. On 11 May 1992, the ARK Crisis Staff issued a decision to the presidents of the municipalities in the ARK that the deadline for the voluntary surrender of “illegally acquired” weapons, as ordered in a decision issued by the ARK government on 4 May 1992,<sup>6609</sup> was

---

Don't call anyone for help; otherwise you will have Kupres, Bosanski Brod, Vukovar.

The /? Banja Luka/ Mufti has appealed for peace; listen to him.

**But, this sentence has to be seen in the light what Col. Hasagic have said just before Talic: “Horrificing images from the theatre (of war) Agreements and agreements! We are preventing the transfer of the focus of war here.”**

<sup>6602</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7708 (under seal).

<sup>6603</sup> P3399 (Conclusions of meeting of Sanski Most Crisis Staff, 20 April 1992), para. 4.

<sup>6604</sup> P3399 (Conclusions of meeting of Sanski Most Crisis Staff, 20 April 1992), para. 4. See also Adjudicated Fact 2517.

<sup>6605</sup> P3328 (Conclusions of meeting of Sanski Most Crisis Staff, 28 April 1992), para. 1; P3634 (Witness statement of KDZ490, undated), pp. 55–56 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6133–6134. See also KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26173 (under seal).

<sup>6606</sup> P3634 (Witness statement of KDZ490, undated), pp. 55–57 (under seal); Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5507–5508, 5510, 5513; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7021, 7054; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court pp. 5–6; Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2967–2969; KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8052–8054. See also Adjudicated Fact 1307; Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6768.

<sup>6607</sup> P3648 (Report of Sanski Most SJB, 10 July 1992); KW545, T. 46963 (12 February 2014) (closed session).

<sup>6608</sup> P3634 (Witness statement of KDZ490, undated) (under seal), pp. 58–60.

<sup>6609</sup> P2818 (Decision of ARK Regional Secretariat for National Defence, 4 May 1992).



extended to “24:00 on 14 May 1992”.<sup>6610</sup>  
**regardless of ethnicity!**

**(All #legal and obligatory# due to the law, and**

**1943.** Beginning on 20 May 1992, the Crisis Staff ordered the disarmament of “paramilitary formations” in Sanski Most in accordance with the decision from the ARK government.<sup>6611</sup>  
**(#All legal and obligatory due to the law!#)**

**1944.** By 25 May 1992, soldiers from the 6<sup>th</sup> Krajina Brigade searched the houses of Bosnian Muslims and Bosnian Croats in Sanski Most in order to disarm them.<sup>6612</sup> The Sanski Most SJB reported on the total number of weapons seized from Muslim villages.<sup>6613</sup> In Mahala, an announcement was made on the radio that people should hand over weapons to check-points.<sup>6614</sup> In addition, an announcement was made that all Bosnian Muslims who were loyal to the Serbian state should fly white flags in front of their houses.<sup>6615</sup>  
**(The same as described in the Edward Villiamy’s report, see: P3788, p.6)**

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

‘These are the people who accept the Serbian republic,’ explains Major Milovan Milutonic from Army HQ in Banja Luka. ‘If they do that, we just leave them alone.’

**Therefore, both the white #ribbons# on shoulders and white textile on the houses, served in prevention of a “friendly fire”. The only what the Muslims and Croats were supposed to do to be “left alone” was – not to fire!)**

**1945.** On 25 May 1992, the 6<sup>th</sup> Krajina Brigade attacked the Bosnian Muslim neighbourhoods of Mahala, Muhići, and Otoka in Sanski Most town.<sup>6616</sup> The attack started with shelling, followed by soldiers entering the area.<sup>6617</sup> The soldiers set houses on fire.<sup>6618</sup> According to a Sanski Most SJB report, the attack against Mahala resulted in the “capture of 2,000 civilians” but no significant amount of weapons was found.<sup>6619</sup>  
**Because it was concealed earlier, as was said in the document P3928 :**

<sup>6610</sup> P3694 (Conclusions of ARK Crisis Staff, 11 May 1992), para. 1; Mirzet Karabeg, T. 18801–18802 (14 September 2011); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3351 (under seal).

<sup>6611</sup> P3647 (Order of Sanski Most Crisis Staff, 20 May 1992); P2613 (Conclusions of Sanski Most Crisis Staff, 22 May 1992), p. 2; P3402 (Conclusions of Sanski Most Crisis Staff, 22 May 1992).

<sup>6612</sup> D4233 (Witness statement of Branko Davidović dated 20 January 2014), para. 21. The Sanski Most SJB report states that the disarming and surrendering of weapons was carried out until 25 May 1992. P3928 (Report of Sanski Most SJB, 15 June 1992), p. 1; Mile Dobrijević, T. 44632 (6 December 2013).

<sup>6613</sup> P3648 (Report of Sanski Most SJB, 10 July 1992), p. 1 (stating that “[a] special group was established for these jobs that went to Muslim villages seizing weapons, based on orders from the SJB and that the military police were also engaged in the operations).

<sup>6614</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5512–5513.

<sup>6615</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5514. Bišćević stated that it was used as a sign to identify houses belonging to the Bosnian Muslims and Bosnian Croats, differentiating them from the Bosnian Serb-owned houses when the houses were destroyed later. Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5515.

<sup>6616</sup> P3928 (Report of Sanski Most SJB, 15 June 1992); Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5513; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26198 (under seal); Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8105–8106; KDZ474, T. 19247 (21 September 2011) (closed session). See also Adjudicated Facts 2527, 2528. KDZ490 states that the attack occurred on 26 May 1992. P3634 (Witness statement of KDZ490, undated), pp. 69–70 (under seal). Given the volume of consistent and accepted documentary evidence, witness testimony, and adjudicated facts in this regard, the Chamber finds that the attack occurred on 25 May 1992.

<sup>6617</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3365 (under seal); P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 31. See also Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8106.

<sup>6618</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3365 (under seal); Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5513 (testifying that 192 houses were set on fire, destroyed, and looted, namely “the entire Gornji Mahala was destroyed”). Mihajlo Orlović testified that he passed through Mahala two or three years later and did not see houses burned. He also refuted the shelling of Mahala. Mihajlo Orlović, T. 46643–46645 (6 February 2014). The Chamber does not find this evidence to be reliable. In reaching this conclusion, the Chamber found that Orlović was not completely forthright with the Chamber and his evidence was contradicted on numerous occasions by other accepted evidence, including P3928 (Report of Sanski Most SJB, 15 June 1992), witnesses Faik Bišćević, KW545, Sakib Muhić, KDZ474, and Adjudicated Fact 2528.

<sup>6619</sup> P3928 (Report of Sanski Most SJB, 15 June 1992), p. 1.

The action of peaceful disarming and surrendering of weapons was carried out in the period between 10 May and 25 May 1992. During that period, the Muslim and Croatian population handed over only hunting weapons and other legally owned weapons, but illegally obtained military weapons were not surrendered, and were concealed (buried) on instructions from above.

On 25 May 1992, this “disarming” was followed by a military action (attack) against the downtown neighbourhood of Mahala, which resulted in the capture of 2000 civilians, but no significant amounts of weapons have been found because they had been concealed earlier. Several days later there was a synchronised attack on the Muslim villages of Vrhpolje and /?Hrustovo/. On that occasion a Muslim force of about 800 men was broken up and militarily defeated, while the houses were destroyed and burnt down. Army units’ casualties on that occasion amounted to 12 men (killed) and eight wounded, while the number of killed and wounded on the other side is unknown.

**Why this fact #was skipped#, and the matter presented selectively? But there is an additional fact: the VRS sustained a significant losses,**

**So, obviously, this was an #attack on a strongholds# in the middle of the urban core of the Sanski Most town itself. Which army would tolerate such a stronghold on it’s A(rea) O(f) R(esponsibility)AOR?**

**1946.** Attacks continued the following day.<sup>6620</sup> Nedeljko Aničić ordered “upon completion of the task, [to] take the prisoners to the sports hall” and “hand over the war booty” to the “Sanski Most Serbian TO Staff”.<sup>6621</sup> Other villages in Sanski Most were subsequently attacked, including Hrustovo, Vrhpolje, Lukavica, and Trnovo.<sup>6622</sup> **(#Armed strongholds#! This is incorrect, because it is only four villages out of many Muslim and Croat settlements. It must be kept in mind that Prijedor was not too far, several tens of km down the River Sana, and that the Muslim forces started their attacks in Prijedor on 22 May in Hambarine, and then on 24 May from Kozarac. And keeping in mind that the Sana River Valley was a unique space, see D3904,**

I have followed the development of the BH Army in the Bihać region with full attention, and in organising its embryo, the Patriotic League, I was in the region personally on six occasions. Therefore, the situation in the wider region from the pre-war days till today is completely familiar to me. I was even in a position to alert the government organs in that region that armed combat was being obstructed, since they waited rather long and, while war was raging in all of the RBH /Republic of Bosnia and Herzegovina/, in this region they were still negotiating with the aggressor.

We think that your region, taking into account the command of the Una-Sana Operations Group, the Bihać District Defence Staff, the municipal staffs in the region and other bodies, has a good personnel basis for a corps command.

**#A huge Muslim terrorist presence#! Sefer Halilovic, 10 September 1992! Neither the Prosecution, nor the Chamber even tried to contest that there existed this Una-Sana Operational Group deep in the Serb territory!)** According to a military report, there was a “comprehensive operation” undertaken between 25 May and 4 June 1992 to “mop up the terrain and disarm Muslim extremists” in Sanski Most.<sup>6623</sup> **(Since this document, P3663 had been quoted extremely selectively, let u see what was said in this “strictly confidential” military**

<sup>6620</sup> P3313 (Order of Sanski Most TO, undated), pp. 1–2; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 31; P3634 (Witness statement of KDZ490, undated), p. 70 (under seal).

<sup>6621</sup> P3313 (Order of Sanski Most TO, undated), p. 3. See Scheduled Detention Facility C.22.3.

<sup>6622</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 36, 41–42; P3928 (Report of Sanski Most SJB, 15 June 1992), p. 1. See also KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8052–8053; P3318 (Order of Sanski Most Crisis Staff, 2 June 1992) (ordering the machinery and manpower for the burial of persons killed in combat operations in Vrhpolje and Hrustovo); Adjudicated Fact 2529. See, e.g., Scheduled Incidents A.12.1, A.12.2, A.12.4. KW540 testified that in Vrhpolje, there were approximately 400 Bosnian Muslim men who were “the best armed and the best organised” by the SDA and this was why the 6<sup>th</sup> Krajina Brigade attacked Vrhpolje. KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3485–3486 (under seal).

<sup>6623</sup> P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 5.

**report: P3663, p. 4:**

On the basis of information gathered by the Sanski Most Public Security Service and staff of the Banja Luka CSB /Security Services Centre/ National Security Service, the intentions of the Muslims and the SDA were uncovered and measures taken to expose and arrest the planners of a heinous massacre of the Serbian people. The Muslims and the Croats were politically and militarily organised throughout the territory of Sanski Most municipality, in their local communes - *džemat* – where they had set up detachments, companies and platoons with their commands and officers corps. Their units were part of the Bihać-Cazin TO Corps. They had about 2000 armed men and intended to arm a further 4000. They got arms from SDA leaders who for their part obtained them through various channels, from Zagreb, the MUP /Ministry of the Interior/ of BH / Bosnia and Herzegovina/ and the BH TO. The best organised and the most inveterate extremists were Muslims from Vrhpolje, Hrustovo, Mahala and Trnova. The principal leaders and ideologists in all Muslim villages were their imams and SDA leaders. As they had to keep a low profile and did not dare take

**(#Only strongholds#! All the toponyms that later became the battlefields, unlike the rest of 22 Muslim villages, where there was no fights, because the Muslims didn't decide to attack the Serbs! See further, pp4-5:**

The documents found show that they intended to commit genocide against the Serbian people, kill them and expel them, and create a Muslim state in these parts; all renowned Serbs and their families were to be killed and hanged in the park in Sanski Most; Serbian girls and women were to be put in brothels to bear offspring to the mujahedin and janissaries; Sharia laws and government were to be introduced as in Iran; male Serbian children were to be circumcised and brought up according to Islamic laws and principles.

**And, finally, the result of the fights against the Muslim extremists, P3663, p.7:**

/first part of sentence illegible/ several mopping up operations in Sanski Most municipality, the brigade achieved major results. The enemy suffered heavy losses in personnel, materiel and equipment. The following were taken or seized: 664 pieces of various infantry weapons, factory or hand-made, intended to liquidate the Serbian people, a quantity of explosives, hand grenades, rifle grenades, objects made of iron, equipment and medical supplies. In these operations 12 men of the brigade were killed, one of whom was badly mutilated.

**(#Serb loses#! Certainly, those military casualties hadn't been inflicted by some Muslim civilians, but by an organized and well equiped secret Army. If there was an individual misconduct, it should be investigated, but the Prosecution – the Chamber alliance theat all the Serb political or military legal actions as a crime, and therefore all the consequences of such a legal actions as a criminal deeds! Why this document was taken so selectively? Depicting the consequences, i.e. the Serb reactions, without depicting the context and causes is not a fair trial!)**

1947. Meetings of the Crisis Staff were to be held daily to discuss a “long-term solution” for the “problem of refugees from the Mahala area, as well as the Muslims and Croats who are not loyal to the Constitution and laws of the [SerBiH]”.<sup>6624</sup> The Crisis Staff concluded that all “those who have not taken up arms and want to change their municipality” should be allowed to move out.<sup>6625</sup>

**(This was #in accord with the Agreement# of the three sides signed in London on 22 May, which regulated an obligation of the warring sides to facilitate the free movement of civilians, or a displacement of civilians “if the security of the civilians involved, or imperative military reasons so demand: see: D1603 p. 9:**

<sup>6624</sup> P2614 (Conclusions of Sanski Most's Crisis Staff, 30 May 1992), p. 1.

<sup>6625</sup> P2614 (Conclusions of Sanski Most's Crisis Staff, 30 May 1992), p. 1.

The displacement of the civilian population shall not be ordered unless the security of the civilians involved or imperative military reasons so demand. Should such

**That is why no Muslim or Croat was disturbed in any village where there was no fights! Why the Chamber didn't consider this Agreement, which served as a basis for several other similar agreements, comprised under the same exhibit number: Agreement on the release and transfer of prisoners, of 30 Sept. and 1. Oct. 1992, and also D4710 signed in London on 17 July 92, p. 1:**

We agree that all refugees will be permitted to return to the places from which they have been expelled and that civilians who are caught up in or trapped by the military situation, will be given freedom of movement.

**Why these documents “does not matter?!”**

1948. Pursuant to an order from the Crisis Staff, the “displaced population” from the Mahala, Muhići, and Otoka areas was to be transferred by a *Sanatrans* bus to the sports hall for “care and accommodation”.<sup>6626</sup> **(#Legal as illegal#! Exactly as it was #provided by the Geneva Conventions# and repeated in the document above! However, as usually, the Serb moves are depicted as illegal, no matter what circumstances demanded!)** The following day, the TO ordered the “clean up” of the terrain in Mahala, Otoka, and Mahići and the search, identification, and burial of dead bodies.<sup>6627</sup> **(So what? Remember, the VRS and the police had their own casualties, in the very urban core of Sanski Most. A sanitation of a battlefield was a #legal obligation#!)**

1949. On 27 May 1992, Bišćević was arrested, beaten, and taken to Radio Sana, which was by then controlled by the SDS.<sup>6628</sup> He was forced to read a statement on the radio.<sup>6629</sup> The statement announced that the VRS had taken over the municipality and all Bosnian Muslims and Bosnian Croats must unconditionally surrender their weapons in order to prevent the destruction of the town.<sup>6630</sup> After making this statement, Bišćević was taken to Magarice village.<sup>6631</sup> An additional announcement was broadcast on the radio stating that residents who wished to leave Sanski Most would be allowed to and those who wished to stay were required to submit a request for a permanent residence permit.<sup>6632</sup> **(#All vice versa#! This was due to an ignorance of the laws, and Vrucinic asked the BL CSB for an interpretation of a law pertaining to the issue, see P03850, 17 August 92)**

<sup>6626</sup> P3315 (Order of Sanski Most TO Municipal Staff, 26 May 1992) (also ordering that medical treatment shall be provided); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6149–6151; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3453–3454 (under seal). Karabeg testified that members of the SDS executive board, Boro Savanović, Tomo Delić, and Nemanja Tripković, visited him in the SJB prison and told him that Mahala and Otoka had been “liberated” and set on fire. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6150–6151. See para. 2006.

<sup>6627</sup> P3316 (Order of Sanski Most TO Municipal Staff, 27 May 1992); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6151–6152.

<sup>6628</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5520–5524; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7030–7036. See also P3634 (Witness statement of KDZ490, undated) (under seal), pp. 17, 69; P3644 (Conclusions of the Sanski Most Crisis Staff, 12 May 1992), p. 1; see Adjudicated Fact 2530.

<sup>6629</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5520–5524; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7030–7036; P725 (Audio recording of radio announcement); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6156–6159; Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6770; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7449–7750 (under seal). See also P3634 (Witness statement of KDZ490, undated), pp. 17, 69 (under seal); P3644 (Conclusions of the Sanski Most Crisis Staff, 12 May 1992), p. 1. Mihaljo Orlović testified that he asked Faik Bišćević about this radio statement and that Bišćević had read it out of his own free will and was not coerced. Mihaljo Orlović, T. 46651–46652 (6 February 2014). The Chamber does not find his evidence to be reliable. In reaching this conclusion, the Chamber found that the evidence of Orlović was contradicted by other accepted evidence, including that of witnesses KDZ474, Mirzet Karabeg, and Faik Bišćević, and that he was not completely forthright with the Chamber.

<sup>6630</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5522; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7037–7038.

<sup>6631</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7042. See para. 2021.

<sup>6632</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6771–6772.



Since this concerns a document that at this moment is not prescribed by the Law on the Interior (a copy of this permit is with the Chief of National Security, Bero VOJINA), we ask you to give us instructions on how to proceed further with the issue of these permits. We should point out that this does not concern any new **(But let us see what the Radio and the News Agency Tanjug reported about the events in Sanski Most on 27 May, when Biscevic was arrested: D4295:**

/crossed out: Banja Luka, 27 May (Tanjug)/ - Today in Sanski Most clashes broke out between Muslim extremists and units of the 1<sup>st</sup> Krajina Corps. According to Tanjug's military sources, the clashes were preceded by attacks launched by the Green Berets on men guarding the bridges over the Sana River in the villages of Demiševići and Vrhpolje. Six soldiers were wounded in the attack.

A local radio station, a silo and the public security station in Sanski Most were hit in the mortar attack by the Green Berets and several houses were either set on fire or destroyed. Clashes also broke out in the villages of Čatići and Kamengrad. The Croatian National Guard Corps participated in the attack and three of its members were captured. So far there have been no reports on possible casualties.

**Therefore, it was not a Serb attack, but contrary, #the Muslim attack,# just as it was meditated on the meeting of SDA Board ON 16 March 1992, while the Lisbon Agreement was just been finalised, see: D1678:**

*S. ŠABIĆ: "I think that our people are very well organised. I think that our people know how to react when the situation becomes critical. We have accepted the proposal to sign the statement on the freeze of all activities relating to the proclamation of the Serbian, or Muslim Municipality. They would under no*

**Now, knowing that Biscevic was among the most radical and responsible for this attack, it is clear why he was arrested and brought to the Radio station to call the people to calm down and stop fighting!)**

#### (4) Events after the take-over of Sanski Most

**1950.** Following the take-over, Bosnian Serbs were appointed to positions in the municipality of Sanski Most while Bosnian Muslims and Bosnian Croats employees of the municipality were removed from their jobs.<sup>6633</sup> **(All of the Muslim employees in the previous common institutions had been offered to continue working, provided they accept the Republic of Srpska. Those who didn't accept the Republic of Srpska Constitution and laws, had their alternative, to join the Muslim municipality of Sanski Most which was in the forming process!)** This included judges and employees of the municipal court, directors of public companies, and employees of the local radio and health centre.<sup>6634</sup> Bosnian Muslim and Bosnian Croat political leaders were arrested.<sup>6635</sup> **(#Legal and obligatory#! There was #no any arbitrary arrests#! Those who were arrested were a very famous Muslim extremists who actively participated in preparations and actions of the rebellion! But, see the fn. 6645, and it is clear that those who didn't respect the RS Constitution couldn't carry out a sensitive duties. And concerning judges, remember D5 exhibit, and the President of the Court Adil Draganovic was, among the most prominent people in the conspiracy against the Serbs. There were the Serbs**

<sup>6633</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5512; P3634 (Witness statement of KDZ490, undated), pp. 49, 53–55, 61–62 (under seal). See also P2740 (Decision of ARK Crisis Staff, 22 June 1992); P3646 (Conclusion of the Sanski Most Crisis Staff, 20 May 1992); see Adjudicated Fact 2518. Mikan Davidović testified that non-Serbs did not show up for work, rather than being dismissed from employment in May 1992. However, he confirmed that Bosnian Muslims and Bosnian Croats in top positions, such as directors and judges, were replaced by Bosnian Serbs. Mikan Davidović, T. 44521–44522 (5 December 2013). Vinko Nikolić testified that all citizens were allowed to maintain their employment if they respected the RS constitution. Vinko Nikolić, T. 45446–45451 (16 January 2014). However, his testimony was contradicted by evidence showing that Bosnian Croat and Bosnian Muslim employees were removed from their jobs. The Chamber notes that this was one of many contradictions in his evidence which magnified his lack of credibility on the stand.

<sup>6634</sup> P3634 (Witness statement of KDZ490, undated) (under seal), pp. 61–62. See Adjudicated Fact 2518.

<sup>6635</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7027–7030.

dismissed from the duties in the court too, (but this document wasn't admitted). See also P03498 from 6 April 92, a Serb signing the Oath to obey the Constitution and laws:

DATE: 6 April 1992

Pursuant to Article 41, paragraph 6 of the Law on Internal Affairs of the Serbian Republic of Bosnia and Herzegovina, *Official Gazette of the Serbian People in Bosnia and Herzegovina* No. 4 of 23 March 1993, I hereby make the following

#### S O L E M N   D E C L A R A T I O N

"I, Dragan STOJČIĆ, hereby declare that I will perform the duties of an authorised official conscientiously and responsibly, that I will comply with the constitution and the law and that I will protect to the best of my ability the constitutional order of the Republic and constitutional rights, freedoms and security, and that I will perform these duties and the other duties and tasks of an authorised official even at the risk of my own life."

SIGNATURE:  
/signed/

1951. On 8 June 1992, the TO was dismantled, the 6<sup>th</sup> Krajina Brigade set up a forward command post in Sanski Most, and Aničić was appointed Commander.<sup>6636</sup> All the former TO units in Sanski Most were integrated into the 6<sup>th</sup> Krajina Brigade.<sup>6637</sup> Throughout June, July, and August 1992, armed attacks on villages throughout the municipality continued.<sup>6638</sup> **(#Military necessity#! There was no attacks "on villages", but only attacks on the armed formations of extremists in several villages, after the Muslim/Croat extremists attacked the Serb settlements and institutions on 27 May, se above D4295! All the contemporaneous documents confirmed that there were hundreds and hundreds of terrorists in several villages of this municipality! All the documents are depicted selectively, so there is created an impression as if the 6<sup>th</sup> Krajina Brigade was attacking civilians and their settlements. Let us se what the contemporaneous documents, admitted in this file, say: and depicted evidence, although the Chamber had at it's disposal other documents, and we will show that. D4677 of 28 May 92:**

<sup>6636</sup> P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 6.

<sup>6637</sup> P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), p. 6.

<sup>6638</sup> P3663 (Report on the 6<sup>th</sup> Brigade in the period between 8 October 1991 and 28 August 1992), pp. 6–7.

Illegally possessed weaponry and large amount of ammunition was confiscated from a person residing in Husimovci, during a successful action undertaken by the units of the 6<sup>th</sup> Corps Brigade and by the operative activities of the SJB /Public Security Station/ S. Most /Sanski Most/. The actions took place on 26, 27 and 28.05.1992. and the following weaponry was confiscated: one sniper gun produced in Yugoslavia, one automatic gun produced in Switzerland, one automatic produced in Hungary, large amount of the ammunition for the listed weaponry and 2,5 kg of explosives.

Further operative activities and the apprehension of a large number of persons, resulted in discovering bigger amount of weaponry (approximately 30 pieces of automatic weapons of various types and calibre) in Husimovci residential area.

Based on the gathered information, the residents of Husimovac were given an ultimatum to surrender their arms until 1200 hrs on 28.05.1992.

The citizens met the deadline and surrendered the large part of the requested weaponry listed below:

1. One rifle produced in Singapore and 1000 bullets,
2. Four automatic rifles type *Kalašnjikov* and large amount of ammunition,
3. Thirteen automatic rifles produced in Yugoslavia with a large amount of ammunition.
4. Two anti-aircraft guns
5. Two guns
6. Six rifle-launched-grenade
7. One hand-grenade

We need to mention that through our operative activities we gained information on the certain amount of illegally possessed weaponry in the village of Žegar near Husimovci. Persons in possession of that weaponry are requested to surrender their arms until 1700 hrs, or a detailed search of the field and houses will be conducted in order to find the arms. The persons in possession of arms will not be guaranteed safety if they refuse to surrender arms within the deadline.

**There was no shooting or casualties, just disarmament! Let us see further:**

#### Scheduled Incident A.12.1

1952. The Prosecution alleges that about 28 men were killed between Begići and Vrhpolje Bridge on or about 31 May 1992.

1953. Begići is a hamlet in the village of Kljevci with approximately 80 inhabitants.<sup>6639</sup> Begići is divided into two halves: Gornji Begići and Donji Begići, which were several 100 metres apart.<sup>6640</sup> In 1992, the majority of the population in Begići was Bosnian Muslim.<sup>6641</sup>

1954. On 25 May 1992, soldiers from the 6<sup>th</sup> Krajina Brigade entered Gornji Begići and Donji Begići.<sup>6642</sup> They damaged property and beat some of the residents.<sup>6643</sup> The soldiers then returned to their check-point near Stojanovići.<sup>6644</sup>

1955. On 31 May 1992, soldiers from the 6<sup>th</sup> Krajina Brigade entered Donji Begići and ordered the residents to come out of their houses and to go towards Gornji Begići.<sup>6645</sup> Once they arrived there, they saw that the men from Gornji Begići had gathered outside.<sup>6646</sup> The women and children were separated from the men and taken away.<sup>6647</sup> The soldiers ordered the men, approximately 20 in the group, to go towards the Vrhpolje Bridge where they were told there

<sup>6639</sup> P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 5; Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2962–2963. For the location of Kljevci and Begići, see P3638 (Map of Sanski Most municipality); P1159 (Map of Hrsto-vo-Vrhpolje marked by Rajif Begić).

<sup>6640</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2971, 2975.

<sup>6641</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2963.

<sup>6642</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2969–2971; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 6. **92bis Rule!**

<sup>6643</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2970; P692 (Witness statement of Rajif Begić Sanski Most Court dated 16 April 1995), e-court p. 13. **92bis Rule!**

<sup>6644</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2970; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court pp. 13–14. **92bis Rule!**

<sup>6645</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2973–2975; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 6. See also Adjudicated Fact 1303. **92bis Rule! + Adjudicated Fact#Dealdy combination#!!**

<sup>6646</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2979. **92bis Rule!**

<sup>6647</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2979. See also Adjudicated Fact 1303. **92bis Rule! + Adjudicated Fact#Dealdy combination#!!**

would be buses waiting to transport them to Sanski Most.<sup>6648</sup> The men walked, two-by-two, in a column through the fields towards the Vrhpolje Bridge.<sup>6649</sup> According to Rajif Begić, there were 20 Bosnian Muslim men in this column, including himself, and they were escorted by eight armed soldiers.<sup>6650</sup>

**1956.** Jadranko Palija, a soldier from the 6<sup>th</sup> Krajina Brigade, was in charge of leading the column of men from Begići to the Vrhpolje Bridge.<sup>6651</sup> During the walk to the bridge, two of the Bosnian Muslim men were taken out of the column by Palija, shot, and killed near a slaughterhouse.<sup>6652</sup> As the group continued towards the bridge, Palija shot and killed another man near the crossroads of the main road connecting Sanski Most and Ključ.<sup>6653</sup> Before the group reached the bridge, approximately 50 metres away, a military van pulled up and Palija got in to speak to the driver.<sup>6654</sup> Palija ordered another man, Ismet Kurbegović, from the column to come to the passenger side of the van, which he did.<sup>6655</sup> Palija shot and killed Kurbegović.<sup>6656</sup> **(Begić and Kurbegović were on all and every lists of the #leaders of the criminal conspiracy# to kill the Serbs. Now, one of them is testifying, and the Defence can not do what is supposed to do, to challenge their testimony. Where else this practice exists?)**

**1957.** When the remaining men reached the bridge, armed soldiers were waiting for them.<sup>6657</sup> The men were ordered to line up along the bridge and told that they would be killed because VRS soldiers had been killed.<sup>6658</sup> They were ordered to take off their clothes and shoes.<sup>6659</sup> One of the men was ordered to jump into the river.<sup>6660</sup> He did and as he was swimming in the river, the soldiers leaned over the bridge, shot, and killed him.<sup>6661</sup> The soldiers repeated this with every man.<sup>6662</sup> Begić was the sixth man who was ordered to jump off the bridge.<sup>6663</sup> He did so and

- 
- <sup>6648</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2979. See also Adjudicated Fact 1304 (which states that “between 20-30 men” were in this group. For the location of the Vrhpolje Bridge, see P1159 (Map of Hrstovo-Vrhpolje marked by Rajif Begić). **92bis Rule! + Adjudicated Fact!**
- <sup>6649</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2980; P1159 (Map of Hrstovo-Vrhpolje marked by Rajif Begić). **92bis Rule!**
- <sup>6650</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2980; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court pp. 13, 15; P1159 (Map of Hrstovo-Vrhpolje marked by Rajif Begić). Begić named the 19 other men who were taken with him, namely Miralem Cerić, Enes Cerić, Midhet Cerić, Hakija Begić, Muharem Begić, Šaćir Begić, Safet Begić, Muhamed Begić, Irfan Begić, Fuad Begić, Elmedin Begić, Najil Begić, Ismet Kurbegović, Munib Begić, Nedžad Begić, Ismet Dizdarević, Muhamed Dizdarević, Mirsad Dizdarević, and Enes Dizdarević. Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2981, 2984; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 16. **92bis Rule!**
- <sup>6651</sup> P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court pp. 15–16; Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2973–2974, 2980. See also Adjudicated Fact 1305; D4387 (Witness statement of Dušan Mudrinić dated 15 February 2014), para. 21. Mudrinić confirmed that it was Jadranko Palija who was in charge and responsible because “the incident was investigated and an on-site investigation was conducted”. D4387 (Witness statement of Dušan Mudrinić dated 15 February 2014), para. 21. **92bis Rule!**
- <sup>6652</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2982–2983 (Begić identifies these men as Miralem Cerić and Enes Cerić); P692 (Witness statement of Rajif Begić dated 16 April 1995), e-court p. 16; P1159 (Map of Hrstovo-Vrhpolje marked by Rajif Begić). See also Adjudicated Fact 1306. **92bis Rule! + Adjudicated Fact!**
- <sup>6653</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2983 (Begić identifies this man as Ismet Kurbegović); P692 (Witness statement of Rajif Begić dated 16 April 1995), e-court p. 16. See also Adjudicated Fact 1306. **92bis Rule! + Adjudicated Fact!**
- <sup>6654</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2984. **92bis Rule!**
- <sup>6655</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2984; P692 (Witness statement of Rajif Begić dated 16 April 1995), e-court pp. 16–17. **92bis Rule!**
- <sup>6656</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2984 (Begić identifies this man as Irfan Begić); P692 (Witness statement of Rajif Begić dated 16 April 1995), e-court pp. 16–17. See also Adjudicated Fact 1306. **92bis Rule! + Adjudicated Fact!**
- <sup>6657</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2985–2986; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18. See also Adjudicated Fact 1306.
- <sup>6658</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2986–2987; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18.
- <sup>6659</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2987; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18. See also Adjudicated Fact 1306.
- <sup>6660</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2987; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18. Begić identifies this man as Midhet Cerić. P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18.
- <sup>6661</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2987; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18.
- <sup>6662</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2988–2990; P1158 (Photograph of Vrhpolje bridge marked by Rajif Begić); P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18. Begić identifies other men who were killed as Munib Begić, Mirsad



instead of swimming to the surface, he dived under the water and swam towards the left bank where he hid under trees and shrubbery.<sup>6664</sup> The soldiers continued in this manner with each man on the bridge.<sup>6665</sup> Begić was the only survivor.<sup>6666</sup> **(How convenient! Is this a screenplay for a James Bond? There was no a single body recovered from the Sana River or the soil that was without cloathing, as Rajif Begic testified. Some of them had ID Cards, Pasport, driving licences, one of them had a big amount of money, see below P557! All of them well dressed, some of them even with two pairs of trouses, as if none of them died during a warm wether, i.e. none of them had been captured, see P557)**

Description: young male body, tall, two pairs of trousers, jeans, wide black linen belt, white T-shirt with a blue and yellow stripe on each shoulder, bracelet on the left hand, brown socks.

**#Combatant# no doubt! Who else confirmed this story? If nobody, and no documents, how come one serious Chamber put it in the Judgment? However, the document P557 sais somewhat different story:**

#### ON-SITE INVESTIGATION RECORD

Compiled by the investigating judge of Sanski Most Serb Municipality Lower Court on 16.07.1992. during the identification of people killed in the village of Hrustovo, Sanski Most Municipality, during an attack by Muslim extremists and an armed conflict with the Serb Army of Sanski Most Serb Municipality. The on-site investigation was carried out on 02.06.1992.

**So, this Prosecutor's document sais that there was an #attack of the Muslim extremists#, and then "an armed conflict with the Serb Army of Sanski Most Municipality" Pretty accurate, since this civil war was not a unique one, but rather many municipal civil wars:**

The duty service of the SJB of Sanski Most Serb Municipality informed the investigating judge of the Sanski Most Serb Municipality Lower Court that during a military intervention and the opposing of Muslim extremists in the village of Hrustovo and Vrhpolje there were victims whom it was necessary to identify.

The investigating judge went to the scene to do the on-site investigation.

Soldiers of the internal /sic/ company of the Tomina battalion and their commander Gojko ŠAULA from Tomina was also present at the on-site investigation and the identification of bodies and they secured the area.

**See that!!! The document said that "there were victims whom it was necessary to identify!" Had those Muslim extremists been captured and then executed as the Muslim extremists "testified", (Rajif Begic, as the only one, a member of a very extreme family Begic, brother of Nedzad and relative of Daut, who died in this skirmish) there would be no any need to organize the whole team to identify them! The bodies would be naked and without any ID or money, which was not the case! Further, the same P557**

Thirteen (13) bodies were found in the village of Vrhpolje, on the right bank of the Sana river, under the bridge that connects Vrhpolje and leads towards Tomina, near

Dizdarević, Enes Dizdarević, and Elmedin Begić. Enes Dizdarević was shot on the bridge before he could jump off. Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2989–2990. See also Adjudicated Facts 1304, 1306; P3634 (Witness statement of KDZ490, undated), p. 77 (under seal).

<sup>6663</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2991; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 6; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 19.

<sup>6664</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2991; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 18.

<sup>6665</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2992. See also Adjudicated Fact 1306. KDZ492 testified that he had heard from soldiers of the 6<sup>th</sup> Krajina Brigade that Bosnian Muslim civilians were killed and thrown off the bridge into the Sana River. KDZ492, P3596 (Transcript from *Prosecutor v. Krajišnik*), T. 3861–3862 (under seal).

<sup>6666</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2992–2993; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court p. 6; P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court p. 19. Begić states that "more than 20" Bosnian Muslims were killed on 31 May 1992. P692 (Witness statement of Rajif Begić to Sanski Most Court dated 18 April 1996), e-court p. 11.

the crossroads to the village of Ilidža, on the right side and on the left towards the village of Hrustovo.

**As it is obvious, there were only 11 bodies recovered from the river, while others had been “found in the village of Vrhpolje...” and obviously, it was after the fights in the Vrhpolje village. See who had been recovered at this site, P557:**

1. Male body of Daut BEGIĆ, son of Muhamed, born on 15.10.1921. in Kljevc,;
2. Hamo KERANOVIĆ, aka Biba, born on 13.06.1924. in Hrustovo, where he was
3. Hakija HANDAKOVIĆ, son of Omer, born on 01.02.1930. in Hrustovo where he
4. Elmo HEDER from Sanski Most, Hasana Kikića street
5. Hamid BEGIĆ, son of Latif, born on 07.06.1925. in Ključ, was living in Hrustovo,
12. Irfan BEGIĆ, born in 19?? / found by the road

**Later identified:**

3. Unidentified body, i.e. Munib BEGIĆ, born in 1965 (according to what the
  4. DIZDAREVIĆ, ?, son of Ismet from Kljevc, born in 1968
  5. Fuad BEGIĆ from Kljevc, born 30.07.1954., has an identification card and a
  7. DIZDAREVIĆ, ?, son of Ismet
- According to those present, under number 4 and 7 are the sons of Ismet DIZDAREVIĆ.
8. Sead MERDANOVIĆ, aka Braco from Hrustovo
  9. Samir BEŠIĆ from Begići

**Others hadn't been identified, but those identified belong to the top #elite of the Muslim rebels#, organizers and commanders. Another argument in favour of the Defence position: since it was an armed skirmish, were the combat casualties had been depicted, how many of them, and who? If not, then it is clear that Rajif Begic deceived the Chamber! Let us see what other evidence says about this: a Muslim source D01677:**

Simultaneously with the increasingly prominent presence of the regular units of the former JNA /Yugoslav People's Army/ and Chetnik paramilitary formations, some individuals and the Party of Democratic Action initiated the collecting of weapons and formation of small combat assault groups supported by the *Bosnae* Green Berets organisation. One such group was active in the town itself and very soon groups were also organised in Vrhpolje, Trnova, Hrustovo and part of Kamengrad.

**“A group was active in the town itself...” that was why Mahala was “attacked” but it was this “group of the Green Berets” that had been attacked!**

Vrhopolje is in many ways specific in the organisation of resistance against the Serbian fascists in this part of the Sanski Most municipality. The collection of money for weapons started in late 1991. Weapons were intensively acquired in January and February 1992. According to Ifet HUKANOVIĆ, one of the people organising the acquisition of weapons and later one of the key figures in the Vrhopolje resistance, intense training started with the first aggressor attacks on Sarajevo.

Vrhopolje was ready for the April 1992 events with about 300 armed villagers, mainly younger men. Simultaneously with the developments accompanying the occupation of Sanski Most (which will be described in a separate chapter, author's note) there were intensive preparations for resistance. Right at the beginning of April roads to the village were blocked, armed guards were set up around the village and special patrols were tasked with observing enemy movements and monitoring the whole area. This manner of preparations for defence had its good and bad sides. The enemy was indeed prevented from immediately entering the village, but because combat groups were not pulled out much farther from the village and due to insufficient coordination with the armed groups from other villages, the enemy was able to separate the villages physically and totally encircle them, which would later provide them with favourable tactical requirements for successful armed assaults and actions.

A troop review of the Vrhopolje Territorial Defence unit was conducted in Vrhopolje on 15 April 1992. There were about 300 armed soldiers at the review. The unit commander was the late Arif HUKANOVIĆ, and the anti-tank company commander at the time was Bećo BULJUBAŠIĆ, a captain in the former JNA. The second company commander was Said KERANOVIĆ, and Ifet HUKANOVIĆ was the Green Berets platoon commander.

unit. The first clash broke out between 14 and 15 May 1992. The Vrhopolje forces deployed around the school offered unexpectedly strong resistance to the aggressor, and the enemy was forced to withdraw. They had losses in manpower and it is estimated that about ten enemy soldiers were put out of action.

artillery fire on these villages from several aggressor strongholds. The defence lines of the Vrhopolje unit were established near the Vrhopolje bridge and at the time they were an impenetrable rampart for the aggressor. Using the tactics of softening up the

**(#Armed strongholds#! This is a Muslim source! Nota bene: these names of persons and places, because the Indictment alleged that these villages had been a civilian settlements attacked by the Serbs! Who and why prevented the Chamber of reading this exhibit? So, the Vrhopolje bridge was a first line, "impenetrable" and we only can imagine how many Serbs and Muslims died around this bridge. The same Muslim source, document D1677, p. 9-10 describe the critical time:**

The people of Vrhopolje were tasked with setting up the blockade of the Sanski Most – Ključ road. Arif and Ifet HUKANOVIĆ were directly in charge of this road blockade. The task of the third group, equalling a reinforced platoon in strength, was to attack the village of Peći. The rest of the battalion was deployed at the most favourable positions so that they could provide assistance in a swift manoeuvre if necessary. The operation was coordinated, and it started on 27 May 1992 with the blockade of the Sanski Most – Ključ road at the entrance to the village of Gornji



**(Let us see what had been said in the Serb document, D4295 about the Vrhpolje Bridge:**

/crossed out: Banja Luka, 27 May (Tanjug)/ - Today in Sanski Most clashes broke out between Muslim extremists and units of the 1<sup>st</sup> Krajina Corps. According to Tanjug's military sources, the clashes were preceded by attacks launched by the Green Berets on men guarding the bridges over the Sana River in the villages of Demiševići and Vrhpolje. Six soldiers were wounded in the attack.

A local radio station, a silo and the public security station in Sanski Most were hit in the mortar attack by the Green Berets and several houses were either set on fire or destroyed. Clashes also broke out in the villages of Ćatići and Kamengrad. The Croatian National Guard Corps participated in the attack and three of its members were captured. So far there have been no reports on possible casualties.

**Said – done! The Muslim extremists planned in advance to pose their blockade at the Vrhpolje Bridge, and there was a skirmish with the VRS, which sustained at least six soldiers wounded at the first day of fights! Let us see what was said further in the Muslim document, D1677:**

while the Party Municipal Board coordinated all the activities regarding the collection of funds and arming. In August 1991 some funds for arming were collected. The weapons were then still being purchased from the Serbs, and that was a mistake. The Serbs, therefore, had information about the quantities of weapons and ammunition available and later when the aggression started they accordingly adjusted the force of their attacks on individual parts of the municipality.

**And that was the only Serb crime: to know what the Muslims were preparing as of the beginning of the 91. This kind of presentation of events by the Prosecution is a crime, and the Chamber didn't make a minor effort to protect the truth. Let us see the same Muslim source D1677, p. 11**

However, certain quantities of weapons were obtained from Croatia. One of the persons in charge of organising procurement of weapons in Sanski Most municipality was Hasib KAMBER, who was the SDA Secretary at the time. Together with Rasim KARABEG, KAMBER managed to acquire a certain quantity of explosives in late 1991 and early 1992. In addition to the two of them, the following persons were also engaged in the collection of funds and procurement of weapons: Emir SEFEROVIĆ, Mesud BEGIĆ aka Sudo, Redžo KURBEGOVIĆ, Suad ŠABIĆ, Enver HURLIĆ, Nedžad MUHIĆ, Faik BIŠČEVIĆ, Mirzet KARABEG, Husein Ef. KOVAČEVIĆ, Arif and Ifet HUKANOVIĆ, Rifet BAHTIĆ, Ilijaz KUŽELJ, Ismet ŠARČEVIĆ, Nihad KLJUČANIN, Osman TALIĆ, Fikret MAJDANKIĆ and Adem KREHIĆ.

**(This is the list of those “prominent” citizens of Sanski Most, known to all the Muslim authors and citizens as the #main organizers# of the arming, preparing, planning and finally realising the armed attacks on the JNA (later the VRS) and the Serb settlements. Some of them “testified” in this case, without the cross examination (Rules 92bis or 92ter) as a “credible” witnesses, not interested to lie?! Remember, this document is a book of the Muslim elite in Sanski Most, of which 14 pages had been admitted. And, finally, D1677, p. 12**



**identifies the area of the battles imposed by the Muslim forces:**

The first organised preparations to offer resistance to the mounting Serbian nazi-fascism in certain parts of Sanski Most municipality, such as Vrhpolje, Trnovo, Hrustovi, Šehovci, Kamengrad, the urban and suburban settlements of Mahala and Muhići, on the one hand, provided a certain sense of security to the Bosniaks but, on the other hand, most Bosniaks could still not believe that the Serbs would harm them.

**(This is a partial list of the Muslim settlements where the Green Berets organised their secret units and prepared for the war! Remember what the Prosecution alleged, and the Chamber unfortunately uncritically accepted, about the “villages” attacked by the Serb Forces. Was Mahala attacked without any justifiable reason? See this paragraph! Why, for what reasons, and under what justification the Chamber neglected this genuine document of the Muslim provenance? See also D01678, a minutes of the SDA meeting with Osman Brka from the Central SDA, 12 April 92! In the light of these Muslim documents nothing concluded about Sanski most can survive!)**

1958. Begić identified 19 Bosnian Muslim men who were killed in relation to this incident.<sup>6667</sup> The Chamber also received evidence that in July 1992, the bodies of 13 males were found buried under the Vrhpolje Bridge on the right bank of the Sana River, the bodies of 11 other males were taken out of the Sana River, and Irfan Begić was found dead by the road near the bridge.<sup>6668</sup> Of the 11 bodies taken out of the river, five of them match the names of men that were identified as having been with Begić’s group.<sup>6669</sup> **(What this “Begić’s group was doing? Why they grouped? #A combatants?# What else?!)** Further, the Chamber received evidence that in May 1996, the bodies of 28 males were exhumed from mass graves connected to this incident.<sup>6670</sup> Of those 28 males, seven were identified as having been with Begić’s group and four were also named in the July 1992 report as bodies taken from the Sana River.<sup>6671</sup> Injuries noted by the forensic report include gunshot wounds and fractured bones, mainly of the skull and ribs.<sup>6672</sup> Some of the bodies in one part of the mass grave were in civilian clothing and another section of the mass grave contained a large quantity of civilian clothing.<sup>6673</sup> The Chamber also received evidence that the body of Ismet Kurbegović was discovered in a mass grave in Prijedor.<sup>6674</sup> **(#Ad absurdum#! Why would the Serbs from Sanski Most, in a shortage of everything and fuel in particular, transport one body to Prijedor? It is obvious that Ismet Kurbegovic didn’t die that day in Sanski Most, but some other time, in combats around Prijedor. Since the Chamber “received” so many “evidence” why the Chamber didn’t check what happened with the combat casualties? Or this was the only war without a combat casualties? All of the combat casualties had been depicted as a victims of an alleged execution, and this is responsibility of the Prosecution and the Muslim witnesses!)**

<sup>6667</sup> P692 (Witness statement of Rajif Begić to Sanski Most Court dated 16 April 1995), e-court pp. 15–17.

<sup>6668</sup> P557 (Report on bodies found in Vrhpolje, 10 July 1992).

<sup>6669</sup> P557 (Report on bodies found in Vrhpolje, 10 July 1992), pp. 3–4.

<sup>6670</sup> P4901 (Sanski Most Court record on the investigation and exhumation of mass graves by the Vrhpolje Bridge in Sanski Most, 7 May 1996). *See also* P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 44–45 (listing 22 individuals connected to this scheduled incident); P6690 (Addendum to Nicolas Sébire’s report, 16 May 2003), e-court pp. 51–52 (listing 28 bodies exhumed from three gravesites near the Vrhpolje Bridge); P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, pp. 12–13. *See* P4870 (DNA report for Najil Begić, 25 June 2007); P4871 (Record of identification for Najil Begić, 25 June 2007).

<sup>6671</sup> P4901 (Sanski Most Court record on the investigation and exhumation of mass graves by the Vrhpolje Bridge in Sanski Most, 7 May 1996), pp. 20–21 (reporting that only 15 of the 28 bodies were positively identified by relatives). The men who were also identified in P557 (Report on bodies found in Vrhpolje, 10 July 1992) include Muhamed Dizdarević, Fuad Begić, Irfan Begić, and possibly Mirsad Dizdarević. **Adil Draganovic was among the most prominent persons in the complot for the armed attack on the Serbs in Sanski Most in 92.**

<sup>6672</sup> P4901 (Sanski Most Court record on the investigation and exhumation of mass graves by the Vrhpolje Bridge, Sanski Most, 7 May 1996), pp. 5–20.

<sup>6673</sup> P4901 (Sanski Most Court record on the investigation and exhumation of mass graves by the Vrhpolje Bridge, Sanski Most, 7 May 1996), pp. 3–4.

<sup>6674</sup> P6689 (Excerpts from report on exhumations in Prijedor municipality, 28 August 2002), p. 111.

1959. The Chamber took judicial notice of the fact that at least 28 Bosnian Muslim men were killed in this event.<sup>6675</sup>

1960. The Chamber therefore finds that approximately 20 men were killed by Serb Forces between Begići and Vrhpolje Bridge on or about 31 May 1992. **(Wrong finding, because of a negligence of a crucial document, confirming that the Vrhpolje bridge was the #first line of the armed conflict#, and because this finding is founded on a 92bis testimonies that hadn't been challenged.)**

a. Scheduled Incident A.12.2

1961. The Prosecution alleges that a number of people in the village of Hrustovo were killed on or about 31 May 1992.

1962. Hrustovo is a village in Sanski Most.<sup>6676</sup> It has six hamlets: Merdanovići, Keranovići, Jelečevići, Kukavice, Handanovići, and Zukići.<sup>6677</sup> In 1992, the population of these hamlets was primarily Bosnian Muslim.<sup>6678</sup>

1963. On the morning of 31 May 1992, in Jelečevići, approximately 20 to 25 Bosnian Muslim civilians, mainly women and children, were ordered by soldiers wearing JNA uniforms to go to Kukavice.<sup>6679</sup> The reason given was that the soldiers were going to search houses for weapons and it would be easier if there were fewer people in the village.<sup>6680</sup> **(In #accordance with the law of war#, civilians had to be removed out of the combat zone!)** In Kukavice, the group grew to about 30 individuals who were gathered in the garage of a house.<sup>6681</sup> Shortly afterwards, soldiers came to the garage and opened fire at the garage door.<sup>6682</sup> The soldiers yelled for everyone to come out of the garage.<sup>6683</sup> Husein Merdanović went outside and told the soldiers to stop shooting and that there were only women and children inside the garage.<sup>6684</sup> The soldiers shot and killed him.<sup>6685</sup> The soldiers opened fire on the garage a second time.<sup>6686</sup> As the civilians panicked, they came out of the garage and started running away, the soldiers fired at them.<sup>6687</sup> Only eight people survived the attack.<sup>6688</sup>

<sup>6675</sup> See Adjudicated Fact 1306.

<sup>6676</sup> KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7206 (under seal); P616 (Map of Hrustovo-Vrhpolje marked by KDZ097).

<sup>6677</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 4 (under seal).

<sup>6678</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 4 (under seal); KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8047.

<sup>6679</sup> KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7208–7209, 7213, 7222–7223 (under seal); P715 (Witness statement of KDZ097 dated 21 April 2001), e-court pp. 4–6 (under seal). See also Adjudicated Facts 1307, 1308.

<sup>6680</sup> KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7209 (under seal). **Again, 92bis!**

<sup>6681</sup> P715 (Witness statements\ of KDZ097 dated 21 April 2001), e-court p. 4 (under seal); KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7212 (under seal) (testifying that a number of people from Keranovići had joined). Merdanović was the only “able bodied man” in the garage; he was “50-60” years old. The other males in the garage were under the age of 14 years old. Of the 30 people in the garage, the following 22 individuals were identified by name: Muharema Keranović, Almadina Keranović, Sabina Keranović, Sabra Merdanović, Jasmin Merdanović, Besima Merdanović, Edita Merdanović, Husein Merdanović (age 4-5 years) (listed twice), Zumra Merdanović, Fatima Zukić, Senija Keranović, Sejida Keranović, Čama Jelečević, Razija Jelečević, Sead Jelečević, Asim Jelečević, Elvira Jelečević, Edina Jelečević, Jasmina Merdanović, Dino Keranović, Ernes Keranović, and Husein Merdanović (age 50-60 years). [REDACTED]. See also Adjudicated Fact 1308.

<sup>6682</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 6 (under seal). See also Adjudicated Facts 1309, 1310.

<sup>6683</sup> KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7215-7216 (under seal); P715 (Witness statements of KDZ097 dated 21 April 2001 and 11 December 2001), p. 4 (under seal).

<sup>6684</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 6 (under seal). See also Adjudicated Fact 1311.

<sup>6685</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 6 (under seal); KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7214 (under seal). See also Adjudicated Fact 1311.

<sup>6686</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 6 (under seal). See also Adjudicated Fact 1312.

<sup>6687</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 6 (under seal); KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7233 (under seal). See also Adjudicated Fact 1312.

<sup>6688</sup> P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 8 (under seal). The survivors were Čama Jelečević, Edina Jelečević, Razija Jelečević, Sead Jelečević, Ernes Keranović, Senija Keranović, Dino Keranović, and KDZ097. P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 8 (under seal). On cross-examination, Boro Tadić testified that with respect to this scheduled incident, he could not confirm what had happened, nor could he confirm that a prosecution for those responsible had been conducted. Boro Tadić, T. 44414–44415 (3 December 2013). Mihaljo Orlović testified that he did not believe this killing incident happened and that it may have been a rumour or propaganda. Mihaljo Orlović, T. 46646 (6 February 2014). The Chamber

1964. The Chamber took judicial notice of the fact that at a minimum, 15 people were killed in this incident.<sup>6689</sup> The Chamber received evidence that bodies were found in a mass grave in Hrustovo in relation to this incident.<sup>6690</sup> **(#Deadly combination#! 92.bis testimony, the Defence is defenceless and helpless in such a cases. This is no a fair trial.)**

1965. Accordingly, the Chamber finds that a number of people were killed by Serb Forces in Hrustovo village on or about 31 May 1992. **(#Combats and casualties#! Even this Chamber can not deny that there was an armed group of several hundred Muslim combatants, and that at the time there was a battle between them and the VRS. It should be notified, because as it is presented now, looks as if the Serbs killed “a number of people” out of any other events. However, nothing in this incident was properly investigated, and can not bear this qualification! It looks as if there was no any combat casualties on the Muslim side, all of them are depicted as a victims of the Serb attacks on villages!)**

a. Scheduled Incident A.12.3

1966. The Prosecution alleges that about 18 men from Kenjari were killed on or about 27 June 1992 in the hamlet of Blaževići.

1967. Kenjari is a hamlet located north of Begiči.<sup>6691</sup> In 1992, the population of Kenjari was primarily Bosnian Muslim.<sup>6692</sup> Around 27 or 28 June 1992, Bosnian Serb soldiers, led by Milorad Mijatović, entered Kenjari and started searching houses for weapons.<sup>6693</sup> The Bosnian Muslims in the hamlet were ordered to leave their houses and wait outside at the crossroads.<sup>6694</sup> After the soldiers were finished searching the houses, they ordered that all the men be taken elsewhere for interrogation, while the women and children could return to their homes.<sup>6695</sup> KDZ052 testified that about 18 or 20 men were with him when they were taken to a house to be interrogated.<sup>6696</sup> They were kept at the house in Kenjari until the following day when Vrkeš, the president of the SDS in Sanski Most, came to see the men and told them they would be exchanged for Bosnian Serbs in eastern BiH.<sup>6697</sup> The men were then taken to a house in Blaževići.<sup>6698</sup> While they were in the house, there was an explosion inside.<sup>6699</sup> KDZ052 managed to jump out of the window and hide.<sup>6700</sup> He and others were shot at while they attempted to escape out of the house.<sup>6701</sup> The

---

does not find his evidence on this point to be reliable as it amounted to mere speculation. The Chamber also found that the evidence of Orlović was marked with numerous contradictions and that he was not completely forthright with the Chamber. **(This is a most usual manner in #discrediting the Defence witnesses.# There was no any reason that Tadic or Orlovic were not completely forthright with the Chamber. Had this crime happened, everyone would have known about it. But, the Prosecutor's evidence is due to Rule 92bis, and under the seal, so neither the Defence could contest it, nor a public could object it!)**

<sup>6689</sup> See Adjudicated Fact 1313.

<sup>6690</sup> P4898 (Sanski Most Municipal Court record of Hrustovo I exhumation, 15 April 1997), pp. 3–20 (listing 30 bodies found in the mass grave Hrustovo I, of which eight are also named by KDZ097); P3637 (Report of BiH Federal Ministry of the Interior, 22 October 1996), p. 6 (listing 31 bodies found in the mass grave Hrustovo I, of which seven are also named by KDZ097); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 45–47 (which names 13 individuals in relation to this scheduled incident); P6690 (Addendum to Nicolas Sébire's report, 16 May 2003), e-court pp. 53–54, 56 (which identifies 31 bodies recovered from two mass graves, of which nine were also named by KDZ097). **Not a single Serb document!!! If it was with the legal “Serb Forces” there would be a record!**

<sup>6691</sup> P532 (Map of Sanski Most); Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2962–2964.

<sup>6692</sup> P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2962–2963.

<sup>6693</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8054–8058. See also Adjudicated Fact 2531.

<sup>6694</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8058.

<sup>6695</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8058.

<sup>6696</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8059, 8073. See also Adjudicated Fact 2532.

<sup>6697</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8059–8060. See also Adjudicated Fact 2532.

<sup>6698</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8060–8062; P3377 (Map of Hrustovo-Vrhopolje marked by KDZ052) (under seal). See also Adjudicated Fact 2532.

<sup>6699</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8063. See also Adjudicated Fact 2532.

<sup>6700</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8063.

<sup>6701</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8063–8064. See also Adjudicated Fact 2532.

bodies of the men who were killed were taken by the soldiers back to the house and the house was set on fire.<sup>6702</sup> KDZ052 survived and made his way to Tomina.<sup>6703</sup>

1968. The Chamber received evidence that the bodies of 18 men were identified in a mass grave and linked to this scheduled incident.<sup>6704</sup>

**1969.** Based on the evidence presented above, the Chamber finds that approximately 18 men from Kenjari in the hamlet of Blaževići were killed by Serb Forces on or about 27 June 1992. **(Even in this Judgment it is indicated that there was an attempt to escape. So, without an investigation, or an objective document, this can not be treated as an execution, or an unlawfull killing. But, it is hard to believe how this Chamber accepted to be deceived and manipulated by the Muslim witnesses and perpetrators of the events scheduled in the Indictment-Judgment. However, Kenjari was one of the #Muslim armed strongholds#, and there was a fighting. What happened with the #combat casualties?# Or this was another battle without a combat casualties, and all the combat casualties are presented as a casualties of an execution?)**

a. Scheduled Incident A.12.4

1970. The Prosecution alleges that a number of people from the hamlet of Budim in Lukavice village were killed on or about 1 August 1992.

**1971.** Lukavice is a village in the northwestern region of Sanski Most municipality.<sup>6705</sup> The population of Lukavice was primarily Bosnian Muslim.<sup>6706</sup> The Chamber took judicial notice of the fact that on 1 August 1992, Bosnian Serb Forces attacked Budim and killed 14 members of the Alibegović family, all of whom were unarmed civilians.<sup>6707</sup> The Chamber also took judicial notice of the fact that the victims were shot from a close distance with automatic weapons.<sup>6708</sup> **Why there is no record of the action either in the military, or in the police records?**

1972. The Chamber also received evidence that 14 bodies were exhumed in a mass grave in relation to this incident.<sup>6709</sup> These bodies were determined to be Bosnian Muslim male civilians.<sup>6710</sup>

<sup>6702</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8065–8066. See also Adjudicated Fact 2532.

<sup>6703</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8067–8068. See also P3377 (Map of Hrustovo-Vrhoplje marked by KDZ052) (under seal).

<sup>6704</sup> P3373 (Excerpt of exhumation report on Hrustovo and Vrhoplje mass grave) (under seal) (stating that charred remains were found in the house and in a nearby mass grave, and information from KDZ052 and others identified 19 persons who were executed and whose bodies were set on fire); P3376 (Excerpt of exhumation report on Hrustovo and Vrhoplje mass grave) (under seal) (listing the 18 names as identified by KDZ052); KDZ052, T. 19082–19083 (19 September 2011); KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8075; P3637 (Report of BiH Federal Ministry of the Interior, 22 October 1996), p. 2. See also P6690 (Addendum to Nicolas Sébire's report, 16 May 2003), e-court pp. 58–59.

<sup>6705</sup> P532 (Map of Sanski Most); P3638 (Map of Sanski Most municipality).

<sup>6706</sup> P532 (Map of Sanski Most); P3638 (Map of Sanski Most municipality).

<sup>6707</sup> See Adjudicated Fact 1315.

<sup>6708</sup> See Adjudicated Fact 1315. In his Final Brief, the Accused acknowledges that “[o]n 1 August 1992, Serb soldiers attacked Budin[sic] and killed 14 unarmed members of the Alibegović family”. However, the Accused also submits that “KDZ097 testified that large numbers of people roamed his area in uniform”. The Accused therefore argues that there was “no plan to perpetrate killings by official Serb authorities.” Defence Final Trial Brief, p. 437 (section on Persecution), para. 1623. The Accused also submits that the crimes committed in Sanski Most cannot be attributed to him because they were acts committed without his knowledge, against his policies, and by people outside of his control. He also submits that there was no plan to permanently remove non-Serbs from Sanski Most. Defence Final Brief, paras. 2894–2900. This submission will be dealt with in Section IV.A.3.iii: Authority over military and police forces acting in BiH.

<sup>6709</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 47–48; P4899 (Bihać Cantonal Court record of Lukavice postmortem examination, 11 June 1997); P4900 (Bihać Cantonal Court record of Lukavice exhumation, 2 June 1997). See also P6690 (Addendum to Nicolas Sébire's report, 16 May 2003), e-court pp. 60–61.

<sup>6710</sup> P4900 (Bihać Cantonal Court record of Lukavice exhumation, 2 June 1997); P4899 (Bihać Cantonal Court record of Lukavice postmortem examination, 11 June 1997).



1973. The Chamber finds that approximately 14 people from the hamlet of Budim in Lukavice village were killed by Serb Forces on or about 1 August 1992.

a. Scheduled Incident A.12.5

1974. The Prosecution alleges that approximately seven men were killed near the village of Škrljevita on or about 2 November 1992.

1975. Škrljevita is a village in eastern Sanski Most.<sup>6711</sup> In 1992, the majority of the population in Škrljevita was Bosnian Croat.<sup>6712</sup> On 2 November 1992, Grgo Stojić and his cousin were walking from Sanski Most town to Škrljevita when they encountered two soldiers from the 6<sup>th</sup> Krajina Brigade on the road near the Glamošnica forest.<sup>6713</sup> The soldiers asked them for identification.<sup>6714</sup> After looking at their identity cards, the soldiers asked Stojić and his cousin to follow them.<sup>6715</sup> They were led through the forest and to the Glamošnica River, where four of Stojić's neighbours were already lined up.<sup>6716</sup> A soldier was pointing a machine gun at the four men.<sup>6717</sup> Stojić and his cousin were told to line up next to his neighbours.<sup>6718</sup> They were searched, their personal belongings were taken, and they were questioned.<sup>6719</sup> The soldiers declared: "We are Šešelj army," and shot Stojić, his cousin, and his neighbours, killing five of them.<sup>6720</sup> Stojić was the only survivor.<sup>6721</sup>

1976. Stojić was shot in his left arm and hip.<sup>6722</sup> He continued heading through the forest towards Škrljevita.<sup>6723</sup> While in the forest, Stojić heard strong bursts of gunfire.<sup>6724</sup> He later learned that this gunfire came from VRS soldiers killing four other men from Škrljevita.<sup>6725</sup>

<sup>6711</sup> P3638 (Map of Sanski Most municipality).

<sup>6712</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6764. See also Adjudicated Fact 1316. There was also a Bosnian Serb minority. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6764.

<sup>6713</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6773–6774. The soldiers were identified as members of the 6<sup>th</sup> Krajina Brigade. P3519 (Indictment of the 1<sup>st</sup> Krajina Corps Military Prosecutor's Office, 2 June 1993); p. 1; P3520 (Decision of Banja Luka Military Court, 9 July 1993, p. 1; P3521 (Ruling of Banja Luka Military Court, 14 March 1995, p. 1. The name of Stojić's cousin was Dragan Tadić. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6774. See also Adjudicated Fact 1317.

<sup>6714</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6775.

<sup>6715</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6775–6776.

<sup>6716</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6776. See also Adjudicated Fact 1317. The neighbours detained by the armed men were Ante Tutić, Petar Nikić, Žarko Nikić, and Josip Banović. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6776. All of the men detained were Bosnian Croats. See Adjudicated Fact 1317.

<sup>6717</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6776. Stojić and his cousin met these neighbours earlier that day as they were walking to Škrljevita, but the neighbours had walked ahead of them. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6774.

<sup>6718</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6776.

<sup>6719</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6777. In addition to the two armed men Stojić encountered, there were two more armed men by the river who wore camouflage military uniforms, had light machine guns with the four S's carved into the rifle butts, and carried two clips of ammunition. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6776–6777. On cross-examination, Stojić stated that the armed men were part of Šešelj's men. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6797.

<sup>6720</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6777–6778. See also P3518 (Report of Sanski Most's Lower Court Investigating Judge, 9 November 1992), pp. 1–2; P3519 (Indictment of the 1<sup>st</sup> Krajina Corps Military Prosecutor's Office, 2 June 1993), pp. 1–2. According to Stojić, the victims killed within his line of sight were Ante Tutić, Petar (Pero) Nikić, Žarko Nikić, Josip Banović, and Dragan Tadić. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6778, 6780. See also Adjudicated Facts 1318, 1319.

<sup>6721</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6778. See also P3518 (Report of Sanski Most's Lower Court Investigating Judge, 9 November 1992), pp. 1–2.

<sup>6722</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6777–6778.

<sup>6723</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6779. He reached Škrljevita, where he received assistance and first aid. He was subsequently brought to the Sanski Most Health Centre, then transferred to Prijedor, and ultimately transported to the Banja Luka Hospital. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6780–6781. See also P3516 (Photographs of Grgo Stojić); P3522 (Recommendation for medical treatment of Grgo Stojić, 14 December 1992); P3527 (Letter of discharge of Grgo Stojić from Banja Luka Clinical Hospital Centre, 2 December 1992). While recovering in the Banja Luka hospital, Stojić was visited by a VRS soldier who ordered him to raise the three-finger salute and said, "[n]ow you are a Serb". He was also called "ustasha" by the nurses and other patients. Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6782–6786.

<sup>6724</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6779.

<sup>6725</sup> Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6779, 6791. A sister of one of the victims informed Stojić of the killings while he was at the Banja Luka Hospital. She told him that the victims were Ivo Tutić, Bone Tutić, "Adlo Tatić [phone], and Josip Fertalac [phone]". Grgo Stojić, P3515 (Transcript from *Prosecutor v. Brđanin*), T. 6779.

1977. The Chamber took judicial notice of the fact that seven Bosnian Croats were killed in relation to this incident.<sup>6726</sup> The Chamber received evidence from Stojić, an eye-witness to the incident that five men were killed and he learned after he escaped that an additional four men were killed soon after. The Chamber also received evidence that nine bodies were recovered in a mass grave and in relation to this incident, the identities of which are corroborated by Stojić's evidence.<sup>6727</sup>

1978. The Chamber finds that nine men were killed by Serb Forces near the village of Škrljevitica on or about 2 November 1992. **(Here is all the #absurdity of the term "Serb Forces"#! From the very same Grgo Stojic we heard that he identified the "two soldiers" as a two criminals, see T.19756: The witness primarily testified about the killing of a number of men of Croat ethnicity near the village of Škrljevitica in the Sanski Most municipality on or about the 2nd of November, 1992. He is the sole survivor of this incident. On that day, he and his cousin were ambushed by the two persons of Serb ethnicity, one of whom he came to know as Danilusko Kajtez. The two Serbs ordered the witness and his cousin to follow them. They were taken a short distance to where four Croat neighbours were being detained by another two persons of Serb ethnicity. That was the Prosecutor's resume of the Stojic's testimony as a prosecutor's witness. This was an accurate qualification: "the two persons of Serb ethnicity". The witness gave his answers in cross examination about the situation in Sanski Most before and after the Muslim attacks at the end of May: T.19764: Q. So you went on Mondays. And tell me, is it correct that it was possible to go until the first attack, the first fighting in Sanski Most, until late May -- in late May? A. Yes, that's right. Q. Thank you. I'm not sure that I put a precise question. Moving around in the municipality was free and possible until the first attack in late May, the 25th, the 26th, and the 27th of May; is that right? A. Yes. Q. And then after the fighting there was a request to hand over weapons; is that right? A. Yes. The witness confirmed that before the attacks the Serb authorities and the "Serb Forces" didn't impose any restrictions to any citizens. Let us see what the Witness Stojic said further: T.19770: Q. When you were crossing the bridge on the little stream in Harkusa [phoen] you noticed two criminals behind a bush. Is that what you said? A. Yes. Q. You described this unfortunate event, and it struck me that these two people identified themselves to you as member of some kind of paramilitary; is that correct? A. Yes.(...) Q. They did not -- or, actually, what did they wear? What did they have on their heads? What insignia did they wear? A. One of them was dressed as a military policeman. He had a submachine-gun. He had a military cap and a badge. The other one was in civilian clothes. He had a leather jacket and also a submachine-gun. Q. And one of them had a sort of cockade; is that correct? A. Yes. Q. You immediately realized that those were paramilitaries and that, by definition, you knew that they were beyond any civilian or military command or control? A. I didn't realize that those were paramilitaries. But when we were brought to the four men who had already been captured before me, that's when I realized that Q. Thank you. But you certainly knew that paramilitaries were under nobody's control, and that is what you said in the transcript. A. That was clear to me, and that was how it should be in a normal -- The witness realized himself that there were criminals out of anyone's control! All what happened afterwards showed that it had nothing to do with the Serb authorities. All the Serbs, from a neighbour who first helped him, to the end, behaved properly. And they, the police, doctors, investigators, Red Cross, were representing the Republika Srpska and it's authorities, not Danilusko Kajtez and another criminal with him. Let us see what Mr. Stojic said about the Serb policemen tha met him first, T. 19773: Q. Then the police arrived and took your statement, in which you explained in great detail about what had transpired? A.**

<sup>6726</sup> See Adjudicated Fact 1319.

<sup>6727</sup> P3518 (Report of Sanski Most's Lower Court Investigating Judge, 9 November 1992) (listing nine men killed in relation to this scheduled incident). See also P4853 (Updated Table 2 to the Report of Amor Mašović), p. 48 (listing eight individuals in relation to this scheduled incident); P6690 (Addendum to Nicolas Sèbire's report, 16 May 2003), e-court pp. 64–65 (listing nine bodies exhumed in relation to this scheduled incident).

Yes. **Q.** In your statements, you say that the policemen were polite and fair and caused no problems; is that correct? **A.** Yes. **Q.** They themselves told you that that was a group that was operating independently. **A.** Yes. **T.19774:** They gave you their ambulance and it took you to Prijedor. **A.** Yes, that's correct. **Q.** And you were escorted by a policeman whilst in the ambulance. **A.** Yes. **Q.** He accompanied you because there could have been extremists on the road and you would have been safer to have a policeman by your side. **A.** That's what he told me. **Q.** Thank you. You were immediately admitted at Prijedor hospital at 10.00. Risto Stojanovski examined you and said immediately that he has to make a referral to Banja Luka because he was not able to treat you. **A.** Yes. **Q.** It took you half an hour to reach Banja Luka, and in the next half-hour you found yourself on the operation table; is that correct? **A.** Yes. **Q.** And between the period when you were wounded until such time that you underwent surgery, you didn't have any criticism with regard to either doctors or the authorities. However, the first problems occurred after the surgery; is that correct? **A.** Yes. **Now it looks different from the Prosecution/Chamber interpretation! We also have learned from the witness Stojic that his village Skrljevitica didn't have any problem before or after this incident, a Serb teacher was coming regularly, the inhabitants, Croats, went to the town regularly. But, let us see how the Police of the Serb Sanski Most treated this crime: see D4356**

a) Murder

There have been 19 murders in the territory over the past two months. Six Muslims, nine Croats and four Serbs were killed, as follows:

- Rajko TOPOLIĆ, a mental patient from Lipik, killed Stana TOPOLIĆ;
- Miroslav BORENOVIĆ, a military reservist from Fajtovci, killed the soldier Milenko RAJLIĆ;
- Branko VUKOJEVIĆ from Lukavica killed Jovan VUKOJEVIĆ from Lukavica in a dispute over property matters;
- Military reservists from Gornja Ravska, Prijedor SO /Municipality/, members of the 5<sup>th</sup> Kozara Brigade, killed two Muslims from Stari Mejdan. The names of the suspects have been given to the Prijedor SJB /Public Security Station/;
- Two Muslim women were killed in Kijevo. According to an eye-witness, the crime was committed by Lazar RISTIĆ from Kruhari, who was severely mentally distressed following the death of his only son. Proceedings are underway;
- Nine Croats were killed and one was wounded between Kruhari and Škrljevitica. The most probable motive is ethnic vengeance. Prosecution of the case and gathering of material evidence is underway;
- Muhamed HALKIĆ was killed in Zdena by an unidentified perpetrator;
- A Muslim was killed in Kamengrad; an investigation is underway;
- Due to careless handling of a PAP /semi-automatic rifle/, the minor Radenko KONDIĆ from Podovi killed his brother in Podovi;

**This is how the Chief of the SJB Vrucinic reported to his superiors in Banja Luka "over the past two months". And Vrucinic was the real "Serb Force", not those two criminals. Although, there was no any "attack on Skrljevitica", but it was an ambush set by the two criminals. Let us see what was the reaction of the authorities of the Serb Municipality of Sanski Most, D: 4215**

Meeting of the Coordinating Committee of the Sanski Most Municipal Assembly, 4 November 1992

A G E N D A :

1. Report and explanation in connection with the armed operation carried out at Trnovo and Šehovci;
2. Report on the measures taken and the course of the investigation in connection with the murder of Croatian civilians in Kruhari and Škrljevitica;

Ad 2

The following took part in the discussion of this item of the agenda: Nedeljko RAŠULA, Mirko VRUČINIĆ, Rajko STANIĆ and Milenko DELIĆ. The following conclusion was reached:

The perpetrators of this heinous crime must be discovered with all speed and the severest measures provided for by law must be taken against them.

The 6<sup>th</sup> Krajina Brigade and the Public Security Station are asked to provide personal security for and protect the property of all the citizens of the municipality of Sanski Most. Better cooperation is sought between the military and civilian police. In order to perform the above tasks, the 6<sup>th</sup> Krajina /Brigade/ and the Public Security Station are asked to carry out personnel changes and selection and to take the severest measures against any perpetrators of criminal offences from within their ranks.

**s already established, the perpetrator was a criminal D. Kajtaz, he was arrested and tried, but only after the only witness, the survivor, was available! The next session, the civilian authorities accepted the SJB report (D4356) and concluded further:**

1. The report by the Public Security Station of Sanski Most Municipality is hereby accepted. We condemn the crimes mentioned in the report and demand that the Public Security Station take action against the perpetrators of the crimes and bring them to justice.

5. The Public Security Station of Sanski Most Municipality and the 6<sup>th</sup> Krajina Brigade Command are instructed to launch a joint effort to disarm persons who carry arms and who are not members of the Brigade or soldiers and who are inclined to commit criminal acts. They will take their weapons, record them and store them at a designated location.

**his at the first place pertained to the Serbs who weren't engaged in the Army units!**

6. The president of the Municipal Assembly, the president of the SDS /Serbian Democratic Party/, a representative of the Command and the chief of the Public Security Station should intensify political work with citizens in the municipality by attending public meetings in all places and talking to people. Schedules of visits to meetings should be made beforehand.

**his meant to have a public meetings in the villages inhabited with minorities Finally, there was formed the multi-ethnic Committee for distribution of humanitarian aid:**

16. A committee for the distribution of humanitarian aid in Sanski Most Municipality is hereby appointed.

The following are appointed to the committee:

1. Đuro KALACUN, chairman of the committee,
2. Red Cross director, a member,
3. Welfare Centre director, a member,
4. Civilian Protection Staff commander, a member,
5. Brane DAVIDOVIĆ, a member of the committee,
6. Mica ČUČUN, representative of *Kolo Srpskih Sestara* /Serbian women's charity/, a member,
7. Mile MLINAR, the representative of Croatian citizens, a member,
8. /signed/ Hušida ALAGIĆ, the representative of Muslim citizens, a member.

**The relation with the Muslim and Croat community was nourished with care. See what about that said Mr. Vrucini}, D:3911, 20/7/92**

It is important to note that in the second quarter, policemen were unable to exercise control in the domain of law and order on a large part of the territory of the municipality for security reasons. This refers primarily to territory populated by Muslims. The villages in question were Vrhpolje, Hrustovo, Domiševici, Okroš, Modra and, to a lesser extent, some other places. Due to the military operations in some of these areas and open clashes with members of the so-called Green Berets, the situation improved in this respect, but still not sufficiently, and because of this real control over the situation has yet to be achieved.

**Here is the report of the same official, Mr. Vrucinic, of 30 November 1992:**



It is not our intention to discuss the broader aspects of threats to the territory and the people by armed enemy formations which is a matter of military and strategic assessment, but we must say that there is a real danger of a threat from the Cazin Krajina, which is known by the military commands and which our people should also know.

There is still no organised enemy activity in the territory of our municipality. However, regardless of our good relations and our tolerance of Muslims and Croats in the territory of the municipality, it must be borne in mind that they could very quickly become organised and turn against us if things took a favourable turn on the broader military and political plan, especially if there were a successful operation and a breakthrough from the Cazin Krajina.

For the time being, we have information that a 10-man group of Muslims is still hiding in the Hrustovo sector (the area of the Galaja woods towards the Sanica tunnel) and that Croats have begun to organise themselves in the area of Škrljevit

**So, even during the lulls, there was a permanent danger of breaking through of a #formidable Muslim-Croat forces# from the Bihac pockit with a catastrophic results!)**

# 1. Detention Facilities in Sanski Most

1979. Detention facilities in Sanski Most were established by the Crisis Staff.<sup>6728</sup> After military operations against Bosnian Muslim and Bosnian Croat villages in Sanski Most, **(As it is evident from the census list, there are many #Muslim and Croat villages that didn't have any problem# with the JNA and later with the VRS soldiers. Therefore, it is not correct to say that there were a "military operations against Bosnian Muslim and Bosnian Croat villages", but at least to be more specific "...military operations against the Muslim/Croat irregulars in some of their villages"! Only such a formulation would be close to a proper one!)** soldiers collected the able-bodied military-aged men from the village and transferred them by bus to Sanski Most town.<sup>6729</sup> **(Prior to any "collecting of the able-bodied" men, there was either an #attack from those villages, or a resistance to a disarming#. There is no army all over the world which could afford itself an armed groups and units, ready to engage immediately after demanded by the higher enemy's commands. Remember the Gen. Halilovic's report about his criticism of the Una-Sana Operational Group, D3904:**

I have followed the development of the BH Army in the Bihać region with full attention, and in organising its embryo, the Patriotic League, I was in the region personally on six occasions. Therefore, the situation in the wider region from the pre-war days till today is completely familiar to me. I was even in a position to alert the government organs in that region that armed combat was being obstructed, since they waited rather long and, while war was raging in all of the RBH /Republic of Bosnia and Herzegovina/, in this region they were still negotiating with the aggressor.

**The Chamber never took in account a #military necessity# as a reason for an action. Without that, there is created an impression as if the Serb Army kept attacking the Muslim/Croat villages for entertainment and without any justifiable purpose!)**

In town, they were handed over to the civilian authorities.<sup>6730</sup> An inspector from the SJB and an inspector from the CSB interrogated the men believed to be "military prisoners".<sup>6731</sup> KW540 estimated that 1,600 "military prisoners" were handed over to the civilian authorities in Sanski Most in 1992.<sup>6732</sup> The majority of detainees in Sanski Most were transferred to Manjača camp.<sup>6733</sup>

<sup>6728</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3453 (under seal); D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 7–8.

<sup>6729</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3377, 3386 (under seal).

<sup>6730</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3377, 3386 (under seal).

<sup>6731</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3377, 3500–3501 (under seal).

<sup>6732</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3392 (under seal).

<sup>6733</sup> See paras. 1987, 1990, 2009, 2017.

**(Why not all of them? Why some of them, somewhere about #40% had been released# after the first steps of investigation? Those who had been sent to Manjaca, some more that 800, had been under a reasonable suspicion for crimes against the peace, Army and the Serb civilians!) They would be labelled into three categories of “prisoners”: (i) politicians, (ii) nationalist extremists, and (iii) people unwelcome in Sanski Most municipality.<sup>6734</sup> The majority of detainees in Sanski Most were civilians, as will be addressed below. (Who were the #non-civilian “minority”#? their existence and action justified the mopping-up, but a differentiation between those innocent and responsible wasn’t possible at the spot, and all of them had to be detained and to undergo the investigation! The civilians had been released as soon as their civil status established!)**

a. Scheduled Detention Facility C.22.1

1980. The Indictment refers to the use of the SJB building and prison in Sanski Most as a detention facility at least between 26 May and August 1992.

i. Establishment and control

**1981.** The SJB building and prison were located in the centre of Sanski Most town, near the Betonirka Factory Garage.<sup>6735</sup> The prison facility was located behind the SJB police building.<sup>6736</sup> The chief of the police station was Vručinić.<sup>6737</sup> Miladin Paprić was in charge of the SJB prison until 4 June 1992, when he was dismissed and replaced by Drago Vujanić.<sup>6738</sup> **(This immediate detention unit existed in all the SJB!)**

**1982.** Detainees started arriving at the SJB building and prison on 25 May 1992, after the attack on Sanski Most town.<sup>6739</sup> **(#Whose “attack”#? the town itself was a Serb majority place, and the Serbs didn’t initiate any attack on it).** The majority of the detainees at the SJB building were prominent civilians who held important positions in the community.<sup>6740</sup> There was one underage detainee.<sup>6741</sup> **(All of this #“prominent civilians” prominent terrorists#! who held “important positions” abused these common positions, the infrastructure of the common authorities to procure the armament and organize the attack on Suhaca and other Serb villages, see already recommended documents, such as: P3663, D 5, D557, D1677, D1678 and others. In all the intelligence reports before the war named exactly those “prominent civilians” as the instigators and leaders of the war plans against the Serbs!)**

<sup>6734</sup> P2639 (Conclusions of Sanski Most Crisis Staff, 4 June 1992); see Adjudicated Fact 2558. Mile Dobrijević testified that he had no knowledge of the three categories of detainees and when presented with P2639, he insisted that he made no decisions on categorisation. Mile Dobrijević, T. 44636–44639 (6 December 2013). The Chamber does not accept his evidence on this point given that he was an SJB employee at Betonirka Factory Garage and the Hasan Kikić school and his claim to be unaware of these categories defy credibility. **There is another reasonable inference: there was no such a document! Since the document doesn’t have any signature and seal, it can not be considered a valuable evidence. None of the Serb people from Sanski Most ever mentioned such a categorization. This kind of “evidence” is very easy to “produce” but any chamber would think twice.**

<sup>6735</sup> P3667 (Map of Sanski Most with photos of various buildings); P3314 (Photograph of Sanski Most police station); D4335 (Map of Sanski Most with photographs).

<sup>6736</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6139–6140; D4339 (Photograph of Sanski Most SJB). See also D4341 (Photograph of Sanski Most SJB). **Karabeg, guilty as charged. He abused the Executive Board to arm his ethnic community.**

<sup>6737</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6145; P3319 (Report of Sanski Most SJB, 6 June 1992).

<sup>6738</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6145, 6162; P2639 (Conclusions of Sanski Most Crisis Staff, 4 June 1992); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26104, 26318–26319, 26322 (under seal); Mile Dobrijević, T. 44635–44636 (6 December 2013).

<sup>6739</sup> Mirzet Karabeg was arrested on 25 May 1992 and taken to the SJB prison. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6139–6140.

<sup>6740</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5530–5532; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7768 (under seal). See also Adjudicated Fact 1321. **Faik Biscevic, guilty, one of the top Muslim organizers of the war.**

<sup>6741</sup> See Adjudicated Fact 1321.

(iii) Conditions of detention and treatment of detainees

1983. The detainees were held in small cells in the SJB prison and guarded by the police.<sup>6742</sup>

Due to the size of the cell, it was not possible for detainees to lie down to sleep and they had to sit very closely to each other.<sup>6743</sup> The cells had a concrete roof, a metal door, and a metal plate with holes over the window.<sup>6744</sup> During the summer months, the strong heat caused the room to be very hot and damp, with a terrible stench, making it very difficult to breathe.<sup>6745</sup> There was no fresh air until someone removed the metal plate covering the window after approximately 40 days into the detention.<sup>6746</sup> Furthermore, the guards did not permit the cells to be aired out.<sup>6747</sup> There were blankets and an old mat for bedding.<sup>6748</sup>

**(This is another proof that the Serbs in Sanski Most #didn't expect a rebellion# of such an extent, and the small detention unit was aimed to admit a few criminals and trespassers until a judge decide what would be done with them!)**

1984. The detainees were not provided with sufficient food and water.<sup>6749</sup> **(#General shortage#!**

**Nobody had sufficient food and water!)** After the first 15 days, the detainees' meals were reduced from three to two meals per day; these meals were insufficient and resulted in the detainees suffering substantial weight loss.<sup>6750</sup>

**(It was a miracle that the whole 15 days the authorities had managed to deliver three meals a day! But, "In early June 1992, detainees in the SJB prison were transferred to Manjača camp pursuant to an order from the Crisis Staff", as is said in fn. 6781! How come, the food was such a problem within several days?)**

Meals consisted of a piece of bread, a cup of something to drink and, if available, left-over food from the soldiers.<sup>6751</sup> For water, the detainees were occasionally allowed to fill up bottles, but only when there was enough water for the toilets in the detention facility.<sup>6752</sup>

**(#General shortage#! If there was no enough water, how there would be a water for the detainees?)**

There were no toilets in the cells of the prison.<sup>6753</sup> **(Many official prisons do not have toilets in cells. And it was all of a sudden, nobody expected that kind of number of rebels!)**

The detainees had access to two toilets but they became blocked.<sup>6754</sup> The detainees were allowed five minutes in the morning and five minutes in the evening to use the toilets.<sup>6755</sup> They subsequently dug a hole behind the building, which they were only permitted to use during lunchtime.<sup>6756</sup> Save

<sup>6742</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7743 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6139, 6300–6301; D4340 (Photograph of Sanski Most SJB); D4342 (Photograph of Sanski Most SJB). See also Adjudicated Fact 1323.

<sup>6743</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7751 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7067. KW545 admitted that conditions in the prison were inhumane, the facility and rooms did not meet the minimum requirements for holding people for long periods of time, and it was very difficult to maintain order. KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26114, 26239, 26241–26243 (under seal).

<sup>6744</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7746 (under seal); D4342 (Photograph of Sanski Most SJB); D4343 (Photograph of Sanski Most SJB); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6301.

<sup>6745</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7753–7754 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7067–7068; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26239 (under seal).

<sup>6746</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7753 (under seal).

<sup>6747</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7753 (under seal).

<sup>6748</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7751–7752 (under seal).

<sup>6749</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7751 (under seal).

<sup>6750</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7751, 7754 (under seal). The lunches contained pork with hair still on it. KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7751 (under seal).

<sup>6751</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7068. Bišćević testified that he lost 32 kilograms while in detention. Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7067–7068.

<sup>6752</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7751 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7065.

<sup>6753</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7065.

<sup>6754</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7752 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7064.

<sup>6755</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7064–7065. **ALL OF THE "EVIDENCE" ORIGINATE FROM THE 92bis RULE, AND THIS DEFENCE DIDN'T HAVE ANY CHANCE TO TESTE, LET ALONE CONTEST ANYTHING. IS THAT AN INTERNATIONAL JUSTICE. THE VILAINS, RESPONSIBLE FOR THE FIGHTS IN THE MUNICIPALITY, ARE THE CROWN WITNESSES OF THE ACCUSED'S RESPONSIBILITY!**

<sup>6756</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7752 (under seal).

for a couple of exceptions, it was not possible to shower given the lack of water.<sup>6757</sup> (See, “the lack of water” – #not a bad will# of the authorities. So, who or what was to be blamed for that? Only the civil war, for which Osman Brka said at the meeting of the SDA in an Islamic community facilities that was necessary, see D01678, of 12 (or 16) March 92:

*Mr. Osman BRKA thanked him and said that the tribute came as a surprise. He then took the floor regarding the first item on the agenda. He began with the question: “Has everything that was supposed to happen really happened? I must say that all of this is absolutely necessary. We could have been destroyed as a people and that is why we took this stand. The space opened for democracy in the areas of the former Yugoslavia has enabled for the historic Muslim issue to be solved in a just way.*

*The awakening of the people (Muslim people) is in full swing. Relating to ones own religion and tradition is becoming more and more evident. The Muslims in the “The awakening of the Muslim people” as we remember from the Islamic Declaration and other program articles of Hasan Cengic, Omer Behmen and others, should be by hitting the Muslims hard and establish an Islamic regime under any cost!*

1985. The guards took the detainees out of the cells only for about 20 minutes per day, including for meals and for work they had to carry out.<sup>6758</sup> On leaving the cell for work, the detainees were frequently beaten and mistreated.<sup>6759</sup> (#All, Deadly combination#! Despite these conditions, Rašula told a detainee at the SJB: “[y]ou’re safest where you are. If we release you, you will be killed either by your people or by mine”.<sup>6760</sup> (This indicates that outside the detention there were the fights going on. Should the authorities release those detained in the middle of fights?)

1986. The guards, regular police officers, and VRS soldiers beat the detainees.<sup>6761</sup> Sometimes the guards would hand over the keys to the cells to the VRS soldiers, and according to Bišćević, “[a]nyone could come in and beat us if they so pleased”.<sup>6762</sup> Some of the detainees were taken from their cells to the SJB building and interrogated.<sup>6763</sup> During interrogations, regular police officers and VRS soldiers beat the detainees, using rifle-butts, electric cables, poles, and wooden planks.<sup>6764</sup> Detainees were also beaten in their cells, and some were forced to beat each other.<sup>6765</sup> The detainees did not receive any medical treatment for injuries sustained in SJB custody.<sup>6766</sup> As a

<sup>6757</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7752 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brdanin*), T. 7065. Bišćević testified that he was allowed to shower and wash his clothing twice during his 95 days of detention. Faik Bišćević, P135 (Transcript from *Prosecutor v. Brdanin*), T. 7065–7066.

<sup>6758</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7754 (under seal). Work included digging a makeshift toilet behind the building, washing dishes, and cleaning the SJB complex. KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7752, 7757 (under seal). The Chamber notes that only forced labour at the frontlines is charged in the Indictment. (There was no frontlines in the Sanski Most municipality!)

<sup>6759</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7757 (under seal). In addition to being beaten, one detainee had his hands burned with hot water. KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7757 (under seal).

<sup>6760</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7651, 7761 (under seal). See also P3396 (Photographs depicting Radovan Karadžić, Ratko Mladić, Biljana Plavšić, Momčilo Krajišnik and others). Basara, also visited the SJB building and made speeches to VRS soldiers there. See Adjudicated Fact 1325; KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7899 (under seal).

<sup>6761</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7756, 7758 (under seal). See also P3519 (Indictment of the 1<sup>st</sup> Krajina Corps Military Prosecutor's Office, 2 June 1993), p. 1; Adjudicated Facts 1328, 1329; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brdanin*), T. 7064. A soldier from the 6<sup>th</sup> Krajina Brigade was known for beating several detainees. KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7758 (under seal); P3519 (Indictment of the 1<sup>st</sup> Krajina Corps Military Prosecutor's Office, 2 June 1993), p. 1. Members of the VRS, including the military police, and regular police ran the SJB prison together. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brdanin*), T. 6154–6155.

<sup>6762</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brdanin*), T. 7073. See also Adjudicated Fact 1329.

<sup>6763</sup> See Adjudicated Fact 1321.

<sup>6764</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brdanin*), T. 7068–7073; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brdanin*), T. 6166–6168; Adjudicated Facts 1326; 1327.

<sup>6765</sup> KDZ474, T. 19334 (21 September 2011) (closed session); KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7757 (under seal).

<sup>6766</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7759–7760 (under seal); Faik Bišćević, P135 (Transcript from *Prosecutor v. Brdanin*), T. 7064. For example, a detainee had two ribs broken during a beating. He was taken to a hospital, where he waited for three hours and then was returned to his cell. KDZ474, P3395 (Transcript from *Prosecutor v. Brdanin*), T. 7754, 7759 (under seal). See also KDZ474, T. 19334 (21 September 2011) (closed session).



result of the severe beatings, Karabeg suffered severe injuries to his body and head and lost all of his teeth.<sup>6767</sup> Two men were beaten at the SJB prison and subsequently killed.<sup>6768</sup> **(All of this is a #“one way information”# of those who initiated unrests and fights in Sanski Most, who have more that one motive to denigrate the Serbs from Sanski Most. This is not just, honest and fair, to charge this President with something that he couldn’t know and influence, and what probably didn’t happen as described by the defeated Muslim extreme leaders.)**

**1987.** In early June 1992, detainees in the SJB prison were transferred to Manjača camp pursuant to an order from the Crisis Staff.<sup>6769</sup> **(So, they spent only a several days in this SJB prison!)**

1988. The frequency of the beatings decreased after a visit from the ICRC in July 1992.<sup>6770</sup> Furthermore, visits by family members were allowed after the ICRC visit.<sup>6771</sup>

**1989.** By 27 July 1992, the Crisis Staff estimated that some 1,245 people had been questioned in the SJB.<sup>6772</sup> **(But not housed in the SJB prison, not later than early June!)**

1990. On 28 August 1992, the detainees were called out of their cells and told to take their belongings.<sup>6773</sup> Some of the detainees were placed on a bus for transfer to Manjača camp.<sup>6774</sup> Other detainees were transferred to different detention facilities in Sanski Most, including the Betonirka Factory Garage, the Hasan Kikić School, and a military facility at Magarice.<sup>6775</sup>

### (iii) Conclusion

**1991.** Based on the above, the Chamber finds that Serb Forces detained non-Serb civilians, **(What did make them “civilians”? The cloathing? But, their long term activities in preparing the uprisal made them #“non-civilians”# and those who were apprehended in the combat zones and were really civilians, after the interrogations had been released!)** including prominent political leaders and an underage boy, at the SJB prison from 25 May until August 1992. The Chamber finds that the detainees were held in poor conditions, including lack of adequate food, accommodation, medical care, and sanitary facilities. The Chamber also finds that detainees were subjected to interrogations and beatings. **(All of it would be reversed in a minute, once the Chamber, which would do any reasonable chamber, accepted that “civilian” in this civil war does not mean “innocent” and that “prominent political leaders” didn’t mean “innocent” but to the contrary, very responsible. There is a sufficient evidence on what those “prominent” did to this mixed municipality, and how many really innocent victims they did cost these two communities! As UN General Razek testified, #“civilians fough civilians”#**

<sup>6767</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6180–6182.

<sup>6768</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6182–6183. Karabeg and Bišćević identifies these two men as Hasib Kamber and Emir Seferović. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6182; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5535; P146 (Record of identification of Emir Seferović’s body, 2 June 1992). See also Adjudicated Fact 1330. With respect to the two men who were beaten and subsequently killed, without more evidence as to their deaths, the Chamber cannot find that they died as a result of the beating they were subjected to. These killings are therefore not covered by the charges in the Indictment under paragraph 60(a)(ii). Further, the Chamber notes that there is no Schedule B killing incident charged with respect to this detention facility. **This shouldn’t depend on the Prosecution’s attitude, but on the veracity of event and credibility of witnesses.**

<sup>6769</sup> P3327 (Order of Sanski Most Crisis Staff, 6 June 1992); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6164, 6252–6253 (Karabeg estimated that 152 people were transferred from the Hasan Kikić school on 3 June 1992 to Manjača camp and 172 persons were transferred on 6 June 1992 from the SJB prison, the Betonirka Factory Garage, and the sports hall).

<sup>6770</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6176–6177, 6256–6257, 6324. See also Adjudicated Fact 1332.

<sup>6771</sup> See Adjudicated Fact 1332.

<sup>6772</sup> P3657 (Minutes of 9<sup>th</sup> session of Sanski Most Executive Board, 27 July 1992), p. 3.

<sup>6773</sup> KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7760 (under seal).

<sup>6774</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6176, 6182, 6258; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7742–7747, 7760 (under seal); KDZ474, T. 19335 (21 September 2011) (closed session).

<sup>6775</sup> See Adjudicated Fact 1331. See also paras. 1995, 2007.

**(b) Scheduled Detention Facility C.22.2**

1992. The Indictment refers to the use of the Betonirka Factory Garage as a detention facility at least between 27 May and 7 June 1992.

i. Establishment and control

1993. The Betonirka Factory was located approximately 100 to 150 metres behind the SJB building in Sanski Most town.<sup>6776</sup> The factory had a main building and three garages attached.<sup>6777</sup> Each garage was five to six metres long and four metres wide.<sup>6778</sup>

1994. In May 1992, the Betonirka Factory Garage was set up as a detention centre by the Crisis Staff.<sup>6779</sup> On 25 May 1992, Paprić, who was also in charge of the SJB prison, was appointed as the head of the detention facility but was later replaced by Vujanić, a member of the police.<sup>6780</sup> Vujanić was the warden of both the SJB prison and Betonirka Factory Garage.<sup>6781</sup> The guards at the Betonirka Factory Garage were members of the Bosnian Serb police and reserve soldiers.<sup>6782</sup> Rade Martić was the chief of the guards.<sup>6783</sup>

**1995.** Approximately 120 detainees, all males, were held at the Betonirka Factory Garage.<sup>6784</sup> Members of the core leadership of the SDA were detained at Betonirka.<sup>6785</sup> Detainees were held at Betonirka Factory Garage up to one month.<sup>6786</sup> In June and July 1992, the detainees were transferred to Manjača camp.<sup>6787</sup> **The first and the only para under b) Scheduled Detention Facility C22.2 it was said: “at least between 27 May and 7 June 1992.” Couldn’t be shorter, since all had to be questioned!**

i. Conditions of detention and treatment of detainees

**1996.** The detainees were kept inside the cramped and over-heated garage with little water.<sup>6788</sup> The detainees were given two meals per day, which usually were the left-over food from the staff.<sup>6789</sup> **(This is an #absurd assertion#! How many staffs were there? And how a “left-over”**

<sup>6776</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 49–50; P726 (Map of Sanski Most town); P3667 (Map of Sanski Most with photos of various buildings); D4335 (Map of Sanski Most with photographs); KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3397 (under seal).

<sup>6777</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 50; P726 (Map of Sanski Most town); P719 (Photograph of Betonirka Factory Garage); D4335 (Map of Sanski Most with photographs). See also D4336 (Photograph of Betonirka Factory Garage). The three garages together will be referred to in the singular as the Betonirka Factory Garage.

<sup>6778</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 55; P732 (Photograph of the interior of Betonirka Factory Garage). See also D4336 (Photograph of Betonirka Factory Garage); D4337 (Photograph of Betonirka Factory Garage); D4338 (Photograph of Betonirka Factory Garage); P719 (Photograph of Betonirka Factory Garage).

<sup>6779</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 7; P3634 (Witness statement of KDZ490, undated), p. 113 (under seal); see Adjudicated Fact 2537. See also KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3399–3400 (under seal); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26112 (under seal).

<sup>6780</sup> KDZ490, T. 20184 (19 October 2011) (closed session); P3635 (Handwritten diary of Nenad Davidović), e-court p. 4; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*) T. 26112 (under seal); see Adjudicated Fact 1345.

<sup>6781</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 66; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26115, 26323 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6254. See Adjudicated Fact 1344.

<sup>6782</sup> See Adjudicated Fact 1344; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3399–3400 (under seal); P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 51.

<sup>6783</sup> P2639 (Conclusions of Sanski Most Crisis Staff, 4 June 1992); P3634 (Witness statement of KDZ490, undated), p. 113 (under seal).

<sup>6784</sup> See Adjudicated Fact 1333; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26129–26130 (under seal).

<sup>6785</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3403 (under seal).

<sup>6786</sup> See Adjudicated Fact 1334.

<sup>6787</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6164, 6175; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 86–87. See also KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26130 (under seal). On 6 or 7 July 1992, all the remaining detainees at Betonirka were transferred to Manjača camp, except for Karabeg and six others, who were transferred back to the SJB prison. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6175–6176.

<sup>6788</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 54, 57–64, 68–71 (Zulić identified some of the men who were held in his cell, including a Bosnian Croat); P3634 (Witness statement of KDZ490, undated), p. 113 (under seal); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26119–26120 (under seal); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6169–6171; P3320 (Photograph of building).

<sup>6789</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6169–6170; see Adjudicated Fact 1337.

food after such a few staff could feed 150 detainees? The truth is that they got what the staff got, no more, no less.) Sometimes family members were allowed to visit the detainees and bring them food.<sup>6790</sup> The sanitary conditions were inadequate as the detainees were only allowed out of their cells for five minutes in the morning and five minutes in the evening to use the toilet.<sup>6791</sup> There were no toilets inside the garage.<sup>6792</sup> There was only one small window in each garage that was open for ventilation, which was inadequate.<sup>6793</sup> One of the garages was so overcrowded that the detainees were forced to sleep standing up.<sup>6794</sup> **(Those garages seem to be a kind of garages, not a hotel. What to expect from a garage? Was there such a big prison with all the required conditions, but the authorities didn't allow the detainees to be housed there, just for the purpose of spit? There was #no a bad will or malice# on the Serb authorities side, but only a #necessity#!)**

1997. The detainees were interrogated and beaten regularly.<sup>6795</sup> Ahmet Zulić testified that out of the 21 nights he spent at Betonirka, he was not subjected to beatings on only three of those nights.<sup>6796</sup> The beatings caused serious injuries to the detainees.<sup>6797</sup> There were no medical facilities available onsite.<sup>6798</sup>

i. Conclusion

**1998.** Based on the above, the Chamber finds that Serb Forces detained Bosnian Muslim and Bosnian Croat male civilians, including some political leaders, from Sanski Most in the Betonirka Factory Garage from May until June 1992. **(Let us see what meant “male civilian” in this civil war, already on 7 March 92, see D5: they are brazen and aggressive. Particularly prominent among the aforementioned members of the ZB /Green Berets/ are the brothers Arif and Izet HURANOVIĆ from Vrpolje. About 500 armed civilians were noted at a recent meeting of Muslim citizens in the village of Donji Kamengrad. Also present among them were members of the ZB who sought that everyone who was armed launch an attack on the Serbian village of Suhača. According to realistic estimates, about 3,000 Muslims own long barrels and are part of the SDA /Party of Democratic Action/ armed formations. Those (If those weren't “armed civilians” this wouldn't be called a Civil war”! How come it didn't matter in this court?)** The Chamber finds that the detainees were held in poor conditions, including lack of adequate food and sanitary facilities. The Chamber also finds that the detainees were subjected to beatings. **(This is an #erroneous conclusion#:**

- 1. There was no any detention prior to the Muslim-Croat attacks on the Serb parts of the town and municipality;**
- 2. There was no detention of the “civilians”, since all of the detained had been captured in the combat areas;**
- 3. Only after the first interrogations, som 40% of the detained had been released;**
- 4. the others were deeply involved in the armed rebellion, which embattled the municipality and caused many casualties;**

<sup>6790</sup> KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26133 (under seal).

<sup>6791</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6170; see Adjudicated Fact 1338. See also KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26119–26121 (under seal).

<sup>6792</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6170; see Adjudicated Fact 1338.

<sup>6793</sup> Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6170–6175; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26239 (under seal); see Adjudicated Fact 1336; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3397, 3399 (under seal).

<sup>6794</sup> See Adjudicated Fact 1335.

<sup>6795</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 60–64, 68–71; P3634 (Witness statement of KDZ490, undated), p. 113 (under seal); Mirzet Karabeg, T. 18698–18699 (13 September 2011); Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6171–6175; see Adjudicated Fact 1339. KW545 testified that except for two specific cases, he had no knowledge of regular beatings and that he never heard screams or saw injuries on detainees. KW545, T. 47003–47004 (13 February 2014) (closed session). KW540 testified that he also found out after the war that detainees at Betonirka had been beaten. KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3401 (under seal).

<sup>6796</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 63.

<sup>6797</sup> See Adjudicated Facts 1340, 1341.

<sup>6798</sup> See Adjudicated Fact 1343.

**5. Even Ahmet Zulić admitted that he had been ambushing the Army with his automatic machine-gun, while the police found 40 kg of explosive that he had stolen from the mine where he was employed;**

**6. The “some political leaders” could be found in the Muslim documents depicted as an extreme leadership that armed the Muslims and instigated the war events)**

i. Scheduled Incident B.17.1

1999. The Prosecution alleges that approximately 17 men were taken from the Betonirka Factory Garage to Kriva Cesta near the Partisan cemetery and killed on or about 22 June 1992.

2000. On 22 June 1992, Zulić was taken from the Betonirka Factory Garage, where he had been detained, and driven to Kriva Cesta.<sup>6799</sup> He was taken down to the stream, given a hoe, and ordered to dig his own grave.<sup>6800</sup> He saw 20 to 25 other men there doing the same thing.<sup>6801</sup> The men were being watched by Bosnian Serb soldiers wearing JNA uniforms.<sup>6802</sup> Rašula was also present.<sup>6803</sup> During the operation, the soldiers pointed their guns at the men.<sup>6804</sup> When the men had finished digging the holes, they were killed; their throats were either slit or they were shot to death.<sup>6805</sup> Zulić was spared by Rašula, who stated that he should be kept alive in order to tell them where weapons were being hidden in Pobježje.<sup>6806</sup> Zulić was taken back to the Betonirka Factory Garage.<sup>6807</sup> In total, three men survived.<sup>6808</sup> **(What are the names of the two others? Why it is founded only on this one testimony, while it was clear that the witness lied about presence of some people that hadn't been present, and among them a very high communist official and general from WWII, who would in no way be there?)**

2001. The Chamber took judicial notice of the fact that 17 men were killed in relation to this incident.<sup>6809</sup> The Chamber also received evidence that bodies of civilians were recovered in a mass grave in relation to this incident.<sup>6810</sup> **(The Chamber didn't exclude a possibility that these were a #combat casualties#? There is no evidence about any Muslim-Croat combat casualties, since the #fake witnesses#, prepared by the Muslim secret services, depicted all**

<sup>6799</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 75–76; P726 (Map of Sanski Most town). Kriva Cesta is an area near the Partisan cemetery; P730 (Sketch drawn by Ahmet Zulić). See also Adjudicated Facts 1346, 1347, 2541.

<sup>6800</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 77.

<sup>6801</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 77–78. Zulić identified three men by their surnames only: Cerić, Džafić, and Velić. He identified one man as the brother-in-law of Ikan Smailović. The others were Ibro Eminić, “Lolo or Smail” Pašić, and Muhamed Hakić. P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 77–78, 84.

<sup>6802</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 79.

<sup>6803</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 79; Ahmet Zulić, T. 1029–1030 (13 April 2010), T. 1129 (14 April 2010). See also Adjudicated Fact 2542.

<sup>6804</sup> See Adjudicated Fact 1349.

<sup>6805</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 80; Ahmet Zulić, T. 1130 (14 April 2010). See also Adjudicated Fact 1348.

<sup>6806</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), paras. 81–83.

<sup>6807</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 81.

<sup>6808</sup> P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 84. The other survivors were Muhamed Halkić and another man whose surname was Cerić. P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 84.

<sup>6809</sup> Adjudicated Facts 1347, 1348.

<sup>6810</sup> P5442 (Decision of Sanski Most Crisis Staff, 23 May 1992) (a decision of the Crisis Staff determining that persons killed at the Greda Muslim cemetery shall be buried in a common grave); P4896 (Bihać Cantonal Court record of Greda, Kruhari exhumation, 28 May 1997) (describing the location of the Greda I mass grave and that 36 bodies were recovered from it. No names are included in this report); **(How come? There were alleged 17 “executed” and more than a double buried? It is clear that the Decision had nothing to do with this allegation!)** P4897 (Bihać Cantonal Court record of autopsy and identification of victims exhumed from graves in Greda, Kruhari, 9 June 1997) (listing 36 bodies exhumed from the Greda I-Kruhari mass grave. Eight were unidentified males, seven were females, and 21 were males identified by name. Of the males identified by name, Ibro Eminić was also named by Zulić). **(Why would the bodies of allegedly executed in this incident be found in several graves?)** See also P4853 (Updated Table 2 to the Report of Amor Mašović), p. 94 (listing three individuals in relation to this scheduled incident); P6690 (Addendum to Nicolas Sébire’s report, 16 May 2003), e-court pp. 66-70 (listing that at least two bodies exhumed from the mass grave are victims of the scheduled incident, but recovering 36 bodies total. Of those 36 bodies, there were 29 males and 7 females.). **No serious chamber would allow anyone to deceive them so easily. Once the Muslims recovered some bodies, no matter how they died, it was very easy to allocate it to some “executions” although there is no any firm and credible evidence about it. Zulić named a very distinguished general from the WWII, and a man who was far from the site several hundred kilometres.**



the casualties as a civil victims of an unlawful killings! However, the document mentioned as a basis for this conclusion, P5442, said something else, let us see:

1. The burial lots for the burying of the persons killed in the Sanski Most Municipality at the *Greda* Muslim cemetery have hereby been allotted.

The “persons killed in the Sanski Most” pertained to the combat casualties, since in Serbian “poginuli” means killed in combats, see the Serbian version of the Decision, the sixth word “poginuli”:

1. Одредбује се поклоцаја за укуп погинулих на општини Сански Мост на муслиманском гробљу звано “Греда”.

while “ubijeni” – verbatim meaning “murdered” – excludes a combat nature and confirms a “murderous”, criminal nature of death. And this Decision pertained to all the combat casualties until that moment! A #linguistic problem#!

2002. The Chamber finds that approximately 17 men were taken by Serb Forces from the Betonirka Factory Garage to Kriva Cesta near the Partisan cemetery and killed on or about 22 June 1992. (Zulic named a very distinguished general from the WWII, and a man who was far from the site several hundred kilometres, and also he mentioned Rasula, who was the predident of municipality, and would never be on the terrain. It is clear that such a fake witnesses were free to lie and involve and incriminate persons they didn’t like!)

a. Scheduled Detention Facility C.22.3

2003. The Indictment refers to the use of the “Hasan Kikić School sports halls” as a detention facility at least between May and July 1992. The Prosecution submits that Hasan Kikić School and the sports hall are two separate detention facilities.<sup>6811</sup> The Prosecution submits that while civilians were detained in both facilities, it proceeds on the basis that Scheduled Detention Facility C.22.3 relates only to the sports hall.<sup>6812</sup> The Chamber will also proceed on the basis that the detention facility referred to in Schedule C.22.3 is the sports hall.

i. Establishment and control

2004. The sports hall was located in the northeastern part of Sanski Most town.<sup>6813</sup> On 26 May 1992, the Crisis Staff converted the sports hall into a detention centre.<sup>6814</sup> The sports hall was staffed by guards in police and camouflage uniforms, under the command of Martić.<sup>6815</sup> Milorad Krunic was appointed as the head of the detention centre.<sup>6816</sup> (The Chamber is presenting it as the authorities (CS) first converted the Sport hall into a detention centre, and then went out to find and capture detainees. However, if the truth matters, all depended on the Muslim side, and their initiation of fights. Then, the authorities had to accommodate them somewhere. That is exactly what is said in the Crisis Staff’s proclamation, @ .

<sup>6811</sup> Prosecution Final Brief, Appendix B, fn. 750. See P3667 (Map of Sanski Most with photos of various buildings).

<sup>6812</sup> Prosecution Final Brief, Appendix B, fn. 750.

<sup>6813</sup> P726 (Map of Sanski Most town); P3667 (Map of Sanski Most with photos of various buildings); D4335 (Map of Sanski Most with photographs). The sports hall was also referred to as the sports complex. The Chamber will use the term “sports hall” to refer to this alleged detention facility.

<sup>6814</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 7; P3315 (Order of Sanski Most TO Municipal Staff, 26 May 1992); D1813 (Report of Sanski Most Crisis Staff, 30 May 1992); P3634 (Witness statement of KDZ490, undated), p. 75 (under seal). See also D4345 (Photograph of Hasan Kikić building); KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26112 (under seal); Adjudicated Facts 2537, 2538.

<sup>6815</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8114; see Adjudicated Fact 1351.

<sup>6816</sup> KDZ490, T. 20184 (19 October 2011) (closed session). See also P3635 (Handwritten diary of Nenad Davidović), e-court p. 4.

2005. On 27 May 1992, an announcement on the radio ordered all Bosnian Muslims in Sanski Most town to gather at the training grounds of a driving school.<sup>6817</sup> **(That was an appeal to the civilians to avoid the combat zones of the town! That is something commendable and also provided by the law!)** Sakib Muhić went there.<sup>6818</sup> He estimated that 1,800 people had gathered there, including women and children.<sup>6819</sup> There were armed soldiers outside the driving school, and they shouted, “we will slaughter you all” at the people gathered there.<sup>6820</sup> **(Uncorroborated and irrelevant from the standpoint of the #President’s liability# – what was possibly said by an unknown and unidentified individual!)** After an hour, the soldiers ordered everyone to go to the Krkojević football stadium.<sup>6821</sup> Around dusk, approximately 80 soldiers arrived at the stadium and began ordering people onto buses, which took them to the sports hall—the men left around midnight after the women and children.<sup>6822</sup>

2006. The next day at the sports hall women and children were separated from the men and sent to neighbouring villages.<sup>6823</sup> **(To shelter them far from the combats!)** Approximately 900-1,000 men remained in the sports hall for approximately five days.<sup>6824</sup> The detainees included 200 men brought in from Ključ.<sup>6825</sup> People who were detained at the sports hall were also from Mahala, Muhići, and Otoka.<sup>6826</sup> **(A #terrorist strongholds#! Mahala, Muhici and Otoka are the suburbs-strongholds of the Muslim terrorists in the town, see a Muslim document D1677: The first organised preparations to offer resistance to the mounting Serbian**

**nazi-fascism in certain parts of Sanski Most municipality, such as Vrhpolje, Trnovo, Hrustovi, Šehovci, Kamengrad, the urban and suburban settlements of Mahala and Muhići, on the one hand, provided a certain sense of security to the Bosniaks but, on the other hand, most Bosniaks could still not believe that the Serbs would harm them.**

**No doubt, within the town urban core, apart from five villages, there was an armed formation. This is the Muslim document. How we already know, the sport hall had been used to accommodate the civilians from those urban parts, until the army and police finish their neutralisation of the terrorists. I will find those documents.**

2007. The sports hall was guarded by men in both military and police uniforms.<sup>6827</sup> After approximately five days, Muhić and four other men were taken to the SJB and interrogated.<sup>6828</sup> Afterwards, they were transported back to the sports hall.<sup>6829</sup>

i. Conditions of detention and treatment of detainees

2008. The conditions in the sports hall were extremely overcrowded and lacked basic sanitation.<sup>6830</sup> The temperature was very hot due to the summer heat wave, which made the

<sup>6817</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8106-8108; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 4; P718 (Witness statement of Ahmet Zulić dated 22 February 2010), para. 32.

<sup>6818</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 4; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8106-8107.

<sup>6819</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 4; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8111. See P639 (List of persons captured in Sanski Most municipality), p. 2.

<sup>6820</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 4; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8113. See P639 (List of persons captured in Sanski Most municipality), p. 2.

<sup>6821</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8110-8111; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 5.

<sup>6822</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8113; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 5.

<sup>6823</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8113; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 5.

<sup>6824</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 5; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8117; P3634 (Witness statement of KDZ490, undated) (under seal), p. 115.

<sup>6825</sup> See Adjudicated Fact 1350.

<sup>6826</sup> KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26135 (under seal). See para. 1945.

<sup>6827</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8114; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 5.

<sup>6828</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8119-8120.

<sup>6829</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8121.

<sup>6830</sup> P3634 (Witness statement of KDZ490, undated) (under seal), p. 114; KDZ490, T. 20280-20281 (20 October 2011) (closed session); see Adjudicated Fact 2544. KW545 testified that the conditions in the sports hall were “all right” and that there were enough bathrooms, running water, and an outdoor area for walking. KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26162 (under seal). In weighing the totality of the evidence, the Chamber is not satisfied that it can rely on KW545’s evidence on this particular point.

conditions worse.<sup>6831</sup> Some detainees were not provided with food for a few days but family members were allowed to visit and bring some food.<sup>6832</sup> **Obviously, this was a shelter for the civilians from the embattled areas within the town.** There was no bedding available for sleeping and no medical attention for the sick.<sup>6833</sup> Some men were taken to the SJB, interrogated, and transported back to the sports hall.<sup>6834</sup>

2009. The detainees were beaten.<sup>6835</sup> In particular, on 6 June 1992, detainees were beaten severely before being forced to board trucks.<sup>6836</sup> Two trucks transported approximately 150 detainees to Manjača camp.<sup>6837</sup> **So, they spent several days in the sport hall!!!**

2010. On 8 June 1992, pursuant to an order from the Crisis Staff, detainees at the sports hall were screened and those who were “brought in accidentally from other areas, persons from mixed marriages, persons in poor health, and persons who have fought on the front with the JNA” were to be released.<sup>6838</sup> **(So, there was some criteria? No arbitrariness!)** Again on 18 June 1992, certain detainees were screened and released.<sup>6839</sup> By 1 August 1992, the remaining detainees had been transferred elsewhere.<sup>6840</sup>

(iii) Conclusion

2011. Based on the above, the Chamber finds that Serb Forces detained non-Serb civilians in the sports hall in Sanski Most from May until August 1992. **(Not “detained”, but “accommodated” as seen in the D1813 bellow!)** The Chamber finds that some of the detainees were subjected to beatings. The Chamber further finds that the conditions of detention were poor, including a lack of adequate food and sanitary facilities. **The Chamber should be more reasonable to conclude that the poor conditions weren’t due to any decision of the authorities, but due to the general conditions in the country and the entire region. But, let us see what the Sport Hall really was! See the Crisis Staff document of the Crisis Staff of 30 May 1992, D1813:**

1. /number circled by hand/ Citizens from the urban area of Sanski Most whose relatives are accommodated in the Sports Hall and who want to help them, can bring food and the most essential clothing, which will be delivered to them. They should bring the food and the most essential clothing to in front of the Sanski Most Public Security Station where it will be gathered and then delivered.

2. /number circled by hand/ Citizens from parts of the town which have not been affected by combat operations and who have not been warned to leave the area have no reason for moving to other parts of the town. These citizens’ security is not under threat and they can return to their homes.

**So, the civilians were “accommodated” in the sport Hall, not detained, and the relatives had a free access to them. The para 2. clearly and explicitly that those citizens from other parts of the town, where there was no combats, are safe. Therefore, the insistence of the qualification of these taking shelter instead of being accommodated for their own security is far from any fairness and far from any truth! No serious chamber should accep it! See the**

<sup>6831</sup> P3634 (Witness statement of KDZ490, undated), p. 114 (under seal).

<sup>6832</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 5; Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8119.

<sup>6833</sup> P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 5.

<sup>6834</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8120.

<sup>6835</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8121–8122; P701 (Witness statement of Sakib Muhić dated 11 April 2000), pp. 5–6. *See also* Adjudicated Fact 1352; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26268 (under seal). **Sakib Muhic from Muhici, the armed stronghold.**

<sup>6836</sup> Adjudicated Fact 1353. *See also* Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8122.

<sup>6837</sup> Sakib Muhić, P700 (Transcript from *Prosecutor v. Brđanin*), T. 8122–8123; P701 (Witness statement of Sakib Muhić dated 11 April 2000), p. 6; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6164. *See also* Adjudicated Facts 583, 1353.

<sup>6838</sup> P5444 (Conclusions of Sanski Most Crisis Staff, 8 June 1992).

<sup>6839</sup> D4108 (Order of Sanski Most Crisis Staff, 18 June 1992); D4329 (Order of Sanski Most Crisis Staff, 18 June 1992).

<sup>6840</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 14. This report notes that 1,655 people were brought to the “collection centres” (the sports hall, Krings Hall, and Betonirka Factory Garage). It also notes that 1,528 were Bosnian Muslims and 122 were Bosnian Croats. D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 14.

**rest of the same document, D1813:**

3. /number circled by hand/ Access to the town areas which have been affected by combat operations is forbidden to all persons except for members of the military police, Public Security Station organs and the burial, veterinary and health services.

4. /number circled by hand/ We warn all persons who are caught in dishonourable and dirty activities, such as looting, arson and the destruction of unprotected property, that they will be executed on the spot by members of the security forces.

5. The Red Cross and all other humanitarian organisations, charities and individuals shall provide assistance in taking care of refugees from our area and elsewhere. All of the above decisions shall be binding from the moment of their publication.

**A complete care about the civilians who were clearly differentiated from the extremists and combatants, as well as differentiation from the citizens of all the ethnicities in other parts of the town!)**

(d) Scheduled Detention Facility C.22.4

2012. The Indictment refers to the use of Krings Hall as a detention facility at least between May and July 1992.

i. Establishment and control

2013. Krings Hall is located on the eastern edge of Sanski Most town.<sup>6841</sup> It was a large, empty hall situated next to an office building, that was formerly used to manufacture equipment for the Famos company.<sup>6842</sup> In May 1992, Krings Hall was set up as a detention centre by the Crisis Staff.<sup>6843</sup> Initially, when detainees were brought to Krings Hall, they were guarded by soldiers and after one week, the soldiers were replaced by the police.<sup>6844</sup>

2014. In early July 1992, VRS soldiers drove into Tomina and ordered all of the “refugees” who were hiding in the town to come out of the houses.<sup>6845</sup> **(“the refugees who were hiding” is a clear indication that they hadn’t been an ordinary refugees, but a villains who committed crimes in their own villages!)** People from Kamicak and Vrhpolje had fled to Tomina.<sup>6846</sup> People came out of their houses and saw buses lined up on the main street.<sup>6847</sup> Approximately 500 to 600 individuals were boarded onto buses and taken to Krings Hall.<sup>6848</sup> The women and children spend one night there and were transferred out the following day to eastern or central BiH.<sup>6849</sup> The men stayed behind in Krings Hall.<sup>6850</sup>

<sup>6841</sup> P3667 (Map of Sanski Most with photos of various buildings); D4335 (Map of Sanski Most with photographs).

<sup>6842</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8069; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26235 (under seal); P3371 (Photograph of exterior of Krings Hall); P3372 (Photograph of interior Krings Hall); P3375 (Photograph of exterior of Krings Hall); KDZ052, T. 19078–19079, 19082 (19 September 2011); D4344 (Photograph of Krings); D4335 (Map of Sanski Most with photographs).

<sup>6843</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 7; P3667 (Map of Sanski Most with photos of various buildings); P3634 (Witness statement of KDZ490, undated), p. 115 (under seal). See also Adjudicated Fact 2537.

<sup>6844</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8069–8070; KDZ052, T. 19075–19076 (19 September 2011).

<sup>6845</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8068; KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7227 (under seal); Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2997–2998, 3015–3019; P692 (Witness statement of Rajif Begić dated 15 March 2000), e-court pp. 6–7. See also Adjudicated Fact 2543; KW545, D4328 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 26135 (under seal).

<sup>6846</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8068.

<sup>6847</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2998.

<sup>6848</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8068–8069; Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2998. See also Adjudicated Fact 2543.

<sup>6849</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8068–8069.

<sup>6850</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2998. See also P3657 (Minutes of 9<sup>th</sup> session of Sanski Most Executive Board, 27 July 1992), p. 3.



ii. Conditions of detention and treatment of detainees

2015. In the beginning, when the VRS soldiers were guarding the detainees, there were no beatings or mistreatment.<sup>6851</sup> However, when the police took control of Krings Hall, things changed.<sup>6852</sup> The police regularly interrogated and beat the detainees, sometimes with batons and rifles.<sup>6853</sup> While KDZ052 was detained there, he witnessed one man who died as a result of a beating.<sup>6854</sup> **(Was there any name of the person? Why it was sufficient to sentence this President?)**

2016. The detention facility had running water and a sink but no working toilets.<sup>6855</sup> The hygiene conditions were extremely poor.<sup>6856</sup> There was inadequate bedding for the detainees.<sup>6857</sup> In the beginning, relatives of the detainees were allowed to bring food to Krings Hall but later this was not allowed.<sup>6858</sup>

2017. In August 1992, the detainees from Krings Hall were transferred to Manjača camp.<sup>6859</sup> **(All of them,, or some of them? On what basis some of them had been released?)**

iii. Conclusion

2018. Based on the above, the Chamber finds that Serb Forces detained Bosnian Muslim and Bosnian Croat civilians, mainly males, from Sanski Most at Krings Hall from May to August 1992. **(What Croats? And what civilians? Nobody was detained because of being a civilian, but because of doing something illegal. Only in the beginning there were a few Croats, but later the Croats gave up any idea of the war.)** The Chamber further finds that the detainees were held in poor conditions, including lack of sanitary facilities. The Chamber also finds that the detainees were subjected to beatings and that one person died as a result of the beatings.

(e) Scheduled Detention Facility C.22.5

2019. The Indictment refers to the use of the “Magarica military facility” as a detention facility at least between May and June 1992. In its Final Brief, the Prosecution alleges that the “evidence led shows Magarice military facility operated as a detention facility” in May 1992.<sup>6860</sup>

<sup>6851</sup> Rajif Begić, P691 (Transcript from *Prosecutor v. Krajišnik*), T. 2098–2099; KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8070.

<sup>6852</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8070.

<sup>6853</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8069–8070. See also Adjudicated Fact 2545.

<sup>6854</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8070–8071. **And this #92bis# was enough to sentence the President for a murder of an unknown person??? Bravo!**

<sup>6855</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8069. See also P3372 (Photograph of interior Krings Hall); KDZ052, T. 19079 (19 September 2011).

<sup>6856</sup> See Adjudicated Fact 2544.

<sup>6857</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8069.

<sup>6858</sup> KDZ052, P3370 (Transcript from *Prosecutor v. Brđanin*), T. 8069.

<sup>6859</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5536, 5539; Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6183; Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7076–7079. Approximately 50 Bosnian Muslim and Bosnian Croat men who were also detained with Bišćević at the SJB prison were transported to Manjača camp with him. Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7079–7080. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6183. Karabeg was placed on a bus with men from the SJB prison and Krings Hall and they were transported to Manjača camp. Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6183. **The Chamber is treating those #terrorists as a civilians# who were without any responsibility, and any reason for the detention. A reasonable chamber wouldn't do that without establishing what was a difference between those who were released and those who had been transferred to Manjaca.**

<sup>6860</sup> Prosecution Final Brief, Appendix B, fn. 761.

2020. Magarice is a village located on the outskirts of Sanski Most town.<sup>6861</sup> The Magarice military facility consisted of a house and a barn in the village of Magarice that was used by Basara and the 6<sup>th</sup> Krajina Brigade for operations and the storage of weapons.<sup>6862</sup>

2021. On 27 May 1992, Bišćević was arrested at his home and taken to Magarice village.<sup>6863</sup>

**(He wasn't arrested, but captured, because of the war he started? Why was it irrelevant? Bišćević was on all the lists of extremists and reports of the intelligence, and why he wouldn't be arrested? Also, Mirzet Karabeg, a municipal official who abused the municipal resources in the preparations for killing his Serb neighbours. See: a Muslim book, exhibit D1677, p. 11**

Together with Rasim KARABEG, KAMBER managed to acquire a certain quantity of explosives in late 1991 and early 1992. In addition to the two of them, the following persons were also engaged in the collection of funds and procurement of weapons: Emir SEFEROVIĆ, Mesud BEGIĆ aka Sudo, Redžo KURBEGOVIĆ, Suad ŠABIĆ, Enver HURLIĆ, Nedžad MUHIĆ, Faik BIŠĆEVIĆ, Mirzet KARABEG, Husein EF. KOVAČEVIĆ, Arif and Ifet HUKANOVIĆ, Rifet BAHTIĆ, Iljaz KUŽELJ, Ismet ŠARČEVIĆ, Nihad KLJUČANIN, Osman TALIC, Fikret MAJDANKIĆ and Adem KREHIĆ.

**And such a persons, several of them from this list, are trustful witnesses in this Court, which accepted that they had been arrested and detained as "civilians" as if civilians couldn't commit a crime in a civil war! Or, see D5, an intelligence report before the war, how prominent "civilians" were preparing for the war, D5**

According to verified information, several people dressed in *Zelene Beretke* (Green Beret/ uniforms were observed in the vicinity of the *Sanski Most* DP (joint stock enterprise/, moving freely around inhabited areas, i.e. Sanski Most. They wear the crescent and star insignia on their berets, are armed with APs (automatic rifles/, and they are brazen and aggressive. Particularly prominent among the aforementioned members of the ZB (Green Berets/ are the brothers Arif and Izet HURANOVIĆ from Vrpolje. About 500 armed civilians were noted at a recent meeting of Muslim citizens in the village of Donji Kamengrad. Also present among them were members of the ZB who sought that everyone who was armed launch an attack on the Serbian village of Suhača. According to realistic estimates, about 3,000 Muslims own long barrels and are part of the SDA (Party of Democratic Action/ armed formations. Those mainly responsible for the SDA's activities are: Imet ŠARČEVIĆ, a lawyer, Suad ŠABIĆ, a lawyer, Adil DRAGANOVIĆ, president of the court, Revzid KURBEGOVIĆ, president of the SDA board, Mirzet KARABEG, chairman of the Sanski Most IO (Executive Committee/ and Enver BURNIĆ, commander of the Sanski Most SM (Police Station/.

7 March 1992

/handwritten:

NUMBER: 011/92

MILOŠ/

**Already in March 1992 the illegal army in Sanski Most had 3,000 long barrels, obtained by the "witnesses" against the President!) He saw Basara there, along with other VRS soldiers.<sup>6864</sup> He was taken to an orchard where one of the soldiers cursed at him about his "balija God".<sup>6865</sup> Bišćević was then taken to a meadow where he was handcuffed, searched, and his pockets were emptied.<sup>6866</sup> The soldiers took his money and driving license.<sup>6867</sup> They beat him severely with their truncheons and sticks.<sup>6868</sup> He was then taken to the Sanski Most radio station.<sup>6869</sup> After being forced to make a statement on the radio, Bišćević was brought back to Magarice.<sup>6870</sup> **(What statement? What was the message in this statement? Was it in favour of the war or of the peace? This is not without significance! He was "forced" to make a statement in favour of ceasing the military activities, which he was not willing to do, and had to be "forced"!)****

<sup>6861</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7030.

<sup>6862</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7030, 7043; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5527; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7749 (under seal).

<sup>6863</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7029–7030. See also Adjudicated Fact 2546.

<sup>6864</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7031.

<sup>6865</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7031.

<sup>6866</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7032–7033.

<sup>6867</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7033.

<sup>6868</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7033–7034. See also KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7748–7750 (under seal).

<sup>6869</sup> See para. 1949.

<sup>6870</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7042; see para. 1949.

2022. Bišćević was detained in the “curing room, hut” in the Magarice military facility for 30 hours.<sup>6871</sup> This was a wooden room with pebble stones on the floor and was two metres by two metres.<sup>6872</sup> There was no toilet in the room.<sup>6873</sup> He was alone on the first day but two other Bosnian Muslim men were brought in the following day.<sup>6874</sup> They were beaten and their personal effects were taken from them.<sup>6875</sup> **(In #accordance with the law#)** During the time Bišćević was detained, he was not given any food or water.<sup>6876</sup>

2023. Bišćević and the two other men were then taken to the soldiers’ canteen, given food, and transferred to the SJB prison.<sup>6877</sup>

2024. Based on the above, the Chamber finds that Bišćević and two other Bosnian Muslim men were detained in a room at the Magarice military facility on or about 27 May 1992. The Chamber also finds that during their detention, these men were beaten and mistreated by Serb Forces. **(Taking into account that the Serbs knew his role in starting the war, where there was casualties “at home,” far from the frontline, no wonder some of the police were angry. But the VRS behaved properly.)**

#### (6) Scheduled Incident D.19

2025. The Indictment refers to the destruction of 17 mosques and one Catholic church in Sanski Most between at least between May and December 1992.<sup>6878</sup>

2026. The Chamber took judicial notice of the fact that the mosques in Sanski Most were subjected to major damage by Bosnian Serb forces.<sup>6879</sup> The Chamber also took judicial notice of the fact that in mid-1992, the SDS ordered the destruction of the Donji Kamengrad mosque and that Mladen Majkić, a military engineer, was ordered by a member of the SDS to set explosives in the mosque.<sup>6880</sup>

2027. Bišćević testified that there were 26 mosques and four Catholic churches in Sanski Most municipality, and that all of them were destroyed.<sup>6881</sup> KDZ490 testified that by the end of 1992, all of the mosques in Sanski Most had been destroyed.<sup>6882</sup> According to KDZ490, the mosques were destroyed pursuant to orders from the Crisis Staff and were destroyed so that Bosnian Muslims would not return.<sup>6883</sup>

<sup>6871</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7042; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5528; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7749 (under seal). See also Adjudicated Fact 2546.

<sup>6872</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7042–7043; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5528.

<sup>6873</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5528.

<sup>6874</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7042; KDZ474, P3395 (Transcript from *Prosecutor v. Brđanin*), T. 7749 (under seal).

<sup>6875</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7042.

<sup>6876</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5528. See also Adjudicated Fact 2546.

<sup>6877</sup> Faik Bišćević, P135 (Transcript from *Prosecutor v. Brđanin*), T. 7044; Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5528. See also Mirzet Karabeg, P3303 (Transcript from *Prosecutor v. Brđanin*), T. 6158–6159.

<sup>6878</sup> The religious sites identified in Scheduled Incident D.19 are the (1) Sanski Most town mosque, (2) Probiježje mosque, (3) Hrustovo-Kukavice mosque, (4) Hrustovo-Kerani mosque, (5) Vrhpolje mosque, (6) Šehovci mosque, (7) Trnova mosque, (8) Stari Majdan (Palanka) mosque, (9) Stari Majdan (Utrška) mosque, (10) Novo Naselje (Dževar) mosque, (11) Husimovci mosque, (12) Donji Kamengrad mosque, (13) Skucani Vakuf mosque, (14) Lukavice mosque, (15) Tomina mosque, (16) Čaplje mosque, and the Town Catholic church. The Indictment refers to the Hrustovo-Kukavice mosque as being two different mosques (the old and new mosque) situated next to each other. Indictment, Schedule D.19, fns. 17–19.

<sup>6879</sup> See Adjudicated Fact 1358.

<sup>6880</sup> Adjudicated Fact 2548.

<sup>6881</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5541. He further testified that none of the Serb religious institutions were destroyed. Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5541. **Nobody was firing at the Army from the Serb churches, nor the Serbs used the churches to store the armament and explosives. Was it so with the Muslim mosques?**

<sup>6882</sup> P3634 (Witness statement of KDZ490, undated), p. 120 (under seal).

<sup>6883</sup> P3634 (Witness statement of KDZ490, undated), pp. 120–121, 123–124 (under seal).

2028. By the end of May 1992, the Trnova mosque and the Hrustovo-Kukavice mosque had been destroyed.<sup>6884</sup> In 1992, the mosque in Vrhpolje and the mosque in Stari Majdan were destroyed.<sup>6885</sup> The Pobriježje mosque was destroyed in mid-1992.<sup>6886</sup> The town mosque in Sanski Most was destroyed by October 1992.<sup>6887</sup> The Šehovci mosque was blown up with explosives.<sup>6888</sup> The mosques in Donji Kamengrad, Čaplje, Hrustovo, Lukavice, Šehovci, Stari Majdan, and Tomina were destroyed.<sup>6889</sup> The Catholic church in Sanski Most was also damaged.<sup>6890</sup> **(In all of those villages #there was fighting#! This makes 14 mosques, while in the Sanski Most municipality there were 26 predominantly Muslim villages, with at least three mosques average, plus several tens of villages where the Muslims lived with the Serbs, where there were several tens of mosques. Why all of those mosques hadn't been destroyed? Why the mosques hadn't been destroyed in other villages, where there was no fights. #Abuse# of the religious objects#!)**

2029. According to Riedlmayer's reports, a total of 17 mosques and the town Catholic church in Sanski Most were damaged or destroyed during the war.<sup>6891</sup> However, the Chamber notes that included in these 17 mosques is the Vrhpolje mosque, which Riedlmayer describes as only "lightly damaged" and as one of three mosques in Sanski Most that survived the war without structural damage.<sup>6892</sup> The Chamber therefore finds that 16 mosques and the town Catholic church were heavily damaged, almost destroyed, or completely destroyed. **(A reasonable chamber would clarify whether there had been any armed skirmishes, or not.)**

2030. The Chamber has considered the evidence it has received which identified Serb Forces as responsible for the destruction of mosques in Sanski Most.<sup>6893</sup> It also had regard to the fact that

<sup>6884</sup> Faik Bišćević, P122 (Transcript from *Prosecutor v. Krajišnik*), T. 5541, 5543; KDZ490, T. 20180 (19 October 2011) (closed session); KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7225 (under seal); P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 7 (under seal). See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 276–280, 289–290 (identifying damage to the old and new Hrustovo-Kukavice mosques and the Trnova mosque); P4069 (Cultural destruction database), records 278–279, 300; P716 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 15. The old Hrustovo-Kukavice mosque was also referred to as the Hrustovo mosque. P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 4 (under seal).

<sup>6885</sup> KDZ490, T. 20180 (19 October 2011) (closed session); P3634 (Witness statement of KDZ490, undated), p. 123 (under seal). There were two mosques in Hrustovo, one in Kukavice and the other in Karavići. The mosque in Kukavice was the largest mosque and known as the Hrustovo mosque. P715 (Witness statement of KDZ097 dated 21 April 2001), e-court p. 4 (under seal); KDZ097, P714 (Transcript from *Prosecutor v. Brđanin*), T. 7206–7207 (under seal); P616 (Map of Hrustovo-Vrhpolje marked by KDZ097). See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 283–285, 291–294; P4069 (Cultural destruction database), records 297–298, 301.

<sup>6886</sup> P3634 (Witness statement of KDZ490, undated), p. 121 (under seal); P3670 (Report on the work of Sanski Most Municipal Civilian Protection Staff, 15 July–15 October 1992), p. 3. See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 273–275; P4069 (Cultural destruction database), record 289.

<sup>6887</sup> P3670 (Report on the work of Sanski Most Municipal Civilian Protection Staff, 15 July–15 October 1992); P3634 (Witness statement of KDZ490, undated), p. 121 (under seal). See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 269–272; P4069 (Cultural destruction database), record 290.

<sup>6888</sup> P3634 (Witness statement of KDZ490, undated), p. 122 (under seal). See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 286–288; P4069 (Cultural destruction database), record 294.

<sup>6889</sup> P3634 (Witness statement of KDZ490, undated), pp. 122–123 (under seal); P692 (Statements to Sanski Most Court, 18 April 1996), e-court p. 12; KDZ490, T. 20180 (19 October 2011) (closed session). See also P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 286–288, 291–294, 303–304, 305–307, 308–309; P4069 (Cultural destruction database), records 270, 273, 284, 294, 297–299; see Adjudicated Fact 1358.

<sup>6890</sup> P3634 (Witness statement of KDZ490, undated) (under seal), p. 123.

<sup>6891</sup> Riedlmayer identifies the level of damage with respect to each of the mosques listed by name in the Indictment: Town mosque (completely destroyed), Pobriježje mosque (completely destroyed), Hrustovo-Kukavice new mosque (completely destroyed), Hrustovo-Kukavice old mosque (heavily damaged), Hrustovo-Kerani mosque (heavily damaged), Vrhpolje mosque (lightly damaged), Šehovci mosque (heavily damaged), Trnova mosque (heavily damaged), Stari Majdan (Palanka) mosque (completely destroyed), Dževar mosque (heavily damaged), Husimovci mosque (heavily damaged), Donji Kamengrad new mosque (almost destroyed), Skucani Vakuf mosque (heavily damaged), Lukavice mosque (heavily damaged), Tomina mosque (almost destroyed), Čaplje mosque (heavily damaged), the town Catholic church (completely destroyed). P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 269–311. See also P4069 (Cultural destruction database), records 270, 273, 275, 278–281, 284, 287, 289, 290, 292, 294–295, 297–301; P4068 (András Riedlmayer's expert report on Destruction of Cultural Heritage in Bosnia and Herzegovina during 1992–1995, 7 May 2009), paras. 40–46; P4071 (Slide images of damaged religious sites in BiH), e-court pp. 4, 16–17.

<sup>6892</sup> P4070 (Attachment to the expert report of András J. Riedlmayer, entitled "Destruction of Cultural Heritage in BiH" prepared for the Karadžić case, formatted records), e-court pp. 283–285.

<sup>6893</sup> See paras. 2026–2028.



almost all mosques in the municipality sustained heavy damage or were completely destroyed after Serb Forces took over the municipality. Having weighed these factors, the Chamber is satisfied beyond reasonable doubt that Serb Forces were responsible for the attacks on and destruction of mosques and the Catholic church in Sanski Most.

2031. Therefore, the Chamber finds that at least 16 mosques and the town Catholic church were heavily damaged, almost destroyed or completely destroyed by Serb Forces between May and December 1992. **(But, the contemporaneous document D4334 clearly shows that the police of the Serb Municipality of Sanski Most was not prepared, educated, equipped and capable of dealing with so many unexpected detainees collected after the combats and the disarmament actions of the Army, see D4334:**

To the Banja Luka CSB /Security Services Centre/  
– To the Chief –

In accordance with current legal regulations and the place and role of the organs of internal affairs in the present situation, I ask you as Chief of the Centre to help us and determine the status of the prisons which, in this situation, have been simply /illegible/ to the SJB. Namely, a large number of prisoners, mostly of Muslim nationality, has appeared in this SJB (as well as in others) due to combat and disarming operations and other operations and activities regarding interrogation and operative processing, so that the SJB, besides its role prescribed by law, /illegible/ a detention facility. This brings with it a series of problems, such as accommodation of prisoners, their /illegible/, food, health care and visits by family members, which the SJB has neither the training nor the equipment to handle. That is why we are asking that you help us and intervene with the authorities of the Autonomous Region of Krajina and the municipality so that the status of the prisons is determined as soon as possible and they are /illegible/ from the SJB. We suggest that the municipalities be asked that the prisons be treated or formed /illegible/ as separate institutions, that wardens be appointed, security personnel designated, funds found to feed prisoners, health care provided, etc. We also ask you to issue an order giving the SJB strict orders regarding the treatment of prisoners.

Chief of the SJB

1. Movement of the population from Sanski Most and appropriation of property

2032. Following the attack on Sanski Most on 25 May 1992, the non-Serb population was expelled from the municipality.<sup>6894</sup> **(Contrary to a large amount of evidence that it wasn't so, the Chamber relies upon a testimony of a witness who had a reason to lie. Only in the town there was over 12,000 Muslims in 1995, when the ABiH and Croatian Army conquered Sanski Most. Why they weren't "expelled"?)**

2033. On 2 July 1992, the Crisis Staff adopted a decision on the criteria for voluntary departure from Sanski Most.<sup>6895</sup> **(There exist #many documents proving#! that the Serbs demanded that the Muslim side allow the Serbs captured in the Muslim areas to leave temporarily or permanently, as they may like.)** It ordered that those citizens who wish to permanently leave Sanski Most must hand over their real property to the Sanski Most municipal authorities.<sup>6896</sup> **(#Wrong and fake#! Due to the domestic laws, the authorities could have at disposal all the property for a temporary use in a war, but there was no any change of ownership!)** People were allowed to take their movable property on the condition that they made a list of all of the property to be verified by an "authorised municipal administration organ".<sup>6897</sup> People who wished to stay were required to sign a loyalty oath and those who refused were threatened and often left under duress.<sup>6898</sup> **(This is #not correctly presented#. An oath was needed only for those who wanted to exercise a specially authorised duties, connected to the constitutional and legal matters, and everyone had to sign it, because there was a new Constitution and a new state**

<sup>6894</sup> P3634 (Witness statement of KDZ490, undated), pp. 80–81 (under seal). See paras. 1945–1946.

<sup>6895</sup> P3307 (Decision of Sanski Most Crisis Staff, 2 July 1992); Mirzet Karabeg, T. 18703–18706 (13 September 2011). See also Adjudicated Facts 2550, 2556.

<sup>6896</sup> P3307 (Decision of Sanski Most Crisis Staff, 2 July 1992). See also Mirzet Karabeg, T. 18701 (13 September 2011). See also Adjudicated Fact 2556.

<sup>6897</sup> P3307 (Decision of Sanski Most Crisis Staff, 2 July 1992), p. 1.

<sup>6898</sup> Mirzet Karabeg, T. 18701, 18706–18707 (13 September 2011); P3330 (Conclusions of session of Banja Luka CSB Enlarged Centre Council, 6 April 1992), para. 3; see Adjudicated Fact 2552.

organisation. See: P03498, wrongly titled as an Oath to the SDS. This one was signed by a Serb, Dragan Stojicic, at the very beginning of the war:

DATE: 6 April 1992

Pursuant to Article 41, paragraph 6 of the Law on Internal Affairs of the Serbian Republic of Bosnia and Herzegovina, *Official Gazette of the Serbian People in Bosnia and Herzegovina* No. 4 of 23 March 1993, I hereby make the following

#### S O L E M N   D E C L A R A T I O N

“I, Dragan STOJICIC, hereby declare that I will perform the duties of an authorised official conscientiously and responsibly, that I will comply with the constitution and the law and that I will protect to the best of my ability the constitutional order of the Republic and constitutional rights, freedoms and security, and that I will perform these duties and the other duties and tasks of an authorised official even at the risk of my own life.”

SIGNATURE:  
/signed/

So, there is no even mentioning the SDS, but only the Constitution and laws.)

2034. On 23 June 1992, the Crisis Staff formed a committee to deal with the “migration” of the population.<sup>6899</sup> Vrkeš was appointed as the person responsible for matters relating to the removal and exchange of the population and prisoners and was to report to Vojo Kuprešanin of the ARK Crisis Staff.<sup>6900</sup>

2035. By 27 July 1992, the Crisis Staff estimated that approximately 18,000 Bosnian Muslims and Bosnian Croats remained in Sanski Most and that approximately 6,000 to 7,000 had moved away.<sup>6901</sup> It stated that Bosnian Muslims were requesting to move and noted that it should be made possible for them to do so by organising their voluntary resettlement.<sup>6902</sup> **(#All wrong and fake#! First objection: this wasn't any Crisis Staff, but the regular Executive council of the municipality. Second, Mr. Vrucinic, as the chief of the police, expressed his disappointment in the status of security in municipality, and numbered all the security problems. Had it been a plan of the authorities, they would celebrate this chaos, but it wasn't the case. Further, we see that at the end of July 92 there stil was 18,000 Muslims. To this time the fights ended, the rest of armed Muslims were not attacking, and there was 18,000 Muslims who didn't have any personal problems, except a general insecurity, which concerned the Serbs too. Let us see what Vrucinic said at this meeting.**

**Mirko VRUČINIĆ:**

...according to a rough estimate, 60% of the enemy is armed (Demiševci, Okreč, Šehovci and D. Kamengrad is still not armed /as printed/. The police have interrogated 1245 prisoners; in KRINGS there are still some who have not been interrogated yet. Approximately 4,500 Muslims and Croats have left the territory. Some six to seven thousand have emigrated. Approximately 18,000 are still living in our municipality. The Muslims are requesting to leave and arrangements should be made for them to do so. Generally speaking, the security and political situation is not favourable. Among the Serbs under arms there are sick people, alcoholics, people like that. There is a lot of looting by the military and the civilians. There is even collective looting by the entire Local Communes, the collective crimes. Certain types of goods are sold on the black market. Houses and business premises get blown up at night; it should be seen who is doing it. The curfew imposed a long time ago is gradually losing its purpose because a lot of soldiers get around and a lot /a word is missing, presumably: vehicles/ have been requisitioned illegally and are driven by the military day and night.

**(“ #The Muslims are requesting to leav#e...” Some emigrated, some left, not a singe “expelled”! This document clearly shows that the authorities had a big problem in dealing with many problems. And except with Banja Luka, they didn't have any contact with the central authorities. If there was any need to identify who were these “Serb Forces”, this is an answer: Vrucinic was a legal and official “Serb Force”, and those forces were taking care of the minorities as much as they could in this circumstances.)**

2036. On 1 August 1992, the SJB reported that 12,000 individuals, mainly Bosnian Muslims but also some Bosnian Croats, had applied to the SJB to unregister their permanent residences in order to leave the municipality.<sup>6903</sup> **(Certainly, the applicants hadn't been happy about that, but still**

<sup>6899</sup> P3636 (Order of Sanski Most Crisis Staff, 23 June 1992); P3634 (Witness statement of KDZ490, undated) (under seal), p. 85. See also Adjudicated Fact 2555.

<sup>6900</sup> See Adjudicated Fact 2555. KDZ490 stated that the ARK Crisis Staff had great influence over the municipalities and that the Sanski Most Crisis Staff implemented decisions from the ARK Crisis Staff. P3634 (Witness statement of KDZ490, undated), pp. 11, 86–87 (under seal). See also P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 111.

<sup>6901</sup> P3657 (Minutes of 9<sup>th</sup> session of Sanski Most Executive Board, 27 July 1992), p. 4. See also P3851 (Conclusion of the Executive Board of Sanski Most Municipal Assembly, 30 July 1992).

<sup>6902</sup> P3657 (Minutes of 9<sup>th</sup> session of Sanski Most Executive Board, 27 July 1992), pp. 3–4. See also P3851 (Conclusion of the Executive Board, of Sanski Most's Municipal Assembly, 30 July 1992). Boro Tadić testified that Bosnian Muslims voluntarily wanted to leave Sanski Most and that Vrkeš and others were trying to make it possible for the Bosnian Muslims to leave safely. Boro Tadić, T. 44424–44425 (4 December 2013). The Chamber does not accept Tadić's evidence. The Chamber found that Tadić's testimony was ambiguous, misleading, and often resorted to *tu quoque*. The Chamber finds that Tadić's reliability was compromised to such an extent that the Chamber could not accept his evidence.

<sup>6903</sup> D470 (CSB Banja Luka Report concerning collection centres, undated), e-court p. 15. See also Adjudicated Fact 2557. By 11 August 1992, it was reported that 28,000 people, mainly Bosnian Muslims from Bosanski Novi, Sanski Most, Bosanska Kostajnica, and Bosanski Petrovac, were being forced to move from their homes. P2941 (Article from The Associated Press, 11 August 1992) (under seal).

**it was their own will. It was not the authorities who made any pressure on them to leave, it was a war situation, which was instigated by their own extremists, whose names can be found in all the intelligence reports before and during the war.)**

2037. On 14 August 1992, the Sanski Most Municipal Assembly granted permission to transfer the ownership of movable and immovable property based on exchange contracts and gift contracts.<sup>6904</sup> It also noted that the first group of 3,000 people would be “resettled” from the municipality and transported by bus.<sup>6905</sup> It was decided that while Bosnian Muslims were voluntarily going into exile, their property would be taken over for “safe keeping and use”.<sup>6906</sup>

**(Let us see what is said in this document P3659, p. 5:**

Đ. KALACUN – I would like to ask the IO President to inform us of the general position of the Krajina AR /?Autonomous Region/ government on the exodus from the Serbian state.

N. RASULA – There is no general position, there are no instructions, nobody is forced to go into exile, the basic principle is that citizens should decide where they want to live. If they want to leave, they should be enabled to leave, with certain control and protection. Those who wish to remain in the municipality will be allowed to stay only if they have not participated in any dirty business. Those who wish to leave will have to cover the costs of that, because we have no resources for that.

M. LUKIĆ – According to international law, exodus cannot be prevented anywhere. Those who wish to leave should be enabled to do so, and those who wish to stay should be enabled to stay.

**There could be no more genuine interpretation of the #official attitude# of the Serb authorities concerning the issue of moving from one to another municipality! However, there is another linguistic problem: “resettling” a people would in Serb mean “naseljavanje” as an operation of change of a demographic picture, which was not the case here. The Serb term “preseljenje” should be translated in English as “moving”, which was #provided for by the law# as an obligation towards the civilian population caught in a zone of battles. See further: P3659, p. 6**

3. The Decision of the Čapljje Local Community, number 21/92 of 29 July 1992, to take over for safe keeping and use some of the property of the citizens of Muslim nationality who are leaving voluntarily, is hereby adopted, but Article 2 of the

**The “safe keeping and use” in a war conditions was a legal possibility, even if the owners were not moved. There was no a single change of the ownership whatsoever, and his Chamber accepted it in this Judgment!....#@.**

2038. On 19 August 1992, Vrkeš and representatives of the Sanski Most Bosnian Muslims and Croats met with UNHCR and Civil Affairs to discuss, *inter alia*, whether the UN would assist in evacuating up to 11,000 Bosnian Muslim “applicants” for evacuation.<sup>6907</sup> Vrkeš explained that all those who wished to leave, should be able to do so.<sup>6908</sup> In addition, Vrkeš stated that those who were leaving would sign a declaration stating they were leaving voluntarily, they had no wish to turn, and they were leaving their properties to the authorities.<sup>6909</sup> The UNHCR representative responded that UNHCR would not assist with the removal of people.<sup>6910</sup> **(Kirudja didn’t understand what was “leaving property to the authorities”. It meant to leave it at disposal to the authorities to be used on a controlled way, and thus be of a help and be saved at the same time.).**

<sup>6904</sup> P3659 (Minutes of 11<sup>th</sup> session of Sanski Most Executive Board, 14 August 1992), p. 12.

<sup>6905</sup> P3659 (Minutes of 11<sup>th</sup> session of Sanski Most Executive Board, 14 August 1992), p. 9; P3634 (Witness statement of KDZ490, undated), pp. 89–90 (under seal).

<sup>6906</sup> P3659 (Minutes of 11<sup>th</sup> session of Sanski Most Executive Board, 14 August 1992), p. 14.

<sup>6907</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 111–112.

<sup>6908</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 114.

<sup>6909</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 114.

<sup>6910</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 115.



2039. The Chamber finds that Bosnian Muslims and Bosnian Croats were forced to leave Sanski Most following immense pressure put on them, given the surrounding circumstances in the municipality, including, *inter alia*, (i) armed attacks against their villages and homes; (ii) destruction of religious and cultural property; (iii) forcible arrest and removal from their homes; **how possibly they established that there was a “forcible arrest”, which must always be forcible, and removal from their homes? Are they normal? Those two issues didn’t have anything in common. Those who had been arrested weren’t allowed to leave the municipality, only those who weren’t guilty of any crime, and yet had payed all their duties, and applied to a list for transport.** (iv) detention in multiple detention facilities; as well as (v) mistreatment and killings. **This would conclude only blind people, or a total ignorant, or so nasty and biased that neither our enemies would do it better.**

2040. By February 1995, the population of Sanski Most municipality was approximately 3,350 Bosnian Muslims, 1,050 Bosnian Croats, and 33,600 Bosnian Serbs.<sup>6911</sup> **(That was an assessment, not census, but anyway, how come these Muslims and Croats stayed in Sanski Most the entire war? Why the hednt been expelled? Because neither the previous, who left before the war and during the war, hadn’t been expelled, but left because of insecurity and fear!)**

a. *Regional level*

2041. As stated earlier, the Serb-majority community of municipalities called the ZOBK was transformed into the ARK on 16 September 1991.<sup>6912</sup> **(And that was done because of the development: the SDA party reneged the “Historic Serb-Muslim Agreement” created by the other Muslim secular parties, although Mr. Izetbegovic supported it at the beginning! This Agreement envisaged that the Serbs standstill the process of regionalisation for the sake of a new settlement between the Serbs and Muslims. Once the SDA reneged the Agreement, the Serbs legitimately continued with the regionalisation!)** This community of municipalities included the following municipalities relevant to the Indictment: Banja Luka, Bosanski Novi, Ključ, Prijedor, and Sanski Most (“ARK Municipalities”).<sup>6913</sup> The ARK was vested with both executive and legislative powers within its area of jurisdiction and acted as an intermediate level of authority between the SerBiH and the municipalities.<sup>6914</sup> **(The same as it is now in the Muslim-Croat Federation, FBiH, with cantons is case!)**

2042. According to the ARK Statute, the ARK was a voluntary association.<sup>6915</sup> The statute provided that other municipalities could join the ARK.<sup>6916</sup> In this context, in the municipalities where the Bosnian Serbs were a majority, the respective decision to join the ARK was in fact taken only by the Bosnian Serb municipal delegates of these municipalities, with the SDA and the HDZ delegates either opposed to this idea or unaware that such a decision was being taken.<sup>6917</sup> **(However, when the Muslim-Croat representatives ruined the Constitution deciding in favour of independence, the International Community didn’t react! What the Serb municipalities did was not a violation of the Constitution, because for that move there wasn’t**

<sup>6911</sup> P5449 (Report of the MUP, Banja Luka RDB, February 1995), p. 8. In terms of percentages, in 1995, the population was 8% Bosnian Muslim, 2% Bosnian Croat, and 88% Bosnian Serb. P5449 (Report of the MUP, Banja Luka RDB, February 1995), p. 8. **That was an assessment, not a census.**

<sup>6912</sup> See paras. 42, 75. On 16 September 1991, the ZOBK Assembly transformed the ZOBK into the ARK. P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990-1992”, 30 July 2002), para. 136.

<sup>6913</sup> P4258 (Map of ARK). See Indictment, para. 48.

<sup>6914</sup> See Adjudicated Fact 520.

<sup>6915</sup> D4014 (Statute of the ARK, September 1991), Articles 1, 10, 11. See Adjudicated Fact 521.

<sup>6916</sup> D4014 (Statute of the ARK, September 1991), Articles 10, 11.

<sup>6917</sup> See Adjudicated Fact 521.

**envisaged consensus!)** In the municipalities where the Bosnian Serbs were in a minority, the decision by the respective municipalities to join the ARK was taken either only by the Bosnian Serb delegates in the municipality or by the assemblies of the newly established Bosnian Serb municipalities.<sup>6918</sup> Despite provisions of the ARK Statute which established the ARK as a multi-ethnic institution,<sup>6919</sup> the ARK was in practice a Serb body.<sup>6920</sup> Out of the 189 delegates to the ARK Assembly, only a negligible number were Bosnian Croats or Bosnian Muslims.<sup>6921</sup> **(This illustrates their will to have a unitary Bosnia under their only control, and out of Yugoslavia, which was incompatible, because the Serbs accepted to meditate the independence only if they get their own state unit in BiH!)**

2043. The ARK Assembly had the power to enact decisions in accordance with the constitution and the law.<sup>6922</sup> Upon the creation of the ARK, Vojo Kuprešanin was elected President of the ARK Assembly, and Radoslav Brđanin became First Vice President.<sup>6923</sup>

2044. On 4 March 1992, during its 15<sup>th</sup> Session, the ARK Assembly adopted a decision to form the CSB of the ARK; its seat was in Banja Luka and Stojan Župljanin was appointed as Chief of the CSB.<sup>6924</sup> **(This already was a CSB for the Community of Municipalities of Banja Luka, and only changed the name, because the Community of Municipalities changed the name into the ARK!)** Furthermore, on 27 April 1992, the ARK Assembly established a “special purpose police detachment” within the Banja Luka CSB.<sup>6925</sup> **(But not to skip the fact that the war already started three weeks prior to that!)**

i. Establishment of ARK Crisis Staff

2045. The ARK Crisis Staff was formally established on 5 May 1992 by a decision of the ARK Executive Council;<sup>6926</sup> however, it had been functioning since January 1992.<sup>6927</sup> **(The Prosecution-Chamber again mixed the party Crisis Staff, which didn’t have any prerogative**

<sup>6918</sup> See Adjudicated Fact 521. For example, in Ključ, when the decision to join the ARK was confirmed by the SDS delegates of the Ključ Municipal Assembly on 26 December 1991, the SDA representatives at the Municipal Assembly walked out and did not vote on the issue. In Prijedor, the Prijedor Serb Assembly unanimously voted to join the ARK on 17 January 1992. In Sanski Most, Rašula issued a decision on behalf of the “Serbian People’s Assembly” that Sanski Most would become part of the ARK on 3 April 1992; the decision was only made by the Sanski Most SDS deputies. See paras. 1496, 1579, 1932–1933.

<sup>6919</sup> D4014 (Statute of the ARK, September 1991), Article 4 (stating: “In performing tasks within the jurisdiction of the [ARK], all peoples and nationalities of the [ARK] shall have equal rights and duties [...]”; Article 5, stating: “The official language of the [ARK] organs shall be Serbo-Croatian and Croato-Serbian, using the Cyrillic or Latin alphabets.”).

<sup>6920</sup> See Adjudicated Fact 522.

<sup>6921</sup> See Adjudicated Fact 522.

<sup>6922</sup> D4014 (Statute of the ARK, September 1991), Article 18; P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990–1992”, 30 July 2002), para. 142.

<sup>6923</sup> D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 1; D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 1. See also Adjudicated Fact 523; P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990–1992”, 30 July 2002), paras. 142–143; D4014 (Statute of the ARK, September 1991), Articles 18, 28, 31. In October 1991, Brđanin also became a member of the Bosnian Serb Assembly. See Adjudicated Fact 523. Anđelko Grahovac was appointed as President of the ZOBK in May 1991 and subsequently was the Prime Minister of the ARK until January 1992, when he was dismissed from the post because of his desire to establish strong links with the “Knin Krajina”. D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), paras. 14, 35; Anđelko Grahovac, T. 44035–44036 (26 November 2013).

<sup>6924</sup> D4075 (Excerpt of Minutes of 15<sup>th</sup> session of ARK Assembly, 4 March 1992); D4071 (Summary of 15<sup>th</sup> session of ARK Assembly, 4 March 1992); D4023 (Decision of ARK Assembly, 4 March 1992) (wherein the ARK Assembly also established funds for the ARK). See also Adjudicated Facts 530, 531. See para. 218.

<sup>6925</sup> P5454 (Decision of ARK Assembly, 27 April 1992). See D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 59; D4300 (Witness statement of KW426 dated 31 January 2014), para. 8; D4138 (Witness statement of Željko Mejakić dated 26 November 2013), para. 15; Željko Mejakić, T. 44218–44220 (29 November 2013); D4075 (Excerpt of Minutes of 15<sup>th</sup> session of ARK Assembly, 4 March 1992); D4306 (Report of Banja Luka CSB, 5 August 1992), p. 1. See also Adjudicated Fact 530. The unit consisted of 140–150 men and while it was formed as a police unit, it had three army platoons and one police platoon. Members of this unit provided security at Omarska but after ten days, Župljanin withdrew the unit from Omarska after he was informed of “terrible problems” they were causing there. The unit was disbanded in July 1992 pursuant to an order from Mićo Stanišić. D4300 (Witness statement of KW426 dated 31 January 2014), paras. 9–11; Željko Mejakić, T. 44218–44220 (29 November 2013); D4139 (Report of Prijedor SJB, 13 June 1992); D4273 (Order of RS MUP, 27 July 1992); D4306 (Report of Banja Luka CSB, 5 August 1992), p. 2; P3761 (Payroll of Banja Luka’s CSB Special Police Detachment, August 1992). See KW426, T. 46715–46718, 46732–46737 (6 February 2014).

<sup>6926</sup> P6 (Decision on the formation of ARK Crisis Staff, 5 May 1992).

<sup>6927</sup> P2553 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 22 January 1992), p. 7. The Chamber recalls that Čizmović was appointed as the co-ordinator of activities of the executive bodies of the SAOs. See para. 130. See also Patrick Treanor, T. 14033–14035 (1 June 2011); Adjudicated Fact 524. But see D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 53; D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 37; D4114 (Witness statement of Milorad Sajić dated 24 November 2013), para. 63 (all stating that they had no knowledge of the ARK Crisis Staff being formed in January 1992).

of authority, with the Crisis Staff of a state nature, which temporarily replaced the state organs, in an absence of possibility to gather and make decisions!) Brđanin was appointed as President of the newly created ARK Crisis Staff, which was later renamed the ARK War Presidency on 9 July 1992.<sup>6928</sup> The President supported Brđanin to lead the ARK.<sup>6929</sup> **(This is also a #malicious inference#, because the President supported whatever the locals decided in a democratic procedure! However, the document from this fn. P2596 doesn't give any basis for this conclusion, see: P2596:**

Radovan KARADŽIĆ	Go ahead, choose a mature personality, one that is politically strong and will be able to create.
Miroslav	Tell me ... you know what? I think that BRĐANIN ... but BRĐANIN is ... how could I explain it ... a bit, erm ... rash.
Radovan KARADŽIĆ	All right, but he's the Vice-Chairman of the Assembly... it would be difficult for him to ...
Miroslav	Yes, yes but I don't know how they planned to do it?
Radovan KARADŽIĆ	Yes ... then he'd have to leave the Assembly and someone else would have to be elected to the Assembly.
Miroslav	Anyway ... anyway ... erm ... yes. Someone would have to be ... So, would you ... would you perhaps speak to Vojo and BRĐANIN ?
Radovan KARADŽIĆ	Please, please ... you call them. Call them and tell them to discuss things. I think that JAKŠIĆ is not appropriate at this moment, because, because a person with political ... would suit you better now.

**So, the President warned that Brđjanin was already the Vice-Chairman of the ARK Assembly. Before that the President encouraged the interlocutor to “choose a mature personality” Further:**

Radovan KARADŽIĆ	Erm ... second of all ... as far as the election of a new person is concerned ... we should bear in mind that we need an efficient person, not some university professor or someone from the institute.
------------------	---

**The President only suggested the criteria for election an efficient person. See further:**

Radovan KARADŽIĆ	All right. I mean, if it can be done with no drama and with resignations rather without any argumentation, then that's better if possible. And do you ... who... who would be the second premier designate?
Miroslav	Well I think that ... one is from Kupres... I don't know, I don't remember the name but I think ... just a moment ... someone called HERCEG from Kupres.

**The document confirms that the President “discouraged” the proposal of Brđjanin, and have spoken only about the criteria, suggesting what kind of person should be elected! Those who analysed the document on behalf of the Chamber misinformed the Chamber. Finally, Nikola Erceg was elected! The document never pertained to the ARK War Presidency!)**

Brđanin retained this position until the abolition of the ARK on 15 September 1992.<sup>6930</sup> The ARK War Presidency continued to meet at least until 8 September 1992, one week prior to the adoption of the SerBiH constitutional amendment that abolished the ARK as a territorial unit of SerBiH.<sup>6931</sup>

**2046.** Other members of the ARK Crisis Staff included Milorad Sajić, Secretary of the Regional Secretariat for National Defence, who was appointed Vice President of the ARK Crisis Staff; Vojo Kuprešanin, Deputy of the Bosnian Serb Assembly and President of the ARK Assembly; Milovan Milanović, Deputy of the Bosnian Serb Assembly; Nikola Erceg, President of the ARK Executive Council; Predrag Radić, President of the Banja Luka Municipal Assembly and Banja Luka Crisis Staff; Radislav Vukić; Talić; Župljanin; and Nenad Stevandić, head of the SOS.<sup>6932</sup> **(All of them were the members *ex officio*, therefore not elected and not supported by the President)**

<sup>6928</sup> P6 (Decision on the formation of ARK Crisis Staff, 5 May 1992); D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), paras. 1, 12. See Adjudicated Fact 526.

<sup>6929</sup> P2596 (Intercept of conversation between Radovan Karadžić and “Miroslav”, 7 January 1992), pp. 3–6. See Milorad Dodik, T. 36885–36886 (9 April 2013).

<sup>6930</sup> Adjudicated Fact 526.

<sup>6931</sup> See Adjudicated Fact 529; P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990–1992”, 30 July 2002), paras. 158–161.

<sup>6932</sup> P6 (Decision on the formation of ARK Crisis Staff, 5 May 1992); D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 1; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7364, 7378–7379, 7387–7388; D4114 (Witness statement of Milorad Sajić dated 24 November 2013), paras. 2, 33; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 2. See Adjudicated Facts 527, 528, 531. See also paras. 75, 179.

2047. The ARK Crisis Staff acted as an intermediary regional body between the republican-level authorities and the ARK Municipalities by co-ordinating the implementation of instructions sent by the republic-level authorities in the ARK Municipalities.<sup>6933</sup> Municipal Crisis Staff presidents in the ARK regularly gave reports to the ARK Crisis Staff on events within their area of responsibility<sup>6934</sup> and took actions in response to directives from the ARK Crisis Staff.<sup>6935</sup> In some municipalities, for example in Prijedor, Srdić reported directly to Pale.<sup>6936</sup> **(Rule 92 quarter, the witness deceased, not cross examined)** When authorities in the ARK Municipalities disobeyed instructions from Pale, some were replaced immediately, while others were subjected to disciplinary procedures, or “ironed”, and would subsequently change their views.<sup>6937</sup> **(Rule 92 quarter, the witness deceased, not cross examined. There was no any elected political person replaced that way. Some of them had been “ironed” because tried to carv up Croatia and BiH and to create so called “State of Krajina” which would be a “casus belli”, which the President and the SDS couldn’t afford. Those who wanted to do that had been advised to form another political party, not to do such a thing under the SDS amblem. There is plethora of evidence to that regard. Instead to be #commended#, the President is blamed!)**

2048. Decisions and conclusions of the ARK Crisis Staff were binding on the ARK Municipalities and were abided and implemented by the municipal Crisis Staffs.<sup>6938</sup> Whenever the

<sup>6933</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7401–7404, 7409–7410, 7419–7421 (testifying further that not all of the instructions communicated to the municipal Crisis Staffs by the ARK Crisis Staff emanated from the republican authorities; there were maybe one or two instructions which arrived from the “very top” in Pale); **(This is such an important evidence, that shouldn’t be in the footnote, because it is #EXCULPATORY# for the President!)** Branko Đerić, T. 28057–28058 (25 April 2012). See P2824 (RS Communication Centre telegram logbook, June and July 1992), p. 4 (referring to a 5 June 1992 order from the Bosnian Serb Government which was implemented by the ARK Assembly on 6 June 1992); P6532 (Public announcement of ARK Assembly, 6 June 1992). See also P3645 (Conclusions of the Sanski Most Crisis Staff, 7 May 1992), p. 2. However, according to Kuprešanin, Erceg, and Sajić, the ARK operated independently from Pale as a “state within a state”. **(This is another important evidence, that shouldn’t be in the footnote, because it is #EXCULPATORY# for this Accused!)** D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 37–38; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 71; D4114 (Witness statement of Milorad Sajić dated 24 November 2013), paras. 51–53. Furthermore, according to Brđanin, the ARK Crisis Staff was not supported by the central republican authorities in Pale, primarily due to a rift between the ARK leadership and the RS leadership over what city should be the capital of the RS, Banja Luka or Pale; in addition, according to Brđanin, Kuprešanin, Erceg, and Sajić, until a corridor was opened on 28 June 1992, there was limited communication with the central authorities in Pale and Brđanin did not receive instructions from Pale or the Accused while the ARK Crisis Staff existed. **(#EXCULPATORY!# Why it is sided ion a footnote?)** D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), paras. 6–7, 9; Vojislav Kuprešanin, T. 43553–43554 (14 November 2013); D4086 (Witness statement of Nikola Erceg dated 24 November 2013), paras. 22–23, 29, 32, 34, 36, 42, 45–46, 57; D4114 (Witness statement of Milorad Sajić dated 24 November 2013), paras. 12, 47–52. See D4088 (Letter from President of ARK Executive Board, 18 June 1992). See also D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 14. The Chamber considers that while there may have been limited communication at times between the authorities in Pale and the ARK authorities, the Chamber finds that instructions were indeed sent from Pale to the ARK and that, as such, the ARK Crisis Staff did not operate entirely independently as a “state within a state” as alleged by the Accused. **(It was not “alleged by the Accused”, but confirmed by the most responsible officials of the ARK, who would do beter for themselves if stated the opposite!)** The Chamber will discuss in further detail the relationship between the ARK Crisis Staff and the Bosnian Serb leadership and the impact of these lines of communication on the Accused’s responsibility. See Section IV.A.3.a.ii.B: Regionalisation and creation of SAOs.

<sup>6934</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7404. See also Adjudicated Fact 2182.

<sup>6935</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7404–7409; P7 (Decision of ARK Crisis Staff, 22 June 1992); P8 (Communication from Petrovac Municipal Assembly Crisis Staff to ARK Crisis Staff, 25 June 1992).

<sup>6936</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7422–7424.

<sup>6937</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7456–7457.

<sup>6938</sup> P5415 (Decision of ARK Crisis Staff, 9 May 1992); Milorad Dodik, T. 36886–36887 (9 April 2013); P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), e-court p. 54 (in which at a 2 June 1992 meeting with the Accused, Brđanin stated that “everything in the ARK is done at [the crisis staff] level”). See paras. 2051–2053, 2056, 2058–2061, 2874. See, e.g., P3536 (Decisions and orders of Prijedor Municipal Assembly and Prijedor Crisis Staff, published in Prijedor Official Gazette on 25 June 1992), pp. 5–6; P3708 (Decision of Prijedor Crisis Staff, 22 May 1992) (stating that in accordance with the decision of the ARK Crisis Staff, “permanent operational duty” shall be introduced in all municipalities of the ARK); P2606 (Minutes from sessions of Ključ Crisis Staff, 27 May–10 July 1992), p. 2; P2614 (Conclusions of Sanski Most Crisis Staff, 30 May 1992). However, Brđanin, Kuprešanin, and Grahovac testified that there was no subordination and hierarchy in the relationship between the ARK Crisis Staff and municipal crisis staffs and they were independent of each other, in particular because the functioning of the ARK was dependent on funds provided by the municipalities and ultimately, the municipalities stopped earmarking funds for the ARK. Further, according to Brđanin, Erceg, Stakić, Mišković, and Sajić, although the ARK Crisis Staff tried to impose its decisions on the municipal crisis staffs, the ultimate implementation rested with the ARK Municipalities themselves and some chose to implement them while others did not. D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), paras. 20–22; Radoslav Brđanin, T. 43655–43656 (18 November 2013); D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 40, 49; Vojislav Kuprešanin, T. 43512–43517 (14 November 2013); D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 16; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), paras. 14, 77, 81–82, 84, 86, 94 (stating that some municipalities, such as Prijedor, demonstrated a high degree of independence because they were economically strong and the ARK was therefore unable to control them); D4206 (Witness statement of Simo Mišković dated 6 December 2013), para. 12 (stating that Prijedor was independent in relation to ARK policy, as well as independent from the republican authorities in Pale); D4114 (Witness statement of Milorad Sajić dated 24 November 2013), para. 55 (stating that Banja Luka municipality ignored the conclusions of the ARK Crisis Staff and considered them invalid); D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 13 (stating that although the municipal authorities



ARK Crisis Staff wanted to implement a decision in the ARK Municipalities, the deputies would say that the order came from Pale, whether or not it was in fact the truth.<sup>6939</sup> **(#Not the President liable!#)** Municipal Crisis Staff presidents attended ARK Crisis Staff meetings.<sup>6940</sup>

2049. On 11 June 1992, the ARK Crisis Staff issued a statement setting forth the composition of municipal Crisis Staffs/War Presidencies in the ARK, which stated:

The War Presidency, that is the Crisis Staff, shall lead all-people's resistance on the territory of the municipality, ensure unity in implementing the policy of the [...] All People's Defence, repair war damage, coordinate the work of municipal administrative organs, adopt regulations within the competence of the Municipal Assembly if it is unable to convene and establish cooperation with the competent organs of other municipalities and the commands of armed forces units.<sup>6941</sup> **(All of it is the regular duty of the regular organs of authorities, according to the domestic law on #“All-Peoples Defence”#. The President of Municipality was the supreme commander of the Teritorial defence units. Since the War Presidency (or the Crisis Staff, but not simultaneously) carried out all the duties of the regular municipal authorities, since both the War Presidencies and the Crisis Staffs were composed of the officials elected!)**

---

in Prijedor used the ARK for inter-municipal co-operation, they never considered that ARK decisions or documents were binding on the municipal government in Prijedor); D4057 (Prijedor Crisis Staff conclusions, published in Official Gazette, 23 June 1992) (concluding that the Prijedor Crisis Staff does not accept, and deems invalid, all decisions of the ARK Crisis Staff adopted before 22 June 1992, but shall “give effect” to all documents of the ARK Crisis Staff adopted after 22 June 1992); Nikola Erceg, T. 44095 (27 November 2013). See P6437 (Minutes from inter-municipality talks, 14 June 1992), p. 3. However, the Chamber does not find this evidence to be convincing in light of other accepted evidence, in particular documentary evidence, demonstrating that the orders and decisions issued by the ARK Crisis Staff were implemented in the majority, if not all, of the ARK Municipalities. For example, the Chamber refers to the implementation of the orders related to the (i) disarmament of the non-Serb population; (ii) policy to “resettle” the non-Serb population; and (iii) dismissals of non-Serbs from management and other positions in the ARK. In addition, the Chamber considers that the evidence provided by these witnesses was marked with contradictions and evasiveness on this issue; they had a clear incentive to distance themselves from events in the ARK Municipalities and the Chamber did not find them forthright when they claimed the ARK Municipalities were acting independently and could not be controlled. The Chamber will therefore not rely on their evidence in this regard.

<sup>6939</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7419–7421, 7428–7431 (testifying further that the deputies, such as Brdanin or Krajišnik, would come back from Assembly sessions or government meetings where decisions were made, and would inform the municipality-level authorities what took place at the republican level of the government).

<sup>6940</sup> Radoslav Brdanin, T. 43649–43651 (18 November 2013); D4114 (Witness statement of Milorad Sajić dated 24 November 2013), para. 37. See P6512 (Excerpt of video from Banja Luka news broadcast, with transcript); P6437 (Minutes from inter-municipality talks, 14 June 1992), p. 2; P6564 (Excerpt of Miloš Milinčić's testimony from *Prosecutor v. Krajišnik*), T. 18443–18444; Miloš Milinčić, T. 44987–44988 (11 December 2013). However, according to Sajić, leaders from Pale never attended any of the ARK Crisis Staff meetings. D4114 (Witness statement of Milorad Sajić dated 24 November 2013), para. 47.

<sup>6941</sup> P2620 (Order of ARK Crisis Staff, 11 June 1992).

2050. Republican level ministers from Pale attended an ARK Assembly session on 17 July 1992 to receive reports on the situation in the ARK.<sup>6942</sup> Furthermore, General Talić briefed the ARK Assembly on military operations and, in turn, informed his subordinate officers within the 1<sup>st</sup> Krajina Corps of decisions of the ARK Crisis Staff.<sup>6943</sup> ARK Crisis Staff members, particularly Brđanin, visited the frontlines regularly, where they were briefed by military personnel in order to gain an understanding of the situation and they, in turn, informed the ARK Crisis Staff about the military campaign.<sup>6944</sup> **(#Nothing unusual, nothing unlawful#, all #envisaged by the Law on “All-People Defence”#!)**

i. ARK Crisis Staff decisions

1. Disarmament of non-Serbs

2051. As discussed above, an imminent threat of war was declared by the SerBiH Presidency on 15 April 1992, and the following day, the mobilisation of the TO was ordered.<sup>6945</sup> Minister of Defence Bogdan Subotić forwarded this decision for implementation to all Serb assemblies, including in the ARK,<sup>6946</sup> and on 29 April 1992, the decision was then forwarded by Erceg to the President of Banja Luka Municipal Assembly also for implementation.<sup>6947</sup> On 4 May 1992, the decision was implemented by the ARK Regional Secretariat for National Defence in an order issued by Milorad Sajić, the Secretary of the Regional Secretariat for National Defence, and forwarded to the ARK Municipalities, providing for the following measures: (i) general mobilisation of the territory of the ARK; (ii) imposition of a curfew; and (iii) disarmament of “[a]ll paramilitary formations and individuals who illegally possess weapons” by 11 May 1992.<sup>6948</sup> **(Therefore, #no ethnic difference in disarming process#!)** Also on 4 May 1992, Župljanin ordered the SJB chiefs to implement the ARK decision of the same day.<sup>6949</sup> In a decision issued on 11 May 1992, the ARK Crisis Staff reiterated the same measures as in the 4 May decision and extended the disarmament deadline to 14 May 1992 at 12 a.m. in response to the request of citizens to “return the weapons in a peaceful way and without the intervention of the police”.<sup>6950</sup>

2052. On 18 May 1992, the ARK Crisis Staff further decided that all individuals in the ARK who were “not part of the armed forces of the [SerBiH] or its police must hand in their weapons”.<sup>6951</sup> **(#No ethnic differentiation!#)** In accordance with the 18 May 1992 decision, Župljanin ordered all SJBs to report back to the CSB on the disarmament operations.<sup>6952</sup> The municipal SJBs, as ordered, reported back to the CSB on the operations implemented in their respective areas of control.<sup>6953</sup>

<sup>6942</sup> P5513 (Extract of Minutes from 18<sup>th</sup> session of ARK Assembly, 17 July 1992). The following ministers attended the session: Generals Talić and Ninković, Goran Hadžić, Milan Martić, Minister of Defence Bogdan Subotić, Velibor Ostojić, and Dragan Kalinić. P5513 (Extract of Minutes from 18<sup>th</sup> session of ARK Assembly, 17 July 1992), p. 1.

<sup>6943</sup> P5513 (Extract of Minutes from 18<sup>th</sup> session of ARK Assembly, 17 July 1992), p. 1; *see* Adjudicated Fact 547.

<sup>6944</sup> *See* Adjudicated Fact 548. *See also* D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 38.

<sup>6945</sup> P3922 (Decision of SerBiH Presidency, 15 April 1992). *See* para. 212.

<sup>6946</sup> P2412 (Decision of SerBiH Ministry of Defence, 16 April 1992).

<sup>6947</sup> P6531 (Information of ARK Executive Council, 29 April 1992). *See* Nikola Erceg, T. 44080 (27 November 2013).

<sup>6948</sup> P2818 (Decision of ARK Regional Secretariat for National Defence, 4 May 1992); D4114 (Witness statement of Milorad Sajić dated 24 November 2013), paras. 14, 18–20. *See* Adjudicated Fact 2160.

<sup>6949</sup> P2819 (Dispatch from Banja Luka CSB to all SJBs, 4 May 1992). *See* D4049 (Dispatch of Banja Luka CSB to all SJBs, 14 May 1992); Adjudicated Fact 536.

<sup>6950</sup> P3694 (Conclusions of ARK Crisis Staff sent to municipality presidents, 11 May 1992). *See* P3925 (Report of 5<sup>th</sup> Corps, 12 May 1992), p. 1 (wherein Talić reports the extension of the deadline); D4453 (Banja Luka CSB dispatch to all SJBs, 11 May 1992) (wherein Župljanin informs the local SJB chiefs of the extension of the deadline to implement the measures ordered in the 4 May ARK decision). *See also* D4035 (Conclusions of ARK Crisis Staff, 14 May 1992) (reiterating that the CSB of the ARK shall “consistently carry out” the ARK Crisis Staff decision on the disarming of paramilitary units and individuals who are illegally in possession of weapons and ammunition).

<sup>6951</sup> D4038 (Conclusions of ARK Crisis Staff, 18 May 1992).

<sup>6952</sup> Adjudicated Fact 537. *See* D4456 (Dispatch from Banja Luka CSB to all SJBs, 18 August 1992); Adjudicated Fact 2161.

<sup>6953</sup> *See, e.g.*, P3648 (Report of Sanski Most SJB, 10 July 1992). *See* Adjudicated Fact 537.

2053. The measures ordered in the 4 May 1992 decision were implemented in the ARK Municipalities through public announcements and ultimatums to hand in illegally owned weapons.<sup>6954</sup> Although the calls for disarmament in the ARK were directed to all “paramilitary units and individuals who illegally possess weapons”, they were selectively enforced against non-Serbs.<sup>6955</sup> **(Maybe because the Serbs joined their own Army, or maybe the Serbs didn’t fire against their own people, although we know that the CSB and Zupljanin disarmed and arrested some groups of the Serb paramilitaries, which caused a skirmish between them and the police, see: D1911, p.1, of 11 July 1991:**

With reference to the recent events in Slovenia and Croatia, in the municipality of Bos. Novi, Bos. Dubica, Bos. Gradiška and Srbac, bordering with the territory of Croatia, the security situation has become drastically complicated, thus taking the characteristics of a state of emergency and even of war.

However, due to a continuous reflection of all known incidents on the territory of Croatia, a few /crossed-out, illegible/ of special forces of Croatian MUP in Bosanski Novi, various /illegible/ repressive actions of the members of Croatian MUP towards citizens /illegible/ entrance and exit to the Croatian territory, occasional concentration of policemen and special forces at the crossings and the towns close to the border, persistent and increased spreading of various dangerous and disturbing rumours etc, over the last few months, the security situation in those municipalities has been permanently tense and complicated with an emphasised risk of serious incidents breaking out, violation of public order in higher degrees, as well as of the burst of an open conflicts and fights between the nationalities. Therefore, the recent events have increased the national tensions to a critical level, with a visible fear of citizens and inability to predict future developments, especially in towns of Kostajnica, Dobrljin and Ravnice in the area of Bosanski Novi municipality, Gradina, Draksenić, Komlenac, Johovo, Bačvani /illegible/ Grbac and Bosanska Gradiška.

**That was the situation in the Area of Responsibility of the Banja Luka CSB even in July 1991. See further, D1911, p.1**

From 25 June, at nights and in morning hours, fire is opened out of automatic weapons from the territory of Croatia, usually from Kozibrod direction, Unčani and Struga towards Dobrljin, Ravnice and other towns along Una and Sava on the territory of Bosnia and Herzegovina. At night of 26/27 June, from the direction of Kozibrod towards Dobrljin, a continuous fire was opened for more then two hours, also it was fired at the fast train. During the same night, an explosion occurred on the railway track Bos. Novi - /illegible/ etc. Occasional blockades of border-crossings on

**And further, D1911, p.2**

<sup>6954</sup> See paras. 1441 (Bosanski Novi), 1501, 1509 (Ključ), 1586, 1602, 1616, 1665, 1673, 1682 (Prijeđor), 1942–1944, 1949 (Sanski Most). See also Adjudicated Fact 535.

<sup>6955</sup> Adjudicated Fact 538. See fn. 6961. See also Milorad Sajić, T. 44137–44138 (27 November 2013); Adjudicated Facts 539, 540. However, Brdanin, Erceg, and Sajić testified that the ARK Crisis Staff demanded the disarmament of all paramilitary formations, regardless of their nationality, though they were aimed first at Serb paramilitary units and individuals who possessed weapons illegally; its aim was to ensure the safety of all citizens of the ARK. Furthermore, they testified that a hierarchical relationship between the municipal authorities, the CSB, and the SJBs did not exist and it was purely upon the initiative of the municipalities themselves whether to implement these decisions or not. D4034 (Witness statement of Radoslav Brdanin dated 8 November 2013), paras. 24, 42–47; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 108; D4114 (Witness statement of Milorad Sajić dated 24 November 2013), paras. 40, 65–66; Milorad Sajić, T. 44135–44138 (27 November 2013). However, the Chamber does not find this evidence to be convincing in light of the other accepted evidence before the Chamber demonstrating that the ARK Crisis Staff decision ordering the disarmament of non-Serbs exclusively was implemented throughout the ARK Municipalities.

Additional tensions, anxiety, fear, hopelessness and growing revolt together with political charge, cause increased /illegible/ from all crisis areas of Croatian territory /illegible/ women with children of Serb nationality. To the area of Bosanski Novi on daily basis /illegible/ Serb nationality from Croatia. Those citizens with their stories about different tortures they were exposed to /illegible/ from houses, massive arrests, abuses and similar, even more heat up to a critical /illegible/ in accordance with our operational information. Under the influence of those events, the tensions between Moslem and Serb citizens increased further on in the areas of those municipalities. It is intensified by worrying spread-out of rumours and stories /illegible/ trucks and arming of Moslem and Serb population. That in the area of Bos. Novi and

**And further, D1911, p. 3**

From the whole range of different stories and direct threats from the attack of armed groups from the territory of Croatia at the towns in Bosnia and Herzegovina, recently it has been going around that the members of MUP and other armed Croatian formations go into the territory of Bosnia and Herzegovina to the border towns, make a list of citizens and objects for liquidation and destroying, Over the last few days, there have been persistent stories that a few thousands of MUP members changed into Chetnik uniforms and that are preparing an organised incursion onto the territory of Bosnia and Herzegovina.

Because of all mentioned events in the towns in border area towards Croatia, for months are disrupted normal life courses, the life has been lived with fear, different provocations and persistent anxiety, numerous nights without sleep, concern for own children and properties. Over the last days, a part of population from the towns along Una and Sava rivers in Bos, Novi /illegible/ Unsatisfied with undertaken measures and showing recently a visible mistrust towards the authorities, both municipal and republic, the population of the mentioned towns has joined a massive self-organising, mainly the Serb population, night guard are kept constantly and in the most threatened towns placed are the barricades. Individuals are making the lists of volunteers and troops, talk about attacks on police stations as for seizing weapons, with the most obvious request for a revenge-seeking fight with Croatian population, as well as to attack particular towns in Croatia from which the fire is opened more intensively.

**See how early Zupljanin met with the self-organisation of the terrified people, pointing out the Serbs as the most frightened and dissatisfied with the measures undertaken by the common authorities in BiH. Zupljanin was very critical about that development. See D391, p1. of 3 April 1992, p 2.**

In line with the Sarajevo Agreement on the possible future of the state organisation of BH, the provisions of which were also confirmed in the last Brussels Agreement, the collegium made a realistic appraisal of the security situation and took the view that the transformation of the existing Security Services Centre was being approached

The entire security situation in the area covered by the Centre was analysed at this meeting, and it may be said that although it is very complex, it remains more satisfactory than in many other areas of BH. Particular stress was thus laid on continuing to maintain control of all areas of public law and order, especially the security of person and property of the public. It was concluded that there was no mono-ethnic aspect to the transformation of the Security Services Centre that had been carried out, and that we would not permit facilities and equipment to be taken over on a mono-ethnic basis. Workers will volunteer their preferences for the work

**See D1911, p. 3, the same document as the above:**



In the last 24 hours the security situation in the CSB's area, especially Banja Luka SJB, has become more complex. Barricades were erected at the approaches to Banja Luka and in the town itself by members of the Serbian Defence Forces, who presented Banja Luka municipality Crisis Staff with certain conditions, which were accepted after lengthy discussion. One of the conditions was that the application of the Law on Internal Affairs of the Serbian Republic of BH should begin immediately, that the insignia envisaged by this law be introduced, and solemn declarations signed. All these activities must be carried out and concluded

**It is easy to see that all the allegations that the Crisis Staff was in command of the SOS (Serbian Defence Forces) are fake, and that this formation was a result of the self-organisation of the scared people, to which the people had a right in an absence of the state measures. How was it possible that the next document, one of many of the same kind, didn't influence the judgements on the two authors and the President, whose officials they were, D474 of 92:**

Banjaluka CSB /Security Services Centre/  
Dispatch Number 11-/71/01-64  
Date: 20 August 1992

/hand-written: No. 11-12-632  
Date: 21 August 1992

"R" 7x – D. /illegible/  
- Đuro /illegible/  
- Ranko MIJIĆ  
- Milutin /illegible/  
- Operations Officer  
- Operations Service  
- Files

Signatures from 1-6  
Delivered on  
21 August 1992

SJB /Public Security Station/ All, To the Chief

In reference to our dispatch No. 11-1/01-57 of 19 August 1992

In reference to our dispatch the number and date of which are mentioned above, the relevant text of the dispatch of the Minister of the Interior, referred to in the title of the dispatch, was omitted by error. For this reason, we forward herewith the full contents of the dispatch:

"I order again that all CSBs, SJBs and their organisational units, and all MUP /Ministry of the Interior/ officers, when dealing with prisoners of war and civilians – refugees, act in strict compliance with the law, within the competence of the MUP and according to the standards of the laws of war and international conventions regulating this matter. You are immediately to inform this Ministry of the existence of any alleged "underground" prisons, camps or similar, or the existence of EEEE /as printed/ or of instances of individuals treating prisoners of war or refugees contrary to the legal standards and international conventions.

If any person violates the existing regulations and acts contrary to our legal /standards/ and the international standards in this field, whether they be civilians or members of the MUP or the Army, it is necessary to proceed immediately with gathering information and documentation in order to submit a criminal report to the competent office of the prosecutor"

Minister  
Mićo STANIŠIĆ

Chief of the Centre  
Stojan ŽUPLJANIN

**also, see the Zupljanin's reports and orders pertaining to the Serb paramilitaries: @)**

# 1. Resettlement of non-Serbs and appropriation of property

**2054.** In the same 11 May 1992 decision discussed above, the ARK Crisis Staff instructed that the property of all able-bodied men between 18 and 55 years old who failed to return to their municipalities in response to the mobilisation calls would be confiscated.<sup>6956</sup> **(That could have**

<sup>6956</sup> P3694 (Conclusions of ARK Crisis Staff sent to municipality presidents, 11 May 1992). See Adjudicated Fact 2227; D4047 (Conclusions of ARK Crisis Staff, 27 May 1992) (stating that "[s]pecial records are to be kept" on all persons between 18 and 60 who may obtain permission to leave the ARK).

been declared as many times as somebody wanted, but this had #never been a valid decision#. At the beginning it was aimed to force the able bodied Serb to respond to mobilisation, and only for the Serbs, since the Republic of Srpska never made the Muslims and Croats to serve the Army or be a compulsory conscripts or reservists. That was a kind of a positive discrimination, since the Serbs couldn't have such a choice – either to serve the army, or to serve the compulsory labour service! Apart of that, the President ordered that all such a decisions pertaining to a property matters be annihilated, and that never happened, as the very same Chamber concluded, see Paragraph...@ ) At a meeting on 20 May 1992, the ARK Crisis Staff adopted several conclusions, including that there was “no reason for the population of any nationality to move out of the territory of the [ARK]”.<sup>6957</sup>

(#EXCULPATORY#!) However, on 29 May 1992, the ARK Crisis Staff issued a decision stating that “all Muslims and Croats, who so wish, should be able to move out of the area of the [ARK]” and based on a concern that “several thousand Muslims from Prijedor, Sanski Most and Bosanski Novi wish to move to Central Bosnia, of their own free will”, the ARK Crisis Staff provided for an organised “resettlement” of the population.<sup>6958</sup> (#Linguistic problems#! Again, the term “resettlement” is not correct translation of the Serb term for seljenje (moving out) and resettlement has another connotation as to a permanent change of place of living. But, the most important is that between 20 May and 29 May there had been an #Agreement# concluded among the three sides concluded in Geneva on 22 May, see D1603, p.9:

All civilians shall be treated in accordance with Articles 72 to 79 of Additional Protocol I. Civilians who are in the power of an adverse party and who are deprived of their liberty for reasons related to the armed conflict shall benefit from the rules relating to the treatment of internees laid down in the Fourth Geneva Convention of 12 August 1949.

In the treatment of the civilian population there shall be no adverse distinction founded on race, religion or faith, or any other similar criteria.

As it is clear, the civilians could have benn “deprived of their liberty for reasons related to the #armed conflict#...#military reasons#” se further, D1603 of 22 May 92:

The displacement of the civilian population shall not be ordered unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

Therefore, both due to the domestic and the international normatives, the civilian population must be moved out of the region if the #“security of the civilians# involved or imperative #”military reasons so demand.”# The Prosecution have never proven that the displacements of the population was without “the security and military reasons”!!! the Prosecution shouldn't even mention any displacement in the Indictment unles had the proofs that it was unnecessary! Therefore, if the ARK Crisis Staff denied the right of the population that didn't feel secure to move out or be displaced, that would be a grave violation of the Geneva Conventions, not vice versa, as the Chamber accepted! Immediately after this first Agreement there were concluded a several other on the same subject, see D4710 p.1 of 17 July 92, signed by the President and the two other leaders and their plenipotentiaries:

<sup>6957</sup> D1309 (Conclusions of ARK Crisis Staff, 20 May 1992). See D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 95.

<sup>6958</sup> P3461 (Conclusions of ARK Crisis Staff, 29 May 1992). See Adjudicated Fact 541. Later on 10 June, the ARK Crisis Staff decided that only women, children, and the elderly could be moved from the ARK if they so wish, in co-operation with humanitarian organisations. D4046 (Decision of ARK Crisis Staff, 10 June 1992). See D4034 (Witness statement of Radoslav Brdanin dated 8 November 2013), para. 23(f) (stating that he does not remember the 10 June decision but that the police would have wanted to check able-bodied male non-Serbs before they left the ARK). Furthermore, the ARK Crisis Staff provided that there should be “reciprocity” with regard to the relocation of people throughout the SerBiH, including that Serbs should be given the freedom to choose their place of residence. D4038 (Conclusions of ARK Crisis Staff, 18 May 1992); D4044 (Conclusions of ARK Crisis Staff, 28 May 1992), p. 2. See D4034 (Witness statement of Radoslav Brdanin dated 8 November 2013), para. 23(b), (d).

We agree that all refugees will be permitted to return to the places from which they have been expelled and that civilians who are caught up in or trapped by the military situation, will be given freedom of movement.

Any allegation about a #“permanent removal”# of the non-Serbs are senseless, since the most authorised official of the Republic of Srpska signed an obligation that everyone #must be able to return#, and must be allowed to leave some areas under the adversary’s control! This commitment had been welcome by the President of the UN Security Council, D 4710, p. 2

The Council welcomes the provisions in the agreement concerning the return of all refugees and freedom of movement for civilians caught up in or trapped by the military situation. It

How come a Court founded by the same UN SC may neglect these agreements and pay more attention to some gossips and unofficial remarks? A similar provisions were provided in the document of the London Conference at the end of August 1992, see D1604, p.3

e) just and adequate arrangements for people who have been forcibly expelled from their homes including the right to return and compensation for their losses;

Having in mind those #obligatory commitments# of the President and his official representatives, there can not survive several corner stones of the Indictment and this Judgement, such as the Overarching Joint Criminal Enterprise – to permanently remove all the non-Serbs from the Serb areas, ...@in as ;c:

2055. On 3 June 1992, the ARK War Presidency issued a decision stating that individuals leaving the ARK could take with them no more than 300 German marks;<sup>6959</sup> in turn, the Banja Luka CSB instructed its subordinate SJBs to implement this decision by seizing any larger amount of money from anyone leaving the ARK.<sup>6960</sup> (This limitation of the cash money was prescribed by the National Bank in Belgrade, and didn’t depend on the local authorities. Such a limitation about the cash that can be transferred undeclared exist even now in all the sovereign countries, see @

2056. On June 7 1992, municipal authorities from the ARK Municipalities decided at a sub-regional meeting that “Muslims and Croats should move out of our municipalities until a level is reached where Serbian authority can be maintained and implemented on its own territory in each of these municipalities” and requested that the ARK Crisis Staff provide a corridor for the resettlement of non-Serbs.<sup>6961</sup> (This is an unofficial document, a #furgery#, contested by the Defence with a very good reasons. This meeting never happened, and this is visible from the very document. No names of the participants, no an elementary knowledge about the situation, the alleged demands towards the ARK leadership are senseless, since the Law on Defence and the Law on the VRS were already published in the Official Gazette on 1 June 1992, - see P2602 and P2603 – and had been adopted much earlier. This was known to every

<sup>6959</sup> P3447 (Report of the Banja Luka CJB, undated). See para. 1561. See also Adjudicated Fact 2454.

<sup>6960</sup> D1307 (Order of Banja Luka CSB to all ARK SJBs, 31 July 1992). But see Miloš Bojinović, D4176 (Testimony from *Prosecutor v. Brdanin*), T. 22801–22802, 22893–22896 (testifying that as Chief of the Agency for Population Movement and Exchange of Material Wealth for the ARK, he never received any instructions to limit the amount of money people leaving the ARK could take with them and he was not aware of any searches for money or valuables on the convoys organised by his agency). See para. 2057.

<sup>6961</sup> P2641 (Conclusions of sub-regional meeting of municipalities sent to ARK Crisis Staff, 7 June 1992), p. 2 (further stating that if the leadership of the ARK fails to solve this issue “our seven municipalities will take all Muslims and Croats under military escort from our municipalities to the centre of Banja Luka”). See also para. 1899. According to Brdanin, the ARK Crisis Staff held a meeting the following day, at which it rejected the request of the municipal authorities as it was “contrary to our policy”. D4034 (Witness statement of Radoslav Brdanin dated 8 November 2013), para. 23(e). However, the Chamber considers that based on the events and specific actions taken by the ARK Crisis Staff following the request from the municipal authorities, it does not find reliable Brdanin’s evidence that the ARK Crisis Staff rejected their request outright. See e.g. para. 2057.

single deputy in the Assembly, as well as all the municipal presidents and organs. There is no any trace of this “meeting” in any other document or intercept, simply this was a primitive desperate move. Not mentioned in P2918, of 8 June 92, and if it was an official event, it would be, not mentioned in P5444 of 8 June 92, and it must have been if it was an official meeting. Finally, the Witness Brdjanin denied that this was accepted, see D4034:

letting Serbian families leave their territories and holding them hostage of sorts, but we pointed out that we were against any forcible relocation of the people and this had to be stopped with all legal means at our disposal. This particularly applied to the municipalities of Prijedor, Sanski Most and Bosanski Novi. Nine days after this decision, a meeting was held of the sub-regional municipal level which included the aforementioned three municipalities and it adopted a conclusion (P2641) which was in complete contradiction to the conclusion of the ARK (which could be seen from document 65#5074 that was shown to me). The sub-regional representatives, among which RAŠULA and SRDIĆ were the prominent ones, sent their conclusions to the ARK KŠ, that Muslims and Croats from those municipalities should leave and settle in Muslim-controlled territory and if the KŠ ARK did not enable this, they would be brought to the centre of Banja Luka. The next day, 8 June 1992, we at the KŠ ARK held a meeting of the KŠ ARK at which we rejected the sub-regional request for Muslims and Croats to leave because this was contrary to our policy.

**Taking into account these documents, and the entirety of evidence, in particular the President’s attitude and explicit orders pertaining to the movement of population and the property rights, including D101 and #annihilation of all possible documents signed, # and taking into account the fact that the appropriation of a private property had never happened, this is not understandable why the Chamber paid any attention to this document! See what the same witness confirmed in his statement about the President’s position on the issue: D4034: as well as about the respect of the International Humanitarian Law, D4034:**

32. President Radovan KARADŽIĆ has always promoted respect for the Geneva Conventions and insisted on humane treatment of non-Serbian civilians and prisoners of war. In Assembly sessions, he always said that we must all see to it that crimes are not committed as the Serbian people had never committed them in the past. In addition to that, I remember that he said we should insist on respect for the International Law of War.

**There is many such a documents in favour of the President, and none contra!)**

2057. On 12 June 1992, the ARK Crisis Staff established an Agency for Population Movement and Exchange of Material Wealth for the ARK (“ARK Agency”), appointing Miloš Bojinović as its Chief, to aid in the implementation of the resettlement policy.<sup>6962</sup> At the municipal level, other agencies were established throughout the ARK and, along with other competent institutions, were charged with establishing the resettlement procedures.<sup>6963</sup> **(#Linguistic trouble#! “Resettlement” is not an accurate translation, and “moving” would be more proper!)** Departures of non-Serbs from the ARK had to be authorised by these competent institutions.<sup>6964</sup> In order to obtain permits to leave the territory of the ARK, non-Serbs usually had to “de-register” from their places of residence and either relinquish their property to the SerBiH or the ARK without compensation **(#No appropriation#! How possibly the Chamber could have repeated this lie, since there is a sufficient evidence that had never happened, and that there was not a single case of appropriation of property on that or any other basis. Also, the President have annihilated this possibility in his order of 19 August 1992, see D1754 or D101 :**

<sup>6962</sup> P2718 (Decision of ARK Crisis Staff, 12 June 1992); P2719 (Decision of ARK Crisis Staff, 12 June 1992); Miloš Bojinović, D4176 (Testimony from *Prosecutor v. Brđanin*), T. 22765–22768 (testifying that the ARK Agency operated until the end of 1992). See D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 23(g). See also Adjudicated Facts 542, 552.

<sup>6963</sup> See Adjudicated Facts 542, 543. See, e.g., paras. 1559 (Ključ), 2034 (Sanski Most).

<sup>6964</sup> Adjudicated Fact 543.



3. Forcible resettlement and other illegal measures against the civilian population should be prevented, and any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void;

**But let us see what had been said in the D4034, the statement of Mr. Brđanin, the most responsible official in the ARK:**

31. The opinion of President KARADŽIĆ on housing was that according to international law and international standards, the housing policy in times of war should be temporary, the property of everyone should be respected, and he favoured compensation to all Muslims who left Republika Srpska and cannot return (P1379).

**The Chamber should be obliged to find out, and the Prosecution to prove, that some local decisions were carried out, or were rejected by the higher officials or bodies! Why it wasn't done?)** or, in other cases, exchange their property for property located outside of the ARK.<sup>6965</sup>

The ARK Agency organised convoys, on a bi-weekly basis or more often, to transport non-Serbs to the Muslim or Croat-controlled lines near Travnik and Zagreb; passengers were required to buy tickets from the ARK Agency in order to leave on the convoys.<sup>6966</sup> On 19 June 1992, the ARK Crisis Staff issued a decision declaring that all abandoned property will be declared state property and placed at the disposal of the municipal authorities.<sup>6967</sup>

**2058.** The municipal Crisis Staffs of the ARK Municipalities implemented this ARK policy.<sup>6968</sup> For example, on 30 May 1992, the day following the ARK Crisis Staff decision setting out the policy, the Sanski Most Crisis Staff concluded that it would liaise with the ARK leadership regarding the “implementation of the idea on resettlement of the population”.<sup>6969</sup> **(So what, if they “concluded”? Or somebody said something, in the Assembly session, or in a joky intercepted conversation? Did it happen? What had been done, and was it illegal? The Chamber takes some #peripheral opinions and wishes# of the people who had been 40 years disidents to the communist authorities and were not familiar with the legislation as if it was an official opinion and as iif it was realised! The only relevan are the final official documents if carried out! Nobody should be indicted, let alone sentenced for somebody's ill intentions, if not accepted and not carried out!)** On 4 June 1992, the Ključ Crisis Staff issued a statement regarding the resettlement of “all citizens who wish to permanently move out of the [m]unicipality

<sup>6965</sup> See Section IV.A.1.b.i.B.5: Movement of the population within and from Bosanski Novi; Section IV.A.1.b.i.C.8: Movement of the population from Ključ; Section IV.A.1.b.i.D.7: Movement of the population from Prijedor and appropriation of property; Section IV.A.1.b.i.E.7: Movement of the population from Sanski Most and appropriation of property. See also Miloš Bojinović, D4176 (Testimony from *Prosecutor v. Brđanin*), T. 22790–22792; Adjudicated Fact 544. However, Brđanin, Kuprešanin, Sajić, Erceg, and Bojinović testified that the ARK authorities never engaged in forcible displacement and that the positions of the ARK Crisis Staff in this regard developed depending on the “situation on the ground”. The ARK Agency was established to oversee the exchange of property and departure of people of all ethnicities, including Serbs, and furthermore, at the request of non-Serbs who were interested in having such services provided to them and was thus aimed at providing a humanitarian way to exchange property and secure transport. Finally, Brđanin stated that “had we wanted to expel non-Serbs, we would not have set any requirements and conditions for their leaving the ARK”. Kuprešanin further stated he was not aware of the establishment of any agency to implement a policy of resettlement, nor that any such policy was co-ordinated at the regional level by the ARK. D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), paras. 23, 49, 55, 57; Radoslav Brđanin, T. 43666–43667 (18 November 2013) (testifying further that there was no “strategic plan ever about forcible relocation”, instead they “followed the situation which dictated for people to be relocated rather than to be killed or to perish”); D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 56–57, 60–61; D4114 (Witness statement of Milorad Sajić dated 24 November 2013), paras. 54, 67–69; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 95; Miloš Bojinović, D4176 (Testimony from *Prosecutor v. Brđanin*), T. 22776–22777, 22783–22784. However, as further expanded upon above in relation to each of the ARK Municipalities, the Chamber does not find this evidence to be convincing in light of the accepted evidence before the Chamber demonstrating that the resettlement policy promulgated by the ARK Crisis Staff was in fact implemented in the ARK Municipalities, resulting in the movement of the majority of the non-Serb population out of the ARK. The Chamber also does not find the evidence of Brđanin, Kuprešanin, Sajić, Erceg, and Bojinović to be reliable on this issue based on their close involvement in this policy and its implementation, creating an incentive to distance themselves from these events. Therefore, the Chamber will not rely on their evidence in this regard.

<sup>6966</sup> Miloš Bojinović, D4176 (Testimony from *Prosecutor v. Brđanin*), T. 22786–22790, 22794–22795 (testifying further that tickets were purchased in dinars—a ticket cost 14,000 dinars in October 1992—though German marks were also used). See Miloš Bojinović, T. 44710–44716 (9 December 2013).

<sup>6967</sup> D4054 (Decision of ARK Crisis Staff, 19 June 1992). See D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 29 (stating that this policy was adopted in order to protect abandoned property from being unlawfully usurped by the influx of refugees); Radoslav Brđanin, T. 43726 (18 November 2013).

<sup>6968</sup> See, e.g., P2614 (Conclusions of Sanski Most Crisis Staff, 30 May 1992), p. 1; P3448 (Statement of Ključ Crisis Staff, 4 June 1992); D1921 (Report of Bosanski Novi SJB, 15 August 1992), p. 4. See also paras. 1467–1471, 1559–1561, 1563 (Ključ), 1898–1901 (Prijedor), 2033–2035 (Sanski Most).

<sup>6969</sup> P2614 (Conclusions of Sanski Most Crisis Staff, 30 May 1992), p. 1.

of Ključ in an organized manner”.<sup>6970</sup> In August 1992, the Bosanski Novi SJB reported that following the ARK decision on “voluntary resettlement”, it de-registered 5,680 individuals, 5,629 of whom were Bosnian Muslim who had applied to leave the municipality “voluntarily”.<sup>6971</sup>

**(#Obstacles to leave#! This quotation marks are not correct, because there is no evidence that some authorities forced anyone to move out of the RS whatsoever! It had been proven that the applicants had to apply for moving out of the municipality, to pay for the transport, to de-register their place of temporary residence – in Serbian: mesto boravista, in contrast to a permanent residence, in Serbian: mesto prebivalista, which was a legal obligation so that the authorities could always had been able to contact them, additionally to obtain all the certificates about taxes and other obligations payed – all together about 10 to 15 different papers. Those who didn’t want to move out of a municipality, could achieve it easily, simply – not to apply, not to obtain so many documents, or one of them, and nobody would allow him to leave! But, in a case of prevention and denial of departure, the side would violate so many agreements concluded on this issue until 1 November 1992!)**

Immediately following the issuance of the decision, the 1<sup>st</sup> Krajina Corps also reported on the implementation of the policy, reporting that the ARK had issued a decision to facilitate the departures of the non-Serb population and that those departing “will not be allowed to return” and referring to “public statements made in the media by SDS [ARK] leaders who advocate moving and expelling all Muslims and Croats from these areas”.<sup>6972</sup>

**(Here is this paragraph quoted from the P3662 document of the 1<sup>st</sup> Krajina Corps:**  
disadvantageous influence on the morale of the troops. This is made worse by public statements made in the media by SDS /Serbian Democratic Party/ Bosanska Krajina Autonomous Region leaders who advocate moving and expelling all Muslims and Croats from these areas.

**So, #somebody said something through media#### But it is significant that the translation is incorrect: in the original it was said “neki”, which means “some” and this part of sentence should be translated as follows: “To this contribute a public appearance in media of some of the leaders of SDS of AR Bosanska Krajina. “Some” of the leaders – clearly define the individual nature of this “advocating”. This is a hostile remark of the Army which was in a conflict with the civil authorities, but “advocating” something in media, on behalf only of these individuals is too far from any official form! How this irresponsible “bla-bla” could be used against this President, whose official position on the issue was very known?)**

2059. On 1 June 1992, Kirudja was informed that Kuprešanin had called the Civil Affairs Office in Sector North to report the concerns of mayors from Bosanski Novi, Prijedor, Ključ, Dubica, Sanski Most, and Banja Luka in relation to the situation of the Bosnian Muslim population in those areas.<sup>6973</sup>

**(#EXCULPATORY#### ALL OF THEM, Mr. Kupresanin and the mayors were the officials of the Republic of Srpska and members of the SDS. Had their goal been to harm the Muslim population, they wouldn’t ask for any assistance. Kupresanin himself was a personal plenipotentiary of the President in assisting the Muslim population and prominent individuals, such as Mevludin Sejmenovic, as it was confirmed in the Court room!)**

Kuprešanin informed the office that 15,000 Bosnian Muslim refugees from these municipalities were moving across the border towards Dvor, Croatia, and that another 15,000 would likely follow, appealing to UNPROFOR to “find a way to protect the civilian Muslim population”.<sup>6974</sup>

**(#EXCULPATORY!!!)**

<sup>6970</sup> P3448 (Statement of Ključ Crisis Staff, 4 June 1992).

<sup>6971</sup> D1921 (Report of Bosanski Novi SJB, 15 August 1992), p. 4.

<sup>6972</sup> P3662 (1<sup>st</sup> Krajina Corps report, 31 May 1992), p. 2; P3656 (1<sup>st</sup> Krajina Corps report, 1 June 1992), p. 1. See also P5459 (Report of 1<sup>st</sup> Krajina Corps, 2 August 1992), p. 2 (reporting that “[m]ethods of exercising pressure are increasing, as are organised expulsions of the Muslim and Croat population from the area of Bosnian Krajina and further afield”).

<sup>6973</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 53.

<sup>6974</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 53.

2060. The detention facilities in the ARK were also discussed at ARK Crisis Staff meetings; for example, representatives from Prijedor, Stakić, Drljača, and Kuruzović, attended one meeting and reported a shortage of food, clothing, and accommodation in the detention facilities in Prijedor.<sup>6975</sup>  
**(#EXCULPATORY!!! Now it is clear that the detainees hadn't been deprived from food, clothing and accommodation deliberately!#General shortage#!)**

## 2. Dismissals of non-Serbs

**2061.** On 8 May 1992, 11 May 1992, and 13 May 1992, the ARK Crisis Staff issued decisions stating that all management positions in SerBiH must be filled by “people who are absolutely loyal”.<sup>6976</sup> Later, in a decision adopted on 22 June 1992 and directed to all municipal Crisis Staff presidents, the ARK Crisis Staff stated that all posts important for the functioning of the economy may only be held by “personnel of Serbian ethnicity”.<sup>6977</sup> The 22 June 1992 decision was forwarded by Župljanin to all SJBs on 1 July 1992 for its immediate implementation within the ARK.<sup>6978</sup> In accordance with this decision, numerous municipalities dismissed non-Serb personnel; by the end of 1992, the majority of Bosnian Muslims and Bosnian Croats in the ARK had been dismissed from their jobs and were replaced by Bosnian Serbs.<sup>6979</sup> **(Neither this Court nor any reasonable chamber may deny that the #military security reasons# could have been neglected by the civilian authorities! See this foot note 6989 below!)** ARK Crisis Staff member Radić confirmed that the policy of dismissals of non-Serbs originated in Pale at the republic level.<sup>6980</sup> **(Who at the republican level? Did late Radic associated the President with this alleged policy? What was Radic's proof? Already deceased, Radic couldn't have been cross examined, and this is not a fair trial to use such a general allegation against this President! Pertaining to the President, Radic testified that he used the President's name and authority to protect the non-Serb managers in Banja Luka, see @!)**

## 2. Sarajevo Area

### a. *Hadžići*

<sup>6975</sup> D4114 (Witness statement of Milorad Sajić dated 24 November 2013), paras. 56–58; Milorad Sajić, T. 44146–44147 (27 November 2013). However, Brđanin and Erceg testified that detention facilities in the ARK were not discussed at meetings of the ARK Crisis Staff and that ARK authorities had nothing to do with the facilities. D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 52; D4086 (Witness statement of Nikola Erceg dated 24 November 2013), para. 89. The Chamber considers that the evidence given by Sajić regarding the discussion of the detention facilities in the ARK Municipalities at the ARK Crisis Staff meeting is reliable given the detail he provides regarding at least this one particular meeting. The Chamber shall not rely on the evidence given by Brđanin and Erceg in this regard given their potential interest in distancing themselves from any knowledge of conditions at ARK detention facilities or invoking their lack of recollection of such a discussion at the meetings.

<sup>6976</sup> D4043 (Conclusions of ARK Crisis Staff, 8 May 1992), p. 2; P3694 (Conclusions of ARK Crisis Staff sent to municipality presidents, 11 May 1992); D4041 (Conclusions of ARK Crisis Staff, 13 May 1992), p. 1; P5470 (Excerpts of conclusions of ARK Crisis Staff of 13 May 1992 sent to enterprises, 10 June 1992). See Mevludin Sejmenović, T. 20468–20469 (27 October 2011).

<sup>6977</sup> P7 (Decision of ARK Crisis Staff, 22 June 1992) (further stating that the personnel were expected to confirm their “Serbian ethnicity” in the plebiscite and to express their loyalty to the SDS). See also Adjudicated Facts 532, 533.

<sup>6978</sup> P6533 (Decision of ARK Crisis Staff forwarded by Banja Luka CSB, 1 July 1992). See also Adjudicated Fact 534.

<sup>6979</sup> See paras. 1374 (Banja Luka), 1437 (Bosanski Novi), 1504 (Ključ), 1596–1601 (Prijedor), 1950 (Sanski Most). See Adjudicated Fact 532 (stating that the replacement of Bosnian Muslims and Bosnian Croats personnel by Bosnian Serbs guaranteed “an overall Bosnian Serb control over public and private enterprises and institutions throughout the ARK”). See also P2637 (Report of Prijedor SJB, 1 July 1992) (reporting that the 22 June 1992 ARK Crisis Staff decision “has been implemented in this [SJB]”); Adjudicated Fact 534. However, Brđanin testified that a leak of sensitive information about the movements of the 1<sup>st</sup> Krajina Corps resulted in these measures being “temporarily” adopted by the ARK Crisis Staff and its decision involved the removal of executive positions of people that could misuse such positions and threaten the security of Krajina. Furthermore, the non-Serbs were not fired, but only removed from positions considered to be important due to security, and were given different jobs. D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), paras. 15–17, 39–41. According to Sajić and Erceg, although the 22 June 1992 decision provided for the dismissals of non-Serbs, it was implemented to “some extent”, but was not put into practice in all cases. Furthermore, Sajić did not believe that Brđanin personally called for the dismissal of non-Serbs despite what the decision states. D4114 (Witness statement of Milorad Sajić dated 24 November 2013), para. 41; Milorad Sajić, T. 44139–44142 (27 November 2013); D4086 (Witness statement of Nikola Erceg dated 24 November 2013), paras. 98–101, 107. See Defence Final Brief, paras. 1172–1175 (wherein the Accused submits that he does not dispute that there may have been individual incidents of people being dismissed from their employment, but “this had nothing to do with alleged persecutions”). However, the Chamber does not find this evidence to be convincing based on the considerable evidence before the Chamber demonstrating that this policy of dismissals of non-Serb personnel as ordered by the ARK Crisis Staff was, in turn, implemented throughout the ARK Municipalities. **(Neither this Court nor any reasonable chamber may deny that the military security reasons could have been neglected by the civilian authorities!)**

<sup>6980</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7412–7415.

*i.* Charges

2062. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Hadžići as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>6981</sup>

2063. Acts of persecution alleged to have been committed by Serb Forces and Bosnian Serb Political and Governmental Organs in Hadžići include (i) torture, beatings, and physical and psychological abuse, during and after the take-over and in scheduled detention facilities, as cruel or inhumane treatment;<sup>6982</sup> (ii) rape and other acts of sexual violence, during and after the take-over and in the Hadžići Culture and Sport Centre, as cruel and inhumane treatment;<sup>6983</sup> (iii) the establishment and perpetuation of inhumane living conditions in scheduled detention facilities, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or inhumane treatment;<sup>6984</sup> (iv) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes within Hadžići;<sup>6985</sup> (v) unlawful detention in scheduled detention facilities;<sup>6986</sup> (vi) forced labour at the frontline and the use of Bosnian Muslims and Bosnian Croats as human shields;<sup>6987</sup> (vii) the appropriation or plunder of property, during and after the take-over of Hadžići, during arrests and detention and in the course of or following acts of deportation or forcible transfer;<sup>6988</sup> and (viii) the imposition and maintenance of restrictive and discriminatory measures.<sup>6989</sup>

2064. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>6990</sup> In this regard, the Prosecution alleges that, by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced most Bosnian Muslims and Bosnian Croats from areas in Hadžići in which they were lawfully present.<sup>6991</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear while others were physically driven out.<sup>6992</sup>

*ii.* Lead-up

2065. Hadžići is a municipality in central BiH, located about 12 kilometres southwest of Sarajevo.<sup>6993</sup> The municipality is bordered to the northeast by Ilidža; to the north by Kiseljak; to

<sup>6981</sup> Indictment, paras. 48–49.

<sup>6982</sup> Indictment, para. 60(b). *See* Scheduled Detention Facilities C.11.1, C.11.2.

<sup>6983</sup> Indictment, para. 60(c). *See* Scheduled Detention Facility C.11.2.

<sup>6984</sup> Indictment, para. 60(d). *See* Scheduled Detention Facilities C.11.1, C.11.2.

<sup>6985</sup> Indictment, para. 60(f).

<sup>6986</sup> Indictment, para. 60(g). *See* Scheduled Detention Facilities C.11.1, C.11.2.

<sup>6987</sup> Indictment, para. 60(h).

<sup>6988</sup> Indictment, para. 60(i).

<sup>6989</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services. The Chamber notes that the Prosecution does not allege criminal responsibility for wanton destruction of private property in Hadžići. Indictment, fn. 9.

<sup>6990</sup> Indictment, paras. 68–75.

<sup>6991</sup> Indictment, paras. 69, 72.

<sup>6992</sup> Indictment, para. 71.

<sup>6993</sup> D1064 (Map of Sarajevo marked by Tihomir Glavaš) (showing the town of Hadžići and the surrounding Serb-held areas at “1” and the Serb villages in majority-Muslim territory at “2”).



the northwest by Kreševo; to the west and southwest by Konjic; and to the south and southeast by Trnovo.<sup>6994</sup>

2066. Before the conflict, the population of Hadžići municipality was about 24,000 inhabitants with the demographic breakdown of approximately 63.6% Bosnian Muslim, 26.3% Serb, and 3.1% Croat.<sup>6995</sup> The town of Hadžići, however, had a Serb majority.<sup>6996</sup> Tarčin,<sup>6997</sup> Binježevo, and Pazarić were large settlements within the Hadžići municipality, each of which was composed of a number of villages.<sup>6998</sup>

2067. The municipality was strategically important because of its geographical position, as well as the fact that it contained a large engineering factory run by the JNA, called the TRZ,<sup>6999</sup> and a sizeable weapons depot at Žunovnica.<sup>7000</sup> JNA military barracks were also situated in Žunovnica, as well as in Ušivak<sup>7001</sup> and Pazarić.<sup>7002</sup>

2068. Following the 1990 elections, the SDA won 60% of the vote, the SDP won 12.5%, and the SDS won 11%.<sup>7003</sup> The parties came to an agreement whereby the President of the Municipal Assembly would be a member of the SDA, the President of the Executive Board of the Municipal Assembly would be a member of the SDS,<sup>7004</sup> the head of the police would be a member of the SDA,<sup>7005</sup> and the head of the Secretariat for Peoples Defence would be a member of the SDS.<sup>7006</sup>

<sup>6994</sup> D1087 (Map of Hadžići municipality marked by Tihomir Glavaš). Kiseljak, Kreševo, and Busovača all had predominantly Croat populations. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 22.

<sup>6995</sup> P5964 (Census data for BiH by municipality in 1971, 1981, and 1991, April 1995). *See also* D225 (Ethnic map of BiH based on 1991 census); P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 3; P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 22, p. 3; D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 2; D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 4.

<sup>6996</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 22.

<sup>6997</sup> D1087 (Map of Hadžići municipality marked by Tihomir Glavaš). Tarčin had a majority Croat population. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 12.

<sup>6998</sup> Tihomir Glavaš, T. 11818 (14 February 2011). Both Bare in Drozometva community and Miševići in Binježevo community had large Serb populations. P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3.

<sup>6999</sup> P1494 (ABiH map of Sarajevo, 15 June–20 July 1992) (showing the location of the repair and maintenance depot marked as “TRZ” in Hadžići municipality). The TRZ employed 1,500 workers and held tanks, Pragas, artillery weapons, and mortars. P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 2; P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), pp. 3–4. *See also* D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 8.

<sup>7000</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 22; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 2; D583 (SRK combat report, 31 May 1992), para. 1; Vidimir Banduka, T. 33503 (12 February 2013); D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 32. The Žunovnica complex” held “extremely large quantities of all sorts of ammunition”. D317 (TO Hadžići report on combat readiness, 29 May 1992), p. 1. Prior to the 1990 elections, the Hadžići TO had its own supply of weapons which was controlled by the TO headquarters but stored in the JNA barracks at Žunovnica. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 3. These arms included rifles, automatic and semi-automatic rifles, sniper rifles, 82 mm mortars, anti-tank rockets, and recoilless guns. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 3.

<sup>7001</sup> Vidimir Banduka testified that Serbs were the majority in Ušivak and thus these barracks were the only ones in a Serb-majority area. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 35.

<sup>7002</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), pp. 3–4; P2405 (Map of Hadžići marked by Mehmed Musić); D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 34. Vidimir Banduka also mentioned army barracks in Krupska Rijeka, where a large quantity of weapons was stored. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 33.

<sup>7003</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3; P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 3 (stating that the SDS was the second party). Of the 50 municipal assemblymen, the SDA had 23, the SDP 12, the SDS had 11, and two smaller parties had two deputies each. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 17. The HDZ did not have any assemblymen. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 17.

<sup>7004</sup> SDS member Nevenko Samouković was appointed President of the Executive Board of Hadžići after the multi-party elections. D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), paras. 3, 3a; D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 18. By mutual agreement between the parties, the Executive Board of Hadžići was composed of three Serbs and three Muslims. D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 4; D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 18.

<sup>7005</sup> The Chief of the SJB was Bosnian Muslim Fadil Čović and the Commander was a Bosnian Serb, Tihomir Glavaš. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 18.

<sup>7006</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 3. Other positions, such as the President of the Magistrate’s Court and the Secretary of the Assembly, were filled by the SDA, while others, such as the Administration for Income and the Land Registration and Real Estate were filled by the SDS. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 3.

In accordance with this agreement, SDA member Mustafa Dželilović, was made President of the Municipality.<sup>7007</sup>

# 1. Militarisation of Hadžići

**2069.** During the course of 1991, the number of military personnel and the amount of weapons in the municipality increased. Around mid-1991, tanks appeared in the hills around Hadžići, and mortar positions were established around the village of Bare.<sup>7008</sup> Several tanks were also positioned in Binježevo.<sup>7009</sup> During the last week of August and the first week of September, Bosnian Serb reserve soldiers in JNA uniforms who appeared to be mapping the area arrived at a barracks located in the village of Blažuj.<sup>7010</sup> Around the same time, Mehmed Musić saw men unloading boxes of ammunition,<sup>7011</sup> and Zijad Okić noticed weapons were taken up to trenches built on Tinovo Hill.<sup>7012</sup> **(#Not the Serbs in Bosnia#! It has to be underlined that this event didn't have anything to do with the Serbs in Bosnia! Those deployments of the JNA structures were in connection with the events in Slovenija and Croatia, the war with Slovenija and the first skirmishes with Croatia. Having a huge military infrastructure in Hadzici, and having a negative attitude of the Muslim reservists and conscripts towards the JNA and mobilisation, the JNA had its own interests to secure it's assets in Hadzici. The Serbs in BiH didn't have any influence on that assessments or decisions, and they only responded to the mobilisations. So, what Mehmed Music and Zijad Okic had seen was a #regular activity of the JNA# and it's reservists, who happened to be the Serbs, because the Muslims didn't respond on the call.**

**2070.** From its founding until the commencement of the war, the SDS provided Serbs with weapons taken from the JNA military warehouses in Žunovnica.<sup>7013</sup> Serbs also obtained weapons from the TRZ, which was controlled by the Serbs.<sup>7014</sup> In particular, Marinko Đukanović, who had been a warehouse clerk at the TO (and thus had access to the weapons),<sup>7015</sup> as well as Ratko Radić, the President of the Hadžići SDS,<sup>7016</sup> distributed weapons to the Serb population in Hadžići.<sup>7017</sup> **(The Serb access to the TRZ and TO was facilitated by the fact that only the Serbs accepted**

<sup>7007</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 11 (stating that he had been president of the SDA municipal board); D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 3a. Dželilović remained in this position until April 1992. See P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3.

<sup>7008</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 2 (further specifying that Pragas and APCs appeared on Tinovo Hill).

<sup>7009</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 2.

<sup>7010</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 8–9; Mehmed Musić, T. 12840–12841 (3 March 2011) (referring to the soldiers as unshaven “Chetniks dressed in JNA uniforms” estimating that he saw this happening between 30 August and 6 September 1991); P2405 (Map of Hadžići marked by Mehmed Musić) (showing the Čatina Bara barracks located at Point 2 on the map).

<sup>7011</sup> Mehmed Musić, T. 12849 (3 March 2011).

<sup>7012</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 4.

<sup>7013</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 39; Tihomir Glavaš, T. 11954 (16 February 2011); P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 2. See also P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5. The Chamber notes that Vidimir Banduka originally professed that he was unaware that Serbs obtained arms from the JNA, but when presented with his testimony in the *Krajišnik* case, wherein he had stated that the Serbs obtained weapons through the mobilisation of the reserve police, as well as the JNA reserves and the TO, Banduka clarified that reservists had obtained weapons through these channels but maintained that Serb civilians had not. Vidimir Banduka, T. 33499–33500 (12 February 2013). See also D2490 (Witness statement of Radojka Pandurević dated 27 November 2012), para. 62. However, the Chamber observes that according to a JNA report dated 19 March 1992, by that date, 1,500 “volunteers” who were *not* part of the JNA or the TO had been armed by the JNA or the SDS in Hadžići. P979 (Report from JNA 2<sup>nd</sup> Military District to JNA General Staff, 20 March 1992), pp. 1, 6, 11. The Chamber therefore finds that in addition to arms provided during the mobilisation process, arms from JNA sources were also provided to Serbs outside the JNA, TO, and police mobilisation processes.

<sup>7014</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 22. In order to consolidate control over these barracks, troops, and equipment, the SDS—including Ratko Radić—spread rumours that units from Croatia were present in the municipality with the aim of committing crimes against Serbs. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4. The TRZ remained under Bosnian Serb control throughout the conflict. Vidimir Banduka, T. 33503 (12 February 2013). See also D312 (SRK analysis of combat readiness of artillery rocket units, July 1994), p. 8.

<sup>7015</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 39.

<sup>7016</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3; P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4; D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 9; D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 17; D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 13.

<sup>7017</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 27.

**their legal obligations towards the Law of Defence and the JNA competences over the factories and live force, i.e. reservists!)**

**2071.** At the end of September and beginning of October, Croats in western BiH began to organise militarily, which contributed to incipient instability in Hadžići.<sup>7018</sup> During the course of 1991, troops from the JNA engineering unit stationed at the TRZ began to return from Knin and Slavonia and spoke of having seen JNA units fighting in Croatia wearing Chetnik insignia. Thereafter, Muslims began to avoid JNA conscription and training.<sup>7019</sup> **(#Before VRS# This is a lie, there is a sufficient evidence that this absentism started much earlier, and much earlier Mr. Izetbegovic admitted that they “may be violating some laws, but everything is so fluid, there are laws and laws.” The “cetni insignias” were impossible to be seen on the JNA soldiers, except for the Nemanjic emblem somewhere on pocket. This is a make up, an alibi for not responding to the obligation. But the main question was not under what insignias the JNA soldiers fought, the main question is why they had to fight in their own country?).**

**2072.** In the interim, Bosnian Muslims had obtained arms. **(#Time shifting#! It wasn't “in the interim” because the decision to form the Patriotic league was made 31 March 1991 and the PL existed as of 30 April 1991. on June 10 the Muslims formed the famous Council for the protection of the Muslim security, led by Mr. Izetbegovic. Until September 1991 the PL had its headquarters in 98 municipalities and the same number of the armed units, and 9 regional headquarters, See: D00298, p.2**

After that I set about realising the plan that had been accepted and organising the Main Staff of the Patriotic League of the Republic of Bosnia and Herzegovina, nine regional military staffs, 98 municipal military staffs of the PL /Patriotic League/ and a large number of manoeuvre, area and logistic units.

**As far as it is concerned with Sarajevo, in the same document Halilovic said:**

Immediately after involving myself in preparations for the defence of R BH /Republic of Bosnia and Herzegovina/, in September 1991, together with the late Safet HADŽIĆ, who was appointed president of the crisis staff of the Sarajevo region, and with the help of Mirsad ČAUŠEVIĆ, now in the MIP /Ministry of the Interior/ and Senad MAŠOVIĆ, now at the command of the Third Corps, I drew up a proposal for organising the Patriotic League for the Sarajevo area, organised the regional staff of the Patriotic League and a plan for the defence of the Sarajevo area.

**The**

**JNA certainly knew all of that (see: @ A. Vasiljevic) and behaved in accordance to this knowledge.** On 15 October 1991, pursuant to an order of the SRBiH Presidency,<sup>7020</sup> the Hadžići MUP mobilised 480 members of the reserve police force;<sup>7021</sup> **(This was the common Presidency under the Muslim domination, and “this enabled” the armament of the Muslim police reservists!, see fn. 7032!)** this enabled members of the reserve police to obtain arms.<sup>7022</sup>

Meanwhile, the SDA was distributing weapons in municipalities within the city of Sarajevo, including Hadžići.<sup>7023</sup> Some wealthier Bosnian Muslims bought weapons for themselves.<sup>7024</sup>

<sup>7018</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4. See also D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 22.

<sup>7019</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), pp. 3–4. See also D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 34.

<sup>7020</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4; D2491 (Report of Tarčin police station, 6 August 1992), p. 3.

<sup>7021</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4; Tihomir Glavaš, T. 11815, 11818–11819, 11822–11823 (14 February 2011).

<sup>7022</sup> The number of reserve police forces was reduced pursuant to a SRBiH MUP order of 21 December 1991 before being re-mobilised in January 1992. D2491 (Report of Tarčin police station, 6 August 1992), p. 3. Bosnian Muslims began to obtain arms through this mobilisation of the reserve police force, which was primarily made up of Bosnian Muslims. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), paras. 23, 29; D2490 (Witness statement of Radojka Pandurević dated 27 November 2012), para. 5.

<sup>7023</sup> Tihomir Glavaš, T. 11812 (14 February 2011). The police were also aware that SDA leader Hasan Čengić had sent Bosnian Muslim policemen to Croatia to receive training and that he had obtained weapons by forging MUP IDs. Tihomir Glavaš, T. 11814 (14 February 2011). See also D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 30. In February 1992, Serb policemen attempted to stop a vehicle carrying weapons from entering Hadžići municipality but were prevented by Bosnian Muslim police. Tihomir Glavaš, T. 11815 (14 February 2011). The vehicle escaped in the direction of Mokrin, a predominantly Muslim village in the northern part of the municipality. Tihomir Glavaš, T. 11815 (14 February 2011); D1087 (Map of Hadžići municipality marked by Tihomir Glavaš) (showing Mokrin as being located northwest of the town of Hadžići, near the border with the Kiseljak municipality).

2073. By the beginning of February 1992, residents of the Hadžići municipality had begun to organise nightly patrols and guards in the local areas where each ethnic group was prominent.<sup>7025</sup> Around the same time, Bosnian Serbs began to leave the regular and reserve police units,<sup>7026</sup> and the JNA began distributing firearms to the Serb population at night.<sup>7027</sup> **(The JNA still was the only #legal armed formation#, and they relied only on the Serbs, and formed the reserve battalions.)**

2074. In late March 1992, the police warehouse in Rakovica, which was full of weapons, was broken into during a time when Bosnian Muslim officers were on duty.<sup>7028</sup> Machine-guns, police gear, and some transportation devices all went missing.<sup>7029</sup> By the end of the month, Bosnian Muslim formations in Hadžići were “well-organised and armed”.<sup>7030</sup> **(And that happened in March 92, while the sides negotiated “bona fide” the arrangement which would avoid the war! The Muslim side didn’t negotiate in a good fate, and the Agreement reached on 18 March had been denounced by the SDA on 25 of March! Meanwhile the Muslims continued to arm themselves, hoping that the Serbs would trust the fake negotiations!)**

# 1. Division of municipal organs

2075. In the meantime, the work of municipal organs had ground to a halt; shortly after the first mobilisation of the reserve police in October 1991, the SDS delegates had stopped co-operating in the joint Hadžići Municipal Assembly and the Municipal Assembly Executive Board.<sup>7031</sup> **(The foot note contains all the reasons for such a move, in particular D2917, which have depicted the whole picture of #abuses of the common institutions# by the SDA officials!)** Eventually, only the Municipal Defence Council remained functional.<sup>7032</sup> Beginning in January 1992, at meetings of the Municipal Defence Council, Ratko Radić called for the establishment of a Serb assembly in Hadžići, an idea which had already been discussed by the Bosnian Serb Assembly in December 1991,<sup>7033</sup> and which was later reiterated by other SDS delegates at successive meetings of the Hadžići Municipal Defence Council.<sup>7034</sup> **(#Two municipalities – peace#! Now, on this example it could be seen why the Serbs throughout the BiH wanted to have their own municipal administrations. The Muslim extremists in the SDA abused all and every common state organ for their own purpose – to kill and expel the Serbs from the entire Bosnia. Had the Serbs participated in such a common bodies, it would be a participation in a future**

<sup>7024</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 3.

<sup>7025</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 13.

<sup>7026</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5. At the same time Bosnian Muslims heard that a separate Serb MUP was established in the local community of Drozgometva. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5.

<sup>7027</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5.

<sup>7028</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 59; Tihomir Glavaš, T. 11821 (14 February 2011).

<sup>7029</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 59; Tihomir Glavaš, T. 11821 (14 February 2011). Glavaš, who was commander of the joint police station at the time, was criticised for having allowed this to happen. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 59.

<sup>7030</sup> D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 30.

<sup>7031</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4. Ostensibly, this lack of co-operation originated when Bosnian Muslims refused to place the mobilisation of the reserve police on the Municipal Assembly’s agenda. D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 7; D2490 (Witness statement of Radojka Pandurević dated 27 November 2012), para. 7; Radojka Pandurević, T. 30667–30668 (29 November 2012); D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), paras. 20–21, 24–28. See also D2917 (Statement of Hadžići SDS Municipal Board, 10 October 1991). According to Radojka Pandurević, the mobilisation of the reserve police sparked a “fierce argument” because the mobilisation was done without the knowledge of the “then commander”, Tihomir Glavaš. D2490 (Witness statement of Radojka Pandurević dated 27 November 2012), paras. 5–6.

<sup>7032</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4. The municipal Defence Council included a representative of the Army, the Police, the TO, the Administration Services and the Secretary of the Secretariat for People’s Defence. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4. See also D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 28; Vidomir Banduka, T. 33496–33497 (12 February 2013).

<sup>7033</sup> D84 (Shorthand Record of 3<sup>rd</sup> Session of Assembly of SerBiH, 11 December 1991), pp. 16–17. See also para. 131.

<sup>7034</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4. Radić further stated that the Serb people did not want to be a part of a sovereign BiH and that Muslims should establish their own bodies of government. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 4. Finally, Radić demanded that a Serb be assigned as the director of the primary school in Tarčin, stating, “if we cannot do it by goodwill we will do it by force”. P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3. The President of the Municipality warned Radić not to make threats, and ultimately a Bosnian Muslim was assigned as the director of the Tarčin primary school. P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3.



**crimes against their own people. On the other hand, since the Muslims and Croats would have the same as the Serbs wanted for themselves, they could abuse only their state organs, not the Serb's and common bodies!)**

**2076.** In early to mid-April 1992,<sup>7035</sup> the SDS stopped participating in the Municipal Defence Council,<sup>7036</sup> and the Bosnian Serbs attended a meeting of the Municipal Assembly for the last time.<sup>7037</sup> There, Ratko Radić called for the abolition of “joint policing” and the establishment of a Serb police.<sup>7038</sup> **(The war was already in the other parts of Sarajevo district and throughout the BiH, and the common police had already been widely #abused by the SDA#, see para 2074 of this Judgement!)**

2076. On 11 April 1992, citing the “extremely difficult political and security situation”,<sup>7039</sup> the SDS held a Serb Assembly session at the Hadžići Culture and Sport Centre,<sup>7040</sup> **(It had never been the SDS, because the Assembly had many Serbs in other parties, mainly leftist, but when it was to form the Serb municipal, as well as the central Assembly, all of the Serbs, regardless of the party belonging, crossed to the Serb Assembly! It is not correct to interpret these events as a party endeavour, since it was an endeavour of the Serb community as a whole!)** where the Serb Municipality of Hadžići was proclaimed.<sup>7041</sup> At the same session, Nevenko Samouković was “given a mandate to form the municipal government”.<sup>7042</sup> The SDS selected Drago Milošević as President of the Serb Municipality of Hadžići as well as President of the Hadžići Assembly of the Serbian People,<sup>7043</sup> but he was soon replaced by Ratko Radić,<sup>7044</sup> who remained President of the Municipality until the end of the war.<sup>7045</sup>

**2077.** The SDS also decided to create a Serb SJB and appointed Tihomir Glavaš as Chief and Branislav Mijatović as Commander.<sup>7046</sup> **(This is why it shouldn't be associated with the SDS, since Glavas for sure was not in any contact with thje SDS, and maybe Mijatovic too. All of the Serb deputies run the Serb policy in every municipality!)** The Serb police wore the same

<sup>7035</sup> Balić testified that this meeting occurred “about 20 days before the shooting on Hadžići”. P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3.

<sup>7036</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), pp. 4–5.

<sup>7037</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3.

<sup>7038</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3.

<sup>7039</sup> The SDS claimed that the proclamation was made “in order to protect the Serbian people and preserve peace in the Territory of Hadžići municipality”. D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; D2916 (Announcement of Hadžići Municipal Assembly, undated), p. 1; D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 34; D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 37. According to Vidomir Banduka, Bosnian Muslims’ refusal to be mobilised into the JNA, combined with the simultaneous mobilisation of Bosnian Muslims into the reserve police force and the mobilisation of the Bosnian Muslim TO, also informed the SDS decision to establish the Serb Municipality of Hadžići. D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 36.

<sup>7040</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3 (stating that the proclamation session was held in the “Dom building” about 10 days before the war); P2298 (Photograph of Hadžići Radnički Dom); Tihomir Glavaš, T. 11777–11779 (14 February 2011) (identifying P2298 as the Culture and Sport Centre).

<sup>7041</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 6; D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3; D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 31. *See also* Adjudicated Fact 2563; P2306 (Report on the work of the Hadžići Municipal Assembly in 1992), p. 1; P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5. *But see* D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 37.

<sup>7042</sup> D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; D2916 (Announcement of Hadžići Municipal Assembly, undated), p. 1; Nevenko Samouković, T. 34600 (1 March 2013).

<sup>7043</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 6; D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; D2916 (Announcement of Hadžići Municipal Assembly, undated), p. 1.

<sup>7044</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 6, 21, 23. Dragan Kapetina and Ratko Gengo were chosen as Vice President and Secretary of the Assembly, respectively. D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; D2916 (Announcement of Hadžići Municipal Assembly, undated), p. 1; D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 31; D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 39. *See also* P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5.

<sup>7045</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 25. Radislav Petrić, Vidomir Banduka, and Nevenko Samouković, all functioned as President of the Executive Board of the Serbian Municipality of Hadžići at different times throughout the war. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 25; D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 17.

<sup>7046</sup> D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; D2916 (Announcement of Hadžići Municipal Assembly, undated), p. 1; D2491 (Report of Tarčin police station, 6 August 1992), p. 4; P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 6, 21; Tihomir Glavaš, T. 11830–11831 (14 February 2011); D1068 (List of employees of Hadžići SJB, April 1992), p. 1; D1070 (List of employees of Hadžići SJB, July 1992); D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 6; P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5.

uniforms as the previous joint police, but replaced the star badge on their caps with a tricolour Serb badge.<sup>7047</sup> **(The Serb tricolour badge was without any ideological determination, since the President was against any ideological rift among the people, as it was during the WWII. Also, the Muslims and Croats didn't like the cocardes, and as could be seen from the pre-war intercepts, the President said to his interlocutors in Herzegovina that regardless of the respect for the royal army, the Serb neighbours of the Muslim religion didn't like to see "Chetniks" marching through the settled places. Therefore, all the #cocardes and all the insignias# except the Serb tricolour meant the paramilitaries, not the regular Serb forces! And the President disowned all the paramilitaries as early as on 13 June 1992!)** Initially stationed at the Culture and Sport Centre where the proclamation session was held,<sup>7048</sup> the Serb police later relocated to the ground floor of the Hadžići Municipal Assembly Building.<sup>7049</sup> **(That happened after the Muslim extremists shelled the police station and other places of the police seats, on 10 May 1992!)** The SDS further called on Serbs of military age to register in the Serb TO, which was to be commanded by Mile Bratić,<sup>7050</sup> or in the reserve police formation.<sup>7051</sup> **(This is also a #distorted interpretation#: it was not a party obligation, it was a #legal obligation due to the law of Defence#, and all the state organs were separated from the party organs. Of course, the majority in the Serb assemblies was the SDS, but later it was not, and it was never a mono-party situation!)**

2079. The Serb Municipality of Hadžići covered the parts of Hadžići municipality where the Serbs were the majority population,<sup>7052</sup> and the Serb police confined their public security tasks within that territory.<sup>7053</sup> During the period immediately after the Serb police force was established in Hadžići, certain small groups of armed "free agents" who committed theft were present in the municipality.<sup>7054</sup> Some members of the Serb police were also involved in crime.<sup>7055</sup> The Serb police carried out mobilisation for the VRS and provided uniforms to "citizens of Serb nationality",<sup>7056</sup> which led to a reduction in "the number of groups and individuals forming paramilitary formations".<sup>7057</sup> **(#EXCULPATORY!!!!)**

2080. Immediately after the proclamation session, the Hadžići Crisis Staff was established as the highest organ of authority for the Serb municipality, taking over the functions of the Serb Municipal Assembly.<sup>7058</sup> The members of the Hadžići Crisis Staff included the President of the

<sup>7047</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 3.

<sup>7048</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3. The headquarters of the Serbian Assembly were also on the ground floor of the Hadžići Culture and Sport Centre throughout the period of April through August 1992. Tihomir Glavaš, T. 11778 (14 February 2011). *But see* D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 6.

<sup>7049</sup> Tihomir Glavaš, T. 11779 (14 February 2011).

<sup>7050</sup> D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; D2916 (Announcement of Hadžići Municipal Assembly, undated), p. 1; D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 38. *See also* P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 5; D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 33.

<sup>7051</sup> D1066 (Proclamation of the Hadžići Municipal Assembly, undated), p. 1; D2916 (Announcement of Hadžići Municipal Assembly, undated), pp. 1–2; D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 33. *See also* P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3 (stating that the TO split into separate Serb and Muslim branches approximately one month before the conflict).

<sup>7052</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 22; Tihomir Glavaš, T. 11934 (15 February 2011), T. 12038–12039 (16 February 2011); D1087 (Map of Hadžići municipality marked by Tihomir Glavaš) (showing the areas controlled by Serbs marked by an "S"); D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 32; D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 20; Vidomir Banduka, T. 33494 (12 February 2013). *See also* Nevenko Samouković, T. 34615–34616 (1 March 2013).

<sup>7053</sup> D3856 (Witness statement of Dragan Kapetina dated 13 July 2013), para. 32.

<sup>7054</sup> Tihomir Glavaš, T. 11982–11983 (16 February 2011); D1074 (Correspondence from Hadžići Police Station to Sarajevo CSB, 9 August 1992), pp. 1–2. Vidomir Banduka testified that the term "free agent" in BCS denotes a person who is not "part of the system". Vidomir Banduka, T. 33524 (12 February 2013).

<sup>7055</sup> Tihomir Glavaš, T. 11984 (16 February 2011); D1074 (Correspondence from Hadžići Police Station to Sarajevo CSB, 9 August 1992), p. 2. *See also* Vidomir Banduka, T. 33523–33524 (12 February 2013) (stating that the Serb Hadžići municipal authorities "had problems with such individuals and small groups").

<sup>7056</sup> *See also* P134 (Witness statement of Adem Balić dated 25 June 1997), p. 2 (stating that the SDS began to distribute JNA uniforms and mobilisation papers to local Serbs about 15 days before the conflict).

<sup>7057</sup> D1074 (Correspondence from Hadžići Police Station to Sarajevo CSB, 9 August 1992), p. 2.

<sup>7058</sup> P2306 (Report on the work of the Hadžići Municipal Assembly in 1992), p. 1; P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 23, 26, 61; Nevenko Samouković, T. 34602 (1 March 2013); D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 42. *See also* Tihomir Glavaš, T. 11780–11781 (14 February 2011); D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 12.

Serb Municipality, the president of the Executive Board of the Serb Municipality, one member of the military, representatives of the management of the TRZ, and the Chief of the Serb police.<sup>7059</sup> The first task of the Crisis Staff was to “organise the defence of the Serb territory of Hadžići and to take care of, feed and organise the citizens as much as war circumstances allow”.<sup>7060</sup> **(A clear indication of a #general shortages# of stuffs, food and other needs!)** The Crisis Staff authorised security actions, which were then carried out by the military and/or the police.<sup>7061</sup>

# 1. Continued militarisation of Hadžići

2081. From about 10 April, the co-operation between the SDS and the JNA commanders at the barracks located throughout Hadžići became more overt,<sup>7062</sup> **(Why this co-operation should be covered, since it was a legal obligation of all the citizens? The Muslims were obliged to co-operate too, but they #violated the federal laws#!)** and reserve units from Serbia and Montenegro began to arrive in the municipality to be deployed at the TRZ.<sup>7063</sup> Military preparations also began in the Serb-majority villages of Bare and Miševići.<sup>7064</sup>

2082. Also in April 1992, Serb soldiers began to capture and occupy significant buildings and positions in the town of Hadžići.<sup>7065</sup> During the proclamation session,<sup>7066</sup> an anti-aircraft artillery weapon was positioned outside of the Culture and Sport Centre and was manned by members of the Serb TO.<sup>7067</sup> Thereafter, the Serb police began arresting “Muslim terrorists” who were transporting arms.<sup>7068</sup> **(No quotation marks needed, there was in reality many smugglers of weaponry, and even the Chamber recognized the theft of the armament from the police depot in Rakovica, see para 2074 of this Judgement!)**

2083. Between the morning of 16 April and the afternoon of 17 April, approximately 2,200 people reported to the SRBiH TO in Hadžići, which had been mobilised during the preceding days after fighting broke out in Zvornik and Bijeljina.<sup>7069</sup> Most of those who reported were non-

<sup>7059</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 23; Tihomir Glavaš, T. 11780 (14 February 2011); D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 43. See also D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 14; Nevenko Samouković, T. 34616 (1 March 2013). Although as Chief of the police station, Glavaš was technically a member of the Crisis Staff, he rarely attended the meetings and sent the commander of the police station, Brane Mijatović, as a representative to report back to him on the topics covered. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 23, 61; Tihomir Glavaš, T. 11782 (14 February 2011).

<sup>7060</sup> P2306 (Report on the work of the Hadžići Municipal Assembly in 1992), p. 1; D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 13. The Serb Municipal Assembly did not convene again until approximately July 1992. Nevenko Samouković, T. 34621 (1 March 2013). See also D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 43. The Crisis Staff met every morning in a conference room in the Hadžići Municipal Assembly building. Tihomir Glavaš, T. 11781 (14 February 2011); P2301 (Photograph of Hadžići municipal building marked by Tihomir Glavaš).

<sup>7061</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 61. Because Radić was both President of the municipality as well as President of the Crisis Staff, all units in the territory of Hadžići—including those stationed at the TRZ—as well as the regular and reserve police units were under the control of the Crisis Staff. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 24. Glavaš explained that the Crisis Staff obtained intelligence that was of interest for both the security service and the military; depending on the content of the information, decisions related to “domestic issues and the rear of the territory” would be taken by the Chief of the SJB or otherwise by the army. Tihomir Glavaš, T. 11782–11783 (14 February 2011).

<sup>7062</sup> See Adjudicated Fact 2562.

<sup>7063</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), pp. 5–6.

<sup>7064</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3; D1087 (Map of Hadžići municipality marked by Tihomir Glavaš) (showing Miševići located at the northernmost tip of the Hadžići municipality). See also D313 (Excerpt from Igman Brigade’s analysis of rocket units, undated), p. 1 (stating that in April 1992 the VRS Igman Brigade formed two howitzer batteries with 122mm and 155mm guns and its first fire-support groups); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 22 (referring to Serb defence lines being established in the areas of Kasatići, Tinovo Hill, and in the direction of the TRZ).

<sup>7065</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6. See also Adjudicated Fact 2562.

<sup>7066</sup> See para. 2071.

<sup>7067</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 3. At the initial Assembly meeting, Ratko Radić had stressed that it was important for the Serb TO and the army to act together in order to protect the Serb population from “all possible attacks”. P2297 (Minutes of meeting of Hadžići Municipal Assembly, 11 April 1992), p. 2.

<sup>7068</sup> D1067 (SRNA news report, 20 April 1992), p. 1. See also D2919 (Report of ABiH 9<sup>th</sup> Mountain Brigade, 5 January 1993) (stating that before the war a truck carrying 280 Kalashnikov rifles had been diverted to Ljubovčići in order to avoid interception by “Serbian extremists” and that these rifles were later distributed by the SDA in various villages including Pazarić, Tarčin, and Hadžići).

<sup>7069</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6.

Serbs,<sup>7070</sup> thereby rendering the SRBiH TO a *de facto* Bosnian Muslim organ. Because the Bosnian Muslim TO lacked arms, however, the leadership sent the men home, telling them that they would be invited to report again later.<sup>7071</sup>

ii. Take-over

1. Hadžići town

**2084.** On 7 May 1992, a group of armed Serb reservists and policemen took over the municipal building in Hadžići and expelled all the workers.<sup>7072</sup> The building was then locked and guarded.<sup>7073</sup> On the following day, “small hostilities” broke out between the Bosnian Serb and Bosnian Muslim police.<sup>7074</sup> After negotiations between the SDS and SDA, the Serbs took control of the health centre next to the municipal building and took positions in the hills.<sup>7075</sup> At about 3 p.m., “key persons and parties of the Municipality” on both sides met to discuss the security situation.<sup>7076</sup> Radić concluded the meeting by stating that if they did not “finish this work, the others would come” and they “would have blood [...] deep up to the knees”.<sup>7077</sup> Approximately 30 minutes later, the police station came under artillery attack.<sup>7078</sup> **(Why it is left so #ambiguous# concerning with the side who lounched the artillery attack on the police station? In an atmosphere of the demonization of the Serb side, such an ambiguous sentence leads directly to a conclusion that the Serbs did it. However, since the Serbs controlled the town areas where they had a significant majority#only Serb areas#!. Therefore, the Muslim side shelled the police station from that moment and on!)**

**2085.** Meanwhile, the SDS had issued an order demanding that the Muslim members of the police, TO Headquarters, and other municipal authorities leave Hadžići by 6 p.m. on 8 May.<sup>7079</sup> The SDS provided residents with a map and indicated that they should leave in the direction of Pazarić.<sup>7080</sup> That night, between roughly 2,000 and 3,000 Muslim and Croat men, women, and children withdrew from Hadžići town, leaving only 200 or 300 behind.<sup>7081</sup> **(#Wrong presentation#: nobody forced those who left for Pazarić to leave, and nobody forces those who stayed to stay. Those who felt secure among the Serb majority, they stayed, and vice versa!)** By 9 May, the Serbs had taken control of parts of the municipality of Hadžići and had encircled the TRZ.<sup>7082</sup> **(As accepted by the Chamber, the Serbs controlled only about 20% of the municipal territory, and only those parts #with the Serb majority#, see: paragraph 2079 of this Judgement! However, let us see 65ter 1514, the Ministry for Interior of the RS on 9 May 1992:**

<sup>7070</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6.

<sup>7071</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6.

<sup>7072</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4; *see* Adjudicated Fact 2564.

<sup>7073</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4.

<sup>7074</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 3. According to Vidimir Banduka, on 8 May 1992, Bosnian Muslim forces put up a blockade in front of the entrance to the TRZ. D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), paras. 45, 71.

<sup>7075</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 3.

<sup>7076</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6.

<sup>7077</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6.

<sup>7078</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6. *See also* P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4; Adjudicated Fact 2566.

<sup>7079</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6. *See also* Adjudicated Facts 2565, 2570.

<sup>7080</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 6; D1087 (Map of Hadžići municipality marked by Tihomir Glavaš).

<sup>7081</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 7 (further testifying that according to official records, 186 of those people were later listed as missing). *See also* Adjudicated Fact 2567; D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 46. Bosnian Muslim forces set up a check-point near the quarry on the road to Pazarić just outside town, which became and remained the frontline until the end of the war. P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 7.

<sup>7082</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 7; P1477 (Ratko Mladić’s notebook, 14 February–28 May 1992), p. 269. *See also* Adjudicated Fact 2566.



Date: 9 May 1992

Overview of the Daily Events

- Early this morning, around 0115 hrs, the JNA /Yugoslav People's Army/ barracks in Mioča in the territory of the Serb Municipality Ilijaš have been attacked by the members of the so called TO /Territorial Defense/ of the former BH and other Muslim paramilitary formations. After some 30 minutes of raphal and individual fire exchange, and several smaller detonations which are doing of the Muslim extremists from the direction of Hadžići, below Vlaskovo, the fighting ceased. There were casualties on both sides; on the Serb side there was one killed and one severely wounded soldier, while the enemy side suffered significantly bigger losses, it is assumed that there are more than 20 wounded and killed.
- The attacks to the Serb territories by the members of the members of the so called TO of the former BH are not ceasing on other directions. In that manner, early this morning, around 0115 hrs, the Serb SJB Hadžići has been attacked by the
- According to the latest information, in the area of Rakovica, all Muslims fit for combat escaped to the territory of the Kiseljak Municipality, only children and elderly remained in those villages. Nevertheless, the relationship between the Serb and Croat authorities on the border areas of the municipalities Iliđza and Kiseljak are, for the time being, satisfactory. Muslim population who remained on that area addressed the Serb authorities requesting them for help obtaining victuals, especially flour, to which the Serb side obliged positively and started collecting aid. Muslim extremists, besides the good will of the Serb authorities, again started cowardly attacks of the positions of the Serb TO members thus destroying every possibility to provide their own population with the necessary victuals.

**: That is what was said about the "daily events" in Hadzici on 8 and 9 May 92. This document was at disposal in the e-court, but was not tendered, because nobody suspected that it was contested that the Muslim extremists initiated the war in Hadzici! Even the Serb good will to help their own population was abused to inflict the loses to the Serb neighbours!)**

**2086.** Over the following few days, Serb reservists began setting up check-points around Hadžići town, thereby restricting residents' movements.<sup>7083</sup> **(The #war in Hadzici was postponed# the whole four weeks after it broke out in a nearby Sarajevo. But, after the Muslim shelling of the Serb parts of town, there must have been a control of the movement, #for the security reasons#, otherwise the Serb community would sustain a tragic loses! As confirmed by this Judgement, as of 7 May the Muslim side used artillery against the Serb municipality of Hadzici, particularly sever on 10 May, see: para 2096 of the Judgement!)** Serb women and children were put on buses headed toward Montenegro,<sup>7084</sup> and the Serb Forces began to arrest, expel, or kill people who remained in the municipality.<sup>7085</sup> **(Rule 92bis! Not charged, but why it is here?)** The Serb police went around to homes, instructing people to stay inside.<sup>7086</sup> Police officers were placed in front of buildings in Hadžići, thus preventing any movement by the residents.<sup>7087</sup> Many houses were searched.<sup>7088</sup> **(All of it on the basis of Rule 92bis! But, let us see whether there was a security necessities for that, see D1073, p.1, of 12 May 92. Nota bene the pace of the Muslim agressivness and hostilities against the Serbs: since 7 May and the shellings, till 11 May there was an intensive military development:**

<sup>7083</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4. *See also* Adjudicated Fact 2568.

<sup>7084</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4. *See also* Adjudicated Fact 2567.

<sup>7085</sup> P41 (Witness statement of Ramiz Dupovac dated 16 January 1998), p. 7. The Chamber notes these killings are not charged pursuant to either Schedule A or Schedule B of the Indictment. *See* fn. 13.

<sup>7086</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4; P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1.

<sup>7087</sup> P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1.

<sup>7088</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 4; P125 (Zijad Okić's statement to BiH authorities, 3 February 1993), p. 1; P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1.

According to reliable information provided by the Ministry of the Interior of Srpska Republika BiH, members of the so-called TO of the former BiH and Muslim-Croat paramilitary formations are systematically preparing acts of sabotage on buildings of vital importance in the entire territory of the city of Sarajevo. Thus, in the past few days they have mined the bridge on Vrbanja, the "Brotherhood and Unity" bridge (on which there is momentarily a number of gas bottles and one transport vehicle, most probably full of explosive, facing the secondary commercial school) and the bridge at "Elektroprivreda" near the building of the Bureau of Social Security. A large grouping of these formations was observed in the same area, along the Vilsonovo alley, while in the Hrasno area "Green Berets" have gathered a large number of cars.

**Since Hadzici was a Sarajevo city municipality, this pertained to Hadzici too. This is the most flagrant emergency situation with the #necessary cautious measures# and searches. See the same D1073 about Hadzici:**

Heavy exchange of fire between Serb defence forces and members of the so-called TO of the former BiH has been going on for the two past days in the Hadžići area. Despite unequal balance of forces, with Serbs being less in number, attacks of Muslim paramilitary formations have been resisted successfully. The situation in Hadžići is still very difficult. At the moment, the area of Krnačka rijeka, Tinovo brdo and JNA facilities in Žunovica are besieged. However, Serb forces control this area and have the situation under control for the time being.

**So, the Serb side proposed and implemented the #“two municipalities” policy#, while the Muslim side shelled the Serb parts of the municipality, and besieged many facilities, decisive to win over the Serb side, as mentioned in the next paragraph! But, the bias of these processes are visible from every line. The Judgement is pointing out to the searches by the “Serb Forces” but didn’t mention a flagrant example of the #Muslim mean orders# pertaining to the Serb peasants, see D2493:**

#### **HADŽIĆI POLICE STATION**

**Pazarić, 1 July 1992**

**Number: 17-8/01-29-/?s/1/92**

**SUBJECT:** Tasks received from the Command of the TO /Territorial Defence/ of the Hadžići SO /Municipal Assembly/ to be carried out by the employees of this SJB /Public Security Station/

- Motorised and foot patrols are to go to all Serbian villages and Serbian houses and issue the following order:

**BRING IN** all men of Serbian ethnicity.

Issue an order prohibiting all individuals of Serbian ethnicity from moving outside their houses.

Issue an order prohibiting all gatherings, get-togethers, field work and any other activity outside family houses.

Issue an order introducing night-time blackouts and the need and obligation to shut all windows on houses and facilities.

Carry out renewed searches of Serbian houses and facilities, paying special attention to /discovering/ radio and wireless sets, and detecting individuals who are collaborating with enemy forces in any way.

**SM /Police Station/ COMMANDER**

**Mirsad ŠABIĆ**

**/a signature/**

**The Third Reich would be envious for such a condensed order that pertained to “all individuals of Serbian ethnicity”! If it is not condemned by this court, this would mean that it was not a crime!**

2087. Between 10 and 12 May 1992, Serb Forces and the Bosnian Muslim TO engaged in a “heavy exchange of fire” in Hadžići.<sup>7089</sup> By 12 May, Serb Forces in the Krupačka Rijeka area, near Tinovo Hill, and the JNA complex at Žunovnica were all surrounded by Bosnian Muslim forces; however, the Serb Forces maintained control over the situation and the area.<sup>7090</sup> Fighting in and around Hadžići town continued throughout May and into June 1992.<sup>7091</sup>

## 2. Attacks against surrounding villages

2088. Meanwhile, villages surrounding Hadžići had also come under attack. On 7 or 8 May 1992, using weapons stationed in front of the Culture and Sport Centre, Serb Forces opened fire on the village of Kovačevići.<sup>7092</sup> **(And who shelled the Sport Centre since 7 May? From where all these shellings of the Serb municipality of Hadzici could have come, unless from the villages in the vicinity of the Hadzici town? What rule have #forbidden the Serb side to respond?# For that reason it must be said that the trials in this kind of the “ad hoc” courts are missing all points and create a confusion – if not bringing about “the whole truth”, particularly pertaining to a context and knowledge of the domestic laws.) this kind of presentation may be valid in a writing history of this conflict, but not in a criminal cases!)** On 8 May 1992, some Kovačevići residents were killed by a Serbian paramilitary group.<sup>7093</sup> **(If “not charged”, why it is in the Judgement? To #denigrate the Serb side additionally?# Except this witness’s testimony, there was no other evidence on that allegation!)** During the following two days, a peace commission was set up to calm the situation.<sup>7094</sup> The Serb Forces took control of Kovačevići on 11 May 1992.<sup>7095</sup>

**2089.** After the attack on Kovačevići, the residents of Musići, a Muslim settlement within the Serb village of Ušivak,<sup>7096</sup> came under fire from the Serb Forces.<sup>7097</sup> On 8 May 1992, tanks

<sup>7089</sup> D1073 (SerBiH MUP report on daily activities, 12 May 1992), p. 1. At the break of dawn on 11 May, Bosnian Muslim forces attacked locations in Hadžići town, including the Serb police station. D2921 (RS MUP information, 11 May 1992), p. 1; D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), paras. 46, 47. See also P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court pp. 3–4; D2491 (Report of Tarčin police station, 6 August 1992), p. 5; Vidimir Banduka, T 33531, 33529 (13 February 2013). Small arms fire continued after the shelling. P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 4.

<sup>7090</sup> D1073 (SerBiH MUP report on daily activities, 12 May 1992), p. 1; P2790 (SerBiH MUP daily report, 12 May 1992), p. 1. On 25 May 1992, Bosnian Muslim forces attacked the Serb-held Žunovnica complex and took control of over half of the storage premises, but Serb Forces had regained control by the following evening. D317 (TO Hadžići report on combat readiness, 29 May 1992), p. 1; P133 (Witness statement of Matija Bošković dated 20 November 2003), p. 8. See also D1211 (Ilidža Crisis Staff letter, 13 May 1992) (suggesting that the Muslim forces were intent on taking over the TRZ).

<sup>7091</sup> D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), paras. 49–51; Vidimir Banduka, T 33531 (13 February 2013). See also D1212 (Intercept of conversation between Nedeljko Prstojević and Milosav Gagović, 13 May 1992), p. 2; Mladen Tolj, T. 34649 (1 March 2013). Hadžići continued to come under heavy fire from the ABiH throughout the remainder of 1992 and into early 1993. D2451 (Witness statement of Velimir Dunjić dated 12 November 2012), para. 17; D2453 (Report of Igman Brigade, 2 October 1992); D2454 (Report of Igman Brigade, 24 September 1992); D2456 (Report of Igman Brigade, 8 December 1992); D2457 (Report of Igman Brigade, 7 December 1992); D2458 (Report of Igman Brigade, 6 December 1992); D2459 (Report of Igman Brigade, 4 December 1992); D2460 (Report of Igman Brigade, 27 November 1992); D2461 (Report of Igman Brigade, 23 November 1992); D2462 (Report of Igman Brigade, 21 November 1992); D2463 (Report of Igman Brigade, 18 November 1992); D2468 (Report of Igman Brigade, 22 December 1992); P4228 (UNPROFOR report re meeting with Radovan Karadžić and Alija Izetbegović, 16 February 1993), para. 6.

<sup>7092</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4. The firing only lasted for the day, but the situation was very tense afterwards. P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4. The Serb village of Bare began shooting with rifles as well as light and heavy machine guns at the nearby Muslim village of Grivići. P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 3. See also P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 67 (recalling a weapons seizing operation which occurred in Grivići).

<sup>7093</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 19; Mehmed Musić, T. 12831 (3 March 2011). The Chamber notes these killings are not charged pursuant to either Schedule A or B of the Indictment. See fn. 13.

<sup>7094</sup> P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4.

<sup>7095</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 21.

<sup>7096</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 6–7; P2405 (Map of Hadžići marked by Mehmed Musić) (showing Musići at Point 1).

<sup>7097</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 19, 21. The Serb police were “[one] hundred percent certain” that the residents of Musići settlement had illegal weapons. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 33, 34, 39. See also P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 15, 25; Mehmed Musić, T. 12830–12831, 12847 (3 March 2011). Glavaš

approached Musići from Tinovo Hill.<sup>7098</sup> Realising that they would not be able to “offer resistance to the Chetniks”, the residents of Musići organised buses and had already begun taking the women and children out of Musići between 7 and 9 May.<sup>7099</sup> **(#Not expelled#! Right, they started shelling the Serb municipality on 7 May, and simultaneously removed their women and children away, while the Serbs appeared to the Muslici settlement only after the shellings!)**

**2090.** Around 15 May, Serb Forces shelled houses and other buildings in Musići from positions located in Ušivak.<sup>7100</sup> After about two days, two Bosnian Serbs came to Musići and called on the residents to surrender.<sup>7101</sup> They refused, so the shelling resumed that evening and continued for three days.<sup>7102</sup> **(Therefore, the Musici settlement was not a civilian settlement, but a militarised zone, which could afford itself not to surrender weapons!#Abuse of civil settlement#!)**

**2091.** On 20 May, pursuant to a decision of the Crisis Staff,<sup>7103</sup> approximately 50 to 60 members of the Serb Forces entered Musići from all sides, supported by two Praga tanks.<sup>7104</sup> The Serb Forces announced through a loudspeaker that all weapons should be handed over.<sup>7105</sup> The soldiers then went from house to house to conduct searches and seize weapons.<sup>7106</sup> **(A #legal and legitimate action#, to put the attacks from Musici off!)**

**2092.** Mehmed Musić was arrested in his home by two members of the Serb MP and was taken along with 14 other men from Musići to Alija Musić’s house,<sup>7107</sup> where he saw three dead bodies.<sup>7108</sup> Dragan Pušara sent a man to fetch the Musići residents who were still hiding, threatening to kill all of the 14 men if those in hiding refused to surrender.<sup>7109</sup>

**2093.** Eventually, the Serb soldiers led the 14 men away to the primary school in Hadžići,<sup>7110</sup> which was guarded by men wearing olive-grey uniforms.<sup>7111</sup> Once the men had arrived inside a

---

acknowledged that the Serb police was aware that some people had permits allowing them to keep weapons, but suggested that the Serb police still sought out the owners of such weapons because they were being used illegally. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 67.

<sup>7098</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 20.

<sup>7099</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 18.

<sup>7100</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 23–24. *See also* Adjudicated Fact 2569.

<sup>7101</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 22, 25, 27 (stating that Boro Đukanović told the residents: ‘This is Serb land. You have nothing to look for here’ and that Dragan Pušara threatened to burn down the settlement if they did not surrender). The Musići residents had already been asked to surrender their weapons at the end of April, but they had refused. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 15. *See also* P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 4; Tihomir Glavaš, T. 11787 (14 February 2011); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 35.

<sup>7102</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 22, 26–27, 29–30.

<sup>7103</sup> Tihomir Glavaš, T. 11787 (14 February 2011). *See also* P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 66.

<sup>7104</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 31, 33, 36, 39, 40. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 37–38, 61. Glavaš himself was not present during the events in Musići but was informed of the events afterwards. Tihomir Glavaš, T. 11787 (14 February 2011); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 37, 62, 65.

<sup>7105</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 37, 68. Glavaš testified that when the SJB received information that a settlement was in possession of illegal weapons, the SJB would go to the settlement in an official vehicle and would inform the population over the loudspeakers that they were to hand over weapons in a certain location. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 35.

<sup>7106</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 68. The Serbs seized illegally owned weapons, including approximately 20 or 30 M-48 rifles, explosives, and machine guns, from the settlement and took them to the police station. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 37, 40–41, 43. The weapons were then distributed to either the Serb police or the military pursuant to a decision of the Crisis Staff. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 40–41; Tihomir Glavaš, T. 11787–11788 (14 February 2011).

<sup>7107</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 36, 38.

<sup>7108</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 38 (identifying the dead as Alija, Derviš, and Fadil Musić). *See also* P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 37, 62 (stating that three Bosnian Muslims were killed during the 20 May 1992 incident in Musići). The Chamber notes these killings are not charged pursuant to either Schedule A or B of the Indictment. *See* fn. 13.

<sup>7109</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 38. Rade Veselinović also suggested “liquidat[ing]” all 14 of the men lined up outside of Alija Musić’s house, but Pušara opposed that. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 38, 40 (describing Veselinović as singing “Chetnik” songs). *See also* P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 36, 44 (stating that Veselinović, who was a member of the reserve police before moving to the military police, was often tasked with disarmament operations and that he took part in the operation in Musići).

<sup>7110</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 41. According to Tihomir Glavaš, the men were arrested because long-barrelled weapons were found on them. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 45.



classroom on the first floor, the guards threatened to kill them and began to curse at them, stating, “there would be no balija state soon”.<sup>7112</sup> **(A derogatory name of “balija state” means the #Islamic regime# as promised in the Izetbegovic’s Islamic Declaration! Not nice, but since the Serbs had a ground to believe that all their sufferings had to thank to the Islamic Declaration, could be understood!)** The guards spat on the detainees and told them that they were finished.<sup>7113</sup> After approximately 30 minutes, the detainees were taken out of the school and marched to the garage of the Municipal Assembly building, which was located approximately 150 metres away.<sup>7114</sup> **(As it was evident, the garages were the only prison in the Serb part of Hadžici, while the Sport Centre was a refugee’s reception center!)**

(D) Detention facilities in Hadžici

**2094.** In the meantime, the Hadžici Crisis Staff had decided to arrest and detain all Bosnian Muslim men of military age from areas in the municipality such as Binježevo, Žunovnica, and Kućice.<sup>7115</sup> According to Tihomir Glavaš, this decision was taken because the Serbs had information that Muslims were arresting military-aged Serbs and were preparing to attack;<sup>7116</sup> the Serbs also claimed to be arresting Bosnian Muslims for possession of illegal weapons.<sup>7117</sup> The arrests were carried out by the Serb police and the Serb TO.<sup>7118</sup> **(How possibly this may have any connection with the central authorities? According to our legislation, (#All-Peoples Law of Defense#) every settled place was entitled to organize it’s own defence, and all locals did it according to their sense and feeling of security, as well as the intelligence information. That is why the D2493 shouldn’t in no way be neglected, because what is here adjudicated as a Serb crime – as a matter of fact it was a Muslim crime, see again D2493,**

<sup>7111</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 42. The school was closed so the detainees were told to climb through a window and go up to a classroom on the first floor. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 42.

<sup>7112</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 42. The guards appeared to Musić to be in some kind of hurry or panic. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 43.

<sup>7113</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 43.

<sup>7114</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 44. See also Adjudicated Fact 2611; paras. 2095–2100.

<sup>7115</sup> Tihomir Glavaš, T. 11784 (14 February 2011); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 26. The Chamber notes the testimony of Nevenko Samouković, who stated that, as far as he knew, “no one in the territory of Hadžici municipality made a decision to designate certain facilities as camps for detaining Muslims”. Nevenko Samouković, T. 34614, 34624 (1 March 2013). Samouković also stated that this was consistent with a report from the Serb police in Hadžici dated 9 August 1992, which asserted that “in the area of Hadžici municipality, we do not have collection camps used by the army to bring in the Muslim population without documents on the reasons for detention”. D1074 (Correspondence from Hadžici Police Station to Sarajevo CSB, 9 August 1992), p. 5. However, the Chamber observes that Samouković qualified his own testimony by referring to the extent of his own knowledge, which was itself questionable, and that he acknowledged that both the Culture and Sport Centre and the garage of the Municipal Building had been used to house “the remaining Muslim population” and as a holding centre, respectively. **(What else should be expected from any witness, except to say what he knew? Since it was not undoubtedly established, nothing depended on Samouković’s absence of knowledge. If there was “no alleged event, due to his knowledge” then the allegation is empty. Why the Defence have to prove that the allegations are not correct?)** D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), paras. 17, 22. The Chamber further notes that the correspondence from the Hadžici Serb police pertained to the situation in August 1992, several months after the arrests and detentions in Hadžici began. The Chamber therefore shall not place weight on either Samouković’s testimony or D1074 in relation to whether there was a decision to arrest and detain Bosnian Muslim men.

<sup>7116</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 26.

<sup>7117</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 45; Tihomir Glavaš, T. 11784 (14 February 2011). See also D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 14 (suggesting that the records of detention reflected *bona fide* reasons for taking each person into custody). According to Tolj, the prevailing security conditions in Hadžici precluded compliance with the requirement that civilians be brought before an investigative judge within three days of their detention. Mladen Tolj, T. 34647 (1 March 2013). See also para. 305, fn. 935; D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 58 (stating that the Law on Criminal Procedure prevented anyone from being held for more than a month). According to Banduka, if there was a need to hold someone for a period that exceeded the three days prescribed by law, they were transferred to Kula prison. D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 58; Vidomir Banduka, T. 33520 (12 February 2013). Banduka also noted that the transport to Kula Prison would have required permission to transit through the airport, which was held at the time by international forces and thus would have required their consent. Vidomir Banduka, T. 33520–33521 (12 February 2013).

<sup>7118</sup> Tihomir Glavaš, T. 11784 (14 February 2011); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 47 (stating that he as Chief of the Serb police was aware that the Serb TO and the Serb police were taking people out of their homes). Defence witnesses Nevenko Samouković and Vidomir Banduka suggested that Bosnian Muslims had gone voluntarily to the collection centres but when presented with the testimonies of Mehmed Musić, Adem Balić, and Tihomir Glavaš, all of whom acknowledged that the Serb police and Serb TO had taken people from their homes, Banduka admitted that he was not in a position to answer whether they were taken voluntarily or not, while Samouković speculated that the police “probably had some operative intelligence” or that the arrests had been the result of incompetence or abuses of power. Nevenko Samouković, T. 34613–34614 (1 March 2013); Vidomir Banduka, T. 33512–33513 (12 February 2013). The Chamber thus considers the evidence of Samouković and Banduka to be speculative and shall not rely upon it relation to whether Bosnian Muslims were taken “voluntarily” to detention centres.

- Motorised and foot patrols are to go to all Serbian villages and Serbian houses and issue the following order:

BRING IN all men of Serbian ethnicity.

Issue an order prohibiting all individuals of Serbian ethnicity from moving outside their houses.

Issue an order prohibiting all gatherings, get-togethers, field work and any other activity outside family houses.

Issue an order introducing night-time blackouts and the need and obligation to shut all windows on houses and facilities.

Carry out renewed searches of Serbian houses and facilities, paying special attention to /discovering/ radio and wireless sets, and detecting individuals who are collaborating with enemy forces in any way.

**This is exactly what happen in a civil wars, particularly this one. And nobody could judge whether the locals exaggerated in estimating a possible danger, or not. There are the two armed communities, antagonized throughout centuries, suspecting each other, and what the President has to do with it, particularly since he fought against the war? And if the Muslim extremists shelled the Serb municipality of Hadzici from the surrounding Muslim villages, the only reasonable defence was to neutralise those who shelled!)**

#### 1. Scheduled Detention Facility C.11.1

2095. The Indictment refers to the use of the garage of the Hadžići Municipal Assembly Building as a detention facility from 20 May 1992 until at least June 1992. **(No wonder, taking into account the shelling of the Serb parts of the town as of 7 may, and particularly from 10 May and on, as seen in the next paragraph!)**

2096. After the Hadžići SJB building was shelled around 10 May,<sup>7119</sup> the Serb police moved into the Hadžići Municipal Assembly Building.<sup>7120</sup> **(This is an insufficient and invalid finding, which contributes to the general confusion on the Serb account! Any ambiguity as this one is understood that it was the Serb responsibility. Why it was not relevant to specify WHO SHELLED THE SJB? And this incident was the crucial for the beginning of the civil war in Hadzici. Since it is clear that the Serbs didn't shell themselves, an inevitable conclusion is – the #Muslims shelled the Serb police station#, and thus started the civil war!)** From 12 May until 1 June, Bosnian Muslims were arrested and held in the garage under the building “for interrogation”.<sup>7121</sup> **(#Nothing before the Muslim attack happened#! Why none of them hadn't been arrested before 10 May and the shelling of the police station? Was this shelling in any way associated with these arrests? The garages replaced a regular detention unit that exist in any SJB for a short detention and first interrogation (at that time the police detention could last 72 hours) and it was clarified that the Garages were for those who were suspected for crimes, and the outcome from the Garages were either to proceed to Kula prison for a processing, or at the Sport Center, which was a reception center, at least for a part of the inmates.)**

<sup>7119</sup> See para. 2084, fn. 7096.

<sup>7120</sup> D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 57; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 45; P2406 (Photograph of Hadžići municipal building); P2301 (Photograph of Hadžići municipal building marked by Tihomir Glavaš); Tihomir Glavaš, T. 11789–11790 (14 February 2011).

<sup>7121</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 4. P2300 (Photograph of garage underneath Hadžići municipal building); Tihomir Glavaš, T. 11784, 11788–11789 (14 February 2011); P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 47, 51–52. See also D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 57; Vidimir Banduka, T. 33538–33539 (13 February 2013) (stating that the detainees in the garage included Serbs and that all had been brought into custody for having committed crimes).

2097. When the 14 men from Musići arrived on 20 May, one Croat and one Muslim prisoner were already inside the garage.<sup>7122</sup> Mehmed Musić spent six days in the garage with about 47 other men.<sup>7123</sup> The detainees were only fed one slice of bread once or twice a day, as well as some watery soup, and were given only one or two bottles of water for the entire group.<sup>7124</sup>

2098. One by one, each detainee was called out and taken up into the Hadžići Municipal Assembly Building to be interrogated by members of the Serb Forces about the supply of weapons to Bosnian Muslims.<sup>7125</sup> **(#Few only#! Fourteen men from Musici was interrogated, out of 274 Muslims in Musici, as a part of Usivak and 291 Serb, this is a pure evidence that these 14 men were brought in for some suspicions, not because of their religion! Why none of these 2,000 to 3,000 who left, or those 200 to 300 who stayed in Hadzici was brought in? So many Muslims all around, but only 50 of them arrested temporarily, and from Musici only 14?)** On their third day in the garage, the group of men from Musići were taken to the weapons storage facility in Žunovnica to load ammunition.<sup>7126</sup> **(Let us see what was a “strictly confidential” report from the Serb police station in Hadzici, D1074, of 9 Agust 92**

Pursuant to your memo number 01-127/92 of 25 July 1992, in connection with memo of the Ministry of the Interior of the Serbian Republic of BiH /Bosnia and Herzegovina/, strictly confidential number 10-14/92 of 19 July 1992, with the aim of solving the observed problem of jurisdiction, as well as other unsolved issues between the MUP /Ministry of the Interior/ and the Army of the Serbian Republic, we hereby submit to you the following information:

a) After the setting up of the Serbian Police Station Hadžići, that is, in the phase of its setting up, and in the following 40 days, we noticed the activities of certain small groups of so-called “free agents”, but there were no significant paramilitary units. In the period of organisation, setting up and initial activities of this Police Station, among other things, we proceeded with utmost dedication to carry out the tasks and duties, particularly providing personal and material protection and security of citizens, securing public law and order, and to some extent, crime prevention and detection of perpetrators. In that period (setting up of the SM /police station/) there was partial cooperation with the then police station, which had employees of Muslim nationality. This cooperation was very difficult, because the number of RSM /Reserve Police Force/ members in that station grew every day, and some individuals and groups of their members had already engaged in maltreatment, insults, unlawful arrests and detention, and so on, of citizens of Serbian nationality, as well as disdainful attitude, including even pointing weapons at employees of the Serbian police station, which was for the most part solved in the best possible manner at the time when this was still possible.

Since no mobilisation for the Serbian army was taking place at that time, this Police Station carried out mobilisation and provided uniforms for citizens of Serbian nationality. In that framework and with such activities, the number of groups and individuals forming paramilitary formations was reduced.

We can say that at this moment, we have no paramilitary formations in the area of the municipality, but there are indications of insertion of small groups, as well as sabotage and terrorist groups.

As mentioned above, small groups and individuals, so-called “free agents”, committed the crime of theft from other persons, mainly movable property and assets, thus achieving unlawful material gain for themselves or others. A certain small number of military conscripts and members of this Police Station did not stay immune to such activities.

It should be noted here that in an organised action, the greatest part of the illegally acquired property (mainly vehicles) was seized from police officers and placed at certain locations, and that measures are being taken to seize vehicles and other illegally acquired property from other citizens.

<sup>7122</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 46. See also Mladen Tolj, T. 34633 (1 March 2013).

<sup>7123</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 48; Mladen Tolj, T. 34634–34635 (1 March 2013). See also Adjudicated Fact 2611; Tihomir Glavaš, T. 11793 (14 February 2011) (estimating that 30 people, mostly from Musić, Visasoci, Binjezevo, and Kučiste were detained in the garage).

<sup>7124</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 48; Mehmed Musić, T. 12838 (3 March 2011). Mladen Tolj testified that “until 1994 there was no water in Hadžići”. Mladen Tolj, T. 34652 (1 March 2013); D3064 (Report of Hadžići Secretariat for Housing, Public Utilities, Transport and Communications, 1 December 1992), p. 3 (stating that after the outbreak of the war, the Serb municipality of Hadžići was affected by a water supply outage, forcing the use of an improvised pipeline to reroute the well located at the TRZ, which enabled the water supply to the immediate centre of Hadžići to be re-established; however, other parts were supplied via water from cisterns); D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 64 (stating that because the water supplies were in territory held by Bosnian Muslims, the water supply was cut at the beginning of the war).

<sup>7125</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 47.

<sup>7126</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 49; Mehmed Musić, T. 12834 (3 March 2011); P2405 (Map of Hadžići marked by Mehmed Musić) (showing Žunovnica at Point 3).

**This is the #Serb official attitude# towards the problems that occurred when the war broke out. Nota bene: the police had to fight #against the Serb criminals and tiefs#, as well as against the Muslim extremists. See further, D1074:**

d) As regards the procedure and jurisdiction in connection with the treatment and guarding of prisoners, it can be said that we had a large number of detained persons, who, once they were interviewed and after other relevant information had been gathered, were taken to state prison in Kula, or released. A small number of people brought in (currently 11 persons) are in the prison in Hadžići, and they are treated properly and in accordance with the law.

**That was all what the President could have known about events in Hadzici, because this was a strictly confidential official report from a highly professional chief of the police station in Hadzici, who had no any connection with the SDS. From this report the President, as well as the superiors in the Serb MUP, could only conclude that the police in Hadzici was doing their best! #What President knew# )**

2099. On 25 May 1992, all but three of the men from Musići were moved to the Culture and Sport Centre.<sup>7127</sup> The other detainees remained behind in the Municipal Assembly Building garage until 22 June,<sup>7128</sup> when they were transferred to the “Slaviša Čiča” Barracks in Lukavica.<sup>7129</sup> **Those are the two outcomes from the garage. It #wasn’t arbitrary#, it was a result of an interrogation. Only three men were transferred to Lukavica, obviously found a reasonably suspected on crimes. Let us see what the chief of the CSB Sarajevo wrote to his subordinates, D3795:**

Strictly confidential no. 01-187/92

9 August 1992

TO PUBLIC SECURITY STATIONS – TO THE CHIEF

Ilidža, Hadžići, Trnovo, Stari Grad, Iljaš, Vogošća, Centar Sarajevo, Novo Sarajevo, Pale, Sokolac, Glogovo, Han Pijesak, Vlasenica, Bratunac, Milići, Šekovići, Skelani and Rogatica.

We have received a memorandum from the Ministry of the Interior of the Serbian Republic of Bosnia and Herzegovina, no. 10-242/92 of 8 August 1992, in which it states:

“The Presidency of the Serbian Republic of Bosnia and Herzegovina has adopted a decision that the Ministry of the Interior and the Ministry of Justice shall prepare a report on the Serbian authorities’ treatment of and conduct towards prisoners of war and the living conditions of prisoners in prisons in applicable municipalities.

**This is what the #President ordered# to the Serb Ministry for Interior, promptly conveyed to**

<sup>7127</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 51–52. See also D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 13; Mladen Tolj, T. 34635–34636 (1 March 2013) (stating that people on whom no weapons were found were taken to the Culture and Sport Centre). See para. 2102.

<sup>7128</sup> Tihomir Glavaš estimated that by mid-June, approximately 30 Bosnian Muslims were being held in the garage of the Municipal Assembly Building. Tihomir Glavaš, T. 11793 (14 February 2011) (referring to the number of people being held when he prevented the White Eagles from entering the garage). See also fn. 7158.

<sup>7129</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 65. See also Scheduled Detention Facility C.18.1. The detainees from the garage smelled badly and told Musić that they had spent 33 days in the garage without being able to bathe. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 66; Mehmed Musić, T. 12838 (3 March 2011). See also P161 (Adem Balić’s statement to BiH authorities dated 7 February 1993), p. 1. Around 25 June 1992, a woman and her sister were moved to the garage of the Municipal Assembly Building from the Hadžići civil defence headquarters. Adjudicated Fact 2613. The Chamber further notes that in early June, Arkan’s men also removed a man from the Culture and Sport Centre and took him to the garage of the Municipal Assembly Building, where he was detained for 40 days. P161 (Adem Balić’s statement to BiH authorities dated 7 February 1993), p. 1. The Chamber therefore concludes that people continued to be detained in the garage even after the group of men was transferred to the “Slaviša Čiča” Barracks in Lukavica on 22 June 1992.



**the terrain. See further:**

“All public security stations shall be required to act in accordance with the conclusions of the Presidency.

“All senior CSB officers are ordered to release civilian-category persons immediately, which implicitly entails all persons, irrespective of age, who have not been members of enemy formations, i.e. to allow them free movement.

“We particularly wish to stress that the Ministry of the Interior alone is the competent body for taking measures against civilians.”

**After admitting this evidence obtained by the Prosecution, neither the Prosecution nor the Chamber should meditate the #President’s liability for the Hadzici development# of events. This pertains to all the terrain, particularly to those the most remote from the central authorities! See further:**

In order to ensure strict adherence to the requirements of the conclusions of the Presidency of the Serbian Republic of BH, you are required to send to this Centre, by 20 August 1992 at the latest, a report on the Serbian authorities’ treatment of prisoners of war and the living conditions of prisoners in prisons in your municipality.

In municipalities where there are no such prisons, you are required to send a memo to confirm this.

In municipalities where there are prisons in which civilians are being held, regardless of their age, if they have not been members of enemy formations they should be released immediately, i.e. allowed free movement.

This Centre should also be informed on fulfilment of this Presidency Conclusion, by 20 August 1992 at the latest.

In those municipalities where there have been no such cases, this should be confirmed by a memo.

**Having in mind the “entirety of evidence” the Indictment, let alone the Judgement, looks like an #insult of the President and the entire Serb people#!) .**

2100. Based on the above, the Chamber finds that between 20 May and at least late June 1992, approximately 50 Bosnian Muslims, some of whom were civilians and two of whom were women, were detained in the garage under the Hadžici Municipal Assembly Building by members of Serb Forces and that while held there, the detainees were given inadequate food and water and on one occasion were forced to work. **A #reasonable inference# for the detention is that they had been suspected for crimes, which is obvious from the outcome, all but three released, i.e. transferred to the Sport Centre. Another reasonable inference for the food is that there was no sufficient food for anybody, since the municipality was very distant and surrounded by the hostile territories from three sides. For the forced labour it should be checked whether they had been asked, or ordered. That the food was a big problem confirmed the statement of Samoukovic, D03062, para. 21**

rule of law. I know that Dr KARADŽIĆ especially underlined that we in the municipal authorities had to look after every single citizen, regardless of their nationality or party affiliation. He also emphasized that we had to ensure that the population and the Army are supplied with food staples and that we had to organize the production of food and other goods.

1. Scheduled Detention Facility C.11.2

2102. The Indictment refers to the use of the Hadžići Culture and Sport Centre as a detention facility from at least 25 May until September 1992.

a. Establishment and control of detention facility

2103. Sometime prior to 25 May 1992,<sup>7130</sup> the Crisis Staff decided to detain military-aged Bosnian Muslims in the Culture and Sport Centre and to place the facility under military control.<sup>7131</sup> As mentioned above,<sup>7132</sup> on 25 May 1992, 12 men from Musići were moved from the garage of the Municipal Assembly Building to the Culture and Sport Centre.<sup>7133</sup> **(Out of 14 men from Musići, #twelve# of them had been moved to the Culture and Sport Centre, i.e. found #not guilty#!)** By that time, about 60 men—as well as a woman<sup>7134</sup>—were already being detained in two locker rooms of the Culture and Sport Centre.<sup>7135</sup> The facility was first guarded by members of the Serb TO;<sup>7136</sup> although the Serb police began to provide security along with members of the military after approximately August 1992.<sup>7137</sup>

a. Conditions of detention and treatment of detainees

<sup>7130</sup> The Chamber notes that Vidomir Banduka testified that the Crisis Staff only decided that the Culture and Sport Centre would be used as a “holding centre to accommodate people” after approximately 16 June 1992. D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), paras. 53–54. However, Banduka conceded that he never visited the Culture and Sport Centre. Vidomir Banduka, T. 33510 (12 February 2013). The Chamber therefore considers that, even if taken as true, Banduka’s testimony does not preclude the possibility that the decision to use the Culture and Sport Centre to accommodate Bosnian Muslims was taken earlier than 16 June 1992, and recalls that Adem Balić testified that Serb Forces had taken him from his home in Hadžići to the Culture and Sport Centre already on 16 May 1992. P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4; P161 (Adem Balić’s statement to BiH authorities, 7 February 1993), p. 1. The Chamber is therefore satisfied that the detention facility at the Culture and Sport Centre was established prior to 25 May 1992.

<sup>7131</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 26, 46, 48; Tihomir Glavaš, T. 11784 (14 February 2011). *See also* Adjudicated Fact 2615. The Chamber notes that Vidomir Banduka and Mladen Tolj both testified that Muslims had *chosen* to be accommodated in the Culture and Sport Centre. D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 56; D3063 (Witness statement of Mladen Tolj dated 25 February 2013), paras. 9, 13. When presented with his testimony in the *Krajišnik* case, wherein he had conceded that Bosnian Muslims had been held against their will but stated that such detention “was for their own protection”, Banduka denied that he had so testified and suggested that his testimony had been misinterpreted. Vidomir Banduka, T. 33516 (12 February 2013); P6110 (Excerpt from Vidomir Banduka’s testimony in *Prosecutor v. Krajišnik*), p. 3. Having reviewed his prior testimony, the Chamber is of the view that the credibility of Banduka’s testimony in this case on this point is undermined. The Chamber also observes that Tolj conceded that “very few went voluntarily”, stating that “[m]ost were brought there and kept with the best of intentions because that’s where it was the safest for them”. Mladen Tolj, T. 34636–34637 (1 March 2013). The Chamber further notes that Banduka admitted that the guards would have had to give prior approval in order for anyone to leave. Vidomir Banduka, T. 33514–33515 (12 February 2013). **(So what!?! The guards had been responsible for the inmates, and if anyone got killed out of the Centre, they would be kept liable!#Proper conduct#!)** The Chamber therefore finds that the people in the Culture and Sport Centre were indeed detained and not accommodated pursuant to mutual agreement. *See further* P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 46, 49 (stating that people were “brought in [...] for their safety” and that men were detained because the Serbs needed people for exchange) (emphasis added). **(However, from the testimony of the very same Mehmed Musić, it was clear that those whom “Serbs needed for exchange” had been required by the Muslim side, including Musić himself, whose family was exchanged only after six failures due to the Muslim mistakes!)**

<sup>7132</sup> Scheduled Detention Facility. C.11.2.

<sup>7133</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 51–52; P2404 (Photograph of Hadžići Culture and Sport Centre); P2299 (Photograph of Hadžići Culture and Sport Centre).

<sup>7134</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 55. *See also* Adjudicated Fact 2614.

<sup>7135</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 56; P161 (Adem Balić’s statement to BiH authorities dated 7 February 1993), p. 1.

<sup>7136</sup> The members of the TO who served as guards included Trifko Ignjatović, Rade Milović, Momo Vujović, Simo Kuzman, Marinko Djokić, Keko Krajišnik, and Radovan Duka. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 54; P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 50; Tihomir Glavaš, T. 11785 (14 February 2011). Momo Vujović and, occasionally, Sretan Krajišnik (a.k.a. Kekani) were in charge of the facility. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 54.

<sup>7137</sup> Mladen Tolj, T. 34637, 34639–34640, 34561 (1 March 2013); D1074 (Correspondence from Hadžići Police Station to Sarajevo CSB, 9 August 1992), p. 2 (stating that between April and July 1992, police officers of the Serb police were “included in all combat activities” but since 1 August 1992 had returned from the frontlines and were put back on regular MUP activities). Tihomir Glavaš denied that the Culture and Sport Centre was under the control of the Serb police. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 48, 50, 51 (suggesting that the Culture and Sport Centre was under military control). However, the Chamber also observes that Glavaš himself qualified his evidence in this regard, stating, “at least for as long as I was in Hadžići”, and conceded that he never personally visited the Culture and Sport Centre. Tihomir Glavaš, T. 11785 (14 February 2011); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 53. The Chamber further notes that Glavaš testified that by 9 August 1992 he had already been transferred to Ilidža. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 82. The Chamber is therefore of the view that Glavaš’s personal knowledge would therefore necessarily be limited and considers that Glavaš’s testimony does not conflict with further evidence indicating that the Serb police were involved in the guarding and organisation of the detention facility at the Culture and Sport Centre from August 1992. *See also* P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), e-court p. 7 (stating that organisation and security were being provided by the Hadžići SJB).

2104. Since the men from Musići could not fit in the locker rooms, they were taken to the main gym area, where they slept on the floor without blankets.<sup>7138</sup> The detainees were fed one slice of bread each day and some rice or soup in the morning and afternoon.<sup>7139</sup> Only two toilets were available to the detainees.<sup>7140</sup>

2105. While in detention in the Culture and Sport Centre, the detainees were often beaten and sexually abused by members of paramilitary units.<sup>7141</sup> **(Certainly not in control of the authorities! But, such a #general assertions# are not sufficient in such a criminal case, particularly since this President put the paramilitaries out of law, forbade them and disowned them 13 June 92! How come nothing the President had done well – don't matter at all?)** On or before 25 May,<sup>7142</sup> three of Arkan's men, who were dressed in black uniforms, arrived and beat and humiliated the prisoners.<sup>7143</sup> **(Everybody was able to proclaim himself as "Arkan's man" or anyone's other, such as "Red Berets" and so on. Before the state institution were capable of differentiating and #arresting paramilitaries#, there were many groups which could call themselves as they wanted!)** On approximately 15 June, Šešelj's men arrived at the Culture and Sport Centre.<sup>7144</sup> The men wore gloves with the fingertips cut off, painted their faces black, wore camouflage uniforms, and carried big knives.<sup>7145</sup> A woman with dyed blond hair named Ljiljia who was with Šešelj's men removed one man's pants and told another man to "suck the first man's sexual organ".<sup>7146</sup> She then removed her own pants and told the second man to lick her buttocks, threatening to slit the men's throats if they did not comply.<sup>7147</sup> **(All of that, even if true, could only be an argument against civil wars, not against this President and his subordinates!)**

2105. Šešelj's men singled out certain detainees and beat them severely,<sup>7148</sup> while forcing other detainees to fight each other.<sup>7149</sup> These beatings took place in the presence of the Serb TO

<sup>7138</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 56.

<sup>7139</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 56. See also P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 64 (testifying that at the beginning of their detention, detainees were fed the same as the Serbs but that they were then fed poorly after it was discovered that Serbs were being mistreated in Tarčin and Pazarić); P804 (Sky news report re Kula prison, with transcript), 1:20–1:47.

<sup>7140</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 56.

<sup>7141</sup> See Adjudicated Fact 2616. See also P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 57; P804 (SKY news report re Kula prison, with transcript), 1:20–1:47.

<sup>7142</sup> Adem Balić estimated that Arkan's men arrived "around 1 June 1992". P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1. However, Mehmed Musić was told that Arkan's men had been present at the Culture and Sport Centre on 25 May 1992 before he arrived from the Municipal Assembly Building garage. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 63. In light of Musić's further testimony that the second group of paramilitaries arrived on the second day of Bajram, which was 12 June 1992, Balić's testimony that the second group arrived 15 days after the first, and the fact that Musić had not yet been transferred when Arkan's men first arrived, the Chamber concludes that Arkan's men came to the Sport and Culture Centre on or before 25 May, and considers that this is not inconsistent with Balić's estimate of this date.

<sup>7143</sup> P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1; P134 (Witness statement of Adem Balić dated 25 June 1997), p. 4 (stating that the guards revealed that the men were Arkan's men). See also D3063 (Witness statement of Mladen Tolj dated 25 February 2013), paras. 9–10. Arkan's men also removed a man from the Culture and Sport Centre and took him to the garage of the Municipal Assembly Building. See fn. 7136.

<sup>7144</sup> P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1. Mehmed Musić referred to this second group as Arkan's men, stating that one of the men had identified himself and the group as such. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 57. However, Musić also testified that this group arrived on the second day of Bajram, which was 12 June 1992. Mehmed Musić, T. 12833, 12866 (3 March 2011). Adem Balić identified the group that arrived 15 days after Arkan's men, which would have been around 12 June, as Šešelj's men. P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1. This identification is corroborated by the testimony of Tihomir Glavaš, who testified that he heard that Šešelj's men had sexually abused the detainees in the Culture and Sport Centre. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 53–54. The Chamber therefore concludes that the paramilitaries in the second group were Šešelj's men rather than Arkan's men.

<sup>7145</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 57.

<sup>7146</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 58 (stating that he could identify her because she had taught his daughters at the technical school in Ilidža); P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 2. See also P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 54; P804 (Sky news report re Kula prison, with transcript), 1:20–1:47. Musić explained that he had not mentioned this event in past statements because he did not want to embarrass these men, but did so once they passed away. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 59; Mehmed Musić, T. 12867 (3 March 2011).

<sup>7147</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 58–59.

<sup>7148</sup> P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), pp. 1–2. See also P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 54. Even in February 1993, Balić could still feel pain in his left kidney area from this beating. P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 1. Balić's brother was beaten with a flagpole and sustained a broken arm and leg. P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 2. See also P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 59–60 (recalling how after sexually abusing two men, Ljiljia then began to jump on a 70 year old man, causing him to cry).

guards.<sup>7150</sup> Later that day, when ten or fifteen people from Žunovnica arrived, Šešelj's men forced one of the arrivals to run around the Culture and Sport Centre and swear at the detainees' "balija mother".<sup>7151</sup>

a. Transfer and exchange of detainees at the Culture and Sport Centre

2106. By 22 June, 282 people had been detained in the Hadžići Culture and Sport Centre.<sup>7152</sup> On approximately 22 June 1992, "a rather large group" of men, women, and children from Kučice, a settlement located nearby, arrived at the Culture and Sport Centre.<sup>7153</sup> Soon thereafter, the guards told the detainees that they were going to be exchanged.<sup>7154</sup> **(The civilians from Kucice "arrived" at the CSC!!! They hadn't been brought in, #they arrived with the aim to be secured and to be exchanged#! But let us see how the para 65 looks like: It doesn't look as if they had been forced to be exchanged, or to be afraid of the guards, and some had been "allowed to stay behind, and later to be returned to their village Kucici, which obviously mean that there was their will respected. It is also obvious that they were waiting for the "exchange". We will see from the same witness that the people who didn't succeed to be exchanged once or several times, wanted to be returned to the CSC because they had been closed their households.**

65. We were in the Sports Hall until 9:00 p.m. on June 22. The chetnik guards told us we were going to be exchanged. We were all very glad. Some of the men started to kiss the guards, because they were so happy. They put us on four buses. Three were full. The fourth was half full. They allowed the women, children and three men to stay behind. I heard later that the women and children were taken back to Kučice.<sup>80</sup>

**This was a Prosecution's witness, the Prosecution took this statement. The Muslim people were "all very glad" for #being able to go to the Muslim territory#, so that some of them "started to kiss the guards..." does it look like a terror, or any kind of violence or inforcement? Also, some of the Muslims "were taken back to Kucice" i.e. to their own homes, which confirms that any of them could have chosen either way!)** Around 10 p.m. that evening, in accordance with a decision of the Crisis Staff,<sup>7155</sup> the male detainees in the Culture and Sport Centre were loaded onto several buses.<sup>7156</sup> While en route, one bus stopped first in front of the garage of the Hadžići Municipal Assembly Building,<sup>7157</sup> where it picked up detainees before proceeding to Kula Prison.<sup>7158</sup> There, "Chetniks" boarded the bus, beat the detainees with rifle butts, and extinguished cigarettes on their faces.<sup>7159</sup> Ultimately, the detainees were taken to the

<sup>7149</sup> P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), pp. 1–2; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 60–62.

<sup>7150</sup> P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), pp. 1–2.

<sup>7151</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 61. After leaving the Culture and Sport Centre, Šešelj's men tried to go to the Municipal Assembly Building garage and do the same thing to the detainees there, but were prevented from doing so by Tihomir Glavaš. P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 53–54; Tihomir Glavaš, T. 11993 (16 February 2011). See also D2915 (Witness statement of Vidomir Banduka dated 9 February 2013), para. 55 (testifying that in mid-June 1992, the Crisis Staff was made aware that "a group of hooligans [had] entered the sports hall where the Muslims were held, [and had] abused and physically molested them", and that the Crisis Staff condemned the incident and asked the Chief of Police to increase security at the facility and to "remove all those who might be expected to do something of the kind").

<sup>7152</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 64.

<sup>7153</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 64; P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 2 (stating that the people from Kučice arrived on 20 June); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), e-court pp. 261–262.

<sup>7154</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 65. Mehmed Musić testified that the women, children, and three men were allowed to remain behind. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 65.

<sup>7155</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 50; Tihomir Glavaš, T. 11784, 11786 (14 February 2011); P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), e-court p. 219. Glavaš explained that this group was exchanged in return for the release of Serbs who were in detention in Tarčin and Pazarić, and that the authorities had been under "enormous pressure" from Serb citizens to facilitate such an exchange. Tihomir Glavaš, T. 11785–11786 (14 February 2011). See also Mladen Tolj, T. 34640–34641 (1 March 2013) (referring to a large-scale exchange of prisoners that had been agreed at the level of state organs between the Muslim and Serb sides).

<sup>7156</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 65–69; P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 2.

<sup>7157</sup> See para. 2102.

<sup>7158</sup> See Scheduled Detention Facilities C.18.1, C.18.2.

<sup>7159</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 67–69; P161 (Adem Balić's statement to BiH authorities dated 7 February 1993), p. 2.



Slaviša Vajner Čiča Barracks in Lukavica.<sup>7160</sup> **(Is there any additional evidence about this. Was it registered when they arrived at the Kula Prison? Anyway, at least the #official guards are not alleged to being involved# in the mistreatment!)**

2107. On the morning of 7 September, approximately 200 Bosnian Muslims from Binježevo, Garovići, Žunovnica, and Grivići—including men women, children, and elderly who had been under “house arrest” in Hadžići since the outbreak of armed conflict<sup>7161</sup>—boarded five buses, which took them to the check-point at Kobiljača for an exchange.<sup>7162</sup> The group remained at the check-point until approximately 8 p.m.,<sup>7163</sup> but the exchange fell through when the Serbs brought women and children to the exchange instead of the captured Bosnian Muslim men from Hadžići and Ilidža as had been previously agreed.<sup>7164</sup> **(A house arrest? How many policemen would be deployed to keep so many people in a hous arrest. It rather looks like they had been told not to get out while the fighting are going.)**

2108. Thus, around 8 p.m., the convoy returned to the Culture and Sport Centre, where the detainees were placed under the guard of TRZ employees.<sup>7165</sup> At 9 a.m. on 8 September, the detainees were transported back to the check-point at Kobiljača, but again, no exchange took place.<sup>7166</sup> **(That happened several times, because, as this witness, Music, testified, only because the Muslim side wasn’t readi for the exchange!)** The convoy, which now numbered eight buses filled with approximately 500 people, returned to the Culture and Sport Centre by 10:30 p.m. that evening.<sup>7167</sup> When the detainees arrived, they were given some food for the children, who at that point had not eaten for two days.<sup>7168</sup> Thereafter, the group spent approximately 12 days in the Culture and Sport Centre, receiving food every third day.<sup>7169</sup> On about 18 September, the Serb Forces released all the women and children “to go home”, leaving

<sup>7160</sup> P161 (Adem Balić’s statement to BiH authorities dated 7 February 1993), p. 2; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 65–69. *See also* paras. 2276–2278; KDZ088, T. 6315–6316 (7 September 2010) (closed session); Adjudicated Fact 2617.

<sup>7161</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5 (further stating that Zoran Gašević and a girl nicknamed “Beba”, both of whom were wearing camouflage uniforms, had arrived at his house and given him, his wife, and their children 30 minutes to dress, gather belongings, and meet in front of the kindergarden); P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 113 (stating that his father, brother, and brother’s family had been among this group and had been given 30 minutes to gather their belongings and assemble near the Municipal Assembly Building). *But see* Mladen Tolj, T. 34643, 34649 (1 March 2013) (testifying that in such situations, people already knew in advance that they would be ready, but had only learned their exact departure time 30 minutes beforehand). *See also* Vidimir Banduka, T. 33526 (12 February 2013) (testifying that he thought that all civilians had left the Culture and Sport Centre by August 1992, but later conceding that the centre was used as a “staging area” prior to exchanges of civilians at Kobiljača), T. 33539 (13 February 2013).

<sup>7162</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5.

<sup>7163</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5. Each bus was driven by a policeman, and one police guard was aboard each bus. P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5. While at Kobiljača the Bosnian Muslims were not provided with food or water. P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5.

<sup>7164</sup> D1075 (Report of Committee for Exchange of POWs, 21 December 1992), p. 1; P4850 (Witness statement of Amor Mašović dated 23 March 2012), paras. 33–34. *See also* P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 114; Mladen Tolj, T. 34643 (1 March 2013).

<sup>7165</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5; P125 (Zijad Okić’s statement to BiH authorities, 3 February 1993), p. 1.

<sup>7166</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5. As a member of the Missing Persons Institute of BiH, Amor Mašović attended the exchange which had been scheduled to take place at Kobiljača on 8 September. P4850 (Witness statement of Amor Mašović dated 23 March 2012), paras. 33–34. After the failed exchange, Mašović, his deputy, and his bus driver were arrested by Serbs and taken first to the Hadžići Culture and Sport Centre, then to the Hadžići Serb police station, and then to spend the night at Brane Mijatović’s house. P4850 (Witness statement of Amor Mašović dated 23 March 2012), paras. 35–37. On the following day, Mašović, his deputy, and the bus driver were taken to Ratko Radić’s office, where Mašović promised Radić that he would organise another exchange once he returned to Sarajevo and said that no one was to blame for the failure of the exchange on the previous day. P4850 (Witness statement of Amor Mašović dated 23 March 2012), para. 37. Thereafter, Mašović and the two others were taken to the Red Cross premises in Ilidža and later crossed the confrontation line back into Sarajevo. P4850 (Witness statement of Amor Mašović dated 23 March 2012), paras. 37–38.

<sup>7167</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 117; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5. *See also* Adjudicated Fact 2618. The Chamber notes that Okić stated that the extra buses joined the convoy on 7 September rather than on 8 September, but notes that Okić returned to the check-point on the day after the first failed exchange, while Musić, who testified that he was bussed in from Ilidža on 8 September, did not. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 115–117. The Chamber therefore concludes that the additional buses joined the convoy on 8 September 1992.

<sup>7168</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5.

<sup>7169</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 5; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 118. After three days, some women were allowed to go home to get food, and some women from the town also brought food to the Culture and Sport Centre. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 118; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court pp. 5–6.

about 100 male detainees out of the original 500.<sup>7170</sup> **(Now it is undoubtedly clear that the Centre was a #reception centre# for an accommodation of those who wanted to be transferred to the Muslim territory, and only a vast minority was for the detention as a prisoners of war. One can imagine how difficult was it to feed so many people in an overall #shortage of everything#!)**

**2109.** Between 9 and 23 September, detainees at the Culture and Sport Centre were engaged in a work platoon that dug trenches near Oštrik and at a mountain pass above the reservoir in Dupovci.<sup>7171</sup> While there, the detainees were exposed to sporadic crossfire.<sup>7172</sup> The work platoon also built “machine-gun nests” in some buildings and “were taken by a certain Miki Šarenac to loot houses”.<sup>7173</sup> **(Rule 92bis evidence, no cross examination! The only witness alive was Music, and if the Prosecution was not ready for Hadzici, it should have missed from the Indictment!)**

**2110.** During his second detention at the Culture and Sport Centre, Mehmed Musić was interrogated twice by Rade Veselinović.<sup>7174</sup> Zijad Okić gave conflicting evidence regarding whether or not the prisoners were abused, first stating that the detainees were beaten and abused most by Zoran Gašević, Nemanja Jovičić, and Rade Veselinović.<sup>7175</sup> However, Okić later stated that the detainees were not beaten or hurt during the 12 days in the Culture and Sport Centre.<sup>7176</sup> The Chamber considers this evidence insufficient to establish that the detainees were beaten during this period.

**2111.** On 22 October 1992, RS Ministry of Justice representative Slobodan Avlijaš submitted a report to the RS Minister of Justice, Momčilo Mandić, stating that at the time, 90 Muslim “prisoners of war” were being held in the Culture and Sport Centre, which was being secured by the Hadžići SJB.<sup>7177</sup> The report also stated that the Hadžići SJB did not have the authority to keep people in custody for longer than three days, and therefore was acting “without any authorisation or justification in law”.<sup>7178</sup> On the same day, Mandić ordered the Serb Municipality of Hadžići to transfer all of its detainees to the Butmir KPD Investigations Department in Svrake.<sup>7179</sup> **(#EXCULPATORY!!! Hadzici was a very distant and isolated municipality, two third of it surrounded by the adversary’s territory, and once the Minister for Justice have learnt about irregularities, he #ordered the rectification#! And that is the Serb official, not some paramilitaries that had been banned by the President!)** On the following day, all but 14 of the remaining men were transferred to Planjo’s house in Svrake.<sup>7180</sup> **So, the #“next level”# of the**

<sup>7170</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 119; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 6.

<sup>7171</sup> P125 (Zijad Okić’s statement to BiH authorities, 3 February 1993), pp. 1–2; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 121. *See also* P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 57–58. While Okić described the work platoon as “voluntary”, Musić stated that although some prisoners volunteered to work in exchange for cigarettes, Vujović would come in with a list of names and have the men escorted out by police in camouflage uniforms. P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 6; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 121–122. The Chamber therefore finds that at least some men were forced to work.

<sup>7172</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 7. *See also* P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 58 (stating that he believed that some detainees were killed and wounded while at the frontline).

<sup>7173</sup> P125 (Zijad Okić’s statement to BiH authorities, 3 February 1993), p. 2.

<sup>7174</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 122. Brane Mijatović and Zoran Gašević were present at the second interrogation. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 122. Musić did not mention any beatings during either interrogation.

<sup>7175</sup> P125 (Zijad Okić’s statement to the BiH authorities, 3 February 1993), p. 2.

<sup>7176</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 6, he states that “noone [sic] was beaten or hurt during this period”.

<sup>7177</sup> P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), e-court pp. 6–7, 28.

<sup>7178</sup> P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), e-court p. 7.

<sup>7179</sup> P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), e-court p. 28; P2307 (RS Ministry of Justice order to Hadžići and Iliđža municipalities, 22 October 1992).

<sup>7180</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 123–125; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 6; P125 (Zijad Okić’s statement to BiH authorities, 3 February 1993), p. 1 (estimating that he was transferred on 23 September but was unsure of the date). *See also* Scheduled Detention Facility C.26.1. The Chamber recalls that Mladen Tolj testified that the men who were transferred to Planjo’s House had been captured in combat and were not civilians. Mladen Tolj, T. 34652 (1 March 2013). However, the Chamber notes that Tolj did not mention the basis for his knowledge in this regard, and in light of the extensive evidence of Okić and Musić regarding their prior periods of detention, the Chamber shall not rely on Tolj’s testimony in this regard.

authorities corrected omissions of the lower level. Anyway, how possibly the central organs could have been liable for everything that happened between those two ethnic communities, antagonized as everywhere in BiH through centuries. There was no a satisfactory communication with Pale, as Samoukovic confirmed, D03062, para. 20.

I have not heard or seen Radovan KARADŽIĆ issue any kind of order to anyone in the territory of Hadžići municipality. Even if we needed to get in touch with someone from the Presidency or the Government in Pale, we could not do so because the telephone lines were down most of the time.

a. Conclusion

2112. Based on the above, the Chamber finds that Bosnian Muslims, including women and children, were detained at the Hadžići Culture and Sport Centre between at least 25 May and approximately 18 September 1992. In particular, during a first period lasting from at least 25 May to approximately 22 June, Bosnian Muslims were subjected to beatings by Arkan's men, as well as to beatings and sexual abuse by Šešelj's men, who each visited the premises once during the first half of June. The Chamber finds that throughout this period, the group was detained in poor conditions that included a lack of food and water. Additionally, the Chamber finds that between 7 September and approximately 18 September, when the women and children were released, Bosnian Muslims were held under conditions which included lack of food and poor sanitation and hygiene. The Chamber finds that after the women and children were released on 18 September, the men were forced to work by digging trenches near the frontlines. **(However, the Chamber erred not to even mention what was the contribution of the Muslim side to the situation in the Hadzici Municipality. As usually in this Court, the other boxing fighter is invisible, and we see only the Serbs taking some measures that look unnecessary and with an aggressive purpose. For instance, the Chamber completely missed to notice that the Serbs controlled only about 20% of the territory of municipality, i.e. only the Serb settlements, as well as that the Muslims were the first one who attacked Hadzici, see D03062, para 9:**

There were ongoing meetings with representatives of other political parties. Citizens of high standing were also present at these meetings, but all these attempts did not lead to any agreements. Soon thereafter war erupted and the Muslims attacked Hadžići municipality.

16. When the first Muslim attack began on Hadžići around 10 May, I was at home being treated because I was sick and was not up to date with many events that took place at the time. Then several people from my extended family were killed or **as well as the #Serb strategy was only defensive# one, since the confrontation lines never changed, see D03062, para 19**

19. With regard to the war strategy of the municipality of Hadžići, I know for certain that it was of a defensive nature because the front line facing the Muslims did not move from the beginning until the end of the war. The Serbs of this municipality protected themselves and their homes and conquest was not their objective. **Also, the rest of about 80% of the municipal territory was dominated and controlled by the Muslims, (see D03062, para.18 #The Serbs controlled only Serb areas#! .**

18. News arrived daily about Serbs being arrested by the Muslims in the part of Hadžići where they were the majority population. The Muslim population that was on our side left our territory out of fear or went to the collection centre, from where they sought ways to leave and join their people. They felt safer in the collection centre. It is true that a small number of Muslims remained with us until the end of the war, and they were mainly engaged for compulsory work service. **and the Serbs suffered a #horrible torture in Tarcin and Pazaric#, detained in a small private facilities, in a tunnel and the most notorious Silos (Silo) in Tarcin. The Chamber**

**should have known that this conduct of the Muslim side made a powerful impact both on the Serbs and Muslims in the Serb Municipality of Hadžici! One fact is never contested by anyone: THE MUSLIMS IN HADŽICI MUNICIPALITY STARTED THE WAR AND CONTINUED WITH THE ATTACKS, WHILE THE #SERBS ONLY DEFENDED# THEMSELVES! All the evidence must have been analysed within this light! If not, this was not a fair trial!)**

i. Movement of the population from Hadžici and appropriation of property

2113. On 24 May 1992, President of the Hadžici Crisis Staff appointed a commission charged with listing all abandoned flats and other property within the territory of the Hadžici Serb Municipality,<sup>7181</sup> the “vast majority” of which belonged to Muslims.<sup>7182</sup> Radić ordered that the flats be sealed, registered, and placed at the disposal of the Serb municipality.<sup>7183</sup> This was done immediately upon Radić’s order.<sup>7184</sup> On 19 July 1992, the President sent a memorandum to the municipality of Hadžici requesting an inventory of all vacant housing facilities following the “voluntary departure of Muslims”, **(This nuance in the President’s memorandum excluded a very possibility that the apartments of those who may have been leaving municipality unvoluntarily, or beeng in the detention, be used for that purpose. Remember that the apartments were either municipal, or company property, given for use to the tenants, while the “one-family houses had been a private property!)** explaining that vacant homes would be used to house Serb residents of the Muslim part of Sarajevo, who would soon be leaving the city.<sup>7185</sup>

**2114.** On 15 December 1992, the 4<sup>th</sup> session of the Serbian Hadžici Municipal Assembly adopted the “Statute of the Serbian municipality of Hadžici”, the “Rules of Procedure for the Serbian municipality of Hadžici”, and the “Decision on Law and Order”.<sup>7186</sup> At the same meeting, the Assembly issued the “Decision to Rescind Rights Obtained on the Basis of Tenancy Rights or Employment”, which stated that “all persons who were formerly resident on the territory of the Serbian Municipality of Hadžici” who had not returned to the municipality and had not provided an explanation for their absence would be labelled “displaced persons” and would not have the right to citizenship in the RS.<sup>7187</sup> However, the minutes of the session indicate that the decision did not receive sufficient votes to be adopted.<sup>7188</sup> Accordingly, the Chamber cannot conclude that the aforementioned decision was implemented in Hadžici. **(Anyway, such a decisions were #never and nowhere implemented#, because the President annulled them in his order from 19 August (D01754)**

2115. The Chamber recalls that, as described above, a group of male detainees was transferred to the Slaviša Vajner Čiča Barracks in Lukavica on approximately 22 June 1992,<sup>7189</sup> and that another

<sup>7181</sup> D1084 (Hadžici Crisis Staff Decision, 26 May 1992); D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 12 (stating that this task was delegated to him and that he took an inventory of all abandoned apartments and sealed them in order to prevent subsequent intrusion).

<sup>7182</sup> D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 12.

<sup>7183</sup> D1084 (Hadžici Crisis Staff Decision, 26 May 1992). Samouković testified that the language referring to “placing these apartments at the disposal of the municipality” was added in order to lend credence to the idea that the municipal authorities would not permit looting. Nevenko Samouković, T. 34610 (1 March 2013).

<sup>7184</sup> Nevenko Samouković, T. 34610–34611 (1 March 2013) (suggesting that the Hadžici commission took action in this regard pursuant to Radić’s order and not the Accused’s order of 19 July 1992 [P739]). *But see* P6167 (Request of Hadžici Secretariat for Housing and Public Utilities, 27 July 1992) (ordering the commissioners to inventory all abandoned and vacant dwellings that could be lived in; bearing a signature for Samouković).

<sup>7185</sup> P739 (RS Presidency request to various municipalities, 19 July 1992).

<sup>7186</sup> D1085 (Minutes of meeting of Hadžici Municipal Assembly, 15 December 1992), pp. 2–3, 5; P2306 (Report on the work of the Hadžici Municipal Assembly in 1992), p. 2.

<sup>7187</sup> D1083 (Decision of Hadžici Municipal Assembly, 15 December 1992). *See also* Adjudicated Fact 2571. In addition, the displaced persons would forfeit their property for the defence of the municipality and would no longer be entitled to any rights obtained on the basis of employment. Tihomir Glavaš, T. 12022–12023 (16 February 2011); D1083 (Decision of Hadžici Municipal Assembly, 15 December 1992).

<sup>7188</sup> D1085 (Minutes of meeting of Hadžici Municipal Assembly, 15 December 1992), pp. 4–5.

<sup>7189</sup> *See* para. 2106



group was transferred to Planjo's house in Svake on 23 October 1992.<sup>7190</sup> Defence witnesses testified that Bosnian Muslims left these areas of Hadžići of their own volition in order to move to areas with a Bosnian Muslim majority.<sup>7191</sup> As a result, a Bosnian Muslim commission based in Tarčin and a Bosnian Serb commission based in Hadžići were formed to visit Bosnian Muslims and Bosnian Serbs held in opposing territories and to interview them about their wishes to leave or stay.<sup>7192</sup> Defence witnesses also testified that "many" Bosnian Muslims remained in Hadžići until the end of the war.<sup>7193</sup> Having considered this evidence, however, the Chamber observes that these assertions do not directly contradict the evidence indicating that the groups described above were transferred out of the municipality. The Chamber therefore finds that the two groups of male detainees held at the Hadžići Culture and Sport Centre were forced to leave and transferred out of the municipality on approximately 22 June 1992 and 23 October 1992, respectively. **(It looks as if the Chamber checked only those allegations of the OTP, without considering what happened and why it happened. How come some #could stay in Hadzici till the end of war#? Neither of them had been forced to stay or to leave, they followed their sense of security, particularly if they had their close relatives in the Muslim Army. The OTP said there were detained people, and the Chamber said: yes, we could agree. In the meantime the Chamber believes everything to the Muslim witnesses, as if they weren't interested in exaggerating and telling lies to denigrate the opposite side. Also, neither the OTP, nor the Chamber established what all of that have to do with the President? A centuries long conflict and animosity brake out every forty to fifty years, and what this President has to do with it? It must have been kept in mind all the time that the inherited federal legislation gave a very wide competences to the local authorities pertaining the defence If the Prosecution and the Court in it's entirety took care of the "whole truth" they wouldn't miss to oversee the D317, a "military secret, Highly confidential report from Hadzici to the Operative Command of the SRK on 29 May 1992: who establishes combat balance, and with the action planned in detail which we undertook till 19 hours on 26/05/1992, by which we accomplished retaking of all depots, as well as dominant points on the Žunovnica location.**

In the first combat phase, that is till the arrival of the combat group, we had following losses:

- killed 15 soldiers,
- wounded 25 soldiers,
- missing 9 soldiers,
- killed defenders of the Kasetići village 1 and
- slaughtered members of the Serb population of the Kasetići village 8.

**(A formidable #Serb loses#: killed 15 + missing 9 + 1 + 8 civilians makes 43 killed, plus 25 wounded!!! Taking into account the fact that the "Serb Forces" was not a professional army, but a people's army composed of the local people, one can imagine how this "slaughtering" of civilians could have affected the Serb combatants!)**

<sup>7190</sup> See para. 2111.

<sup>7191</sup> D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 15 (stating that he heard this from their friends and neighbours, as he "was ill during this period"), 18; Mladen Tolj, T. 34648–34649 (1 March 2013); D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 85. See also Tihomir Glavaš, T. 11926–11929, 11933 (15 February 2011); D1064 (Map of Sarajevo marked by Tihomir Glavaš) (referring to Bosnian Muslims being evacuated from majority Bosnian Muslim villages—denoted in green— within the circle marked "1"). Vidimir Banduka referred to a decision of the Bosanski Hadžići War Presidency dated 23 October 1993 authorising an exchange of Serb civilians from Pazarić and Tarčin for "Muslim civilians who are currently in the area of Hadžići, on the principle of "all for all and on a voluntary basis". D2920 (Decision of Bosanski Hadžići War Presidency, 23 October 1993). Banduka opined that this document showed that "people were moving by themselves to areas where their nation was the majority". D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), paras. 80–81. However, the Chamber observes that this document only relates to the populations present in the respective territories at that time and as such, is not relevant to any movement of population that occurred in 1992.

<sup>7192</sup> D2915 (Witness statement of Vidimir Banduka dated 9 February 2013), para. 85. See also Vidimir Banduka, T. 33541–33542 (13 February 2013); Mladen Tolj, T. 34648 (1 March 2013).

<sup>7193</sup> D3062 (Witness statement of Nevenko Samouković dated 26 February 1993), para. 15; Mladen Tolj, T. 34649 (1 March 2013); Vidimir Banduka, T. 33542 (13 February 2013). Radojka Pandurević stated that she heard that Bosnian Muslims who stayed in Hadžići eventually left because "they were afraid about a Serbian revenge". D2490 (Witness statement of Radojka Pandurević dated 27 November 2012), para. 65; Radojka Pandurević, T. 30669 (29 November 2012). See also D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 12 (stating that Muslims left because of fear of reprisals for the abuses in the Silos camp).

*a. Ilidža*

*i. Charges*

**2116.** Under Count 3, the Prosecution alleges that persecution, a crime against humanity was committed in Ilidža as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>7194</sup> Acts of persecution alleged to have been committed by Serb Forces and Bosnian Serb Political and Governmental Organs in Ilidža include killings related to the KP Dom Butmir (Kula Prison) (hereinafter referred to as “Kula Prison”).<sup>7195</sup> The Prosecution also characterises these killings as extermination, a crime against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs or war, under Count 6.<sup>7196</sup>

**2117.** Other acts of persecution alleged to have been committed in Ilidža by Serb Forces and Bosnian Serb Political and Governmental Organs include (i) torture, beatings, and physical and psychological abuse, during and after the take-over as well as in Kula Prison as cruel or inhumane treatment;<sup>7197</sup> (ii) rape and other acts of sexual violence during and after the take-over as well as in Kula Prison as cruel and inhumane treatment;<sup>7198</sup> (iii) the establishment and perpetuation of inhumane living conditions in Kula Prison, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or inhumane treatment;<sup>7199</sup> (iv) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes within Ilidža;<sup>7200</sup> (v) unlawful detention in Kula Prison;<sup>7201</sup> (vi) forced labour at the frontline and the use of Bosnian Muslims and Bosnian Croats as human shields;<sup>7202</sup> (vii) the appropriation or plunder of property, during and after the take-over, during arrests and detention, and in the course of or following acts of deportation or forcible transfer;<sup>7203</sup> and (viii) the imposition and maintenance of restrictive and discriminatory measures.<sup>7204</sup>

**2118.** Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>7205</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Ilidža in which they had been lawfully present.<sup>7206</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing,

<sup>7194</sup> Indictment, paras. 48–49.

<sup>7195</sup> Indictment, para. 60(a). *See* Scheduled Incidents B.13.1, B.13.3.

<sup>7196</sup> Indictment, para. 63(a), 63(b).

<sup>7197</sup> Indictment, para. 60(b). *See* Scheduled Detention Facility C.18.2

<sup>7198</sup> Indictment, para. 60(c). *See* Scheduled Detention Facility C.18.2

<sup>7199</sup> Indictment, para. 60(d). *See* Scheduled Detention Facility C.18.2.

<sup>7200</sup> Indictment, para. 60(f).

<sup>7201</sup> Indictment, para. 60(g). *See* Scheduled Detention Facility C.18.2.

<sup>7202</sup> Indictment, para. 60(h).

<sup>7203</sup> Indictment, para. 60(i).

<sup>7204</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services. The Chamber notes that there are no cultural monuments and sacred sites with respect to Vlasenica in Schedule D of the Indictment. In addition the Prosecution does not allege criminal responsibility for wanton destruction of private property in Ilidža. Indictment, fn. 9.

<sup>7205</sup> Indictment, paras. 68–75.

<sup>7206</sup> Indictment, paras. 69, 72.

as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>7207</sup>

ii. Background

**2119.** Ilidža is one of the ten constitutive municipalities of Sarajevo and is located to the west of Novo Sarajevo, southwest of Novi Grad, and to the northeast of Hadžići.<sup>7208</sup> According to the 1991 census, the population of Ilidža municipality was 43.2% Muslim, 36.8% Serb, 10.2% Croat, 7.6% Yugoslav, and 2.1% identified themselves as other.<sup>7209</sup> Prior to the conflict, the populations of the local communes of Hrasnica, Butmir, Stupsko Brdo, part of Donji Kotorac, and Sokolović Kolonija were predominantly Muslim and those of Otes, Bare, and Stup were predominantly Croat. The populations of the other local communes were predominantly Serb.<sup>7210</sup>

**2120.** The territory of Ilidža municipality was strategically important because of its roads and railway that link Sarajevo town with eastern and central BiH and because the Sarajevo Airport is located there.<sup>7211</sup>

**2121.** After the first multi-party elections held in November 1990, in which the SDA won the highest number of seats in the municipal assembly, there was an inter-party agreement on the division of power in Ilidža.<sup>7212</sup> **(#Manipulation with the municipal borders#! And that happened only because of a “gerrymanderism” of the Yugoslav kind: Ilidža as almost entirely Serb municipality had been “enriched” by adding a predominantly Muslim neighbouring settlement of Hrasnica, which changed the ethnic proportion. In addition, the Muslim communists built up another settlement, Sokolović Kolonija, in the middle of the Serb territory, and settled it by the Muslims from Sandzak in Serbia! In any multi-ethnic country that would cause a big commotion, but the communists did it without troubles! The real ethnic distribution still was in favour of the Serbs, since the Yugoslavs in 1991 could have been 90% Serbs, because Yugoslavia was not beloved by the others in 1991. The ethnic picture was as follows: Total: 67438, Croats: 6914, Muslims: 28973, Serbs: 25061, Yugoslavs: 5134, others: 1356. Therefore, there was 30,195 Serbs, or at least those who were against the secession!)** Husein Mahmutović, of the SDA, became the President of the municipality and Radomir Kezunović, of the SDS, became the President of the Executive Board.<sup>7213</sup> Momčilo Čeklić of the SDS became the Secretary of the Assembly.<sup>7214</sup> Nedeljko Prstojević became the Secretary for Communal Inspections and the SDS President for Ilidža municipality.<sup>7215</sup> Of a total of 13 official posts, Bosnian Serbs and Muslims each held six and one post was held by a Bosnian Croat.<sup>7216</sup>

<sup>7207</sup> Indictment, para. 71.

<sup>7208</sup> P973 (Robert Donia's expert report entitled "Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995", January 2010), p. 8; Appendix B, Map 1; P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 17; Radomir Kezunović, T. 13908 (31 May 2011).

<sup>7209</sup> P5964 (Census data for BiH by municipality in 1971, 1981, and 1991, April 1995), p. 2 of original and English versions. See also D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 6.

<sup>7210</sup> Radomir Kezunović, T. 13942–13943 (31 May 2011); Nedeljko Prstojević, T. 13264–13265 (11 March 2011), T. 13834 (21 March 2011); D1249 (Ethnic map of Sarajevo).

<sup>7211</sup> D1218 (Ilidža National Security Service report, 17 May 1992), p. 2; P2308 (SJB Ilidža report, 20 September 1993), p. 2. See also D2479 (Witness statement of Mile Sladoje dated 25 November 2012), para. 8; Nikola Mijatović, T. 30701 (30 November 2012).

<sup>7212</sup> D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 6.

<sup>7213</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 14; D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 6.

<sup>7214</sup> D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 6.

<sup>7215</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 15.

<sup>7216</sup> D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 6.

**2122.** Inter-ethnic tensions were rising in Ilidža from at least May 1991; however, Kezunović and Mahmutović made efforts to work together in the joint-Assembly.<sup>7217</sup> Despite these efforts, each side created separate institutions. The SDA formed a crisis staff for the Muslim part of Ilidža in July or August 1991,<sup>7218</sup> and starting that autumn, Muslim populations in majority Muslim settlements were arming themselves and organising military formations.<sup>7219</sup>

**2123.** In accordance with the Variant A/B Instructions, the SDS established a Crisis Staff in Ilidža on 2 January 1992,<sup>7220</sup> and Radomir Kezunović declared the Assembly of the Serb Municipality of Ildiža (“Ilidža Serb Assembly”) the following day.<sup>7221</sup> However, the joint Assembly of the Municipality of Ilidža made efforts to work together until the beginning of April 1992.<sup>7222</sup> **(All of the Serb restraint is #EXCULPATORY!!! The Serb side was tryin to preserve the peace and common life in the municipality! The Muslim side did all the destructive preparations far in advance, as recognised in the Judgement!)**

**2124.** On 3 January 1992, the Ilidža Serb Assembly made a proposal to the Bosnian Serb Assembly to regulate, *inter alia*, the status of members of TO units and military-aged men as well as to take measures for the protection of the interests of Serbs in the territory of the Ilidža municipality.<sup>7223</sup> Starting around the beginning of March 1992, local Serbs organised themselves and held neighbourhood watches in front of their houses.<sup>7224</sup> In March and April 1992, Serb Forces distributed weapons seized from MUP storage units to Bosnian Serb civilians and members of the Serb TO.<sup>7225</sup> Bosnian Serbs in Ilidža were also armed with weapons from JNA warehouses.<sup>7226</sup> **(Because only the Serbs made the JNA manpower!)**

**2125.** The Ilidža MUP was divided in March 1992, after Bosnian Muslim police officers were dismissed from the SJBs; **(#Due to the ICFY results#! Not exactly, but after the Conference on BiH accepted that the constituent units would have their own police. The police station in Ilidza happened to be in the Serb part of Ilidza, and it was not “dismissal, but a separation in a good atmosphere.)** the Bosnian Serbs stayed in the Ilidža police station.<sup>7227</sup> Edin Mlivić, then Chief of the Ilidža SJB, and Tomislav Kovač, then Ilidža police commander,<sup>7228</sup> agreed that the Bosnian Serb police would function in the parts of Ilidža that had a Serb majority and the Bosnian

<sup>7217</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), paras. 42, 59, 61. See also Radomir Kezunović, T. 13936–13937, 13960–13963, 13989 (31 May 2011); D1252 (Supplemental Information Sheet for Radomir Kezunović, 29 May 2011), para. 14. See also Nedeljko Prstojević, T. 13591 (17 March 2011); D1178 (Minutes of meeting between SDA, SDS, and HDZ in Ilidža, 23 July 1991), pp 1–2.

<sup>7218</sup> Nedeljko Prstojević, T. 13614 (17 March 2011); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 13.

<sup>7219</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), paras. 39–40; D2553 (Witness statement of Svetozar Guzina dated 3 December 2012), paras. 3–5; D2479 (Witness statement of Mile Sladoje dated 25 November 2012), para. 3.

<sup>7220</sup> Nedeljko Prstojević, T. 12942–12943 (3 March 2011), T. 12952–12953 (8 March 2011), T. 13615 (17 March 2011); Momčilo Čeklić, T. 35210–35212 (12 March 2013); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 11; P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), p. 3.

<sup>7221</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), paras. 41–44, 48; Radomir Kezunović, T. 13901, 13946 (31 May 2011); Momčilo Čeklić, T. 35210–35212 (12 March 2013); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 12; P2408 (Decision on proclaiming Serb Municipal Assembly of Ilidža, 3 January 1992), Nedeljko Prstojević, T. 12953–12954 (8 March 2011), T. 13628–13629 (17 March 2015), T. 13645 (18 March 2011); P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), p. 4; P2531 (TANJUG news report, 11 January); D1184 (Article from Javnost entitled “Serbian Municipality Proclaimed,” 11 January 1992).

<sup>7222</sup> Nedeljko Prstojević, T. 12957–12359 (8 March 2011), T. 13630 (17 March 2011), T. 13645 (18 March 2011); P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), paras. 14, 46, 49, 54, 66; Radomir Kezunović, T. 13946, 13965–13966 (31 May 2011); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), paras. 11–12; Momčilo Čeklić, T. 35210 (12 March 2013).

<sup>7223</sup> P2409 (Ilidža Municipal Assembly proposal of decision, 3 January 1992); Nedeljko Prstojević, T. 12956–12957 (8 March 2011).

<sup>7224</sup> D2479 (Witness statement of Mile Sladoje dated 25 November 2012), para. 4; D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), paras. 17–18.

<sup>7225</sup> P2308 (SJB Ilidža report, 20 September 1993), p. 2; Momčilo Čeklić, T. 35214 (12 March 2013); D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 60. See also P2976 (Ilidža SJB proposal for decorations, 11 September 1993), p. 3.

<sup>7226</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 8; Momčilo Čeklić, T. 35214 (12 March 2013). At the beginning of April 1992, the procedure for the distribution of weapons was through the SDS (P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 67).

<sup>7227</sup> P2308 (SJB Ilidža report, 20 September 1993), p. 3; D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 49. See also Adjudicated Fact 2572; Mirsad Kučanin, P16 (Transcript from *Prosecutor v. Galić*), T. 4500; Mirsad Kučanin, P17 (Transcript from *Prosecutor v. S. Milošević*), T. 28935; P2977 (Report of Ilidža SJB), p. 1.

<sup>7228</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), paras. 4, 48; Radomir Kezunović, T. 13936–13937 (31 May 2011); Tihomir Glavaš, T. 11825 (14 February 2011).



Muslim police would function in those parts with a Muslim majority.<sup>7229</sup> Initially, they continued to share the same building.<sup>7230</sup> On 6 April 1992, the Bosnian Muslims stationed their MUP in Stup, with Mlivić as its chief, and established their “War Presidency”.<sup>7231</sup> Kovač was Chief of the Ilidža SJB from 1 April to 6 August 1992,<sup>7232</sup> when Tihomir Glavaš succeeded him.<sup>7233</sup>

**(Therefore, there was #no any “taking over”# of the municipality, there was an agreement that there would exist two municipalities of the two ethnic communities on their respective territories, as was proposed throughout BiH!)**

**2126.** On 5 April 1992, the Ilidža Serb Assembly declared the Serb Municipality of Ilidža, to include the territory of settlements with a majority Serbian population in Ilidža and parts of Novi Grad, Kiseljak, and Trnovo.<sup>7234</sup> The Serb Municipality of Ilidža excluded the communities where Muslims and Croats were a majority.<sup>7235</sup> **(#Two municipalities#! That was a fair and expected move, and that was the only way of #“homogenisation of territories”#, not expelling the people. This was proposed to all the municipalities where the Serbs, Muslims and Croats could have formed their municipalities through the fair negotiations. The Serb attitude was not to claim for any settled place that wasn’t predominantly Serb, and that would be advised to the others!)** After 6 April 1992, the Ilidža Serb Assembly became a War Presidency, pursuant to an instruction from the Bosnian Serb Assembly.<sup>7236</sup> **(On April 6 the war started in Sarajevo, and Ilidža was one of the ten municipalities of the city of Sarajevo!)** On 6 April 1992, the Ilidža Crisis Staff ordered general mobilisation.<sup>7237</sup> **(In the context of the war, and due to the Federal Law of all-peoples Defence, #municipalities were entitled to do so#!)** A new Serb Crisis Staff was established by the Serbian Municipality of Ilidža and was publicly announced on 10 April 1992.<sup>7238</sup> Prstojević became the commander of the Crisis Staff but Kezunović remained as its President for about 15 to 20 days until he passed over his responsibilities to Prstojević.<sup>7239</sup>

**2127.** Until 19 May 1992, when the VRS was formed, the Serb TO staff organised defence in Ilidža.<sup>7240</sup> At that point, the TO defence units became part of the VRS, first as part of the Ilidža Brigade and then as part of the Igman Brigade.<sup>7241</sup>

### iii. Armed conflict in Ilidža

**2128.** Around 3 or 4 April 1992, barricades were erected around Ilidža.<sup>7242</sup> From April 1992, there was an escalation in combat activity,<sup>7243</sup> and Ilidža was constantly under fire.<sup>7244</sup> The eastern

<sup>7229</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 49; Tihomir Glavaš, T. 11825 (14 February 2011).

<sup>7230</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 62; D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 49.

<sup>7231</sup> Nedeljko Prstojević, T. 13705 (18 March 2011); D1208 (SerBiH MUP Daily Report, 4 May 1992), p. 3.

<sup>7232</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 4.

<sup>7233</sup> Tihomir Glavaš, T. 11804 (14 February 2011); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 19.

<sup>7234</sup> D1190 (Ilidža Crisis Staff announcement, 11 April 1992); D1191 (SRNA news report, 11 April 1992); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 19. In addition, the Serbian Municipality of Ilidža incorporated part of Mojčila, Dobrinja, Nedžariće, and Vojničko Polje. *See also* P973 (Robert Donia’s expert report entitled “Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995”, January 2010), p. 35; Robert Donia, T. 3134 (1 June 2010).

<sup>7235</sup> Nedeljko Prstojević, T. 13264–13265 (11 March 2011); Radomir Kezunović, T. 13989–13990 (31 May 2011).

<sup>7236</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 68.

<sup>7237</sup> D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), paras. 19–20; Nedeljko Prstojević, T. 12968 (8 March 2011); D3113 (Ilidža Crisis Staff order, 6 April 1992), p. 1; P2410 (Ilidža Crisis Staff Order on implementation of general mobilisation, 6 April 1992); Nedeljko Prstojević, T. 12968 (8 March 2011).

<sup>7238</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), paras. 54, 56; Radomir Kezunović, T. 13901 (31 May 2011); D1193 (Ilidža Crisis Staff members, 10 April 1992).

<sup>7239</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), paras. 54, 57–58, 73; Radomir Kezunović, T. 13901 (31 May 2011); Nedeljko Prstojević, T. 12961 (8 March 2011); D1193 (Ilidža Crisis Staff members, 10 April 1992).

<sup>7240</sup> Nedeljko Prstojević, T. 12970–12971 (8 March 2011), T. 13757 (21 March 2011). *See also* D1218 (Ilidža National Security Service report, 17 May 1992), p. 2.

<sup>7241</sup> Nedeljko Prstojević, T. 12975 (8 March 2011), T. 13799 (21 March 2011); Milomir Šoja, P1633 (Transcript from *Prosecutor v. D. Milošević*), T. 5160, 5162; Milomir Šoja, T. 7206–7207 (30 September 2010). The Ilidža Brigade was established on 20 May 1992. Nedeljko Prstojević, T. 13799 (21 March 2011).

and western parts of Ilidža were controlled by the Serbs but were divided by Muslim held territory in the middle.<sup>7245</sup> The eastern and western parts of Ilidža were shelled by Bosnian Muslim forces from Mt. Mojnilo and Mt. Igman, respectively.<sup>7246</sup> By the end of April 1992, Bosnian Serbs shelled various neighbourhoods in Sarajevo, including Butmir and Hrasnica in Ilidža municipality.<sup>7247</sup> **(Muslims shelled not only from Mt. Mojnilo and Mt. Igman, but from all the Muslim settlements, and there is so many genuine evidence of that! The Serb responses happened because the Muslim weaponry and heavy artillery was firing from those settlements!#Abuse of civil settlements#!)**

**2129.** In April 1992, Prstojević issued orders which resulted in various aspects of daily life being blocked. First, on 14 April, he ordered the suspension of activities of almost all enterprises in Ilidža.<sup>7248</sup> **(Those enterprises were on a front line, under a constant artillery fire while working, which caused a lot of casualties among the employees. When not working, there was almost no fire against those enterprises, see@@)** Then, on 19 April, he ordered that all access to roads be blocked, with the exception of emergency medical assistance, local food supply, water control and electrical power enterprises.<sup>7249</sup> **(It was also a #defensive activity#. No matter was it exaggerated caution or not, but the motive was that. And that was completely within the realm of his obligation and competences, since he was the president of municipality, and thus the president of the Defence committee! What should have been done while the Serb settlements had been surrounded by the #Muslim and Croat settlements, totally militarised#?)**

**2130.** On 22 April 1992, the Bosnian Muslim forces attacked the western and central parts of Ilidža.<sup>7250</sup> After this attack, a confrontation line was established. Bosnian Serb and Muslim forces established positions along the roads leading from Sarajevo.<sup>7251</sup> Combat activity continued in

<sup>7242</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 66; Radomir Kezunović, T. 13965–13966 (31 May 2011).

<sup>7243</sup> Nedeljko Prstojević, T. 13646–13647, 13665, 13683–13687, 13691–13692, 13699, 13703 (18 March 2011); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), paras. 25–32; Momčilo Čeklić T. 35214–35220 (12 March 2013); P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 73; Radomir Kezunović, T. 13965–13966 (31 May 2011); D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), paras. 50–53; D1196 (Public announcement from Ilidža Crisis Staff Information Service, 13 April 1992); D1200 (Protocol from meeting between SDS and SDA in Ilidža, 23 April 1992); D1201 (Intercept of conversation between Čedo Klajić and Tomislav Kovač, 20 April 1992); D1203 (Radovan Karadžić's announcement, 22 April 1992); D2479 (Witness statement of Mile Sladoje dated 25 November 2012), para. 4; D2553 (Witness statement of Svetozar Gužina dated 3 December 2012), para. 28; P1996 (Witness statement of Martin Bell dated 8 March 2010), para. 61; P2025 (BBC news report re Ilidža, with transcript).

<sup>7244</sup> Nedeljko Prstojević, T. 13660 (18 March 2011); P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 66; Radomir Kezunović, T. 13965–13966 (31 May 2011).

<sup>7245</sup> Radomir Kezunović, T. 13915 (31 May 2011); Nedeljko Prstojević, T. 13760 (21 March 2011).

<sup>7246</sup> Radomir Kezunović, T. 13982–13984 (31 May 2011); D1255 (Ilidža Wartime Commission Statement, 29 October 1992. *See also* D2479 (Witness statement of Mile Sladoje dated 25 November 2012), paras. 9–10; Nedeljko Prstojević, T. 13660 (18 March 2011); D1076 (MUP Administration for the Police Duties and Affairs report, 3 August 1992), p. 5.

<sup>7247</sup> *See* Adjudicated Fact 2573 (stating that the Serb SJB also took part in the attacks). *See* Section IV.B.1.a: Chronology of events in Sarajevo.

<sup>7248</sup> Nedeljko Prstojević, T. 13666–13667, 13669 (18 March 2011); D1197 (Ilidža Crisis Staff order, 14 April 1992); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 21. *See also* D1206 (Ilidža Crisis Staff announcement, 1 May 1992).

<sup>7249</sup> Nedeljko Prstojević, T. 13679–13680 (18 May 2011), T. 13796–13797 (21 March 2011); D1199 (Ilidža Crisis Staff decision, 19 April 1992); D1238 (Intercept of conversation between Ratko Mladić and Nedeljko Prstojević, 24 May 1992); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9003–9004; Momčilo Mandić, T. 4684–4689 (6 July 2010); Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 9484–9485; P1147 (Intercept of conversation between Momčilo Mandić and Tomislav Kovač, 20 April 1992), p. 1–2; P5712 (Intercept of conversation between Momčilo Mandić and Branko Đerić, 20 April 1992), p. 2.

<sup>7250</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 51–52; Tihomir Glavaš, T. 11947–11948, 12005–12006 (16 February 2011); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 25; Momčilo Čeklić T. 35215 (12 March 2013); Nedeljko Prstojević, T. 13646–13647, 13683–13684, 13692 (18 March 2011); P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 73; Radomir Kezunović, T. 13965–13966 (31 May 2011); Martin Bell, T. 9818–9819 (14 December 2010); D918 (BBC news report re Sarajevo, with transcript). *See also* D2538 (Witness statement of Milan Pejić dated 2 December 2012), para. 15; P2308 (SJB Ilidža report, 20 September 1993, p. 4; Colm Doyle, T. 2775–2778 (26 May 2010); D221 (RS MUP report re attack on Ilidža, 28 April 1992), p. 2; D1200 (Protocol from meeting between SDS and SDA in Ilidža, 23 April 1992); D223 (SRNA news report, 23 April 1992); P5713 (Intercept of conversation between Rade Ristić and “Ilija”, 20 April 1992), pp. 1–2.

<sup>7251</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 55.

May 1992.<sup>7252</sup> By 8 May 1992, Serb Forces were in control of the territories composing the Serb Municipality of Ilidža and some areas of life could return to normal.<sup>7253</sup>

**2131.** Several armed groups were present in Ilidža during 1992.<sup>7254</sup> Most notably, Brne Gavrilović and his group of Šešelji's men,<sup>7255</sup> arrived in Ilidža on 9 July 1992.<sup>7256</sup> On several occasions in 1992 and 1993, members of Gavrilović's group looted and expelled Bosnian Muslims from their homes.<sup>7257</sup> Other armed groups also engaged in looting.<sup>7258</sup> When confronted by security forces, members of these groups sometimes issued threats.<sup>7259</sup> However, at times, members of the MUP tolerated the looting and even participated themselves.<sup>7260</sup> **Some members of the MUP could have been involved, but the MUP as the institution wasn't, and the MUP fired and processed through the disciplinary procedures many of its members. It was a constant task issued by orders of the first Minister Stanisić, and his successors. Only in the first year of war, until January 93, more than six thousands of regular and reserve policemen were fired after the order of Minister Stanisić. See: D00473, a periodic report, meeting in Trebinje D00473 MUP, p. 13/14**

3. The internal affairs bodies have been infiltrated by individuals whose criminal and otherwise anti-social behaviour defiles the reputation of the MUP as a whole, and we must immediately rid ourselves of such individuals. Only honest employees whose work is based in law can enjoy the confidence of the

<sup>7252</sup> Radomir Kezunović, T. 13967, 13968, 13970 (31 May 2011); Nedeljko Prstojević, T. 13677–13678, 13704, 13717, 13724–13728 (18 March 2011); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 33; D1208 (SerBiH MUP Daily Report, 4 May 1992), D1211 (Ilidža Crisis Staff information, 13 May 1992); D1212 (Intercept of conversation between Nedeljko Prstojević and Milosav Gagović, 13 May 1992), D1213 (Intercept of conversation between Nedeljko Prstojević and Tadija, 14 May 1992); ); D1214 (Ilidža Crisis Staff information, 14 May 1992); D1215 (Intercept of conversation between Đogo and Nedeljko Prstojević, and between Nedeljko Prstojević and Radivoje Grković, 14 May 1992), pp. 1–2; D1216 (Intercept of conversation between Đogo and Mandrić, 14 May 1992), p. 1; D1218 (Ilidža National Security Service report, 17 May 1992), p. 1; P5667 (Intercept of conversation between Milosav Gagović and Nedeljko Prstojević, 15 May 1992). See also D1210 (Intercept of conversation between Nedeljko Prstojević and Grandić, 12 May 1992); John Wilson, T. 3918 (21 June 2010); D1214 (Ilidža Crisis Staff information, 14 May 1992).

<sup>7253</sup> D1209 (SerBiH MUP Daily Report, 8 May 1992), p. 2; Nedeljko Prstojević, T. 13706–13707 (18 March 2011); P2790 (SerBiH MUP daily report, 12 May 1992), p. 2. See Adjudicated Fact 2574. See also D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para. 5; D1248 (Intercept of conversation between unknown male person and Legija, 15 May 1992), p. 4; D1254 (Decision on the Formation of the Serbian Municipality of Ilidža, 8 May 1992), p. 1; P1103 (Intercept of conversation between Momčilo Mandić and Branko Kvesić/Bruno Stojić/Mičo Stanišić, 5 May 1992), p. 9.

<sup>7254</sup> Nedeljko Prstojević, T. 12976–12980, 12983–12986, 12988 (8 March 2011), T. 13825–13826, 13829–13832 (21 March 2011); Radomir Kezunović, T. 13912–13913 (31 May 2011); P2229 (Intercept of conversation between Mičo Stanišić and Nedjelko Žugić, 15 May 1992); P2411 (Intercept of conversation between Nedeljko Prstojević and Milosav Gagović, 14 May 1992); D1248 (Intercept of conversation between Željko Ražnatović and Legija, 15 May 1992), pp. 4, 12–14; Tihomir Glavaš, T. 12041–12043 (16 February 2011); Ratomir Maksimović, D2667 (Witness statement of Ratomir Maksimović dated 14 December 2012), para. 56; KDZ088, T. 6309–6310 (7 September 2010) (closed session); P1499 (SRK report to VRS Main Staff re Dobrinja, 19 June 1992), p. 1; D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), paras. 71, 73; P5690 (Intercept of conversation between Nedeljko Prstojević and "Đogo", 14 May 1992), p. 2; P133 (Witness statement of Matija Bošković dated 20 November 2003, paras. 35–36, 52; P1107 (SerBiH MUP report to the Minister of Interior re inspection of Romanija-Birač CSB and SJB, 10 August 1992), pp. 2–3; D541 (SRK combat report, 3 November 1992); P5691 (Intercept of conversation between Legija and Milosav Gagović, 14 May 1992).

<sup>7255</sup> D2562 (Witness statement of Vladimir Radojčić dated 8 December 2012), para. 60; P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 74; Nedeljko Prstojević, T. 12977–12979 (8 March 2011) (testifying that Šešelji visited the Serbian Municipality of Ilidža and was received by Prstojević at the Municipal Assembly Building on one occasion and that on another occasion, he toured Gavrilović's unit); D3665 (Witness statement of Vojislav Šešelji dated 1 June 2013), paras. 58–61.

<sup>7256</sup> Nedeljko Prstojević, T. 13853–13855 (21 March 2011); Radomir Kezunović, T. 13913–13914 (31 May 2011). See also P2228 (Intercept of conversation between Vojislav Šešelji and Branislav Gavrilović, April 1992), pp. 1–3. Prstojević gave Gavrilović permission to stay at a motel facility and deserted summer houses in Gladno Polje to conduct admission and training of volunteer units arriving to the area. See P2302 (Approval of the War Board of Commissioners of Ilidža Municipality, 9 July 1992). See also para. 234.

<sup>7257</sup> Reports of incidents involving Gavrilović's men include D1080 (Ilidža SJB information, 4 June 1992), p. 3; P2303 (SRK combat report, 18 November 1992), p. 1; D1078 (Romanija-Birčani CSB report, 23 November 1992); P2304 (Report of the MUP, Sarajevo SNB, 9 January 1993); P2305 (Official note of the Ilidža War Department of the SNB, 12 February 1993); Nedeljko Prstojević, T. 13823–1384 (21 March 2011); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 74; D1080 (Ilidža SJB information, 4 June 1992), p. 3. See also D2562 (Witness statement of Vladimir Radojčić dated 8 December 2012), para. 60.

<sup>7258</sup> P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 74; Radomir Kezunović, T. 13911–13912 (31 May 2011); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 45. See also P1154 (Witness statement of KDZ088 dated 27–29 April 2010), pp. 131–132 (under seal).

<sup>7259</sup> Tihomir Glavaš, T. 11806 (14 February 2011); P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), paras. 74–75. One example of this occurred on 20 November 1992. The Ilidža SJB asked the military police for help to disarm paramilitary groups which had set up an illegal check-point. When the military police disarmed the group, around 20 armed men showed up and forced the retreat of the military police. D1081 (Ilidža SJB report, 21 November 1992). See also Momčilo Čeklić, T. 35231–35232 (12 March 2013); KDZ088, T. 6255–6256 (7 September 2010) (closed session).

<sup>7260</sup> KDZ088, T. 6260–6262 (7 September 2010) (closed session); P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 388; P1110 (Intercept of conversation between Momčilo Mandić and Nedeljko Prstojević, 2 July 1992), p. 5. See also Nedeljko Prstojević, T. 13805 (21 March 2011).

people and the authorities, and not those individuals who have

acted against the law and who will attempt to discredit us.

**The MUP leaders had been aware of the irregular conduct of some of its members, See: P02761, p. 13 P02761 p. 13**

It should also be stressed that among the perpetrators there was a certain number of individuals in uniform who were mainly members of some paramilitary formations, but also army and police reservists<sup>3</sup>, while some of the criminals used the camouflage uniforms and even the insignia of the Army of Republika Srpska and the police. There were difficulties in capturing and detecting perpetrators, due among other things to inability to access the crime scene, and in certain regions /because of problems/ with identifying persons, checks, bringing in and questioning suspects if there were indications that they had committed a crime and are in the zones of war operations or live outside our Republic.

**The insufficiently competent reserve policemen were relocated to the VRS, while those who violated the rules had been dismissed, (#Police purged#! se P02761, p. 18**

Considerable measures were also taken with the goal of profiling police personnel. In addition to placing almost 6100 members of the police at the disposal of the Army of Republika Srpska, 210 employees were dismissed from duty, 50 were suspended and 29 criminal reports were brought against police employees.

**Finally, the combat activities had a crucial impact on the security situation and ability of the MUP to maintain law and order, see: D473, p.8.**

Stressing the security situation in the Sarajevo CSB area, the CSB Chief, Zoran CVIJETIĆ pointed out that in areas of combat activities, like Hadžići, Ilidža, Ilijaš, Vogošća, Novo Sarajevo, the situation is different as it is complex and difficult. The situation is somewhat better in areas where there are no serious combat activities, like Pale, Sokolac, Han Pijesak, Vlasenica, Šekovići and the like. He is of the opinion that the serious problems began when the Sarajevo Airport was ceded to UNPROFOR, which is suspected of using the airport to supply enemy formations with, among other things, arms and ammunition.

**The report mentioned the municipalities like Hadzici, Ilidza, Ilijas, Vogosca, Novo Sarajevo as the most problematic just because of the combat activities The same was with the VRS and the Assembly, permanently seeking for #more law and order#, see: D03484, p. 1**

U R G E N T

To all brigades, regiments and independent battalions (to the commanders, personally)

At the latest session of the Assembly of Republika Srpska held at Pale on 19 May 1993, a number of deputies and the highest officials of Republika Srpska made a series of criticisms of the Army of Republika Srpska /VRS/ in their discussions.

Most of the criticism was related to members of the Military Police and other persons in uniform who engage in theft, black marketeering, profiteering, and other crimes which threaten to annul all the results of the one-year war waged by the army and people of Republika Srpska.

A number of deputies objected that individuals and groups behave irresponsibly in their zones and beyond. Drunkenness is wide-spread and individuals and groups and even entire units spend ammunition in great amounts in towns and villages behind the front line, instilling fear in residents. Their incidents tarnish the image of a member of the Army of Republika Srpska and all the Serbian people in the most brutal fashion, often in the presence of representatives of foreign institutions and the international media.



In the future, take rigorous measures, and in cases of theft, abuse of official position and weapons, mete out the strongest punishment, up to taking /the offender/ before a Military Court. Resolve such cases without delay, and personally inform me at once. Inform all unit members that no one's merits in combat to date suffice to protect any individual who engages in theft, robbery and other dishonourable acts, which are of the greatest detriment to the VRS and the Serbian people.

2. I strictly forbid any form of organising or behaving along the lines of a "para-army", "para-police", "para-policy"; arrest, eliminate and in case of resistance

**p.2**

physically liquidate all individual groups and any units in existence on the terrain under anyone's competence.

Inform all organs of command and control to the level of squad commander of this order, as well as organs of authority on the terrain (everyone to inform his own level), and inform the military on a need-to-know basis and to the necessary extent.

5. Very rigorous measures shall be applied in the future for failure to implement this order.

/handwritten: For the/ COMMANDER  
Major General  
Stanislav GALIĆ

**Nobody should be expected to achieve more than it was possible, and there is a sufficient evidence that all the #official structures did their best#)**

**2132.** Prstojević introduced irregular forces into the municipality, and allowed some groups to loot behind the frontline and expel Bosnian Muslims from their homes.<sup>7261</sup> **(The Chamber had as same reasons to discredit this witness on this issue as it discredited some of the Defence witnesses. And that is because of the constant rivalry between the Police and the Army, and the Army and civilian authorities in some municipalities, on purely ideological basis (communists in the Army). However, we do have a document that Prstojevic had nothing to do with the arrival of Legija and other Arkan's men, see: D01248, p.9**

Legija: I had about one hundred prisoners yesterday. But, to hell with these pussies, when they... started screaming this and that. You understand, those were armed men and I immediately wanted to ...  
But SUP /Secretariat of Internal Affairs/ Chief made a fuss about it, he said they were their neighbors, fuck them all. I went crazy.

**(#Officials proper conduct#! As it is clearly said by Legija, the Chief of the Serb police in Ilidza (T. Kovac) didn't allow any killings of the captured Muslims, saying that these captured were "their neighbours. Now we will see that Prstojevic didn't bring the paramilitaries to Ilidza, that it was somebody else, see**

**p.12**

Legija: Well, to start with, you know that DRAGIŠIĆ who.. Who called us and all.  
You know what we were told, how it would be when we get here. Well, none of it was true, and he did not hook us up with anyone. Nothing, he completely deceived us.

And now I'll have to see, I'll have to find a solution.

**p.18.** And as for Dragiša, give him what he fucking deserves.

**#Officials proper conduct#! So, neither Prstojević introduced the paramilitaries, nor they had been welcome, nor the Chief of the Serb police allowed any of the Muslims, the neighbours be killed! All very commendable, but used against the President!)** In a

conversation with Dragan Despotović regarding combat activity in Kasindolsko Polje on 14 June 1992, Prstojević asked: "What shall we do? Would it be good if we gave it a thought and if we organised people from aside/outside to expel them all. Nobody needs to be shot or killed. Everyone expelled". Despotović responded: "That would be the right move."<sup>7262</sup> **(This still**

**wasn't any crime to loudly meditate this possibility, since the Muslims from those settlements fired all the time, inflicting a great loses to the Serb civilians and military. Although Prstojević's interlocutor said that "that would be the right move", it #never happened#, and the Serbs could have easily take these settlements, nor the Muslim population was expelled!)** In June 1992, Tomislav Šipčić, the then SRK Commander, revoked Prstojević's military command responsibilities; however Prstojević remained as President of the Crisis Staff and the SDS in Ilidža.<sup>7263</sup> Prstojević subsequently met with the President in Pale and when he returned to Ilidža, "things started to go wrong again."<sup>7264</sup> **(A #nasty suggestion#! The**

**same would be if it was said that after this visit to the President and return to Ilidza, there was a "horrible stormy rain"! What does it have to do with his visit to Pale? It is as the Chamber concluded that immediately after the President's visit ended, there had been a severe storm. Is there any evidence that the President was informed and supported eventual criminal activities in Ilidza? All of the irregular features were sharply in contrast to the orders, views and intentions of the President. But, it shouldn't be taken for granted that all the civilians of other ethnicities in the Serb areas of Sarajevo were harmless and innocent. There was a continued activity of the Muslim forces to attack the Serb settlements, relying on some of those civilians that remained in the Serb areas, see: D02854, p. 2**

The Ilidža War Department of the National Security Service has certain information which indicates that the enemy is preparing a decisive attack/offensive on positions of our forces in the general area of the Sarajevo battlefield, i.e. on Serbian territories in this area, in order to unblock, first and foremost, the core part of the Sarajevo area which is under their control, and to take control of roads which are of prime importance for the Muslim-Croat coalition.

In this respect, we have information that they are psychologically preparing the members of their units and emphasising to them that there will be a considerable number of casualties in the coming action. Also, it is more frequently "reaching their ears", and also being heard in the city, that they can seize the territory of the Ilidža Serbian Municipality in just one hour, but that they have not done this so far so that there would not be an "artillery reprisal" from the Serbian side, both against the city

**p.3**

The main – infantry – strike would be made against Serbian positions in Nedžarići from the direction of the City, and they would then, in synchronisation, commence fire and an infantry attack from Otes and Hrasnica. So as to conceal these intentions of theirs, they have been seeking all the while to show that the main strike will be from Igman, which, again, points to possible sabotage groups whose task would be to infiltrate behind Serbian positions.

They claim that they have sufficient quantities of infantry weapons and ammunition in the City. Recently they have been conducting the mass mobilisation of everyone subject to military service, including Serbian citizens whom, according to the available information, they intend to deploy in the front ranks of battle in these actions.

<sup>7262</sup> P1492 (Intercept of conversation between (i) Nedeljko Prstojević and Radomir and (ii) Nedeljko Prstojević and Dragan, 14 June 1992), p. 3. The Chamber notes that Prstojević testified that he did not say that outside groups should be organised to expel people. Nedeljko Prstojević, T. 13295–13298 (11 March 2011), T. 13547–13550 (17 March 2011). However, in his interview with the Prosecution, Prstojević stated that by "outside" groups, he was referring to Arkan's, Gavrilović's, and Boban's groups. P2512 (Excerpt from transcript and video of Nedeljko Prstojević's interview), pp. 2–3. Having reviewed the video and transcript of Prstojević's interview, the Chamber rejects Prstojević's testimony that he was not referring to those groups in the intercepted conversation.

<sup>7263</sup> [REDACTED]. See also P1516 (Intercept of conversation between Nedeljko Prstojević and Tomislav Šipčić, 27 May 1992).

<sup>7264</sup> [REDACTED].

**That kind of activities never ceased in the zone of Sarajevo, not for a day, and all, the authorities, the VRS, Police as well as population were at a constant alert!)**

**2133.** From mid-April 1992, there was intense fighting around Dobrinja where the territories controlled by the Serbs were severed from Lukavica, Pale, and Kotorac on one side and Ilidža, Rajlovac, and Vogošća on the other.<sup>7265</sup> While the Bosnian Serbs tried to establish a corridor to connect these neighbourhoods, the Bosnian Muslims sought to link up the old centre of Sarajevo with neighbourhoods such as Hrasnica and Sokolović Kolonija.<sup>7266</sup> In addition, there were rumours that the SRK wanted to take over Dobrinja because it was predominantly populated by Serbs.<sup>7267</sup> On 21 May 1992, Prstojević had a telephone conversation with Colonel Gagović about Bosnian Muslims fleeing Dobrinja and Gagović advised him that he had ordered a press centre to release information that they were only allowing Muslims to leave Dobrinja as entire families because they did not want the men to be left behind.<sup>7268</sup> Around 14 June 1992, the Serb Forces took Dobrinja 1 and Dobrinja 4 under their control.<sup>7269</sup> Prstojević had a meeting with the President, Mladić, and other members of the Bosnian Serb leadership on 15 June 1992, in which it was concluded that they would “clear the Serbian territory”, starting with Mojmiło and Dobrinja.<sup>7270</sup> **(There were a constant #military attacks# from those localities!). Mojmiło anyway was a hill, dominant to all the Serb areas in the city of Sarajevo, while Dobrinja remained divided till now.** Around 17 June 1992, SRK units took civilians out of Dobrinja to Lukavica barracks.<sup>7271</sup> At Lukavica barracks, the MUP separated and classified them according to their ethnicities and the Bosnian Muslims were then sent to Kula Prison.<sup>7272</sup> **(First of all, the #Muslim civilians were housed in the SRK barracks#, for their safety, since in Dobrinja there were going on a fierce fighting. Second, The Muslim males who had been transferred to the Kula prison were combatants, not civilians. Finally, the Commander of the SRK asked that the civilians from the combat areas be housed somewhere else instead in the Barracks Lukavica, which disturbed the life in the Barracks. See: D432**

#### COMMANDS OF ALL SRK UNITS

Having in mind that there are occurrences of collecting women, children and old people of Muslim nationality and transferring them in Corps Command where are additional difficulties regarding their accommodation, feeding and taking care of the above mentioned categories of population, and in effort to organize this matter in the future, hereby I

#### ORDER

1. Women, children and old people from places that are not loyal to our system of government should secure on territories of municipalities of their previous staying in organization of civilian authorities, enabling that they are treated correctly, secure safety of their lives, accommodation and feeding.

2. Prisoners from combats should be sent to Corps Command with taking care of all measures for their safety during the trip. After their processing by officials from Corps Command, they will be placed in “Kula” Prison where they would be handed over on further treatment to Police officials and Commissions for exchange. Treat with prisoners pursuant with International Agreements.

3. For Muslims who stays loyal for sure, enable conditions for their life and work in accord with the possibilities of the community.

**“Collecting women, children and old people” was an #obligation according to the domestic laws# and international standards, because the civilians caught in the battlefield must have**

<sup>7265</sup> D1196 (Public announcement from Ilidža Crisis Staff Information Service, 13 April 1992); Nedeljko Prstojević, T. 13665 (18 March 2011); D2553 (Witness statement of Svetozar Guzina dated 3 December 2012), paras. 32–33; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9377–9378; John Wilson, T. 3918, 3994 (21 June 2010); KDZ088, T. 6492 (10 September 2010) (closed session). See also D577 (SRK combat report, 6 June 1992); P998 (SRK instructions, 7 June 1992), p. 3; P2019 (BBC news report Dobrinja, with transcript).

<sup>7266</sup> D2553 (Witness statement of Svetozar Guzina dated 3 December 2012), para. 32; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9377–9378.

<sup>7267</sup> P1154 (Witness statement of KDZ088 dated 27–29 April 2010), p. 142 (under seal); Svetozar Guzina, D2553 (Witness statement of Svetozar Guzina dated 3 December 2012), para. 32.

<sup>7268</sup> D1236 (Intercept of conversation between Nedeljko Prstojević and Milosav Gagović, 21 May 1992), pp. 2–3.

<sup>7269</sup> Nedeljko Prstojević, T. 13561–13562 (17 March 2011).

<sup>7270</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), e-court pp 171–172.

<sup>7271</sup> [REDACTED]; P991 (SRK combat report re Dobrinja, 17 June 1992), p. 2.

<sup>7272</sup> [REDACTED]; P991 (SRK combat report re Dobrinja, 17 June 1992), p. 2. See also Slobodan Avlijaš, T. 35185–35186 (11 March 2013); P1126 (SJB Ilidža information re KPD Butmir, 20 May 1992), p. 1. **But, this was clear both from the testimony and documents that those from Rogatica had been brought to Kula for the exchange and release to Sarajevo, what was their choice.**

**been secured out of the combat zone. And this was an additional burden for the Corps Command! Also envisaged by the #agreements of the warring sides#!)**

**2134.** On 25 June 1992, Prstojević spoke with Rade Ristić, a member of the Crisis Staff, and gave him permission to transfer Bosnian Muslim apartments in Dobrinja to Serbs who were involved in the fighting there and advised Ristić that he had printed the requisite forms for such transfer.<sup>7273</sup> 2134 During this conversation, Prstojević learned that Serbs Forces were holding their ground in the Kasindol area and told Ristić: “All right. But have them hold on to it tightly and have them all killed there, please. [...] All that is Muslim to be killed, like Alija [...] I don’t want to see one military aged Muslim alive there”.<sup>7274</sup> **(Is there any evidence that Rade Ristic took Prstojevic seriously and had he executed this “order”? A jokes and unofficial chattings by telephone are taken more seriously than the official documents! Not to ask: what all of such a hunted details had to do with the President? That way, not only the President is President, but the entire Serb people is President! There are many wishes and proposals that had never been accepted by the officials, and never influenced any event, but are still quoted in the Indictment/Judgement text! As the Prime Ministed Branko Djeric testified, there was many extreme opinions and proposals in the Assembly, but it never prevailed!)**

**2135.** From September 1992, there was a confrontation line on the eastern side of Dobrinja, separating the SRK-controlled areas of Dobrinja 1 and 4 from ABiH-controlled areas of Dobrinja 2 and 3B.<sup>7275</sup> There was combat activity in Ilidža for the duration of the war.<sup>7276</sup> Discussions continued among municipal leaders in Ilidža as to expanding control over a broader territory.<sup>7277</sup> **(But the Serb side never made any decision to take the control over these Muslim settlements, although it would be perfectly legitimate, since the Muslim extremists constantly fired from these areas, killing both the Serb civilians, mainly children were jeopardized, and the soldiers! #Abuse of civil settlements#!)**

i. Scheduled Detention Facility C.18.2

**2136.** The Indictment refers to the use of Kula Prison as a detention facility from May 1992 until at least 28 October 1994.<sup>7278</sup>

<sup>7273</sup> P1515 (Intercept of conversation between Nedeljko Prstojević and Radomir Ristić, 25 June 1992), p. 2. See also Adjudicated Fact 2666.

<sup>7274</sup> P1515 (Intercept of conversation between Nedeljko Prstojević and Radomir Ristić, 25 June 1992), p. 2. See also Adjudicated Fact 2665.

<sup>7275</sup> See Adjudicated Fact 91.

<sup>7276</sup> Nedeljko Prstojević, T. 13276–13277 (11 March 2011), T. 13562–13563, 13571–13572, 13578–13582 (17 March 2011), T. 13697, 13714 (18 March 2011), T. 13800–13801, T. 13820–13822, 13827 (21 March 2011); P5638 (Intercept of conversation between Nedeljko Prstojević and Radomir Ristić, 16 June 1995); P2518 (Intercept of conversation between Nedeljko Prstojević and Velibor Veselinović, 29 June 1995); D1240 (Ilidža SJB Daily Situation Report, 2–3 June 1992), p. 2; D1246 (Ilidža War Committee Decision, 4 August 1992), p. 1; Radomir Kezunović, T. 13983–13985 (31 May 2011); D1255 (Ilidža Wartime Commission Statement, 29 October 1992); D2819 (SRK combat report, 10 July 1993); D564 (SRK combat report, 23 July 1992); D599 (SRK combat report, 24 July 1992); D591 (SRK combat report, 25 July 1992); D597 (SRK combat report, 20 July 1992); P1107 (SerBiH MUP report to the Minister of Interior re inspection of Romanija-Birač CSB and SJB, 10 August 1992), p. 2; P1006 (SRK Order, 12 September 1992), p. 1; D1255 (Ilidža Wartime Commission Statement, 29 October 1992); D534 (Article from AFP entitled “Fierce Fighting Raging Around Sarajevo”, 3 December 1992); D536 (Article from AFP entitled “Serbs Cut Airport Road”, 8 December 1992); P1435 (UNMO report, 11 December 1992), paras. 13–30; D2452 (Report of Ilidža Brigade, 25 December 1992), p. 1; D3405 (SRK combat report, 15 March 1993), p. 1; D3406 (SRK combat report, 18 March 1993); D2820 (SRK combat report, 16 July 1993); D4631 (Letter from Manojlo Milovanović to UNPROFOR, 2 August 1993); D2821 (SRK combat report, 3 August 1993); D2822 (SRK combat report, 10 August 1993); D2827 (SRK combat report, 19 August 1993); P1017 (SRK combat report, 27 September 1993); D4621 (SRK Report, 11 December 1993); P2667 (SRK combat report, 20 January 1994), pp. 1–2; D1515 (SRK combat report, 4 February 1994), p. 1; D838 (SRK combat report, 2 August 1994), pp. 1–2; D2823 (SRK combat report, 6 November 1994); P5132 (VRS Main Staff Report to Radovan Karadžić, 21 July 1995), p. 2.

<sup>7277</sup> P1006 (SRK Order, 12 September 1992), p. 1 (ordering, following a meeting in Jahorina with municipal, military, and republican leaders, that it was necessary to “liberate and take control of important parts of the city, features close to it (Mojmilo, Stup junction) and estates (Donji Kotorac, Hrasnica, Butmir, and Sokolović Kolonija); Nedeljko Prstojević, T. 13267–13269, 13282 (11 March 2011); P2450 (Ilidža SDS Declaration for working in wartime, 6 February 1993, p. 2) (reporting that legal authority of the Serbian Municipality of Ilidža is to be established as soon as possible on, *inter alia*, Butmir, Hrasnica, and Sokolović Kolonija); P1483 (Ratko Mladić’s notebook, 2 April–24 October 1993), pp. 276–277 (stating that a meeting held on 17 August 1993, Velibor Veselinović, then president of the Ilidža Serb Assembly, said that their goal was to strike Hrasnica and Sokolović Kolonija when tensions have lowered).

<sup>7278</sup> Indictment, Scheduled Detention Facility C.18.2, fn. 12. The Indictment originally included the KP Dom Butimir detention facility (hereinafter referred to as “Kula Prison”) as being located in Novo Sarajevo municipality; however it was subsequently corrected to include Kula Prison as falling within Ilidža municipality. See Indictment, Schedule C, fn. 11.



# 1. Establishment and control

2137. Kula Prison was located close to the Sarajevo airport,<sup>7279</sup> on a compound with other buildings, including a police station, the Ministry of Justice, and the military prosecutor's office.<sup>7280</sup> The compound had a large warehouse for goods and food supplies.<sup>7281</sup> It also had its own farming facilities.<sup>7282</sup>

2138. Prior to the war, Kula Prison served as a medium security prison for persons serving sentences of less than six months.<sup>7283</sup> On 6 April 1992, all convicts were released on the orders of the then warden.<sup>7284</sup> Kula Prison was under the jurisdiction of the MUP from at least May 1992 until the beginning of August 1992, when it was taken over by the RS Ministry of Justice.<sup>7285</sup> Under the Ministry of Justice, it was converted into an investigating unit of the district court of Sarajevo.<sup>7286</sup>

2139. As of 1 August 1992, Radoje Lalović was appointed as the first warden of Kula Prison and Soniboj Škiljević served as the acting warden from 16 December 1992 until 1 January 1994.<sup>7287</sup> **(Both of them had been professionals far before the war, but the SDS never made any party differentiation, and rather nominated the professionals, and it was in the hands of the Ministry for Justice!)** The commander of the guards was Neđo Pandurević.<sup>7288</sup> The police chief at Kula was Milenko Tepavčević and the police commander was Radenko Vujičić.<sup>7289</sup>

2140. After August 1992, Kula Prison continued to be secured by the MUP, with a police officer guarding the entrance to the premises.<sup>7290</sup> The guards were responsible for the administration of the premises and were regulated by Tepavčević.<sup>7291</sup> The JNA and later the VRS were present at Kula Prison, controlling, such matters as bringing and taking detainees, and the military

<sup>7279</sup> KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1283. See also KDZ017, P3567 (Transcript from *Prosecutor v. Krnojelac*), T. 2916. Kula Prison was approximately 200 or 300 metres from the confrontation line between Gornji and Donji Kotorac and 500 or 600 metres from confrontation line in Dobrinja. KDZ601, T. 18617 (8 September 2011).

<sup>7280</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8730–8731, 8876; KDZ601, T. 18578–18579, 18616 (8 September 2011); KDZ017, P3567 (Transcript from *Prosecutor v. Krnojelac*), T. 2917; P3299 (Record of interview with KDZ601, 18 April 2005), p. 46 (under seal). See also P3300 (Sketch of KPD Kula prepared by KDZ601) (under seal); P3301 (Sketch of KPD Kula prepared by KDZ601) (under seal); D1076 (MUP Administration for the Police Duties and Affairs report, 3 August 1992), p. 5. The police station was the headquarters for the areas of Dobrinja, Lukavica, and Vojkovići. See P5698 (Intercept of conversation between Branko Đerić and Mićo Stanišić, 1 May 1992), pp. 3–4.

<sup>7281</sup> P3299 (Record of interview with KDZ601, 18 April 2005), p. 46 (under seal); KDZ601, T. 18616 (8 September 2011).

<sup>7282</sup> Soniboj Škiljević, T. 36783 (8 April 2013); D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 4; KDZ601, T. 18616 (8 September 2011). See also Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9106.

<sup>7283</sup> KDZ601, T. 18614–18615 (8 September 2011). See also KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1283; P3299 (Record of interview with KDZ601, 18 April 2005), p. 8 (under seal); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8730–8732, 8876; Slobodan Avlijaš, D3105 (Witness Statement of Slobodan Avlijaš, dated 9 March 2013), para. 7.

<sup>7284</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 3.

<sup>7285</sup> D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 44; D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 8; D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 5; Adjudicated Fact 2635. See also D3340 (Decision on the forming of KPD Butmir, 16 June 1992), pp. 8–9; D3333 (Rules on the internal organisation of Butmir KPD); P1089 (Ministry of Justice Report on the Ministry's Activities in May–October 1992 Period, 16 November 1992), p. 2.

<sup>7286</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8732, 8876. See also D3105 (Witness Statement of Slobodan Avlijaš, dated 9 March 2013), paras. 3, 9.

<sup>7287</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 2, 5; D3341 (Decision on appointment of Soniboj Škiljević; 16 December 1992). See also P3267 (Witness statement of Šefik Hurko dated 1 September 2011), para. 49.

<sup>7288</sup> P3267 (Witness statement of Šefik Hurko dated 1 September 2011), para. 49.

<sup>7289</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 5.

<sup>7290</sup> Slobodan Avlijaš, T. 35182–35183 (11 March 2013); KDZ601, T. 18579 (8 September 2011).

<sup>7291</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8733, 8749; D3105 (Witness Statement of Slobodan Avlijaš, dated 9 March 2013), para. 16. See also D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 5–6; D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 9; D3333 (Rules on the internal organisation of Butmir KPD).

commission for exchanges at the SRK.<sup>7292</sup> The military prosecutor's office also had jurisdiction over the prisoners.<sup>7293</sup>

2141. Detainees began arriving at Kula Prison from May 1992 onwards.<sup>7294</sup> Many detainees were transported from other detention facilities,<sup>7295</sup> and others were transported directly from their homes or conflict zones.<sup>7296</sup> The detainees held at Kula Prison included civilians, persons who had not violated any law, and persons held without official detention orders.<sup>7297</sup> Mentally ill persons<sup>7298</sup> and several elderly persons were detained in Kula Prison.<sup>7299</sup> Bosnian Muslims, Bosnian Croats, as well as Bosnian Serbs were detained there.<sup>7300</sup>

2142. Detainees were brought to Kula by soldiers, members of the police, paramilitary forces, as well as special purpose units of the JNA.<sup>7301</sup> Members of paramilitary units, including the White Eagles, Arkan's men,<sup>7302</sup> and Oljača's Chetniks ate their meals at Kula Prison.<sup>7303</sup>

2143. Interrogations were carried out in two small rooms by operatives from all levels of the MUP, as well as by JNA and VRS soldiers.<sup>7304</sup>

2144. During the war, the Kula Prison compound also housed civilians from the surrounding areas while they awaited transfer to Muslim held territory.<sup>7305</sup> They stayed in a separate part of the

<sup>7292</sup> P3299 (Record of interview with KDZ601, 18 April 2005), p. 46 (under seal); KDZ601, T. 18616, 18579 (8 September 2011); D3105 (Witness Statement of Slobodan Avlijaš, dated 9 March 2013), para. 16. See also Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8749; D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 5, 7; D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 9.

<sup>7293</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 7.

<sup>7294</sup> See D1243 (Kula's Police Station book of duty transfer, 1 May–29 July 1992), p. 2; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 9.

<sup>7295</sup> Approximately 233 detainees from Hadžići were transferred from Lukavica to Kula Prison on 23 June 1992. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 89, 92; Mehmed Musić, T. 12879 (3 March 2011); P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3; P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 81; D3063 (Witness statement of Mladen Tolj dated 25 February 2013), para. 10; Mladen Tolj, T. 34637–34638 (1 March 2013). See also Adjudicated Fact 2638; para. 2276. Approximately 34 detainees were transferred from the Pale Gym to Kula Prison on 11 July 1992. P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), paras. 24, 44. See also para. 2346. In mid-December 1992, 130 detainees were transferred to Kula Prison from the Manjača camp. D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 15. On 22 October 1992 the Ministry of Justice ordered that 90 Bosnian Muslims detained at the Sports Centre in Hadžići and 30 Bosnian Muslims detained at a school in Ilidža were to be transferred to Kula Prison. P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), e-court pp. 6–7, 28; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9554. On 5 July 1993, KDZ239 was transferred from the KP Dom Foča to Kula Prison. KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1283. See also KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1278 (testifying that detainees from camps in Batković and Rogatica were present at Kula Prison).

<sup>7296</sup> P1126 (SJB Ilidža information re KPD Butmir, 20 May 1992), p. 1 (stating that between 12 and 20 May 1992, the following persons were present at Kula Prison: (i) 38 persons from the Kasindolska Street area, (ii) 47 persons from the Gornji Kotorac area, (iii) 31 persons from Dobrinja, and (iv) 40 persons from Nedžarići, Vrace, Lukavica, Vojkovići, and elsewhere in Ilidža); KDZ239, T. 18922–18924 (15 September 2011) (testifying that a group from Rogatica which was brought on two or three buses included elderly people, women and about five or six children); Dragomir Obradović, T. 36110–36111 (26 March 2013); P6235 (Statement of Avdija Katica, 3 January 1995), pp. 3–4; D3189 (Sokolac SJB dispatch, 31 October 1994) (stating that on 29 October 1994, 61 Bosnian Muslim civilians were moved out of the village of Vrhbarje, Sokolac municipality through the RS Commission for Exchange and transported to Kula Prison); D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 30; Momčilo Čeklić, T. 35219–35220 (12 March 2013). See also D2910 (SRK Order, 22 October 1992); Adjudicated Fact 2634.

<sup>7297</sup> Mladen Tolj, T. 34637–34638 (1 March 2013); P5544 (Instructions on Detention of the RS Ministry of Justice and Administration, 23 February 1993). See also P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), paras. 18, 21, 44, 54; Hajrudin Karić, T. 15348, 15350–15353, 15365 (23 June 2011), T. 15376 (24 June 2011) (testifying that at the time of his arrest, he was a civilian); KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1188, 1283 (testifying that at the time of his arrest, he was a civilian); KDZ239, P3335 (Transcript from *Prosecutor v. Krnojelac*), T. 1195 (under seal); Vitomir Žepinić, T. 33609 (13 February 2013); P1152 (Intercept of conversation between Momčilo Mandić and Ninković, 18 June 1992), pp. 3–4.

<sup>7298</sup> KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1284.

<sup>7299</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 96. See also KDZ239, T. 18922–18924 (15 September 2011).

<sup>7300</sup> See D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 22, 26; D3338 (List of detainees at KP Dom Butmir); D2923 (Witness statement of Vitomir Žepinić dated 11 February 2013), para. 75; Vitomir Žepinić, T. 33609 (13 February 2013); KDZ601, T. 18586–18588, 18619–18620 (8 September 2011); P3299 (Record of interview with KDZ601, 18 April 2005), p. 41 (under seal); P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), para. 48.

<sup>7301</sup> P3299 (Record of interview with KDZ601, 18 April 2005), pp. 13–14 (under seal); KDZ601, T. 18580–18581, 18585–18586 (8 September 2011); D2910 (SRK Order, 22 October 1992).

<sup>7302</sup> In May 1992, two members of Arkan's group met with Tepavčević and advised him that they wanted to take over Kula Prison and the SJB. Tepavčević refused and sent them to speak with Tomislav Kovač which they did and subsequently did not return to Kula Prison. P3299 (Record of interview with KDZ601, 18 April 2005), p. 45 (under seal); KDZ601, T. 18593 (8 September 2011), T. 18650 (13 September 2011).

<sup>7303</sup> P3299 (Record of interview with KDZ601, 18 April 2005), p. 46 (under seal); KDZ601, T. 18616 (8 September 2011).

<sup>7304</sup> P3299 (Record of interview with KDZ601, 18 April 2005), p. 14 (under seal); KDZ601, T. 18581–18582 (8 September 2011), T. 18651 (13 September 2011); ; P3300 (Sketch of KPD Kula prepared by KDZ601) (under seal). See also Mehmed Musić, P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 97.

prison from the detainees.<sup>7306</sup> At least 10,000 Bosnian Muslim civilians were accommodated at Kula Prison for periods ranging from a few days to several months.<sup>7307</sup> **The housing of those civilians, as well as many others that had temporarily been in the part for detainees, were brought some time to the Barracks for mere housing, see: (Gen. Galic report, asking that civilians from combat zones be accommodated somewhere else D432:**

SRK COMMAND  
Strictly confidential no. 10/74-498  
22.10.1992.

ORDER  
for

#### COMMANDS OF ALL SRK UNITS

Having in mind that there are occurrences of collecting women, children and old people of Muslim nationality and transferring them in Corps Command where are additional difficulties regarding their accommodation, feeding and taking care of the above mentioned categories of population, and in effort to organize this matter in the future, hereby I

#### ORDER

1. Women, children and old people from places that are not loyal to our system of government should secure on territories of municipalities of their previous staying in organization of civilian authorities, enabling that they are treated correctly, secure safety of their lives, accommodation and feeding.

2. Prisoners from combats should be sent to Corps Command with taking care of all measures for their safety during the trip. After their processing by officials from Corps Command, they will be placed in "Kula" Prison where they would be handed over on further treatment to Police officials and Commissions for exchange. Treat with prisoners pursuant with International Agreements.

3. For Muslims who stays loyal for sure, enable conditions for their life and work in accord with the possibilities of the community.

COMMANDER  
Colonel  
Stanislav Galic

**The Muslim side also insisted in the exchange of the civilians, see: D433, 28 July 1992:**

#### ORDER

1. The lists of all elderly, sick and infirm individuals and women who currently find themselves in prisons and who have not committed any grave crimes, nor are there reasonable grounds to suspect them in this regard, are to be submitted immediately to the State Commission for the exchange of prisoners and to the Republican Supreme Command Staff in order to carry out an organized exchange of prisoners in agreed places under the supervision and control of the Republican Commission for the Exchange of Prisoners.
2. This order shall come into effect IMMEDIATELY.
3. The time of exchange and place of exchange shall be defined with the Republican Commission by phoning 664-951 or 646-654.
4. The previously scheduled exchanges shall be carried out as agreed and with the knowledge of the Republican Commission.

KB/NS

Chief  
Sefer HALILOVIĆ

<sup>7305</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 19, 28; D3335 (Request of Butmir KPD to High Commissioner for Refugees and Humanitarian Aid, 5 September 1994); D3344 (Request of individual Croats to RS Government, 7 March 1994); D3343 (Report of RS Central Commission for Exchange, 28 October 1994); Soniboj Škiljević, T. 36782-36783, 36824-36826 (8 April 2013), T. 36932-36934 (10 April 2013); D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 7; P3267 (Witness statement of Šefik Hurko dated 1 September 2011), para. 49; P1127 (Letter from Central Commission for Exchange of Detained Persons re KPD Butmir, 28 October 1994); KDZ601, T. 18649 (13 September 2011).

<sup>7306</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 19; Soniboj Škiljević, T. 36783 (8 April 2013); P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 47 (testifying that about 200 women and children from Hadžići were in two other rooms).

<sup>7307</sup> P1127 (Letter from Central Commission for Exchange of Detained Persons re KPD Butmir, 28 October 1994); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8741-8742; Momčilo Mandić, T. 4414-4415 (30 June 2010); P4850 (Witness statement of Amor Mašović dated 23 March 2012), para. 31. See also Adjudicated Fact 2633. The Prosecution submits that the 10,000 Bosnian Muslim civilians accommodated at Kula Prison were detained. Prosecution Final Brief, Appendix B, pp. 20-21. Having reviewed all the evidence, the Chamber finds that the evidence is insufficient to determine whether these civilians were deprived of freedom of movement such that they were detained, as opposed to being merely accommodated due to the combat activity in the area.

## (2) Conditions of detention and treatment of detainees

**2145.** At various times, some rooms in Kula Prison were so crowded that there was barely enough room for detainees to sit or lie down, and toilet access was so limited that detainees defecated and urinated in the room; the stench was over-powering.<sup>7308</sup> The ground floor was damp; there was no heating and lice infestation was widespread.<sup>7309</sup> Other rooms provided slightly better accommodation with mattresses on the floor or beds; the detainees also had access to the toilet at least three times per day, and access to water.<sup>7310</sup> **(It is obvious that the lack of facilities wasn't any deliberate result, but a "viss major@")**

**2146.** The food was insufficient.<sup>7311</sup> **(#General shortage#! There was no food for the population, the Army and police too. A lot of contemporaneous documents prove that the sanctions that had been imposed to the Serbs resulted, among others, in a shortage of food. Also, nobody even tried to prove that it was an intended, willing deprivation.)** Several detainees were initially kept in crowded cells from which they were not permitted to leave; they were subsequently moved into more spacious cells and given access to the cafeteria.<sup>7312</sup> In the former scenario they were only given one meal per day, which was brought to that cell.<sup>7313</sup> However, in the cafeteria, detainees were given two meals per day.<sup>7314</sup> On 20 May 1992, Tepavčević wrote to the MUP and Ministry of Justice advising of the inadequate conditions of accommodation, food, hygiene, and health of 156 detainees who had been present at Kula Prison since 12 May 1992.<sup>7315</sup> **(That is the first class proof that it was a necessity, #not deliberate deprivation!#)**

**2147.** On 7 May 1992, at least five detainees were badly beaten while detained at Kula Prison.<sup>7316</sup> **(#Dealdy combination#! If true, all #against the President explicite orders#, but it is based on a Rule 92bis evidence, i.e. no cross examination!)** The Chamber also recalls that it found that detainees from Hadžići were beaten on a bus in front of Kula when it stopped there on its way to the Lukavica Barracks.<sup>7317</sup> Several detainees testified that they were not beaten or mistreated during their detention at Kula Prison,<sup>7318</sup> however others were beaten.<sup>7319</sup> **(An**

<sup>7308</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 94; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3.

<sup>7309</sup> KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1284.

<sup>7310</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 98; P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), para. 46.

<sup>7311</sup> See e.g. P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 10.

<sup>7312</sup> P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 98.

<sup>7313</sup> P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3.

<sup>7314</sup> P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), para. 46; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), pp. 3–4; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 98; P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 41; P47 (Statement of Bego Selimović to Ilijaš Municipality Commission for Crime Investigation, 5 April 1993), para. 34. For example, Mušić received tea and bread in the morning as well as "some cooked food", such as pea soup, in the afternoon. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 98. The Chamber notes that Defence witnesses testified that detainees received three meals per day, the food served at Kula Prison was normal for wartime conditions, and the accommodation provided was very good. D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 8; Slobodan Avlijaš, T. 35184 (11 March 2013), (testifying that before August 1992 when Kula Prison was under the jurisdiction of the police, prisoners were mostly given dry rations in their rooms but after the establishment of Kula Prison, daily meals were provided to prisoners in the dining room); D3105 (Witness Statement of Slobodan Avlijaš, dated 9 March 2013), para. 17. Having considered all the evidence and taken into account the fact that these Defence witnesses had an incentive to distance themselves from the poor conditions at Kula Prison, and that the witnesses who were detained there were better placed to report on the conditions in which they were detained, the Chamber does not rely on the evidence of these Defence witnesses in this regard. [REDACTED]. **It is interesting how easily the Chamber found that so many Defense witnesses had a reason not to tell the truth, while the detained combatants of the opposite Army allegedly didn't have any interest to aggravate and denigrate the Serb enemies. However, there is no evidence that any deprivation was a bad will of the officials. The mentioned Defense witness Soniboj Skiljevic and his chief R. Lalovic were tried in the BiH court and had been acquitted. The opinion of the witness skiljevic that the conditions were "normal for wartime conditions" had been approved before the Bosnian court.**

<sup>7315</sup> P1126 (SJB Ilidža information re KPD Butmir, 20 May 1992), p. 2.

<sup>7316</sup> P43 (Witness statements of Mirsad Smajš dated 18 December 1993 and 14 January 1998), e-court pp. 5, 10. See also para. 2154.

<sup>7317</sup> See para. 2276.

<sup>7318</sup> Mehmed Musić, T. 12880 (3 March 2011); P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), para. 49; D2923 (Witness statement of Vitomir Žepinić dated 11 February 2013), para. 76.



**#“Adjudicated fact” against the Prosecutor’s witnesses, who rebutted it#!!!)** In addition, local Serbs and armed groups frequently gathered around the prison compound attempting to gain access and on occasion made it through.<sup>7320</sup> **(#EXCULPATORY!!! The officials prevented these attempts, otherwise they would intrude, for their revengeful or pathology reasons!)**

**2148.** Detainees at Kula Prison were detailed to perform work on the frontlines of the conflict, including de-mining, transporting material for barricades, digging trenches and retrieving the bodies of fallen Serb combatants.<sup>7321</sup> Several prisoners who were deployed to work were killed or injured by sniping or shells.<sup>7322</sup> Detainees were also engaged in work, such as farm work, around the prison, close to the confrontation line.<sup>7323</sup> Shells frequently landed on the plantation where detainees were made to work and a few detainees were killed.<sup>7324</sup> **(If true, these shells must have fallen on the Serbs too, because the POWs weren’t alone there. There was evidence that many detainees wanted to go for a work, because they obtained more food, cigarettes and even drinks, see the next paragraph, but these allegations of the Muslim adversaries were not explored on veracity, and on whether some or all of them wanted to work at farm or not, while it is not probable that any wanted to do other dangerous jobs. However, if any of this felonies were committed, it was against the strictest orders of the President, who had many other duties! Are the Presidents in other countries liable for violations of their strictest orders?)**

**2149.** The VRS decided which detainees would perform work outside of Kula Prison.<sup>7325</sup> Mandić was also involved in providing detainees to perform forced labour.<sup>7326</sup> The detainees could not refuse to work,<sup>7327</sup> however some were not forced to work if they were unwell.<sup>7328</sup> Detainees in work platoons were provided additional food by the prison staff and were sometimes given food or

<sup>7319</sup> See Adjudicated Fact 2636.

<sup>7320</sup> D3105 (Witness Statement of Slobodan Avlijaš, dated 9 March 2013), paras. 17–18; KDZ601, T. 18652–18653 (13 September 2011); KDZ601, T. 18654 (13 September 2011); P1154 (Witness statement of KDZ088 dated 27–29 April 2010), p. 142 (under seal). See also Momčilo Mandić, T. 5241 (15 July 2010).

<sup>7321</sup> P3299 (Record of interview with KDZ601, 18 April 2005), pp. 37, 65 (under seal); KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1284–1285; Hajrudin Karić, T. 15307 (23 June 2011); P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 99–100; Mehmed Musić, T. 12879–12880 (3 March 2011); P161 (Adem Balić’s statement to BiH authorities, 7 February 1993), p. 3; P1938 (Witness Statement of KDZ310 dated 28 November 2010), para. 46; P3267 (Witness statement of Šefik Hurko dated 1 September 2011), para. 49; D2418 (Witness statement of Božo Tomić dated 5 November 2012), para. 15; Božo Tomić, T. 30200–30202 (13 November 2012); Dragan Maletić, T. 30866–30867 (4 December 2012); P5987 (Special report of the 2<sup>nd</sup> Infantry Battalion re the escape of two prisoners, 21 May 1993), p. 1; P6280 (Worksite list of Kula prison, 24 September 1992 to 2 January 1993); P6281 (Notebook re Kula Prison, 1993); Željko Bambarež, T. 31324–31328 (12 December 2012); P6042 (Statement of Željko Bambarež, undated); P804 (Sky news report re Kula prison, with transcript); P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), para. 63; D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 51–52; D3351 (Request of SRK Military Post to Kula KPD, 1 February 1993); D3352 (Requests of SRK units to Kula KPD); D3362 (Tables re work assignment of POWs and convicted persons). See also Adjudicated Fact 2640; para. 2267.

<sup>7322</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 46; KDZ239, T. 18922 (15 September 2011), 19004 (16 September 2011); P161 (Adem Balić’s statement to BiH authorities, 7 February 1993), p. 3; D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013); paras. 55–57; Soniboje Škiljević, T. 36952–36953 (10 April 2013); D3363 (Reports of person on duty at Butmir KPD). See also Adjudicated Fact 2640; P804 (Sky news report re Kula prison, with transcript), p. 2; P6282 (RS Central Exchange Committee list of persons); P6281 (Notebook re Kula Prison, 1993), pp. 3–4. The Chamber notes that save for Scheduled Incident B.13.3, killings of detainees who were forced to work were not charged pursuant to Schedule A or B of the Indictment. See fn. 13.

<sup>7323</sup> Hajrudin Karić, T. 15307 (23 June 2011); P3267 (Witness Statement of Šefik Hurko, dated 1 September 2011), para. 49; Šefik Hurko, T. 18245 (2 September 2011). See also D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 50; Soniboj Škiljević, T. 36805 (8 April 2013); D3362 (Tables re work assignment of POWs and convicted persons); D3363 (Reports of person on duty at Butmir KPD). Hurko described the farm work as “extremely hard” and exhausting. P3267 (Witness Statement of Šefik Hurko, dated 1 September 2011), para. 49).

<sup>7324</sup> P3299 (Record of interview with KDZ601, 18 April 2005) (under seal), pp. 46–47 (testifying that a couple of Bosnian Muslim detainees were sent to work at the plantation where “shells were landing”); KDZ239, T. 19004 (16 September 2011) (testifying that he witnessed the fall of one shell). See also D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013); paras. 53–54; D3405 (SRK combat report, 15 March 1993), p. 2 (documenting that shells from the Butmir and Igman directions fell on Kula Prison, killing one Serb detainee and wounding 14 others). The Chamber notes that save for Scheduled Incident B.13.3, killings of detainees who were forced to work were not charged pursuant to Schedule A or B of the Indictment. See fn. 13.

<sup>7325</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 5–7.

<sup>7326</sup> P1140 (Order of Ministry of Justice of SerBiH re KPD Butmir, 22 September 1992); P1143 (Intercept of conversation between Momčilo Mandić and Radivoje Grković, 3 July 1992), pp. 2–5; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8979–8973, 8983.

<sup>7327</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9106. See also KDZ239, T. 19004–19005 (16 September 2011). See also P47 (Statement of Bego Selimović to Ilijaš Municipality Commission for Crime Investigation, 5 April 1993), para. 34.

<sup>7328</sup> Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10905; P46 (Witness statement of Bego Selimović dated 21 June 1997), paras. 39, 45.

cigarettes by soldiers and locals in the locations where they worked.<sup>7329</sup> However, they were not remunerated for their work.<sup>7330</sup> **(Since there is evidence that “somebody were not forced to work if they were unwell” and that those who worked had a benefits, then the Prosecution was obliged to prove who was forced in a manner that can be checked by the Defense.**

2150. Detainees were registered with the ICRC.<sup>7331</sup> Around 9 August 1992, Karadžić visited Kula prison with representatives of the media and the ICRC.<sup>7332</sup> That day the food was better and only clean rooms were shown.<sup>7333</sup> **(Another proof that the President was not privy of the full information. If true, the on duty officials presumed that the President wouldn't be satisfied with food and rooms!#What President knew#! )**

2151, On 3 October 1994, Bulajić, President of the State Commission was given permission to transfer all remaining detainees at Kula Prison to Bosnian Muslim held territory and until at least the end of October 1994, Kula Prison continued to be used to facilitate exchanges of civilians.<sup>7334</sup>

### (3) Conclusion in relation to conditions of detention and treatment of detainees

2152. Based on the foregoing, the Chamber finds that Serb Forces detained non-Serbs from Ilidža and neighbouring municipalities, including civilians, from May 1992 until at least 28 October 1994 in Kula Prison. The Chamber further finds that the detainees were held in poor conditions characterised by inadequate space, bedding, and sanitary facilities. The Chamber also finds that detainees were provided insufficient food. The Chamber further finds that male detainees were subjected to forced labour and beatings while detained at Kula Prison. **(The Chamber would be very reasonable if found that in the war conditions all of it may have been out of the abilities of the authorities to regulate it. Particularly, the Chamber would be reasonable if mentioned that there was no evidence that the President contributed to any of those irregularities, as well as that no state regulations enabled the felonies!)**

### (4) Scheduled Incident B.13.1

2153. The Indictment refers to the killing of at least two detainees in Kula Prison on or about 7 May 1992.

2154. On 7 May 1992, five detainees who had just arrived at Kula Prison from Grbavica were beaten so badly that one died immediately and another detainee, Zlatan Salčinović, died the next

<sup>7329</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 99–100; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3; Hajrudin Karić, T. 15307 (23 June 2011); KDZ239, T. 19004–19005 (16 September 2011); D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 7; D2418 (Witness statement of Božo Tomić dated 5 November 2012), para. 15. See also P6283 (Report on inspection and monitoring of Butmir KPD, April 1994), p. 4. The Accused argues that detainees requested to work voluntarily to receive cigarettes and pass the time. Defence Final Brief, para. 1675. In light of all the evidence, the Chamber finds that most detainees assigned to work while detained at Kula Prison, had no choice but to perform work.

<sup>7330</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9106.

<sup>7331</sup> See e.g. KDZ239, T. 18992 (16 September 2011); P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), para. 49; P46 (Witness statement of Bego Selimović dated 21 June 1997), paras. 42, 44–45; P47 (Statement of Bego Selimović to Ilijaš Municipality Commission for Crime Investigation, 5 April 1993), paras. 32, 35. See also D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 20, 37. On 13 May 1993, Mladić issued an order allowing ICRC delegates to interview prisoners in the absence of prison officials on the written approval of the VRS Main Staff. D3345 (VRS Main Staff Order, 13 May 1993); D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), para. 30.

<sup>7332</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 13–14; Soniboje Škiljević, T. 36779–36780 (8 April 2013), T. 36932 (10 April 2013); P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), para. 51. See also P2840 (Video footage of Radovan Karadžić's visit to Kula prison).

<sup>7333</sup> P2839 (Witness statement of Hajrudin Karić dated 13 May 2011), para. 52; Hajrudin Karić, T. 15308 (23 June 2011).

<sup>7334</sup> P2684 (VRS order, 3 October 1994); P1127 (Letter from Central Commission for Exchange of Detained Persons re KPD Butmir, 28 October 1994); D3189 (Sokolac SJB dispatch, 31 October 1994).

morning.<sup>7335</sup> Mirsad Smajš and at least one other detainee took the bodies of these individuals to a van after which they were transported elsewhere.<sup>7336</sup> The Chamber received forensic evidence that the body of an individual identified as Zlatan “Salčin” was discovered in a grave in Sarajevo.<sup>7337</sup>

**2155.** The Trial Chamber therefore finds that on or about 7 May 1992 two detainees were beaten to death at Kula Prison by Serb Forces. **(#Before VRS, during JNA#! The “Serb Forces” is really not enough, since it was found by the Chamber, that paramilitaries as well as locals tried to reach detainees, see para 2147 of the Judgement. On 7 May there still was the JNA, and it can not be allocated to this President, since he didn’t have any state post or competence until 12 May 92, and over the JNA ever. Also, there is no evidence that the President had been informed of the deaths in Kula Prison, and at the time he couldn’t be informed as he was not in charge of the armed forces so widely called the Serb Forces, particularly since the JNA was there! Without several senseless constructs, like “Joint Criminal Enterprise” and the “Serb Forces”, which comprises all the Serbs, even the JNA which was never under the President influence, let alone control, or paramilitaries, which the President publicly and lawfully disowned at the beginning of the war, there wouldn’t be any indictment. With those constructs, none of the Serbs could be acquitted in such an “ad hoc” court! The UN should annihilate all the processes, and ban this kind of abuse of the justice!)**

#### (5) Scheduled Incident B.13.3

**2156.** The Indictment refers to the killing of three detainees while performing forced labour at Kula Prison between 23 July and 24 November 1992.

**2157.** Adem Balić was detained at Kula Prison from 23 June to 24 November 1992.<sup>7338</sup> After approximately a month in detention there, he was detailed to a work platoon and witnessed the death and wounding of detainees who were forced to work on or near the frontlines.<sup>7339</sup> Vahid Gačanović was killed by incoming fire at Ozrenska Street; Ramić Smajić and Zido Nizić were killed by incoming fire in the Kula Prison agricultural complex.<sup>7340</sup> The Chamber also received forensic evidence that the bodies of Gačanović and Smajić were found in a mass grave at Vranješ, which was a wartime cemetery located close to Kula Prison.<sup>7341</sup>

**2158.** Based on this evidence, the Chamber is satisfied that at least three detainees of Kula Prison were killed while performing forced labour between 23 July and 24 November 1992. **(#Deadly combination#! This is entirely based on the Rule 92bis, no cross examination. Also, to recover somebody from a mass grave and allocate his death to the Kula Prison is much easier, than to explain why this body was in a mass grave, were there were buried only a combat casualties after the battle, and within the sanitation process! Anyway, if something like that really happened, it was strictly forbidden by the RS documents and the President’s orders! How the President could be kept liable for incidents like that?)**

<sup>7335</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993); P43 (Witness statement of Mirsad Smajš dated 14 January 1998), p. 3.

<sup>7336</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), p. 2.

<sup>7337</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), p. 89 (noting that the body of Zlatan “Salčin” was discovered in the Miljević III grave in Sarajevo).

<sup>7338</sup> P161 (Adem Balić’s statement to BiH authorities, 7 February 1993), pp. 3–4.

<sup>7339</sup> P161 (Adem Balić’s statement to BiH authorities, 7 February 1993), p. 3. The Chamber notes that KDZ310 gave evidence that he saw detainees from Kula Prison working at Ozrenska street and knew of several cases of them being killed by snipers. P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 46).

<sup>7340</sup> P161 (Adem Balić’s statement to BiH authorities, 7 February 1993), p. 3. See also Adjudicated Fact 2640.

<sup>7341</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), p. 90; P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, p. 7; P4886 (Sarajevo Cantonal Court records relating to Vranješ exhumation, 30 August 1999), p. 26

## (E) Movement of the population from Ilidža

**2159.** There was much movement both into and out of Ilidža, with the most intense period being from April to June 1992,<sup>7342</sup> when large numbers of Serb refugees arrived in Ilidža.<sup>7343</sup> Bosnian Muslims left their homes in Ilidža.<sup>7344</sup> Prstojević participated in expelling Bosnian Muslim civilians from their homes with threats; people were terrified and had no choice but to leave.<sup>7345</sup> On 26 May 1992, Tomislav Kovač advised Mandić that he was unable to prevent people from driving Bosnian Muslims from Ilidža.<sup>7346</sup> On 2 June 1992, Mandić told Prstojević that he was aware that Prstojević was issuing ultimatums to Bosnian Muslims and evicting them from settlements.<sup>7347</sup> Prstojević did not deny this; rather he stated that he had not given such ultimatums in public.<sup>7348</sup> **#Distorted#! This is not correct interpretation of the Prstojević's denial. Namely, Mandic told him that he learned that he issued a public ultimatum, and Prstojevic asked Mandic to prove it, where he said it, means where it was published, because Mandic mentioned the Muslim media?**

<sup>7342</sup> D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para. 6.

<sup>7343</sup> D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 27; Radomir Kezunović, T. 13968 (31 May 2011); Nedeljko Prstojević, T. 13764–13767, 13815 (21 March 2011); D2852 (Witness statement of Srđan Šehovac dated 27 January 2013), para. 47; D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para. 6. *See also* D1226 (Intercept of conversation between Nedeljko Prstojević and Jovo Božić, 27 July 1992), pp. 4–5.

<sup>7344</sup> KDZ088, T. 6261–6262 (7 September 2010) (closed session). *See also* D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), pp. 59–60.

<sup>7345</sup> P1154 (Witness statement of KDZ088 dated 27–29 April 2010), pp. 137–140 (under seal); KDZ088, T. 6263 (7 September 2010) (closed session); P1086 (Intercept of conversations between (i) Nedeljko Prstojević and Milenko LNU and (ii) Nedeljko Prstojević and FNU Novaković, 14 May 1992), pp. 2–3; P1492 (Intercept of conversation between (i) Nedeljko Prstojević and Radomir and (ii) Nedeljko Prstojević and Dragan, 14 June 1992), p. 3. *See also* fn. 7269, para. 2134; P1515 (Intercept of conversation between Nedeljko Prstojević and Radomir Ristić, 25 June 1992), pp. 1–2; Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 9484. At the 17<sup>th</sup> session of the Bosnian Serb Assembly, Prstojević said that when the Accused “visited [them] in Ilidža and encouraged [them], the Serbs from Sarajevo retained control over the territory, and even extended their territory in some areas, driving the Muslims out of the territories where they had actually been majority.” **But, the President didn’t encourage them to do that what Prstojevic said. They had been encouraged by the President’s visit, since they even didn’t know whether he was alive or not, as it was said. During this visit the Accused told them (in Ilidža) to take care of the others, i.e. Muslims and Croats, so that not a hair from their head be lost. This was a possible flattery of Prstojevic, an attempt to show how the mere visit encouraged them to maintain what they kept, but certainly nothing proves that the President told them what to do.** D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 66. The Chamber notes that Prstojević objected to the translation of “driving the Muslims out” and said that he did not say that Muslims were expelled, but rather that they were “pushed back”. P2513 (Excerpt from Nedeljko Prstojević’s transcript from *Prosecutor v. Krajišnik*), T. 14664–14665; Nedeljko Prstojević, T. 13017–13021 (8 March 2011). The Chamber notes that the BCS version of the transcript of the 17<sup>th</sup> session of the Bosnian Serb Assembly uses the word *potjerali* which means “to chase away”. The Chamber considers this to be synonymous with “driving away”. P2513 (Excerpt from Nedeljko Prstojević’s transcript from *Prosecutor v. Krajišnik*), T. 14673. However, Prstojević also denied that he would have used the term “*potjerali*” and testified that he used a BCS word that means to push back (*potisnuli*). P2513 Nedeljko Prstojević, T. 13554 (17 March 2011); (Excerpt from Nedeljko Prstojević’s transcript from *Prosecutor v. Krajišnik*), T. 14674. Given the plain text of the BCS version of the 17<sup>th</sup> Session of the SerBiH Assembly, the Chamber rejects his evidence in this regard. The Chamber further notes that Prstojević stated that he did not mean that civilians were expelled, rather that combatants were pushed back after armed combat, however, he admitted that the majority of the civilian population left with the combatants gradually. P2513 (Excerpt from Nedeljko Prstojević’s transcript from *Prosecutor v. Krajišnik*), T. 14665–14666. **This is #not the only reasonable inference#, there is another, a several times more reasonable. Namely, Prstojevic was bragging and celebrating their heroism, and it is more than reasonable to conclude that all he said pertained the military activities against the Muslim units, which was going on every day. For a chasing of civilians there is not needed any encouragement, and nobody normal would brag about that. So, the Chamber is too inclined to drawing an anti-Serb inferences.**

<sup>7346</sup> D1239 (Intercept of conversation between Momčilo Mandić and Tomo Kovač, 26 May 1992), p. 2.

<sup>7347</sup> P1110 (Intercept of conversation between Momčilo Mandić and Nedeljko Prstojević, 2 July 1992), pp. 3–4. Prstojević testified that he had not been saying such things, that no ultimatums were issued, and that Mandić was incorrect. Nedeljko Prstojević, T. 13804, 13842 (21 March 2011). The Prosecution suggested that in the intercepted conversation, Prstojević only denied that he issued such ultimatums in public. *See* Nedeljko Prstojević, T. 13839–13842 (21 March 2011). In his testimony in the *Krajišnik* proceedings, Prstojević testified that: “With the exception of Kotorac, we did not have a policy of expelling civilians in any of the areas except where the circumstances required the population to leave the area because of the combat activities or where the population wanted to leave on their own initiative.” P2513 (Excerpt from Nedeljko Prstojević’s transcript from *Prosecutor v. Krajišnik*), T. 14649. In light of this qualification pertaining to Kotorac, the Chamber is satisfied that there was some truth to Mandić’s comments in the intercepted conversation.

<sup>7348</sup> P1110 (Intercept of conversation between Momčilo Mandić and Nedeljko Prstojević, 2 July 1992), p. 4. The Chamber notes that Prstojević testified that he had not issued such ultimatums at all and that Mandić was incorrect. Nedeljko Prstojević, T. 13804, 13842 (21 March 2011). In his testimony in the *Krajišnik* proceedings, Prstojević said that he denied to Mandić that he issued such ultimatums at all and questioned where he said such things. P2513 (Excerpt from Nedeljko Prstojević’s transcript from *Prosecutor v. Krajišnik*), T. 14645–14646. However, the Chamber considers that a plain reading of the text of the intercepted conversation indicates that Prstojević merely denied giving such ultimatums in public. P1110 (Intercept of conversation between Momčilo Mandić and Nedeljko Prstojević, 2 July 1992), p. 4.



Momčilo MANDIĆ:	It has come to our attention and that of the Government that you are issuing ultimatums to some Turks; evicting people from certain settlements and people respond badly to it. They are abusing this, those Muslims and the media and so on.
--------------------	---

Well, please do not do anything like it, consult with ĐERIĆ first and those people up there, because this is very bad publicity for us and for everyone. They have the civil option, and they are killing and expelling us. You have to be a little bit more flexible there and not touch those Muslims who are willing to listen and who are loyal. We cannot ethnically cleanse Ilidža or any other

place. At least that is the attitude of the Government and political leadership and all. It has already reached the top how in some settlement you gave them 24 hours to move out and they... Not the se..., no, not the safety..., what was it; what did you say? You are not..., you are not responsible for their safety or something like that.

Nedeljko | Well, yes, but where did I say this?  
PRSTOJEVIĆ:  
I know, but we did not say that, not in public. That's not our politics.

**This is more than enough (#contemporaneous document#) to draw another inference, both pertaining to the policy of the central organs, and the Prstojevic's response. So, Kovac urged Mandic, Mandic reacted, but even Tomo Kovac didn't accuse Prstojevic (the Chief of Crisis Staff) as can be seen from D01239:**

MANDIĆ, Momčilo:	..... Well, bring criminal charges, come on, please, and come to me to..., come to me tomorrow to discuss that Chief of Crisis Staff...
KOVAČ, Tomo:	Hey, Momo, it is you who have to..., it is not... it is not just the Chief of Staff, he can't control them himself. You have to make a proclamation from the top and send ..... armed here and towards the armed forces ....

**SO MANY #MISINTERPRETATIONS, MISCONCEPTIONS, MISUNDERSTANDINGS, JUST TO INDULGE THE PROSECUTION'S INTENTION#!?!? If we were to be malicious, we would have to conclude that it couldn't be accidental, but intentional. Not even St. Peter would succeed to defend himself. The Defendant looks to himself like Don Quixote, fighting against a billion of mosquitos!)**

**2160.** On or about 26 June 1992, approximately 400 Bosnian Muslim women and children from Dobrinja who were at Kula Prison were transferred to the border between Serb and Muslim controlled Sarajevo; Mandić assisted in the transfer.<sup>7349</sup> **(The civilians from all sides preferred to cross to the territory under the control of their army, and it was not any permanent removal, but the security reasons were a priority. We can see how it was from the mentioned intercept P01110:**

Nedeljko	Even with the best of intentions, with all that the Muslims from
----------	--

<sup>7349</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8868–8870, 8886–8889; P1101 (Intercept of conversation between Momčilo Krajišnik and Momčilo Mandić, 26 June 1992), p. 3. Mandić and Avlijaš testified that civilians from Dobrinja left on their own accord to flee the fighting. Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8869–8870, 8886–8889; P1101 (Intercept of conversation between Momčilo Krajišnik and Momčilo Mandić, 26 June 1992), p. 3; Slobodan Avlijaš, T. 35193–35194 (11 March 2013). However, in light of the evidence, discussed at paragraph 2133 that the Serb Forces took measures to clear the area, discussed giving Muslim owned apartments to Serbs, and that once the SRK took custody of the civilians, they separated the Bosnian Muslim civilians from the Serbs and Croats, the Chamber finds that the Bosnian Muslim civilians had no choice but to leave Dobrinja.

PRSTOJEVIĆ:	Ilidža have already done, and what they are doing, let's say, as long as there is a blockade of the Serbs in Hrasnica, Sokolović colony, it's been a month that no Serb has come out.
Momčilo MANDIĆ:	I know. My sister and my father are there.
Nedeljko PRSTOJEVIĆ:	No one has come out of there, despite the fact that we allow it, let them come out now, let them take 5000 Muslims from there, let them release as many Serbs. We are not in a position, I don't know where this took place, we are not in a position to let someone work at the moment. Our misdemeanour court did not receive a single report, no one submitted any.

**It is obvious from this part of conversation that the Serbs are not allowed to leave Hrasnica and Sokolovic colony, while the Serbs from Ilidza “allowed ... them to take 5000 Muslims” from Ilidza. This is more complex, and the inference the Chamber have chosen is not the only one, not even a more probable than other. So, if Mandic assisted transfer of civilians, the Muslims neither indicted nor convicted him for that! All of the people from the President's authorities were acquitted for, as alleged in this Court, immediate perpetrators of the “crimes” allocated to this President as their superior!)**

**2161.** For the duration of the war, not only Bosnian Muslim and Bosnian Croat prisoners of war but also refugees and unlawfully detained civilians were transferred to non-Serb controlled territory from Kula Prison pursuant to agreements reached with UNHCR and the Central Commission for Exchange of Prisoners and Civilians or pursuant to private agreements.<sup>7350</sup> Insofar as these exchanges related to refugees or unlawfully detained civilians, the Chamber finds that these individuals were forced to leave the municipality. **This Chamber's finding is in contrast to the principle # “in dubio pro reo”# since we already know that many civilians did everything they could, including a bribery, to come on the list for exchange of civilians, “rejoining of families” and similar agreements. The candidates for transfer had to submit many papers and documents to be put on the list for convoy. They had been “forced” but not by the authorities, the forcing power was insecurity, every day fighting, coming of the Serb combat casualties from the front line (for that reason the President forbade the mass funerals, in order to prevent an increase of tensions) Since we know all of that, the feature can not be taken for granted, i.e. the Prosecution had to prove which cases were not wilful, and which were forceful!)**

**2162.** On 5 June 1992, the Ilidža Crisis Staff received permission from the Bosnian Serb Government to assign abandoned houses to persons whose apartments had been destroyed.<sup>7351</sup> On 19 July 1992, the President requested that Ilidža prepare an inventory of housing facilities vacated by Muslims for temporary use by Bosnian Serb refugees.<sup>7352</sup> Also in July 1992, the Wartime Commission for the municipality founded a commission to implement the temporary distribution of flats.<sup>7353</sup> The commission encountered difficulties in carrying out its work.<sup>7354</sup> By the summer

<sup>7350</sup> D3331 (Witness statement of Soniboj Škiljević dated 5 April 2013), paras. 12, 15, 18–19, 46–48; Soniboj Škiljević, T. 36782–36783, 36824–36826 36791 (8 April 2013); D3332 (Certificate of KP Dom Butmir, 4 January 1994); D3350 (Notifications of RS Central Commission for Exchange, May 1994–January 1995); D3349 (Notification of RS Central Commission for Exchange, 7 July 1994); D3358 (Notification of RS Central Commission for Exchange, 13 April 1993); List of persons exchanged from Tarčin on 20 February 1993); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8894–8900; Momčilo Mandić, T. 4604 (5 July 2010); P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 96; P3267 (Witness statement of Šefik Hurko dated 1 September 2011), paras. 49–50; P1151 (Letter from SJB Novi Grad to the Ministry of Justice of SerBiH, 25 May 1992); P1102 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 1 July 1992); D3350 (Notifications of RS Central Commission for Exchange, May 1994–January 1995); P2684 (VRS order, 3 October 1994), p. 1; P1127 (Letter from Central Commission for Exchange of Detained Persons re KPD Butmir, 28 October 1994).

<sup>7351</sup> Nedeljko Prstojević, T. 13806–13807 (21 March 2011); D416 (Letter from Government of SerBiH to Ilidža Municipal Assembly, 5 June 1992). [REDACTED].

<sup>7352</sup> P739 (RS Presidency request to various municipalities, 19 July 1992).

<sup>7353</sup> D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), paras. 6–10.

<sup>7354</sup> D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para. 9.

of 1993, it made over 3,000 decisions to assign temporary flats.<sup>7355</sup> The President argues that after the war, everyone's tenancy rights were recognised and people were permitted to buy and sell the flats in accordance with the law.<sup>7356</sup> However, having considered all the evidence before it, the Chamber finds that the main purpose of the regulation was to facilitate the use of the vacant property in question by Serbs who had just arrived in the municipality. In turn, this ensured that those non-Serbs who left Ilidža would not return. Furthermore, on 4 April 1993, Prstojević issued a decision forbidding the return of Bosnian Muslims and Croats to the Serb Municipality of Ilidža for purported security reasons, unless they had written authorisation from the proper authorities.<sup>7357</sup> **Let us see how a #prematured return influenced the security# in municipalities: see D473,p.10**

The situation in Bijeljina is relatively satisfactory, but in truth is much worse than at first glance. The problem with the Muslim section of the population is compounded by the arrival of Muslim refugees and the return of those who had left Bijeljina before, influenced by Mr. KARADŽIĆ's and Mr. PANIĆ's recent statements. This population includes a number of Muslim extremists, and it is believed that a large number of Muslim citizens own weapons. The misunderstandings between the MUP and the representatives of the Bijeljina SO /Municipal Assembly/ have partially been resolved following a meeting attended by the Minister of the Interior.

**(To "find" that: "In turn, this ensured that those non-Serbs who left Ilidža would not return is mere# speculation of the Chamber#, and would be unacceptable in any court of the free world. The rights to return didn't depend on any statement or other unofficial document, but only on the international agreements, some of which had been proposed by the President, and all of them signed by him. Let us see the P739, quoted in this paragraph:**

In close co-operation with public security stations, you are kindly requested to make an inventory of all housing facilities (summer cottages, houses and flats) in your Municipality that are vacant following the voluntary departure of Muslims. Pursuant to the Presidency's Decision no: ol-305/92, these facilities will be given for temporary use to Serbs from the Muslim part of Sarajevo.

**Why the Chamber speculated, and why the verbatim meaning, and the most probable meaning of the contemporaneous documents was what was said in them? Second, the President proposed himself, and signed the other's agreement about the #property rights, and this commitment was obligatory#; third, the post-war practice confirms this standpoint. The Chamber's allegation about facilitation of the Serbs who had just "arrived" in the municipality is not fair, since the "just arrived Serbs" didn't arrive, they were a refugees too, they were sad and impoverished, angry and they would occupy those apartments anyway, in a chaotic manner and without obligation to save and preserve the property they occupied. Let us see how the influx of the Serbian refugees impacted the life in municipalities, particularly from the standpoint of law and order, see D473:**

The large number of refugees (17,000 in Doboj) has influenced the increase in crime, the poor crime detection rate, and the failure of the civilian authorities to function, resulting in the establishment of military authorities in many areas.

<sup>7355</sup> D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para.10. See e.g. D1241 (Ilidža Crisis Staff ruling, 19 July 1992). In addition, the Chamber notes that on 25 June 1992, Prstojević gave Rade Ristić permission to give Muslim apartments in Dobrinja to Serbs and advised him that they had already reassigned 30 apartments in Nedžarići. P1515 (Intercept of conversation between Nedeljko Prstojević and Radomir Ristić, 25 June 1992), p. 2. See also Adjudicated Fact 2666.

<sup>7356</sup> Defence Final Brief, para. 1666.

<sup>7357</sup> D1244 (Ilidža War Commission Decision, 4 April 1993).

Mount Ozren and the newly established municipality of Petrovo are one of the greatest problems in region. Namely, the area is huge and the concentration of refugees great, while the military authorities seem to be oblivious of all the problems. There are also all kinds of crime in Petrovo, the civilian authorities are not functioning and there are opinions that the SJB is entirely unnecessary in the area, which are very dangerous and need to be quelled. These are the reasons why those places may continue to present a latent danger from a security standpoint.

**2163.** According to Bosnian Muslim SDB Chief Nedžad Ugljen, by July 1995, the Serb-held territory in Ilidža was almost devoid of non-Serbs.<sup>7358</sup> **(Anyway this was almost #95% Serb territory#, since the Serbs controlled only their settlements. But immediately after the Dayton Agreement all the Serbs from Ugljen's Sarajevo escaped to the Republic of Srpska, because they were the ethnic hostages in Sarajevo. On the other hand, there was no place in the RS in July 1996 that didn't have a significant, although decreased number of the Muslims, see D4002**

- About 10,500 non-Serbs have remained in the territory of the municipality of Banja Luka (7,500 Bosniaks – Muslims and 3,000 Croats).
- It is estimated that about 400 non-Serbs still remain in the area of Bosanska Dubica.
- It is estimated that about 2,000 non-Serbs have remained in Bosanska Gradiška.
- It is estimated that about 500 non-Serbs have remained in the area of Bosanski Novi.
- Serbs made up 89% (16,591), Muslim 8% (1,440), others 3% (635). The total number of non-Serbs stood at 11% (2,075).
- It is estimated that about 500-600 non-Serbs have remained in the area of Ključ.
- It is estimated that about 600 non-Serbs have remained in Laktaši.
- About 300 non-Serbs have remained in Mrkonjić.
- Approximately 2,000 non-Serbs have remained in Prijedor.
- About 800 non-Serbs have remained in Prnjavor.
- About 1,500 non-Serbs still remain in Sanski Most.
- It is estimated that about 300 non-Serbs have remained in the area of Šipovo.

**And so on. This is a Muslim esteem, and late Ugljen was known for his extremism, and this assessment is much lower than in reality. However, no matter how many Muslims and Croats remained in the Serb cities, the main question is: what was the difference between those who left and those who stayed? Having in mind the confirmed fact that these who left had to do many things to leave, why the Prosecution didn't prove that the authorities press them to leave? The Defence kept asserting that those who had the closest relatives in the Muslim Army didn't feel comfortable in the Serb areas, where the killed Serbs had been brought on a daily basis!)**

**2164.** According to several witnesses, there was no organised campaign for the expulsion of Bosnian Muslims in Ilidža by the local authorities.<sup>7359</sup> In light of the accepted evidence that the Ilidža Crisis Staff led by Prstojević expelled Bosnian Muslim civilians from their homes and redistributed vacant Bosnian Muslim property to Bosnian Serbs, the Chamber rejects this evidence. The Chamber also notes that while several witnesses testified that (i) several Bosnian

<sup>7358</sup> D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 60.

<sup>7359</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), paras. 57–58; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8709; Momčilo Čeklić, D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 27; Momčilo Čeklić, T. 35218 (12 March 2013); Radomir Kezunović, T. 13972 (31 May 2011); D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para. 6.



Muslims left voluntarily;<sup>7360</sup> (ii) civilians of all ethnicities left Ilidža due to the conflict;<sup>7361</sup> and (iii) Bosnian Muslims who wanted to stay could do so and that many Bosnian Muslims and Croats remained in Ilidža during the conflict,<sup>7362</sup> this evidence bears limited weight in light of the accepted evidence that Serb Forces participated in the expulsion of Bosnian Muslim civilians in Serb held parts of Ilidža and prevented their return. **(The Prosecution kept claiming that #“some Muslims”# had been expelled, but it is not sufficient after so many witnesses denying this assertion! If the Defence had a single name of the Muslim family that had been expelled, it could have been checked, but with such a fluid charges, no defence could do anything. Is it possible that courts in the countries that support this Court accept such a fluid, unspecified and arbitrary assertions such as: #“Some Serbs have expelled some Muslims”#? Or “some Serbs killed some Muslims”? This case is fool of such a charges, and the chambers accepted this kind of evidence! Such a conceived “Serb Forces” is deeply incorrect and arbitrary, since the “Serb Forces” are not differentiated from the legal Serb authorities, which fought against the parts of the “Serb Forces”, remember the intercept Mandić – Kovac, in which Kovac said that the Chief of the Criris Staff can not control “them”. “...[I]n light of accepted evidence that the Serb Forces participated in the expulsion...” could also mean that this evidence was accepted wrongly and erroneously, and as such caused further damage of the interests of President, and this is not just and fair trial.)**

**2165.** In light of the foregoing, the Chamber finds that members of the non-Serb population from the Serb-controlled parts of Ilidža were forced to leave. **(Such a complex subject demands a more cautious approach and respect for the principle “in dubio pro reo”. Above all of this, there hadn’t been so many Muslims in the Serb Ilidža, because as accepted by this Chamber, the Serb Ilidža comprised #only the Serb settlement#s.)**

### iii Novi Grad

#### (A) Charges

2166. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Novi Grad as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>7363</sup> Acts of persecution alleged to have been committed by Serb Forces and Bosnian Serb Political and Governmental Organs in Novi Grad include killings during the take-over of Novi Grad,<sup>7364</sup> killings related to a detention facility as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at this detention facility.<sup>7365</sup> The Prosecution also characterises these killings as extermination, a crime

<sup>7360</sup> Čeklić maintained that civilians left the eastern parts of Ilidža around 23 April 1992 on their own accord because weapons were found in their homes. Momčilo Čeklić, T. 35219–35226 (12 March 2013). According to Kovač, after the attack on Ilidža of 22 April 1992, civilians, including Serbs, left due to the proximity of their homes to the front. D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 58.

<sup>7361</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 57; Nedeljko Prstojević, T. 13784 (21 March 2011); D1232 (Program for the return of Serbs from SR Yugoslavia, 21 June 1992), p. 2; D3112 (Witness statement of Momčilo Čeklić dated 8 March 2013), para. 27; Momčilo Čeklić, T. 35218, 35226–35227 (12 March 2013); Radomir Kezunović, T. 13972 (31 May 2011) (testifying that he moved his family to Pale to stay in their holiday house during the war); D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para. 6.

<sup>7362</sup> Momčilo Čeklić, T. 35220 (12 March 2013); Radomir Kezunović, T. 13973–13974 (31 May 2011); D2773 (Witness statement of Slavko Mijanović dated 19 January 2013), para. 6.

<sup>7363</sup> Indictment, paras. 48–49.

<sup>7364</sup> Indictment, para. 60(a)(i). See Scheduled Incident A.9.1.

<sup>7365</sup> Indictment, para. 60(a)(ii). See Scheduled Incidents B.12.1, B.12.2.

against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.<sup>7366</sup>

2167. Other acts of persecution alleged to have been committed in Novi Grad by Serb Forces and Bosnian Serb Political and Governmental Organs include (i) torture, beatings, and physical and psychological abuse, during and after the take-over and in a detention facility, as cruel or inhumane treatment;<sup>7367</sup> (ii) rape and other acts of sexual violence, during and after the take-over and in a detention facility, as cruel and inhumane treatment;<sup>7368</sup> (iii) the establishment and perpetuation of inhumane living conditions in a detention facility in Novi Grad, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or inhumane treatment;<sup>7369</sup> (iv) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes;<sup>7370</sup> (v) unlawful detention in a detention facility;<sup>7371</sup> (vi) forced labour at the frontline and the use of Bosnian Muslims and Bosnian Croats as human shields;<sup>7372</sup> (vii) the appropriation or plunder of property, during and after the take-over, during arrests and detention, and in the course of or following acts of deportation or forcible transfer;<sup>7373</sup> (viii) the wanton destruction of private property including homes, business premises, and public property including cultural monuments and sacred sites;<sup>7374</sup> and (ix) the imposition and maintenance of restrictive and discriminatory measures.<sup>7375</sup>

2168. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>7376</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Novi Grad in which they were lawfully present.<sup>7377</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, destruction of houses, cultural monuments and sacred sites, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>7378</sup>

## (B) Lead-up

### (1) The municipality of Novi Grad

2169. The municipality of Novi Grad, one of the ten constitutive municipalities of Sarajevo, is bordered in the south and in the west by Ilidža, in the north by Vogošća and Ilijaš, and in the east by Novo Sarajevo.<sup>7379</sup> It was established in 1977, encompassing the areas which had hitherto

<sup>7366</sup> Indictment, para. 63(a), 63(b).

<sup>7367</sup> Indictment, para. 60(b). *See* Scheduled Detention Facility C.17.1.

<sup>7368</sup> Indictment, para. 60(c).

<sup>7369</sup> Indictment, para. 60(d). *See* Scheduled Detention Facility C.17.1.

<sup>7370</sup> Indictment, para. 60(f).

<sup>7371</sup> Indictment, para. 60(g). *See* Scheduled Detention Facility C.17.1.

<sup>7372</sup> Indictment, para. 60(h).

<sup>7373</sup> Indictment, para. 60(i).

<sup>7374</sup> Indictment, para. 60(j). *See* Scheduled Incident D.15.

<sup>7375</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services.

<sup>7376</sup> Indictment, paras. 68–75.

<sup>7377</sup> Indictment, paras. 69, 72.

<sup>7378</sup> Indictment, para. 71.

<sup>7379</sup> P973 (Robert Donia's expert report entitled "Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995", January 2010), p. 8; Appendix B, Map 1; P815 (Map of Sarajevo showing confrontation lines). *See also* Adjudicated Fact 2.

constituted the western parts of Novo Sarajevo.<sup>7380</sup> These areas included, *inter alia*, the local commune of Dobroševići which was comprised of the villages of Ahatovići, Bojnik, Dobroševići, and Mihaljevići, the local commune of Rajlovac, and Dobrinja, a set of large, high-rise residential complexes which housed around 40.000 people before the war.<sup>7381</sup> According to the 1991 census, Novi Grad's population was 136,616 of which 50.8% were Muslim, 27.5% were Serb, and 6.5% were Croat.<sup>7382</sup> **(What ethnicity was the rest of 16% of population? Not even the Prosecution or the Chamber noticed this kind of #deception and manipulation#, so frequent in BiH. Obviously, this 16% were so called "Yugoslavs", i.e. the Serbs that disguised themselves, certainly because it was not so pleasant to be a Serb in Sarajevo!)** The village of Ahatovići was inhabited mainly by Bosnian Muslims, while those living in Rajlovac and Dobroševići were mostly Bosnian Serbs.<sup>7383</sup> Inhabitants of Novi Grad municipality generally lived together peacefully until the beginning of 1992.<sup>7384</sup>

2170. Novi Grad was host to a number of important commercial, industrial and military installations, including the Rajlovac Barracks, the Butile Barracks, and Orao (a military industrial factory dedicated to the overhaul of aircraft engines).<sup>7385</sup>

2171. Before the start of the conflict, the president of the Municipal Assembly of Novi Grad was Ismet Čengić, a Bosnian Muslim.<sup>7386</sup> Momčilo Krajišnik, Nikola Stanišić, Jovan Tintor,<sup>7387</sup> and Ranko Torbica were prominent SDS leaders in the area.<sup>7388</sup> Bakir Alispahić, Hasan Čengić, and Jusuf Pušina were SDA leaders in the municipality.<sup>7389</sup>

## (2) Establishment of Rajlovac municipality<sup>7390</sup>

<sup>7380</sup> Robert Donia, T. 3089 (31 May 2010); P973 (Robert Donia's expert report entitled "Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995", January 2010), pp. 9–10, 30.

<sup>7381</sup> D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 3; P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 16; P2343 (Information report of Ramiz Mujkić, 4 July 2004), pp. 1–3 (a number of photographs showing Ahatovići, Dobroševići, the Bojnik area and the Rajlovac area); Ramiz Mujkić, T. 12138–12139 (17 February 2011), 12425, 12440 (25 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 2 (under seal); D2387 (Witness statement of Stojan Džino dated 4 November 2012), para. 5; P973 (Robert Donia's expert report entitled "Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995", January 2010), pp. 33, 35–36; Robert Donia, T. 3134, 3141 (1 June 2010); P2577 (Press release of Novo Sarajevo municipality, 1 April 1992), p. 1; P1866 (Witness statement of Youssef Hajir dated 25 February 2010), para. 8; Youssef Hajir, T. 8836–8837 (2 November 2010).

<sup>7382</sup> P5964 (Census data for BiH by municipality in 1971, 1981, and 1991, April 1995), e-court p. 2; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 60. *But see* P4994 (Addendum to Ewa Tabeau's expert report entitled "Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997", 3 February 2009), pp. 21, 30, 33, 36, 39 (indicating that in 1991, Novi Grad had 112,618 inhabitants of whom, approximately 49.5% were Bosnian Muslims, 28.3% were Bosnian Serbs and 7.1% Bosnian Croats). While the Chamber has found Tabeau's evidence to be generally reliable, for the purpose of determining the population of Novi Grad and the ethnic composition thereof in 1991, it relies on other evidence before it, such as the direct source document, P5964, which contains the raw data from the 1991 census in BiH.

<sup>7383</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 2 (under seal); KDZ041, T. 12130 (17 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 16, 29; Ramiz Mujkić, T. 12139–12140 (17 February 2011); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 3; D2387 (Witness statement of Stojan Džino dated 4 November 2012), para. 7.

<sup>7384</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 5 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 3; D2387 (Witness statement of Stojan Džino dated 4 November 2012), para. 9.

<sup>7385</sup> Robert Donia, T. 3702 (10 June 2010); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 2; P2343 (Information report of Ramiz Mujkić, 4 July 2004), p. 4; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 61.

<sup>7386</sup> P2577 (Press release of Novo Sarajevo municipality, 1 April 1992), p. 2; P973 (Robert Donia's expert report entitled "Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995", January 2010), p. 34.

<sup>7387</sup> Jovan Tintor was formally associated with the Vogošća municipality and was officially appointed to the post of the commander of the Vogošća TO Brigade on 22 May 1992. *See* P1505 (SRK Order, 22 May 1992), e-court p. 2; P3033 (Reynaud Theunens's expert report entitled "Radovan Karadžić and the SRBiH TO-VRS (1992-1995)", e-court pp. 441–442).

<sup>7388</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 2–3 (under seal). Krajišnik was born and owned a family house in Zabrđe, to the southeast of Ahatovići, near the Butile Barracks. Momčilo Krajišnik, T. 43153 (7 November 2013); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 60–61; P2327 (Map marked by Ramiz Mujkić), pp. 1–2; P2343 (Information report of Ramiz Mujkić, 4 July 2004), pp. 6–7; Robert Donia, T. 3132 (1 June 2010).

<sup>7389</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 2 (under seal); D2387 (Witness statement of Stojan Džino dated 4 November 2012), para. 8.

<sup>7390</sup> The Prosecution alleges that in furtherance of the First and Fifth Strategic Goals, the Accused and the Bosnian Serb Leadership established the Serb municipality of Rajlovac in certain areas of Novi Grad, which included the Muslim village of Ahatovići. Prosecution Final Brief, Appendix A (Novi Grad section), para. 1.

2172. Near the end of 1991, members of the SDS municipal board from Novi Grad began contemplating the creation of the Serb municipality of Rajlovac on territory which belonged, in large parts, to the municipality of Novi Grad, in order to prevent Serbs being outvoted in the Novi Grad government and the Novi Grad Municipal Assembly.<sup>7391</sup> On 26 December 1991, Krajišnik informed the President that he had been to a Novi Grad Municipal Assembly session in which voting had been blocked.<sup>7392</sup> In addition, on 9 February 1992, Krajišnik informed the President of the meeting he had recently attended in Reljevo, a village in Novi Grad municipality, and the discussions he had had about forming the Rajlovac municipality.<sup>7393</sup> A few days later, on 11 February, Jovan Tintor told a certain Prodanović that a new municipality called Rajlovac was being created.<sup>7394</sup>

2173. On or about 23 February 1992, SDS leaders proclaimed the Serb municipality of Rajlovac on some of the territories which had hitherto belonged to the municipality of Novi Grad.<sup>7395</sup> On 26 March 1992, Dobrinja was incorporated into the Serb municipality of Ilidža, while remaining parts of Novi Grad were incorporated in the Serb municipality of Novo Sarajevo.<sup>7396</sup> On 11 May 1992, the Bosnian Serb Assembly adopted a law according to which the municipality of Rajlovac included, *inter alia*, Ahatovići, Bojnik, Dobroševići, Rajlovac, Reljevo-Dvor, Zabrđe, and Žuč.<sup>7397</sup> Jovo Božić assumed the role of the President of the Rajlovac municipality.<sup>7398</sup> Sometime after the proclamation of Rajlovac as a new municipality, the Rajlovac municipality Crisis Staff was established and Jovo Božić was appointed as its President.<sup>7399</sup> **(#Due to the Constitution and law#! This is not entirely correct. First of all, the #Rajlovac municipality existed earlier#, and was predominantly, almost exclusively Serbian. With this Rajlovac municipality there happened what happened with many Serb municipalities, it was quitted and merged with the neighbourin municipality with the Muslim majority. Just to number some of the Serb municipalities that had been quitted: Berkovic near Stolac, Avtovac, near Gacko, Rajlovac, near Sarajevo, Blazuj, near Hadzici, Priboj, near Bijeljina, Bronzani Majdan, near Banja Luka, and several others. Immediately after the merging of municipalities, the former Serb municipality drastically deteriorated economically and socially, and people started to leave the area. Since the Rajlovac Municipality had the said “Orao” and other enterprises with a satisfactory incomes, the Novi Grad, newly proclaimed municipality, incorporated the Rajlovac Municipality, and since then Rajlovac underwent a constant deterioration of economic and social life. So, The Rajlovac municipality was renewed, not formed for the first time. All that was mentioned about the parts of Ilidza, Novo Sarajevo and Novi Grad, the Serb settlements were deliberately allocated into different municipalities, so that the Serbs nowhere had a majority. This is in the USA known as a “Gerrimanderism”, a manipulation with the borders of the local communes in order to achieve something what wouldn’t be achievable in a legal and normal manner. The Serb representatives in the communist era either didn’t care, or were not sufficiently courageous or honest, and the Serb community in the BiH deteriorated in every aspect of life, (see; Dusko Jaksic testimony and statement.**

<sup>7391</sup> D84 (Shorthand Record of 3<sup>rd</sup> session of SerBiH Assembly, 11 December 1991), pp. 20–22.

<sup>7392</sup> P5785 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 26 December 1991), p. 1.

<sup>7393</sup> P5753 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, February 1992), p. 1. Also, sometime in February 1992, Krajišnik informed Nikola Koljević about a meeting he was going to attend in Rajlovac “in connection with this one municipality.” P5758 (Intercept of conversation between Momčilo Krajišnik and Nikola Koljević, February 1992), p. 1.

<sup>7394</sup> P965 (Intercept of conversation between Jovan Tintor and FNU Prodanović, 11 February 1992), p. 5.

<sup>7395</sup> P973 (Robert Donia’s expert report entitled “Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995”, January 2010), p. 32; Stojan Džino, T. 29871 (7 November 2012); P967 (Intercept of conversation between Radovan Karadžić and Ljubo Grković, 22 February 1992), pp. 1–2. *See also* Adjudicated Fact 2580. On 24 March 1992, the Bosnian Serb Assembly unanimously verified the decision to establish the municipality of Rajlovac along with 34 other Serb municipalities. P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 23–24.

<sup>7396</sup> P2577 (Press release of Novo Sarajevo municipality, 1 April 1992), p. 1; P973 (Robert Donia’s expert report entitled “Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995”, January 2010), pp. 31, 35; Robert Donia, T. 3134 (1 June 2010); P966 (Map of Sarajevo marked by Robert Donia).

<sup>7397</sup> P2315 (Decree on promulgation of Law on Establishment of Rajlovac Municipality, 11 May 1992), p. 1; Stojan Džino, T. 29865, 29901 (7 November 2012). *See also* Adjudicated Fact 2580.

<sup>7398</sup> D2387 (Witness statement of Stojan Džino dated 4 November 2012), para. 14.

<sup>7399</sup> *See* P2329 (Rajlovac Crisis Staff Order, 9 April 1992); P2628 (Report of Rajlovac’s Crisis Staff, 28 May 1992).



**The so called “take over” of the Novi Grad municipality look the most ridiculous, since the Serbs controlled only several of the Serb settlements, that made 15% of the Municipality!)**

(3) The arming and mobilisation of Bosnian Serbs in Novi Grad

**2174.** By 14 October 1991, Tintor and Ratko Adžić, who later became the President of the Serb Municipality of Ilijaš,<sup>7400</sup> had already discussed the issue of arming and mobilisation and noted the inadequate response to the call for mobilisation of Serbs in Novi Grad and surrounding municipalities. Adžić specifically complained that despite a meeting during which he had announced that there was a unique opportunity for Serbs to come and take firearms, nobody from Novi Grad had shown up to collect such weaponry.<sup>7401</sup> **This is an additional proof that the #Serbs joined the JNA as reservists#, and thus obtained the armament. It was all legal from the standpoint of the JNA, and particularly from the interests of local Serbs. The official Army called for mobilisation, as it was a regular practice, armed its reserve battalions, replenish its units and prepared for the coming war against the separatist republics. Meanwhile the Muslims already had their own secret army, the #Patriotic league and Green berets# in every municipality. Look how it was in the region of Sarajevo: D298, p 1**

Immediately after involving myself in preparations for the defence of R BH /Republic of Bosnia and Herzegovina/, in September 1991, together with the late Safet HADŽIĆ, who was appointed president of the crisis staff of the Sarajevo region, and with the help of Mirsad ČAUŠEVIĆ, now in the MIP /Ministry of the Interior/ and Senad MAŠOVIĆ, now at the command of the Third Corps, I drew up a proposal for organising the Patriotic League for the Sarajevo area, organised the regional staff of the Patriotic League and a plan for the defence of the Sarajevo area.

**As we can see, the Serbs and the JNA were late at least a month behind the Muslims in Sarajevo. Let see further, D298, p.3**

From the beginning of December 1991 until the end of March 1992, I stayed on five or six occasions in all the regional and municipal headquarters of the Patriotic League and in a large number of units of the Patriotic League in the whole territory of the Republic of Bosnia and Herzegovina, constantly travelling with false and borrowed documents in order not to be discovered.

I led the establishment of contra-barricades in Sarajevo in March 1992 and led the armed resistance at the beginning of the aggression against the Republic of Bosnia and Herzegovina.

On 2<sup>nd</sup> May 1992 I led the defence of Sarajevo in battle with the former JNA.

On 3<sup>rd</sup> May 1992 I prevented a coup attempted by Alija DELIMUSTAFIĆ who had

**This is how it looks like when one side is prevented to depict the other side's conduct, which directly influenced and caused the conduct of the first side. #Selective#! Nobody should mix it with “tu quoque”, it is simply necessary for understanding of events, and differentiation of the legal defence preparations from illegal one.**

**2175.** In February 1992, civilian trucks with Serbian and Montenegrin number plates removed equipment and supplies, including a number of guns, from the Butile Barracks and two of those trucks were driven to Pale.<sup>7402</sup> **(#Before VRS, during JNA#! So what? The JNA took care of its assets. Since the Bosnian Serbs knew what the Patriotic league was doing, the JNA knew much more, see testimony of Aleksandar Vasiljevic.)** In March or April 1992, a MP company, headed by Nikola Šuput, was relocated from Kiseljak municipality to Butile Barracks, bringing a number of APCs, anti-aircraft guns, and other weaponry.<sup>7403</sup> **(So what? Why it is of any interest**

<sup>7400</sup> P2623 (Ilijaš list of revenues and expenses, 11 May to 30 June 1992), p. 4.

<sup>7401</sup> P5844 (Intercept of conversation between Jovan Tintor and Ratko Adžić, 14 October 1991), pp. 1–3.

<sup>7402</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 4.

<sup>7403</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 6–7; D1103 (Supplemental witness statement of Ramiz Mujkić dated 28 April 2000), p. 1.

of the Chamber, since it was a perfectly #legitimane and legal activity of the JNA#, and far from even knowledge, let alone influence of the President?) From March 1992 onwards, local Serbs came to the Butile and Rajlovac Barracks in order to be issued uniforms and weapons, including sniper rifles, and to undergo military training.<sup>7404</sup> (A reserve company of the Muslims from the neighbouring settlement Sokolje came to the Rajlovac Barracks and was equipped by the JNA, the same as the Serbs, see: the testimony of Mihajlo Vujasin!) Two Bosnian Serbs employed at the Orao factory, Stevo Petričević and Mirko Mirković, established and maintained connections between local Serbs and the officers in the Rajlovac Barracks, and were involved in the distribution of arms to the local Serbs.<sup>7405</sup> At the same time, reserve troops, including Serbs from surrounding areas started arriving at the Butile Barracks.<sup>7406</sup> They wore uniforms and were taught by Šuput's men how to operate mortars and other types of weapons.<sup>7407</sup> In addition, Orao accommodated a Serb "paramilitary unit" which consisted of SDS members from the surrounding villages.<sup>7408</sup> The insignias on the uniforms worn by this unit bore four Cyrillic "S" symbols and some of its members wore "kokarda" caps.<sup>7409</sup> (#Before VRS# In February 1992 there was the former BiH and it's authorities, and the JNA, and the President, or SDS, or the Republic of Srpska had nothing to do with any event there, but it seems as if this Court doesn't care for the facts if it helps "the Prosecution's cause." The JNA had a shortage of the manpower and activated their reserve units, which was in accordance with the law!)

2176. On 3 March 1992, a certain Gvozden informed the President that he had mobilised Serbs from Pale and would do the same in other municipalities, including Novi Grad.<sup>7410</sup> The President then demanded that efforts be made to show that Muslim mobilisation preceded Serb mobilisation by a number of hours.<sup>7411</sup> (#EXCULPATORY#!!! Let us see what is in the said Prosecutor's document, P5604:p. 1

Radovan KARADŽIĆ:	Fine, they got mobilised, nothing has been spontaneous. They got mobilized and now they are attacking Serbian settlements.
Gvozden:	So they have been attacking?
Gvozden:	So they have been attacking, Sokolovići....
Radovan KARADŽIĆ:	Turn it down a little bit. (KARADŽIĆ is talking to unidentified person in the room)
Gvozden:	.....Zlatište, Širokača, they are setting off towards Miljevići. There will be retaliation most probably. Kobilja

<sup>7404</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 8; P2343 (Information report of Ramiz Mujkić, 4 July 2004), p. 4 (photograph showing the Rajlovac Barracks); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 2; P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 4 (under seal).

<sup>7405</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 12–13; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 2.

<sup>7406</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 9.

<sup>7407</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 9; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 2.

<sup>7408</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 4 (under seal).

<sup>7409</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 4 (under seal).

<sup>7410</sup> P5604 (Intercept of conversation between Gvozden and Radovan Karadžić, 3 March 1992), p. 3.

<sup>7411</sup> P5604 (Intercept of conversation between Gvozden and Radovan Karadžić, 3 March 1992), pp. 2, 5.

	glava, they are also setting off towards Sarajevo.
Radovan KARADŽIĆ:	Aha.
Gvozden:	The students are slowly rising.
Radovan KARADŽIĆ:	Students, whose ones?
Gvozden:	Yes.
Radovan KARADŽIĆ:	Theirs?
Gvozden:	Yes, it looks like.
Radovan KARADŽIĆ:	Aha.
Gvozden:	Three hundred are at the Jewish cemetery, they are surrounding <i>Remontni zavod</i> /Repair and maintenance depot/, they've block...., they've blocked Lapišnica up there, Kolje.....
Radovan KARADŽIĆ:	Aha.
Gvozden:	I think, these are the latest information.
Radovan KARADŽIĆ:	Aha.
Gvozden:	We have just mobilized some. However, it is going very hard because our communications are bad onwards so I can't mobilized them.
Radovan KARADŽIĆ:	Yes, well I don't know. We should, we should make, if it doesn't put security in danger, to make time difference between their and our mobilization, so that it is clear who is, who is.
Gvozden:	They have already set off, it's been done.
Radovan KARADŽIĆ:	Aggressor. Where have they set off towards Serbian settlements, haven't they?
Gvozden:	We are now listening them. They are reporting starting from where, what and how everything is going.
Radovan KARADŽIĆ:	You have, you can listen them, can't you?
Gvozden:	If you can just write down my number.
Radovan KARADŽIĆ:	Good, just a moment. Tell me, what should we do?
Gvozden:	Well, I have already mobilized one part.
Radovan KARADŽIĆ:	Call Rajko! If not, then call the General because these are not the barricades or spontaneous rebellion. It is an evident mobilization and beginning of civil war in Bosnia and Herzegovina. He doesn't not want to, to attend the conference. We received the letter.

Radovan KARADŽIĆ:	Fine, the only thing .....now only Sarajevo. I am scared that somebody does not launch something on their settlements from the big weapons.
Gvozden:	What?
Radovan KARADŽIĆ:	I am afraid that somebody does not launch something on their settlements from the big weapons. If you're in contact with the people who are in possession of it, to tell them to control themselves till we see to where they'll go and what they will do.
Gvozden:	Fine, we are going to wait. I am in contact with the person over the hill.
Radovan KARADŽIĆ:	Good.
Gvozden:	And I am going to inform those in top.
Radovan KARADŽIĆ:	Good. Good. It is necessary because this time Serbs did nothing.
Gvozden:	Nothing. What did we do?
Radovan KARADŽIĆ:	Nobody did a thing. Now the time difference of already 3, 4 hours between our and their mobilization should be shown clearly.
Gvozden:	They started the mobilization earlier, two hours ago.
Radovan KARADŽIĆ:	Excuse me?
Gvozden:	They started the mobilization slowly two hours ago.
Radovan KARADŽIĆ:	Yes, yes. What are you suggesting? Should we do something more?
Radovan KARADŽIĆ:	That they dismiss it, to dismiss it because I am scared that they will start shooting from big weapons, rockets and howitzers on their settlements, then Sarajevo will be fucked.
Gvozden:	They will most probably start.
Radovan KARADŽIĆ:	I am scared that it doesn't start and then....If you have any connections with the people who are in possession of the weapons, tell them to wait, to control themselves as long as possible.
Gvozden:	Wherever they attack us, we will return the fire severely.

**Here is completely clear that the Serb side didn't want to instigate any conflict, and that the President didn't have anyone under his control and command, that he even didn't know what should and could be done, nor he knew those who had the big calobres weaponry!)**

**2177.** By March 1992, Bosnian Serbs established a check-point on the bridge across the Bosna river in the Reljevo settlement and near the Butile Barracks, and gradually blocked the passage of Bosnian Muslims.<sup>7412</sup> **(Although the Prosecution/the Chamber had the insight in the previous document P5604, the Serbs are scotomised as the villains. Nota Bene: of 1 March 1992 there happened the killing on the wedding ceremony in front of the Old Christian Othodox Church, which caused the greatest unrest in Sarajevo. The President and his close associates were in Belgrade. But, both sides erected barricades, and the Muslim side was the first to mobilise, as seen from the P5604, and also they were "up-to-date" with the barricades, see**

<sup>7412</sup> Ramiz Mujkić, T. 12427, 12433–12434 (25 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 17–18; P2327 (Map marked by Ramiz Mujkić); P2329 (Rajlovac Crisis Staff Order, 9 April 1992); KDZ041, T. 12083–12086 (17 February 2011); D2387 (Witness statement of Stojan Džino dated 4 November 2012), para. 12. Mujkić testified that the check-point was erected in January 1992. See Ramiz Mujkić, T. 12427, 12433 (25 February 2011); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 3. By contrast, Stojan Džino, testified that it was after the murder of the wedding guest in Sarajevo in March 1992 that Bosnian Serbs erected the first barricades. See D2387 (Witness statement of Stojan Džino dated 4 November 2012), paras. 9, 70. KDZ041 could only recall that the Serb barricades were erected sometime by the end of February or the beginning of March 1992. See P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 4 (under seal). But see KDZ041, T. 12083 (17 February 2011) (indicating that the barricades were erected in the period of 20 to 25 May 1992). See paras. 3533–3539.



**P5604, p. 5:**

Gvozden:	Just a moment to check something. The barricades are already set up everywhere.
Radovan KARADŽIĆ:	Theirs, is it?
Gvozden:	Yes, yes.
Radovan KARADŽIĆ:	No, they, they are staring the civil war.
Gvozden:	It's done, it's them. It would be a bad idea you to call Alija.
Radovan KARADŽIĆ:	Aha.

On 9 April 1992, the Rajlovac municipality Crisis Staff ordered the “active observation” of the entire territory of Rajlovac municipality by means of controlling all vehicles and people moving in the direction of the “Distribution Centre”.<sup>7413</sup> **(Those are #all legal and legitimate activities# of the local authorities! If the authorities didn't do that, they would be criminally responsible due to the Law on All-People's Defence!)** The Rajlovac municipality Crisis Staff also ordered that one policeman and two TO members should be present at all times at the check-point towards the Distribution Centre.<sup>7414</sup> **(Those are #all legal and legitimate activities# of the local authorities. The Prosecution was obliged to present the facts in the light of the domestic legislation, so that the Chamber does not live in an illusion, and thus makes a wrong deliberations!)**

2178. By early May 1992, almost all non-Serb soldiers and officers of the JNA had abandoned their posts and left the Butile Barracks.<sup>7415</sup> **(In any country of the free world, they would be sued as deserters!)** However, pursuant to the instructions of Hasan Mujkić who was at the time the commander of the local Muslim TO, Ramiz Mujkić stayed in his post at the Barracks in order to monitor the situation and report back to the TO command.<sup>7416</sup> **(It was an illegal activity, and he could have been arrested by the JNA and processed as a spy!)** On or about 10 May 1992, the JNA handed over the Rajlovac Barracks and the Rajlovac airport to the Rajlovac TO.<sup>7417</sup> **(The Rajlovac TO was an inherent part of the SFRY Armed forces, and thus subordinated to the JNA!)**

2179. Sometime after 20 May 1992, Ramiz Mujkić met a group of Albanian JNA soldiers who were in charge of the security of the Butile Barracks and who told him that they would help the Bosnian Muslim TO take over the barracks.<sup>7418</sup> **(Look at that! Was it legal? Were the Serbs supposed to just watch it and not do anything to protect themselves? Such a huge treason of the JNA should have been processed in the martial courts!)** Ramiz Mujkić subsequently informed Hasan Mujkić of this proposal but was shown a written message from Alija Delimustafić, the Minister of BiH MUP,<sup>7419</sup> prohibiting any such take-over.<sup>7420</sup> Three or four days later, Delimustafić reversed his position but the take-over of the Butile Barracks could not be carried out as a number of White Eagles had arrived there in the meantime.<sup>7421</sup>

<sup>7413</sup> P2329 (Rajlovac Crisis Staff Order, 9 April 1992).

<sup>7414</sup> P2329 (Rajlovac Crisis Staff Order, 9 April 1992).

<sup>7415</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 14.

<sup>7416</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 15; Ramiz Mujkić, T. 12413, 12431 (25 February 2011); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 5.

<sup>7417</sup> D2686 (Witness statement of Mihajlo Vujasin dated 16 December 2012), para. 10; P3033 (Reynaud Theunens's expert report entitled “Radovan Karadžić and the SRBiH TO-VRS (1992-1995)”), e-court p. 441.

<sup>7418</sup> Ramiz Mujkić, T. 12415–12416 (25 February 2011); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 6.

<sup>7419</sup> P1117 (Letter from SRBiH Minister of Interior to all MUP administrations, 31 March 1992), p. 2; P1121 (SRBiH Minister of Interior's letter to all CSBs, SJBs, and SUP Sarajevo, 8 April 1992).

<sup>7420</sup> Ramiz Mujkić, T. 12416 (25 February 2011); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 6; Ramiz Mujkić, D1104 (Excerpts from transcript from *Prosecutor v. Krajišnik*), T. 9240.

<sup>7421</sup> Ramiz Mujkić, T. 12416 (25 February 2011); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 6; D1104 (Excerpts from transcript from *Prosecutor v. Krajišnik*), T. 9240.

2180. On 22 May 1992, the SRK commander, Tomislav Šipčić, ordered the formation of the Rajlovac TO Brigade, thus subordinating the Rajlovac TO to the SRK, and appointed the Rajlovac Crisis Staff president, who at that time was Jovo Božić, to the post of the commander of the Brigade.<sup>7422</sup> On 28 May 1992, Božić reported to the Bosnian Serb government that the “Serbian Army of the Serbian Municipality of Rajlovac” included 1,280 conscripts.<sup>7423</sup> **(All of it was #regular and lawful#!)**

2181. In May 1992, during talks between local SDA and SDS representatives in the village of Ahatovići, the Bosnian Serbs threatened to attack the village if the villagers did not leave.<sup>7424</sup> The Bosnian Muslims refused to comply with the demand and the local crisis staff of the Bosnian Muslims led by Hasan Mujkić set up barricades,<sup>7425</sup> organised village guards, and armed them with infantry weapons.<sup>7426</sup> The Muslim TO numbered some 200 men.<sup>7427</sup>

2182. By mid-May 1992, all Serbs living in the villages of Dobroševići, Bojnik, Mihaljevići, and Brod left their houses for locations close to Rajlovac and Butile Barracks.<sup>7428</sup> **(Let us see why it happened, see D1240, of 2 June 92, p.2)**

**Residents of the settlement *Dogladi* informed us that HOS members and Green berets had set the ultimatum to the citizens of Serbian ethnicity to give in their weapons till 09:00 hrs on 03-06 or else they would be attacked.**

**And further, what was the situation in the region of Rajlovac-Ahatovići: D1240:**

**At 11:35 we were informed that members of Green berets were moving from the direction of Oštrik village redeploying their troops at Kobiljača towards the Serbian positions; then at 15:45 we received an information that Green berets attacked Rakovica from the direction of Oštrik.**

**On 02-06 at 12:00 a person with unknown identity informed us that there was a concentration of Green berets at *Stup*, assuming that they would try to break through up to Ahatovići, where the field is being cleared.**

**At 18:00 anonymous individual informed us that Green berets are preparing the attack on Rakovica from *Otes*.**

<sup>7422</sup> P1505 (SRK Order, 22 May 1992), e-court pp. 1–2; P2628 (Report of Rajlovac’s Crisis Staff, 28 May 1992).

<sup>7423</sup> P2628 (Report of Rajlovac’s Crisis Staff, 28 May 1992). Also, on 17 June 1992, during the 122<sup>nd</sup> Session of the BiH Presidency, Sefer Halilović reported that in the territory of Novi Grad, the enemy forces numbered 1,200 and had in their possession, *inter alia*, ten tanks, 26 APCs, 129 Mortars, 12 PEA guns, eight PEA machineguns, 22 hand-held rocket launchers, nine pieces of 82 mm mortar guns, four pieces of 82 mm recoilless guns, five cannons and several sniper nests. D192 (Transcript of 17<sup>th</sup> June 1992 session of the BiH Presidency), p. 4.

<sup>7424</sup> KDZ041, T. 12081–12083 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 5 (under seal). *See also* Adjudicated Fact 2607. The Chamber is cognisant of the fact that in his statement, Witness KDZ041 referred to the beginning of March 1992 as the period during which Serbs requested that the inhabitants of Ahatovići leave the area whereas during his testimony, he asserted that the request was in fact made at the end of May 1992, that is, after the outbreak of war in Sarajevo. The Chamber is also mindful that according to Adjudicated Fact 2607, this request was conveyed to the inhabitants of Ahatovići in March 1992. The Chamber considers, however, that the meeting in question took place around the end of May 1992 as stated by KDZ041 during his testimony. First, that period roughly coincides with the outbreak of hostilities in Sarajevo, as well as the alleged attack on the village of Ahatovići. Second, in his statement, Stojan Džino stated that the last meeting between Muslims from Ahatovići and Serbs took place on 27 May 1992. D2387 (Witness statement of Stojan Džino dated 4 November 2012), paras. 12–13. The Chamber notes, however, that this inconsistency in the evidence of KDZ041 is not so grave that it would affect his overall credibility.

<sup>7425</sup> The Chamber notes that during his testimony before the Chamber, KDZ041 denied that there was a crisis staff in Ahatovići and instead referred to the existence of a group of village elders. *See* KDZ041, T. 12080, 12087–12089 (17 February 2011). The Chamber, however, does not accept this part of KDZ041’s testimony since in his witness statement, he stated that a crisis staff headed by Hasan Mujkić was formed in Ahatovići, and then proceeded to list its members. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 10 (under seal). Moreover, Ramiz Mujkić also indirectly confirmed the existence of the said crisis staff. *See* P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 32. With respect to the existence of Muslim’s barricades, the Chamber notes that in one of his written statements, Ramiz Mujkić stated that Muslims had set up barricades in Dobroševići and Ahatovići. *See* D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 5. However, during his testimony, he denied that there were such barricades. *See* Ramiz Mujkić, T. 12417–12420, 12432 (25 February 2011). In assessing this inconsistency, the Chamber considered the following: First, KDZ041 stated that after the Serbs had established barricades, the Muslims erected barricades of their own around Ahatovići. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 6 (under seal). Second, Ramiz Mujkić did in fact concede that the Muslim TO had a number of permanent positions, such as dugouts, around Ahatovići village. *See* P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 25. The Chamber therefore does not rely on Ramiz Mujkić’s testimony that there were no Muslim barricades in Dobroševići and Ahatovići.

<sup>7426</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 10 (under seal); Ramiz Mujkić, T. 12417, 12432, 12436–12437 (25 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 25, 32. *See also* Adjudicated Fact 2607.

<sup>7427</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 25; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 3.

<sup>7428</sup> According to KDZ041, the Serbs were ordered to leave their houses so that the paramilitary units could establish their positions. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 8 (under seal); KDZ041, T. 12090 (17 February 2011).

At 21:35 we were informed by an anonymous individual that Green berets were preparing the attack on Serbian municipality Ilidža, from the direction of Sarajevo.

As it can be seen, the entire area with all of the Muslim and Serb villages had been embattled, and Ahatovici was a very known Muslim armed stronghold, with a significant production of armament and ammunition. However, it had nothing to do with the President or anyone from the central Serb authorities. Nobody could, even if wanted, order the local people not to defend and not to take a precautionary measures! Simply, this shouldn't be a subject to this case, and could only be used as an argument against civil wars!): During the same period, the telephone and electricity lines to Ahatovići were disconnected.<sup>7429</sup> By the end of May, Serbs had set up barricades on all the roads leading from Rajlovac and Bojnik to Sarajevo.<sup>7430</sup> (Taking look of the above document D1240 and having in mind the intensive combat preparations and activities of the Muslim secret Army (the Patriotic League and Green Berets, no wonder the local Serbs took all of these precautionary measures. Is the UN Court of an opinion that the Serbs weren't entitled to defend themselves? If so, it should be said, and if not, the Indictment-Judgement are senseless. Patricularly it is senseless to charge this President for that, since there is no person or official all over the world who was entitled to order the jeopardized Serbs not to defend. Even if ordered, such an order wouldn't be obeyed, rightfully!) The individuals who manned these check-points stopped buses and vehicles and subjected the Bosnian Muslim passengers to searches, before refusing them passage to Sarajevo.<sup>7431</sup>

i. Attack on Ahatovići

2183. On 25 May 1992, the inhabitants of the village of Ahatovići received an ultimatum from Serb Forces to surrender their men along with their weapons.<sup>7432</sup> On 24 or 25 May 1992, women, children, and the elderly attempted to leave Ahatovići for the nearby municipality of Visoko, but were prevented from doing so by Bosnian Serbs who fired at them.<sup>7433</sup> (In this foot note there is a reasonable explanation by S. Dzino about the reasons!)

2184. On 27 May 1992, Serbs in both JNA and camouflage uniforms arrived on the hills around Ahatovići from the direction of Rajlovac with tanks and armoured vehicles.<sup>7434</sup> Using megaphones, they urged the villagers to surrender.<sup>7435</sup> They threatened: "Balijas, surrender, or we kill your children."<sup>7436</sup> (#Deadly combination# Adjudicated Fact, unacceptable to the Defence. It is not serious to manipulate with so many adjudicated facts in such an important case, against such a highly positioned Serb official!) When the villagers refused, at around 11 p.m. Serb Forces launched an attack, which was eventually repelled.<sup>7437</sup> During this initial attack two Muslims were killed and ten were wounded.<sup>7438</sup> #Nota bene, civilians repelled attack#! How

<sup>7429</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 13 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 33.

<sup>7430</sup> KDZ041, T. 12083 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 6–7 (under seal). The Chamber is mindful that in his statement, KDZ041 stated that the barricades were erected in March whereas during his testimony he indicated that the barricades were erected sometime between 20 May 1992 and 25 May 1992. The Chamber considers that KDZ041's live testimony is more credible on this particular issue.

<sup>7431</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 7 (under seal); KDZ041, T. 12084–12085 (17 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 17; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 3.

<sup>7432</sup> KDZ041, T. 12091–12092 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 11 (under seal).

<sup>7433</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 12, 19 (under seal). See also Adjudicated Fact 2608. Stojan Džino testified that Hasan Mujkić requested, on 29 May 1992, that Jovo Božić allow the evacuation of the convoy containing women and children from Ahatovići to Sarajevo but this was not allowed because the Serbs suspected the evacuation to be a preparatory step for an attack on Bosnian Serb settlements. See D2387 (Witness statement of Stojan Džino dated 4 November 2012), para. 14.

<sup>7434</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 15 (under seal); KDZ041, T. 12092 (17 February 2011).

<sup>7435</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 15 (under seal). See also Adjudicated Fact 2609.

<sup>7436</sup> Adjudicated Fact 2609.

<sup>7437</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 15 (under seal). See also Adjudicated Fact 2609.

<sup>7438</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 16 (under seal). The Chamber notes that these killings are not charged in either Schedule A or B of the Indictment. See fn. 13.

**come? The attack was repelled by the unarmed civilians? The village of Ahatovici was a fortified Muslim stronghold from where they attacked and threatened all surrounding Serbian villages. #Abuse of civil settlements# The local Serbs had their own assumption and their own fears, and their own reasons. It had nothing to do with the central authorities, and nobody could order them not to defend and not to take a precautionary measures.**

2185. On 29 May 1992,<sup>7439</sup> a final attack was launched on Ahatovići and Dobroševići, with heavy artillery.<sup>7440</sup> The shells were fired from all directions, including the Butile and Rajlovac Barracks.<sup>7441</sup> At this time, the women, children, and the elderly were moved to basements of several houses in the centre of the village.<sup>7442</sup> On 31 May, pursuant to the instructions of Fikret Mujkić, a member of the Ahatovići Crisis Staff, a group of villagers left for Bioča in order to meet two TO platoons from Visoko that were sent to facilitate the withdrawal of the villagers.<sup>7443</sup> **(So, Ahatovici had a Crisis Staff, not only the Serb settlements? Also, Ahatovici had a help from Visoko. How many evidence is needed to accept the fact that Ahatovici was a #highly militarised village#, and that this hadn't been an attack on civilians?)** Ramiz Mujkić was chosen to be a part of this group but did not manage to meet up with them and instead returned to Ahatovići on 3 June.<sup>7444</sup> The shelling lasted until 1 or 2 June 1992, resulting in destruction of, and damage to, nearly 130 houses in Ahatovići and the death of 15 to 20 Bosnian Muslims.<sup>7445</sup>

2186. After the shelling stopped, Tintor as well as the local Serbs and members of paramilitary groups<sup>7446</sup> mounted an infantry attack against Ahatovići.<sup>7447</sup> During this infantry attack, about 20 Bosnian Muslim men were killed.<sup>7448</sup> Subsequently, about 30 Bosnian Muslim villagers, including KDZ041, who had run out of ammunition **(Sic!!!#Civilians run out of ammunition#!)** decided to break through enemy lines and escape towards Visoko but were eventually hit by artillery fire.<sup>7449</sup> In that instance, four Bosnian Muslim men were killed whereas a number of others, including KDZ041, were wounded.<sup>7450</sup> **(#And the killed had been depicted as civilians,**

<sup>7439</sup> The Chamber notes that according to KDZ041, the shelling of Ahatovići commenced sometime between 7 a.m. and 8 a.m. whereas according to the statement of Ramiz Mujkić, it began at 3 p.m.. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 17 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 26. However, the Chamber finds that this discrepancy is not so serious that it would adversely affect the credibility and reliability of either witness.

<sup>7440</sup> KDZ041, T. 12097 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 17–18 (under seal); Ramiz Mujkić, T. 12438, 12449–12452 (25 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 26, 33; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court pp. 3, 6. KDZ601 testified that the attack took place in late May and early June 1992 and that forces participating in the attack included the members of the “Oljača group of Chetniks”, members of the Ilidža Battalion, and the members of the SJB Ilidža. KDZ601, T. 18588–18590 (8 September 2011). See also Adjudicated Fact 2610.

<sup>7441</sup> KDZ041, T. 12097 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 17, 20 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 28; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court pp. 3, 6.

<sup>7442</sup> KDZ041, T. 12095 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 12, 19 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 31; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 3.

<sup>7443</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 32, 35; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court pp. 3, 6.

<sup>7444</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 32, 35–36.

<sup>7445</sup> KDZ041, T. 12097 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 18–19 (under seal); Ramiz Mujkić, T. 12452 (25 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 26. See also Adjudicated Fact 2660. The Chamber notes that these killings are not charged in Schedule A of the Indictment. See fn. 13.

<sup>7446</sup> While KDZ041 testified that he saw men in JNA uniforms with white armbands and headbands and that those were members of the White Eagles, KDZ601 testified that the attack involved members of the “Oljača group of Chetniks” and that they were reinforced by VRS and MUP forces. See P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 23 (under seal); KDZ601, T. 18588–18589 (8 September 2011). The Chamber also notes that it has received other evidence showing the participation of paramilitaries in this attack. For example, on 5 August 1992, the head of Ilidža Serb SJB lamented that the commander of the Ilidža Brigade had excluded “militia” from joint meals even though those forces had partaken in many combat activities such as those in Hadžići, Rakovica, Ahatovići and Dobrinja. P6639 (SJB Ilidža information, 5 August 1992), p. 6. On the basis of the foregoing evidence, the Chamber finds that paramilitaries took part in the attack against Ahatovići.

<sup>7447</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 19–20, 23 (under seal); KDZ041, T. 12066–12067, 12108 (17 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 26; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 3. See also Adjudicated Fact 2610.

<sup>7448</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 18, 23 (under seal). See also Adjudicated Fact 2610; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 61.

<sup>7449</sup> KDZ041, T. 12065–12067 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 18–19, 20–21 (under seal).

<sup>7450</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 21 (under seal). The Chamber notes that these killings are not charged in either Schedule A or B of the Indictment.



**villagers?!?#)** Soon after, Tintor, the local Serbs, and paramilitaries entered Ahatovići with APCs and tanks.<sup>7451</sup> Sometime during the shelling or the infantry attack, Ramiz Mujkić's younger sister and her daughter Elma Bešić who was only 15 years old at the time, were also killed.<sup>7452</sup> **(Regretable! But, keeping their own civilians within the combat zone was the responsibility of the Ahatovici leadership!#Abuse of civilians#! )** Subsequently, houses belonging to Bosnian Muslims were looted and set ablaze.<sup>7453</sup> The Serbs captured about 400 women and children and 80 men, in addition to the 150 women and children who had been captured in Dobroševići, Bojnik, and Mihaljevići prior to the attack on Ahatovići.<sup>7454</sup> **(See D1240 above, about the Muslim ultimatum to the Serb villages around Dobroševići. The Muslims #initiated the attacks, and had lost!#)** Those captured in Ahatovići were subsequently taken in the direction of Rajlovac.<sup>7455</sup> The attack was completed and Ahatovići came under Bosnian Serb control by 3 June 1992.<sup>7456</sup>

**2187.** On 5 June 1992, Mijatović, from the Rajlovac Municipal Assembly, informed Nedeljko Prstojević, the president of the Ilidža Crisis Staff<sup>7457</sup> that Ahatovići was no longer a threat.<sup>7458</sup> **(Obviously, it was a threat, and that was a reason to demand their disarmament!)** Following a request signed by the President and dated 19 July 1992, houses that were not destroyed in Ahatovići were provided to the Serb refugees from the Muslim part of Sarajevo.<sup>7459</sup> **(This is #not correct intervention# of the Chamber, because in the President's request there is not mentioned Ahatovici, nor it concerned the combat areas! Why it was necessary? Because the Chamber's young associates felt they needed everything against the President, since what they did have, was nothing!)**

**2188.** In a 1993 report, Tihomir Glavaš, the Chief of the SJB Hadžići referred to the success of the 1 June 1992 military attack against Ahatovići launched by forces under his command and stated that as a result of the attack, the territories of Butile and Rajlovac had been unified.<sup>7460</sup> **(Those were the #military and security reasons#. Let us see what was said in the P2308, which was the base for this findings: P2308, p.1.**

Process of disintegration of Yugoslavia, and especially the events that have taken place on Croatian territory, indicated that similar fate could befall Serbian people living on the territory of then Bosnia and Herzegovina. This Public security station is obliged to undertake appropriate measures for protection of interests of Serbian people on the territory under its control and wider, due to the systematic take-over of the authority in the state and the economy, control and take-over of the capital, processes taking place in the army of that time, coalition between Muslims and Croats, created after the election and the creation of the multinational parties, against Serbian interests and the division of MUP.

**his high official of the Serb MUP, in no way associated with the SDS and critical of the "ethnic" parties, pointed out the obligation of the police stations to protect the inhabitants from any jeopardy! #Official's proper conduct#! See further:**

<sup>7451</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 19–20 (under seal).

<sup>7452</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 48. The Chamber notes that these killings are not charged in either Schedule A or B of the Indictment.

<sup>7453</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 23, 63 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 39.

<sup>7454</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 32 (under seal).

<sup>7455</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 33 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 89; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 62.

<sup>7456</sup> P2333 (SerBiH MUP Report re Romanija–Birčani CSB, 3 June 1992), p. 1, reports that Ahatovići was "liberated" and placed under the "Serb Army control".

<sup>7457</sup> Nedeljko Prstojević, T. 12961 (8 March 2011).

<sup>7458</sup> P2239 (Intercept of conversation between Mijatović and Nedeljko Prstojević, 5 June 1992), pp. 1, 3.

<sup>7459</sup> P739 (RS Presidency request to various municipalities, 19 July 1992). See also P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 39.

<sup>7460</sup> P2308 (SJB Ilidža report, 20 September 1993), p. 5.

Division of MUP of Bosnia and Herzegovina of that time, became more pronounced and radical, and was immediately applied in Public security stations within the city. Depending on the national structure of the employees, as well as the structure of the population in municipalities with active Public security stations, national parties took over the control over those stations and by doing so created the favourable conditions to control the entire municipality area, considering that the army remained passive to those events. Without any resistance, SDA party took control over Public security stations in Stari Grad, Centar, Novo Sarajevo and Novi Grad, resulting in death of one Serbian policeman in Novo Sarajevo and extremely difficult position of Serbs in the area of Ilidža municipality, where authority was taken by the SDA party after the elections.

**This was the consequence of the real “take-over” by the SDA party! Further:**

Muslims considered the territory of Ilidža municipality very important, from political and military aspect, because of its position and specific strategic structures like roads and railway that link Sarajevo with Eastern and Central Bosnia and Herzegovina.

**p.4:**

Since the defence line was created, the attacks on free territory increased, especially on the settlement in Kasindolska street and Nedarići, the line of Health Centre, Šumarska and Pejton.

From all attacks that have been carried out, we set apart as follows: Strong artillery-infantry attack was carried out on the frontline near Health Centre on the 04.04.1992, but was successfully repulsed by members of police force, even though the enemy used 2 APCs while the only thing we had at our disposal were infantry armament and a few anti-armoured devices.

General attack on all defence lines of free territory was carried out on 22.04.1992 with strong artillery equipment and lasted for 12 hours. 83 exploded shells were counted only in the immediate proximity of the Public security station. Police unit from Public security station Hadžići participated in defence of the Pejton front line.

Strong and sudden attack was carried out on 14.05.1992 from the direction of Sokolović Kolonija and Hrasnica, during which several volunteers lost their lives and the enemy seriously endangered our control on that territory.

**And then the first Serb counteroffensives started 6 weeks after the first Muslim offensives, see the same document P2308, p.5:**

13.05.1992, in joint action with Hadžići Public security station, Binježevce was liberated and by doing so, free territory of Hadžići municipality was joined to Ilidža.

In period between 15.05.-31.05.1992 big territory of Rakovica local municipality was liberated and by doing so free territories of Kobiljača and Blažuj were joined, while causing severe losses to the enemy.

01.06.1992, beginning of the action of liberation of Ahatovići, Muslim strategic point, where their factory for armament and ammunition was located. The action was successfully brought to an end, joining territories of Butile and Rajlovac. Mijanović Miroslav was killed in this action and one member was wounded.

**Here is the village of #Ahatovici, almost eight weeks after the war broke out#, although the Serbs have known it as a #Muslim stronghold#, nobody touched them until the Muslim forces from Doglody issued an ultimatum to the Serb villages in the vicinity of Ahatovici! How it was possible that the UN Court justified so many illegal, unlawful and anti-Constitutional acts of the Muslim secessionists, and intend to sanction and punish every single defence of the Serb side? This is going to be mentioned throughout the time as a unique example!)**

2189. The Indictment alleges that on or about 29 May 1992 at least 15 men were killed after they were captured while fleeing from the village of Ahatovići.

2190. After the 30 Bosnian Muslims, who tried to break through enemy lines and escape towards Visoko, were hit by artillery fire as described above,<sup>7461</sup> The Bosnian Muslims surrendered to Serbs.<sup>7462</sup> Among the Serbs were Stevo Petričević, Dragan Koprivica, and Bato Arnautović.<sup>7463</sup> After their surrender, 15 of the Bosnian Muslim villagers, mainly those who were able to walk, were taken to a nearby road and made to sit.<sup>7464</sup> Koprivica and Arnautović then proceeded to shoot the 15 remaining men who were unable to walk, killing them all.<sup>7465</sup> At that point, Tintor, armed with a pistol and an automatic rifle and wearing a JNA uniform, along with a number of paramilitaries, appeared on the scene.<sup>7466</sup> Tintor then ordered that the men be lined up in pairs and taken to the Butile Barracks.<sup>7467</sup> **(If true, that would be #EXCULPATORY# for Tintor himself, and for the official policy of the Serbs in BiH!)**

2191. Several days after the incident, Ramiz Mujkić, who was hiding in the forest above Ahatovići at the time, observed an excavator digging three holes in three different locations in the village and a number of Serb soldiers throwing bodies in these holes, which were then covered with soil.<sup>7468</sup> **(It is clear even to children that those bodies had been the combat casualties. If it was not so, why the Serbs would wait for several days to bury them. Obviously, when it was assessed that there was no more Muslim combatants, the civil protection made the sanitation of the battlefield!)** In 1996, authorities from CSB Sarajevo exhumed the mortal remains of 25 Bosnian Muslim men and women from three different locations in Ahatovići.<sup>7469</sup> KDZ041 identified four of these individuals as victims of the above-described execution.<sup>7470</sup> **(And how come they had been executed on some other places and buried with the combat**

<sup>7461</sup> See para. 2186.

<sup>7462</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 21.

<sup>7463</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 22, 24 (under seal).

<sup>7464</sup> KDZ041, T. 12065 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 21 (under seal).

<sup>7465</sup> KDZ041, T. 12065 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 22, 24 (under seal). See also Adjudicated Fact 2610. Those killed included Jusuf Suljić, Nihad Tokmo, Bećir Žiga, Meho Žiga, and a man who went by the name “Kriminalac”. P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 22, 24 (under seal). Contrary to this evidence, Džino stated that the 15 Bosnian Muslim men were combatants who were killed during combat. D2387 (Witness statement of Stojan Džino dated 4 November 2012). The Chamber, however, does not accept Džino’s evidence for the following reasons. First, KDZ041 gave reliable and detailed evidence of the executions of the 15 captured Bosnian Muslim men which he witnessed. Second, the Chamber found Džino’s evidence to be generally marked with contradictions. **(But, how the Chamber would explain that there was no the Muslim combat casualties whatsoever, not only in Ahatovići, but everywhere? All the combat casualties had been depicted as a victims of executions, and that was the result of the “preparations of witnesses by the Muslim secret services, see KDZ065, or 045@@@)**

<sup>7466</sup> KDZ041, T. 12066, 12108 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 25 (under seal).

<sup>7467</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 27 (under seal).

<sup>7468</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 83, 85; P2327 (Map marked by Ramiz Mujkić), pp. 1–2. See also D1105 (Supplemental information sheet for Ramiz Mujkić, 1 November 2004). On 3 June 1992, Ramiz Mujkić returned to Ahatovići and while moving through the village, was shot at. He escaped to the woods where he met Huso Gačanović and the two of them proceeded towards the forest known as Ptičija Glava, where they stayed until they were captured on 6 August 1992. P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 39–42, 44.

<sup>7469</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 64 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 84–86; P2341 (CSB Sarajevo report re exhumations in Ahatovići, 15 October 1996), p. 1; D1105 (Supplemental information sheet for Ramiz Mujkić, 1 November 2004); P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 13–14. These 25 individuals are Elma Bešić (female, 1976), Razija Bešić (male, 1953), Džemail Bukalo (male, 1959), Mesud Burić (male, 1965), Admir Čaušević (male, 1972), Osman Čaušević (male, 1948), Elvedin Đedović (male, 1975), Hamid Divolić (male, 1950), Osman Evendić (male, 1954), Avdo Gačanović (male, 1944), Hamid Gačanović (male, 1952), Šerifa Hrustanović (female, 1942), Ramiz Hrvačić (male, 1950), Vahid Ligata (male, 1966), Nihad Mešanović (male, 1970), Samir Mujkić (male, 1966), Ajša Novalija (female, 1951), Šaban Peljto (male, 1969), Meho Rizvanović (male, 1966), Jusuf Suljić (male, 1961), Nijaz Šehović (male, 1962), Nihad Tokmo (male, 1970), Ahmo Uhota (male, 1951), Bećir Žiga (male, 1953) and Meho Žiga (male, 1930). In P4853, the name Šerifa Hrustanović appears twice, once as the daughter of Meho with 1942 as the year of birth and once as son of Jusuf with 1950 as the year of birth. However, in P4883 (Data on exhumations in the Sarajevo region in the period of 1996–1998), p. 18, it is stated that Ramiz Hrvačić was born in 1950 and that his father’s first name was Jusuf. Having had regard to the name of father and the year of birth, the Chamber is satisfied that the second entry in P4853 was intended for Ramiz Hrvačić and not Šerifa Hrustanović. What is more, in P4883, the first name of Nijaz Šehović (male, 1962) is recorded as Nihaz. Nevertheless, the Chamber finds that this discrepancy is so minor that it does not have a bearing on the Chamber’s finding with respect to Scheduled Incident A.9.1. Also, in P4883 Džemail Bukalo’s first name is recorded as Džemal. However, the Chamber finds that this discrepancy is very minor. In P4883 Mesud Burić’s first name appears as Mensud. The Chamber finds that this inconsistency is also very minor.

<sup>7470</sup> The individuals identified by KDZ041 as victims of Scheduled Incident A.9.1 are Jusuf Suljić, Nihad Tokmo, Bećir Žiga and Meho Žiga. P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 13, 26.

**casualties, being killed on a quite different places? Who transported them, and for what purpose? Also, what prevented the KDZ041 to lie and count the combat casualties into his “list” of an alleged execution?)**

2192. The Prosecution submits, based on Amor Mašović’s evidence, that in addition to the above four individuals identified by KDZ041, a number of other individuals out of the 25 exhumed as well as three individuals whose remains were exhumed on 9 December 1994 by UNPROFOR from a separate place in Ahatovići are also victims of Scheduled Incident A.9.1.<sup>7471</sup> However, the Chamber, based on the evidence before it, cannot conclude whether or not each of these additional individuals is a victim of Scheduled Incident A.9.1.

**2193. In light of the foregoing, the Chamber finds that, following the attack on Ahatovići, on or about 1 June 1992, the Serb Forces executed 15 Bosnian Muslim men who had surrendered. (#Protected lies#! This had not been proven properly, as a criminal law would demand. This fact compromises all the unnecessary “protective measures” because the protection enables endless lies! Thus the Defence do not have any possibility to rebut these kind of an obscure assertions with the help of the public!)**

i. Scheduled Incident D.15

2194. The Indictment refers to the destruction of the Ahatovići mosque on or about 4 June 1992.<sup>7472</sup>

**2195. The Chamber received evidence that a detonation destroyed the Ahatovići mosque, leaving only the stump of its minaret standing.<sup>7473</sup> Stojan Džino testified that it happened on 4 June 1992, during the combat activities related to the attack on Ahatovići village, and that he observed the explosion from a distance.<sup>7474</sup> Džino heard rumours that the ammunitions and the explosives that had been stored in the mosque by Bosnian Muslims had been hit by a heavy-calibre weapon, thus causing a significant explosion which destroyed the entire mosque.<sup>7475</sup> Ramiz Mujkić denied that explosives were stored in the mosque.<sup>7476</sup> Mujkić, moreover, testified that he returned to Ahatovići in the morning of 3 June 1992.<sup>7477</sup> According to Mujkić, at that time, the Muslim houses were being guarded by local Serbs and that for this reason he had to travel through the village via Serb houses.<sup>7478</sup> The Chamber also notes that contrary to Džino’s assertion that combat activities were still ongoing on 4 June 1992, a SerBiH MUP Report indicates that by 3 June 1992, Serb Forces had assumed control of Ahatovići.<sup>7479</sup> (Since there is the evidence on the #abuse of the Islamic community# and Islamic objects# for the purpose of the war, this moment should have been treated due to rule “in dubio pro reo”. But, stil the main question**

<sup>7471</sup> These three individuals are Ešref Mujkić (male, 1938), Amir Novalija (male, 1965) and Vejsil Novalija (male, 1936). P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 13–14; Prosecution Final Brief, Appendix G (Schedule A.9.1 section).

<sup>7472</sup> Indictment, Scheduled Incident D.15.

<sup>7473</sup> Ramiz Mujkić, T. 12458–12459 (25 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 45; P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 63 (under seal); András J. Riedlmayer, T. 22532–22533 (8 December 2011); P4069 (Cultural destruction database), record 332; P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), e-court pp. 201–204; Stojan Džino, T. 29866–29867, 29888 (7 November 2012). *See also* Adjudicated Fact 2662.

<sup>7474</sup> Stojan Džino, T. 29866–29867 (7 November 2012). However, contrary to Džino’s assertion that there were combat activities in Ahatovići on 4 June 1992, the Chamber has received reliable documentary and testimonial evidence that on 3 June 1992, Serb Forces were in control of Ahatovići. *See fn.* 7484–7486.

<sup>7475</sup> Stojan Džino, T. 29866–29867 (7 November 2012) (referred to in the Defence Final Brief, para. 1712, in support of the Accused’s submission that if the mosque had been used for military purposes, it lost the protection given to it by Article 3(d) of the Statute).

<sup>7476</sup> Ramiz Mujkić, T. 12458–12459 (25 February 2011).

<sup>7477</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 39.

<sup>7478</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 40.

<sup>7479</sup> P2333 (SerBiH MUP Report re Romanija–Birčani CSB, 3 June 1992), p. 1.



**is: what does it have to do with the President? The local people attacked and defended in accordance with the assumed jeopardy, and nobody could have influenced it!)**

**2196.** On the basis of the foregoing, the Chamber finds that the mosque in Ahatovići was destroyed due to a detonation on 4 June 1992 and that Serb Forces were responsible for causing the detonation which destroyed the mosque. **(#Absurdity#! Why the Serbs would bring such an amount of explosive so far from their barracks, just to use it without any purpose? If it was so, during the transport they could have been hit by fire, and all the construct is unbelievable! And what has it to do with the President?)**

i. Scheduled Detention Facility C.17.1 and Scheduled Incident B.12.1

2197. The Indictment alleges that cisterns near the Rajlovac Army Barracks were used as a detention facility in June 1992,<sup>7480</sup> and that “a number” of men detained there were killed between 1 June 1992 and 14 June 1992.<sup>7481</sup>

2198. As noted above,<sup>7482</sup> Bosnian Muslim men were captured following the attack on Ahatovići, after which Tintor ordered that they be transferred to the Butile Barracks. On the way to the Barracks, the men were subjected to threats as well as physical and verbal abuse.<sup>7483</sup> When they reached a supermarket, some 200 metres from the Butile Barracks, they encountered about 100 well-armed White Eagles mistreating a number of villagers who had been captured from Dobroševići and other neighbouring villages.<sup>7484</sup> **(#Not “Bosnian Serb liable#! The White Eagles weren’t under any of the Bosnian Serbs control and command, but remained after the #JNA as it’s volunteers#! There is a sufficient evidence that the only legal forces were the VRS and the Police of the Republic of Srpska!)** The White Eagles and some local Serbs then beat the detained men with iron bars, rifle butts, and wooden batons.<sup>7485</sup> At one point, one of the men was told that Arkan’s men would soon take custody of the detainees.<sup>7486</sup> Soon afterwards, the Bosnian Muslim detainees were forced to run the gauntlet and board a military bus.<sup>7487</sup> On the bus, they were forced to sing “Chetnik songs”<sup>7488</sup> and, the Serbs cursed Alija Izetbegović and the detainees’ “balija mothers”.<sup>7489</sup> The bus travelled to the “army fuel depot” in Rajlovac.<sup>7490</sup> Once there, the detainees were ordered to lie down on the grass where they were beaten with sticks and had a pair of dogs unleashed on them.<sup>7491</sup> Some detainees were then put on a truck and taken to Orao where their wounds were bandaged.<sup>7492</sup> **(The White Eagles were #not under the authorities control#, while somebody in Orao took care of the detainees wounds!)** Afterwards, they were taken back to Rajlovac Barracks and placed in a cistern or reservoir, which by that time housed approximately 90 detainees.<sup>7493</sup> Adjoining this cistern was a bigger cistern,

<sup>7480</sup> Indictment, Scheduled Detention Facility C.17.1.

<sup>7481</sup> Indictment, Scheduled Incident B.12.1.

<sup>7482</sup> See para. **Error! Reference source not found.**

<sup>7483</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 27 (under seal).

<sup>7484</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 27 (under seal).

<sup>7485</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 27–30 (under seal).

<sup>7486</sup> KDZ041, T. 12104 (17 February 2011).

<sup>7487</sup> KDZ041, T. 12083 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31 (under seal). A SerBiH MUP report indicates that after the attack on Ahatovići, some 50 Green Berets and HOS members were captured and sent for interrogation to the Rajlovac Barracks. P5425 (Report of RS MUP, 3 June 1992). See also Adjudicated Fact 2626.

<sup>7488</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31 (under seal).

<sup>7489</sup> See Adjudicated Fact 2626.

<sup>7490</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31; KDZ041, T. 12083 (17 February 2011).

<sup>7491</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31 (under seal).

<sup>7492</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31 (under seal); Ramiz Mujkić, T. 12428 (25 February 2011).

<sup>7493</sup> KDZ041, T. 12068 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31 (under seal).

which housed approximately 130 Bosnian Muslims and Bosnian Croats from Dobroševići, Mihaljevići, Bojnik, Kobiljska, and Bioča.<sup>7494</sup>

2199. The two cisterns formerly belonged to “Energopetrol Company” and had not been used since 1985.<sup>7495</sup> They housed the male detainees.<sup>7496</sup> Near the cisterns were two buildings which were the premises of “Tehnogas Company” and the Distribution Centre.<sup>7497</sup>

2200. On the morning of 2 June 1992, Mile Stojanović arrived and introduced himself as the commander of the “camp”.<sup>7498</sup> He wore a blue uniform which, although very similar to the police uniform, did not have any insignia.<sup>7499</sup> On that occasion, Stojanović was accompanied by an individual named Šok and four others.<sup>7500</sup> Šok wore the same blue uniform and also had a Yugoslav flag sewn onto his shirt.<sup>7501</sup> Stojanović then asked the detainees for their identification cards and made a list of their names,<sup>7502</sup> while Šok asked them about the weapons they had used and the nature of their duties.<sup>7503</sup> **(Just to be clear: “[ok” in Albanian meant “friend” or “drug” in Serbian. Since the two belonged obviously to the “Orao” Factory, belonging to the JNA, he may have been an Albanian, but not necessarily!)** Šok also inquired whether Hasan Mujkić, Husein Mujkić, and Meho Novalija, who were SDA political leaders, had been present during the attack on Ahatovići.<sup>7504</sup> After the prisoners were registered, Šok and his four men took two Bosnian Muslim men out of the cistern and beat them while questioning them about the weapons they used.<sup>7505</sup> When Stojanović returned on the same day, he saw the bruises on the men and promised that it would not happen again.<sup>7506</sup> Stojanović then indicated that there would be two prisoner exchanges, one involving women and children and the other at Kobilja Glava, involving the prisoners from the smaller cistern.<sup>7507</sup> Despite Stojanović’s pledge, however, on a nearly daily basis Šok took two or three prisoners in front of the cisterns and subjected them to beatings.<sup>7508</sup> On one occasion, he and his men took out two men, beat them and broke the latter’s arms.<sup>7509</sup>

**2201.** Due to the deposit of rainwater in the cisterns, the detainees were forced to stand for the entire duration of their detention.<sup>7510</sup> They received no food or water during the first three days of their detention and afterwards received very little food and water.<sup>7511</sup> On or about 3 June 1992, Šok forced a number of prisoners who did not have visible signs of injury to appear before a Serb television crew and state that they were being treated well.<sup>7512</sup> **(#Lie ad absurdum#! Not**

<sup>7494</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31 (under seal).

<sup>7495</sup> KDZ041, T. 12067–12069 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 31, 48 (under seal); P2311 (Photograph of cisterns); P2327 (Map marked by Ramiz Mujkić), pp. 1–2; P2343 (Information report of Ramiz Mujkić, 4 July 2004), pp. 8–10.

<sup>7496</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 49; D1105 (Supplemental information sheet for Ramiz Mujkić, 1 November 2004).

<sup>7497</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 33 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 46–47; P2327 (Map marked by Ramiz Mujkić), pp. 1–2; P2343 (Information report of Ramiz Mujkić, 4 July 2004), p. 5.

<sup>7498</sup> KDZ041, T. 12081 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 34–35 (under seal); D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court p. 5. See also Adjudicated Fact 2627.

<sup>7499</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 34 (under seal). There is evidence that Mile Stojanović held the rank of Sergeant Major in the MP. See P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 53–54, 67–68; D1101 (Excerpts from witness statements of Ramiz Mujkić, undated), e-court pp. 4, 7; D1103 (Supplemental witness statement of Ramiz Mujkić dated 28 April 2000), p. 2; P2325 (Medical certificate re Ramiz Mujkić, 22 August 1992), p. 1; Ramiz Mujkić, T. 12382 (24 February 2011).

<sup>7500</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 34 (under seal).

<sup>7501</sup> KDZ041, T. 12105, 12108–12109 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 34 (under seal).

<sup>7502</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 34 (under seal).

<sup>7503</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 34 (under seal).

<sup>7504</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 34 (under seal).

<sup>7505</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 36 (under seal).

<sup>7506</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 36 (under seal).

<sup>7507</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 36 (under seal); KDZ041, T. 12122 (17 February 2011).

<sup>7508</sup> KDZ041, T. 12105 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 37 (under seal).

<sup>7509</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 37 (under seal).

<sup>7510</sup> KDZ041, T. 12069 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 31 (under seal).

<sup>7511</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 38 (under seal). See also Adjudicated Fact 2628.

<sup>7512</sup> KDZ041, T. 12100 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 39 (under seal).

**probable, since nobody would survive in a metal cistern in June for three days without water! If true about the appearance before the TV crew, it would obviously mean that Stojanovic as a superior, as well as the Serb public was not allowed to know the real state in the detention. But, from 1 June to 3 June is not as long period as said in these paragraphs, which probably was one and a half day!)**

**2202.** During the first week of June 1992, three new prisoners, namely Hajro Delić, his son, and Džemail Sačić were brought to the smaller cistern.<sup>7513</sup> A few days into his detention, Delić was taken away and brought back the following day, severely injured.<sup>7514</sup> He told the other prisoners that he had been severely beaten and abused by Šok on orders from Nikola Stanišić and that during the questioning, Stanišić had asked for one million German Marks as the price for releasing him.<sup>7515</sup> Soon after that, Delić succumbed to his injuries and died.<sup>7516</sup> **(A very #weak and loose evidence#. For such a criminal case, there should be a firm evidence, and in particular connected to the President, since that was a development among the local Muslims and Serbs, who knew each other well, and a plethora of motives could have been involved! What does it have to do with the President?)**

**2203.** On two occasions, a man by the name of Žuti who was rumoured to be Tintor's chauffeur and a former "member of the Special Forces of Dragan Vikić" came to the smaller cistern, called out the names of a number of prisoners, indicating that they were to be taken for exchange in Ilidža.<sup>7517</sup> None of these individuals have since been seen alive and KDZ041 heard that the remains of some of them were found at the Vlakovo city cemetery.<sup>7518</sup> **(This level of #"hear-say"# is not correct and shouldn't be included in such a case!)**

**2204.** On one occasion, Žuti approached one of the cisterns and threw in a gas grenade.<sup>7519</sup> Immediately after Žuti had left, one of the guards opened the door to the cistern so that the prisoners could come out for fresh air.<sup>7520</sup> **(So, the guard as an official helped the detainees, while "Žuti" and his capacity is unknown for sure! #Next level#!)**

**2205.** Between 1 and 14 June 1992, Stojanović, Šok, and other members of the special unit accompanied a man to one of the cisterns; this man then pointed out Enver Čelik, alleging that Čelik had abused his sister.<sup>7521</sup> Šok and the other men took Čelik behind the cisterns, hanged him by his arms and killed him by hitting him twice in the back with iron bars.<sup>7522</sup>

**2206.** On 12 June 1992, the prisoners from the smaller cistern were told that they would be taken to Kobilja Glava, in order to be exchanged.<sup>7523</sup> The next day, Stojanović called the names of 56 individuals and instructed them to board two trucks.<sup>7524</sup> The two trucks travelled to a police station in Sokolac, then to the Koran Barracks, on to Rogatica, and finally to Pale, where they

<sup>7513</sup> KDZ041, T. 12069 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 40 (under seal).

<sup>7514</sup> KDZ041, T. 12069 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 40 (under seal).

<sup>7515</sup> KDZ041, T. 12069–12070, 12106 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 40 (under seal). KDZ041 testified that Stanišić and Delić had an argument even before the war. KDZ041, T. 12069–12070, 12106 (17 February 2011).

<sup>7516</sup> After Delić's death, his son and an individual by the name of Edin were transferred to the other reservoir in order to be exchanged. KDZ041, T. 12070, 12129 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 40 (under seal).

<sup>7517</sup> According to KDZ041, these individuals included Edin Brajlović, Zajko Brajlović, Zijo Brajlović, another person with the last name Brajlović, two persons with the last name Salkić, a man called Amir who was from Dobroševići, Rusmir Pašić and Kadrija Ramadani. KDZ041, T. 12070–12071, 12124–12125 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 41–44 (under seal).

<sup>7518</sup> KDZ041, T. 12071 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 42–44 (under seal).

<sup>7519</sup> KDZ041, T. 12106–12107 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 41, 43 (under seal).

<sup>7520</sup> KDZ041, T. 12106–12107 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 41 (under seal).

<sup>7521</sup> KDZ041, T. 12070, 12128–12129 (17 February 2011).

<sup>7522</sup> KDZ041, T. 12070, 12128–12129 (17 February 2011). When cross-examined as to why he never mentioned this incident before, KDZ041 testified that he did mention it but that it was never recorded for some reason.

<sup>7523</sup> KDZ041, T. 12122 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 45 (under seal).

<sup>7524</sup> KDZ041, T. 12122 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 45 (under seal).

stopped near the Panorama Hotel.<sup>7525</sup> At about 6 p.m., the trucks returned to Rajlovac.<sup>7526</sup> At that point, the larger cistern was empty as the people detained there had been exchanged on that day so the 56 detainees were placed there.<sup>7527</sup> On 14 June 1992, Hamo Karić, whose injuries had become infected, was taken out of the cistern in order to be exchanged.<sup>7528</sup>

**2207.** During the course of their respective cross-examinations, Stojan Džino and Mihajlo Vujasin both conceded that the civilians from Ahatovići had been taken to the Rajlovac Barracks and detained.<sup>7529</sup> @@@ Vujasin even admitted that a few of the Bosnian Muslims were subjected to beatings there and that he had risked his life when ensuring that the detainees were not harmed by “certain individuals”.<sup>7530</sup> **(As usually, “the next level”, i.e the first immediate superior tried to rectify misdeeds of some individuals. The superiors are the legitimate representatives of the official policy, not some renegades that neglected the President’s order pertaining to the treatment of POWs and civilians! But, let us see what Mr. Vujasin said, T.31804 to T.31806, and how a “cleverness” of the Prosecutor distorted the answers: Q. The Trial Chamber has also heard evidence that by the end of the war there was only one Muslim family living in Ahatovici. Does that sound about right to you? A. I just know that the population had fled to Rajlovac and from Rajlovac into town and then wherever they wanted to go, that is to say in accordance with their own wishes. As for this family, I cannot say. I don’t really know. They could have returned. Whoever wanted to could return after these unfortunate developments -- Q. All right. You -- A. -- because they had this free will that they could express. However, the set of circumstances then was very difficult. Would you allow me to explain that? Q. No. But you can explain it if Mr. Karadzic deems it important in redirect, but let me ask you another question. Were you aware that as a result of this operation several hundred people from this settlement were detained in different places in Rajlovac? Were you aware of that? A. That I do know, and I barely survived, I and Mirko Krajisnik, in terms of these consequences -- may I proceed? Q. Stop there for a moment and let’s just back up. You just said -- I asked about people being detained, and you said, as I understand it, I do know and I barely survived in terms of consequences. Are you suggesting you were detained? A. No, not me, taking care that these people do not get hurt. I’m referring to people who sought shelter in the Rajlovac barracks, from Mijatovici Brda, Zenica. These people who were expelled from Central Bosnia, they were all in barracks and officers and soldiers and families and they were all there, whereas these people had fled to our territory so we saved them and we had to provide for them. We had nowhere else to put them up so we were taking care of them so they would not be victimised in any way, and that’s what happened. Fire was even opened at Mirko Krajisnik. Q. All right. So you say that when this attacked happened, you were at a meeting elsewhere, but now I understand it that you are suggesting that when these people were detained, you had some -- some role in ensuring that they were safe. Is that what we’re to understand? A. Saved, yes. Yes, saving these people who had fled. Q. Sir, the Trial Chamber has heard evidence that a number of these people were maltreated. They were beaten. They were kept in inhumane conditions. Were you aware of that? A. I knew that they were not beaten or anything. There were situations when one individual or two would be beaten up. There was this rage. We had terrible problems to prevent that, to prevent individuals from doing that. We had terrible problems to prevent these unfortunate things happening, and these unfortunate things being done by certain individuals. I mean, people had rifles and how would I know whether they’d open a burst of gunfire at them or whatever. I mean, it wasn’t good. It’s not even good to think about that, about all the things that could have happened but fortunately did not happen. Q.**

<sup>7525</sup> KDZ041, T. 12122 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 46 (under seal).

<sup>7526</sup> KDZ041, T. 12122 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 47 (under seal).

<sup>7527</sup> KDZ041, T. 12122–12123 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 47 (under seal).

<sup>7528</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 49 (under seal).

<sup>7529</sup> Stojan Džino, T. 29857–29858 (6 November 2012), 29872–29873 (7 November 2012); Mihajlo Vujasin, T. 31805 (20 December 2012).

<sup>7530</sup> Mihajlo Vujasin, T. 31805–31806 (20 December 2012).



*And these were individuals who were subordinated to you, were they not?* **4. In the barracks you cannot say that they were subordinated to me, because this was an open-type barracks. There wasn't a classical army. That is to say that units came, groups of 10 to 15 men, and then they joined up to create a brigade. So, That was a sort of trickery, not a search for the truth. Mr. Vujasin clearly said, as much as he was allowed, that these people had been sheltered there, rather than "detained", he also described how many rage was tehe at the people, the Serbs, who were chasen out of their homes and villages, as well as how the groups of the armed people weren't "a classical army"! It is one problem, how the Prosecutor took care of "squising" confusing and "milking out" the answers he wanted to here from an army officer, but the most probl;ematic was why the #Chamber accepted this kind of #cunning conduct#!?!)**

**2208.** Between 9 and 18 June 1997, the remains of nine Bosnian Muslim men were exhumed from the Vlakovo cemetery in Ilidža municipality.<sup>7531</sup> Out of those, six were identified by KDZ041 as having been killed during their detention in the cisterns.<sup>7532</sup> According to Amor Mašović, with the exception of Edin Brajlović who was recorded as last seen alive on 17 June 1992 in Ahatovići, all these individuals were last seen alive on 1 or 2 June 1992 in Ahatovići.<sup>7533</sup> The forensic evidence establishes the cause of death of seven of the nine victims as either gunshot to the head, gunshot to the chest cavity or injury to the head.<sup>7534</sup> In light of the foregoing evidence, the Chamber finds that all of these nine individuals were killed, while detained in two cisterns near the Rajlovac Army Barracks some time during the first half of June 1992. **(The Muslim-witnesses of the Prosecution were #free to lie# as much as they wanted. Vlakovo was a regular, official cemetery for the entire City of Sarajevo. It is a several tens of kilometres far from Sarajevo, and Rajlovac too. There is no a single proof that they hadn't been killed during the combats, and everyone could have stated they were executed, while they were not! Anyway, since there was several days of a fierce fighting in all, the Muslim and Serb villages: where are depicted the combat casualties? Edin Brajlovic was seen last time on 17 June, how it happened he was buried with the alleged execution victims from the Rajlovac Barracks? Why it was so easy to deceive the Chamber?)**

**2209.** Based on the foregoing, the Chamber finds that two reservoirs or cisterns near the Rajlovac Barracks had been turned into makeshift prisons for the male detainees and that the men detained there were given very little food and water and were forced to stand for the duration of their captivity. Further, the Chamber finds that the guards at this makeshift detention facility routinely subjected the male detainees to interrogations and beatings. **(That had not been established that these were the guards, but some other individuals, rarely and prevented by the officials!)** The Chamber notes that some of the men, including KDZ041, were combatants

<sup>7531</sup> These nine individuals are Imer Bajramović (male, 1950), Edin Brajlović (male, 1963), Zajko Brajlović (male, 1939), Zijad Brajlović (male, 1962), Refik Džaferović (male, 1955), Džemal Efendić (male, 1958), Amir Habibović (male, 1955), Rusmir Pašić (male, 1969) and Kadrija Ramadani (male, 1933). P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 86–87; P4883 (Data on exhumations in the Sarajevo region in the period of 1996–1998), p. 45; P4884 (Sarajevo Cantonal Court records relating to the Vlakovo Exhumation, 17 June 1997), pp. 8–9, 19–20, 41–42; P4850 (Witness statement of Amor Mašović dated 23 March 2012), Annex A, pp. 5–7; P4885 (Sarajevo Cantonal Court record of post-mortem examination of victims exhumed at Vlakovo, 25 August 1997), pp. 33–39. As regards the death of Edin Brajlović whose date of disappearance is indicated as 17 June 1992 in P4853, the Chamber has given consideration to the following facts. First, Edin Brajlović's cause of death was established as gunshot wound to the head. Second, according to evidence, Žuti removed him and a number of individuals from the cisterns and none of these individuals ever returned. Third, the body of Edin Brajlović was discovered at the same location where the remains of the eight individuals killed by Serb Forces were found, that is, in the mass grave in Vlakovo cemetery in Ilidža municipality. Based on these considerations, the Chamber finds that the reference in P4853 to 17 June 1992 as the day Edin Brajlović was last seen alive must be erroneous.

<sup>7532</sup> These six individuals are Edin Brajlović, Zajko Brajlović, Zijo Brajlović, Amir Habibović, Rusmir Pašić and Kadrija Ramadani. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 44 (under seal).

<sup>7533</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 86–87.

<sup>7534</sup> P4885 (Sarajevo Cantonal Court record of post-mortem examination of victims exhumed at Vlakovo, 25 August 1997), pp. 33–39. The forensic documentation does not indicate the cause of death of the remaining victim, namely Zajko Brajlović. In relation to Imer Bajramović, the Chamber notes that the cause of death was determined to be penetration of the body by harpoon. See P4885 (Sarajevo Cantonal Court record of post-mortem examination of victims exhumed at Vlakovo, 25 August 1997), pp. 29–30.

prior to their detention.<sup>7535</sup> **(It would be reasonable to presume that all the able bodied #Ahatovici men were combatants#!)**

**2210.** The Chamber also finds that sometime during the first week of June 1992, Serb Forces killed two Bosnian Muslim detainees in or near the cisterns<sup>7536</sup> and that sometime during the first half of June 1992, Serb Forces removed nine Bosnian Muslim men from the cisterns in the Rajlovac Barracks and subsequently killed them.<sup>7537</sup> **(Let us first see what really KDZ041 said on the subject, T. 12070-71: Q. Witness, in your statement, this is at paragraph 44, you state that on or around the 10th of June, Zuti came to your container and called ten people out. And you go on to say that you A. Yes. Q. They had never been heard of or seen again. Do you have any information as to what became of those ten men? A. These men were allegedly taken out for an exchange. As far as I can remember, it was stated that they were taking them to Ilidza. However, as far as I can remember, I never heard of them again. I mean, I heard that they had been killed and some of them were found at Vlakovo, in the city cemetery. (Is that all? How possibly any chamber could have drawn such an inference from this testimony? If the Muslims had been “taken out for an exchange” and all other is hear-say, while the same witness said that some of them had been found in Vlakovo the city cemetery. The most probable inference would be that they had been exchanged, and some of them died in combats, and were buried in Vlakovo! Another question is: what kind of the Serb forces were those from whom Vujasin, as an officer was scared and risked his life to protect the detainees? But, the main problem with this Judgement is – there is #no evidence that those men had been killed out of the combats#. How was it possible that so fierce fightings went without the combat casualties? It was possible, because all of them had been depicted as a men killed in executions!#Combatants depicted as civilians#!)**

i. Scheduled Incident B.12.2

2211. The Indictment alleges that at least 47 men were taken from the cisterns and killed near Srednje in Ilijaš municipality on or about 14 June 1992.

2212. On 14 June 1992, at about 7 p.m., heavily armed men dressed in black and white camouflage uniforms, black balaclavas, and red berets whom KDZ041 thought were “Special Police Forces”, arrived at the cisterns and ordered the detainees, including KDZ041, to form a single line and board a civilian bus as they were to be exchanged in Kobilja Glava.<sup>7538</sup> Upon entering the bus, a guard hit the prisoners and ordered them to lie down on the floor, face down with their hands behind their heads.<sup>7539</sup> As they were many, they had to lie on top of one another in order to fit into the bus.<sup>7540</sup> Žuti drove the bus while two guards watched the detainees.<sup>7541</sup> Four cars containing members of what KDZ041 referred to as “Special Police Forces” were escorting the bus, two in the front, and two behind the bus.<sup>7542</sup> The bus then drove to a barricade near Srednje where Žuti asked for directions to the village of Sokolina.<sup>7543</sup> By this time, the two

<sup>7535</sup> See paras. 2190, 2193.

<sup>7536</sup> These two individuals are Hajro Delić and Enver Čelik. See paras. 2202, 2205.

<sup>7537</sup> These individuals are Imer Bajramović, Edin Brajlović, Zajko Brajlović, Zijad Brajlović, Refik Džaferović, Džemal Efendić, Amir Habibović, Rusmir Pašić and Kadrija Ramadani. See paras. 2203, 2208.

<sup>7538</sup> KDZ041, T. 12071–12073, 12109–12110 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 50–51 (under seal). See also Adjudicated Fact 2629.

<sup>7539</sup> KDZ041, T. 12071, 12109–12110 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 51 (under seal).

<sup>7540</sup> KDZ041, T. 12071, 12109 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 51 (under seal).

<sup>7541</sup> KDZ041, T. 12071–12072, 12110 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 51–52 (under seal).

<sup>7542</sup> KDZ041, T. 12072, 12111–12112 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 51 (under seal).

<sup>7543</sup> KDZ041, T. 12110–12111 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 52 (under seal).

cars which had been travelling behind the bus had disappeared.<sup>7544</sup> Žuti proceeded to drive the bus for another ten minutes before stopping near the separation line.<sup>7545</sup>

2213. At that point, Žuti informed the detainees that the radiator had overheated and that he needed to cool it down, while one of the guards told the detainees not to stand up.<sup>7546</sup> About 10 to 15 seconds after Žuti and the guards had left the bus, KDZ041 heard a loud explosion, following which the bus was fired upon by automatic rifles, machineguns, and *Zoljas* from all directions for about 15 minutes, while hand grenades were thrown underneath it.<sup>7547</sup> Some of the prisoners attempted to escape but were shot and killed.<sup>7548</sup> Shortly after the shooting stopped, KDZ041 heard the cars in the escort start their engines and drive off.<sup>7549</sup> **(The escort cars were the Serb, no doubt about it. But, if the Serbs fired at the bus, why would the Serbs in escort escape?)** After this, two vehicles pulled over alongside the bus, and KDZ041 heard two men discussing whether to check for survivors, but they did not do so.<sup>7550</sup> Afterwards, six of the Bosnian Muslims who had survived the attack, including KDZ041, managed to get out and walk towards a nearby forest.<sup>7551</sup> However, due to the serious injuries which they had sustained, two of the survivors, namely Nedžib Gačanović and Safet Rizvanović, died shortly after.<sup>7552</sup>

2214. The four remaining survivors walked all night and eventually made their way to Vukašovići, a village under the control of Bosnian Muslim TO.<sup>7553</sup> The residents of Vukašovići, along with the Bosnian Muslim TO, then went to the scene in order to pull the dead bodies from the bus and, while at the scene, discovered another two survivors.<sup>7554</sup> In addition, two more survivors were later found in the village of Palanka.<sup>7555</sup> **(If so, then this point was #not under the Serb control#, i.e. on the Serb side of confrontation line. Otherwise the Muslim TO wouldn't be there without fighting!)**

2215. The dead bodies were eventually removed from the bus, while the burned and damaged bus was filmed by a certain Ibrahim.<sup>7556</sup> Towards the end of the removal, a number of VRS members, headed by Dragan Ikanović, who was from Srednje and who was allegedly a commander of Serb police,<sup>7557</sup> appeared at the scene accompanied by two trucks in order to tow the bus.<sup>7558</sup> Ikanović and his men were told to leave.<sup>7559</sup> **(How come, Ikanovic was not killed, if the Serbs did it? Also unusual and even peculiar: if it was the Muslim TO on the Serb**

<sup>7544</sup> KDZ041, T. 12111–12112, 12131 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 52 (under seal).

<sup>7545</sup> KDZ041, T. 12073, 12113, 12115 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 53 (under seal); P2343 (Information report of Ramiz Mujkić, 4 July 2004), p. 13 (photograph showing both sides of the road). *See also* Adjudicated Fact 2629.

<sup>7546</sup> KDZ041, T. 12073 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 53 (under seal).

<sup>7547</sup> KDZ041, T. 12074–12075, 12112, 12120–12121, 12131–12132 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 53, 57 (under seal); P2343 (Information report of Ramiz Mujkić, 4 July 2004), p. 15. *See also* Adjudicated Fact 2629.

<sup>7548</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 53 (under seal).

<sup>7549</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 53 (under seal).

<sup>7550</sup> KDZ041, T. 12074, 12131 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 54 (under seal).

<sup>7551</sup> KDZ041, T. 12075 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 55 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 49.

<sup>7552</sup> KDZ041, T. 12074–12075, 12114 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 55 (under seal).

<sup>7553</sup> KDZ041, T. 12075, 12112, 12115–12116 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 55 (under seal).

<sup>7554</sup> KDZ041, T. 12114–12115 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 55–56 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 49.

<sup>7555</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 56 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 49.

<sup>7556</sup> KDZ041, T. 12076–12077, 12116, 12118 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 60 (under seal); P2312 (Video footage of burned bus); P2343 (Information report of Ramiz Mujkić, 4 July 2004), pp. 12–14.

<sup>7557</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 50 (under seal); P3629 (Report on the work of the VRS Military Prosecutor's Office for 1992), p. 9.

<sup>7558</sup> KDZ041, T. 12116, 12118 (17 February 2011). The Chamber is mindful that in his witness statement, KDZ041 stated that “[w]hen the villagers of [Vukašovići] reached the spot where the massacre had occurred, they found a Chetnik patrol there with two trucks”. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 55 (under seal). The Chamber however, does not find that this discrepancy is so acute that it would undermine the overall credibility of KDZ041’s evidence with respect to Scheduled Incident B.12.2.

<sup>7559</sup> P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 55 (under seal).

**territory, there would be a skirmish. It seems that there were the Muslim civilians, that the point where the bus had been probably the Muslim, or “on no man’s land.” It is also peculiar that the KDZ041 was there after what happened, and was able to see what happened ).**

Members of the Bosnian Muslim TO then used tractors to take the bodies to the village of Ravne, in Ilijaš municipality, and buried them in a mass grave near that village.<sup>7560</sup> Before the burial, the survivors of the attack managed to identify 40 out of the 47 individuals who had been killed on the bus.<sup>7561</sup> A few days later, Ikanović and his men came back and set the bus on fire.<sup>7562</sup>

**(#Absurdity#! How the KDZ041 knew that? And would any of the Muslim combatants so easily come to the Serb territory to burn the bus? And why they burned the bus? Maybe because there were evidence that the Muslim side fired against the bus? And why the Serb soldiers would have come to tow the ruins of the bus? And if it was done by the Serbs, why the Serbs would destroy their own bus, which was a very valuable asset?)**

**2216.** The remains of 47 Bosnian Muslim men were exhumed from a mass grave in the village of Ravne on 24–26 June 1996.<sup>7563</sup> According to Amor Mašović, each of these 47 individuals was recorded as last seen in either Ahatovići or Dobroševići on 1 June 1992.<sup>7564</sup> **(So what? What does it say about the way they died and whose responsibility was that?)**

**2217.** The President contends that due to conflicting evidence it is impossible to properly ascertain the identity of the perpetrators who carried out the attack on the bus.<sup>7565</sup> He submits that there is evidence that tends to show, on the one hand, that Boro Radić—a man who frequently acted without orders and who was psychologically unstable—had organised the attack, and on the other hand, that the attack had been carried out by Brne’s group—a paramilitary unit led by

<sup>7560</sup> KDZ041, T. 12075, 12077–12078, 12117–12118 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 58 (under seal); P2313 (Video footage of burial); P2343 (Information report of Ramiz Mujkić, 4 July 2004), p. 16.

<sup>7561</sup> KDZ041, T. 12078 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 58–59 (under seal). According to Ramiz Mujkić, his sister’s husband and her son who was almost 21 years old were both killed during the attack on the bus on or about 14 June 1992. Ramiz Mujkić stated, moreover, that 13 individuals with the last name Mujkić were killed in the incident. Mujkić added that Zaim Rizvanović who was the fifth son in his family survived the bus incident whereas his four brothers died. P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 49.

<sup>7562</sup> KDZ041, T. 12116 (17 February 2011).

<sup>7563</sup> These 47 individuals are Hamid Adilović (male, 1951), Meho Bašić (male, 1944), Salem Bečić (male, 1945), Ahmilo Bečković (male, 1967), Fadil Bečković (male, 1968), Nusret Bečković (male, 1972), Edin Bešić (male, 1971), Šućrija Bešić (male, 1949), Ibrahim Boloban (male, 1929), Amir Duraković (male, 1960), Jusuf Džuhro (male 1949), Alija Gačanović (male, 1949), Čazim Gačanović (male, 1955), Mufid Gačanović (male 1968), Mujo Gačanović (male, 1929), Mustafa Gačanović (male, 1959), Nedžib Gačanović (male, 1952), Samir Hrustanović (male, 1966), Ejub Kalkan (male, 1935), Ale Mehmedović (male, 1956), Nedžad Mešanović (male, 1970), Midhat Muharemović (male 1958), Armin Mujkić (male, 1968), Eldin Mujkić (male, 1974), Emir Mujkić (male, 1973), Fikret Mujkić (male, 1956), Hemed Mujkić (male, 1936), Mirsad Mujkić (male, 1958), Muhamed Mujkić (male, 1949), Refik Mujkić (male, 1952), Salem Mujkić (male, 1952), Šaćir Mujkić (male, 1963), Uzeir Mujkić (male, 1935), Zijad Mujkić (male, 1973), Ramiz Novalija (male, 1946), Ramiz Peljto (male, 1968), Ismet Rizvanović (male, 1958), Izet Rizvanović (male, 1960), Mehmed Rizvanović (male, 1961), Nedžad Rizvanović (male, 1972), Sulejman Rizvanović (male, 1945), Enes Suljić (male, 1950), Enver Suljić (male, 1952), Muhamed Suljić (male, 1936), Salih Suljić (male, 1934), Suad Suljić (male, 1972), and Ramiz Ušto (male, 1972). P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 87–89; P4883 (Data on exhumations in the Sarajevo region in the period of 1996–1998), pp. 32–34. In P4853 (Updated Table 2 to the Report of Amor Mašović), p. 88, reference is made to Midhat Muharemović, born in 1958 and son of Murat. However, in P4883 (Data on exhumations in the Sarajevo region in the period of 1996–1998), p. 32, reference is made to Fikret Muharemović, born in 1958 and son of Murat. Having had regard to the name of father and the year of birth, as well as the fact that KDZ041 mentions the name Midhat Muharemović, the Chamber is satisfied that the correct first name of the victim in question is in fact Midhat and not Fikret. P2310 (Witness statement of KDZ041 dated 14 February 2011), p. 59 (under seal).

<sup>7564</sup> P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 87–89. The Chamber notes that there are some discrepancies between the forensic evidence and the evidence of KDZ041 as regards the names of some of the victims of Scheduled Incident B.12.2. More specifically, KDZ041’s witness statement contains references to Meho Pašić, Salem Bešić, Ahmed Bečković, Šućro Bečić, Samir Hrustenmović, Almir Mujkić, Edmir Mujkić, Mehmed Mujkić, Šaćir Mujjić, Ismet Rizvan, Nedžad Rizvan, and Sulejman Rizvan. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 59 (under seal). By contrast, in the forensic reports of BiH authorities dealing with exhumation and identification of victims, the names of these individuals are recorded as Meho Bašić, Salem Bečić, Ahmilo Bečković, Šućrija Bešić, Samir Hrustemović, Armin Mujkić, Emir Mujkić, Hemed Mujkić, Šaćir Mujkić, Ismet Rizvanović, Nedžad Rizvanović and Sulejman Rizvanović. P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 88–89; P4883 (Data on exhumations in the Sarajevo region in the period of 1996–1998), pp. 32–34. However, the Chamber considers these inconsistencies to be minor and accordingly concludes that these are in fact the same individuals. Further, KDZ041’s witness statement contains references to four persons who are not listed in the above-mentioned forensic reports, i.e., Nazif Mujkić, Safet Rizvan, Vahid Rizvan, and Nijaz Tiro. P2310 (Witness statement of KDZ041 dated 14 February 2011), para. 59 (under seal). Similarly, the forensic reports refer to 11 individuals who are not mentioned in the witness statement of KDZ041, i.e., Hamid Adilović, Fadil Bečković, Nusret Bečković, Ibrahim Boloban, Jusuf Džuhro, Ale Mehmedović, Nedžad Mešanović, Ramiz Peljto, Izet Rizvanović, Mehmed Rizvanović, and Ramiz Ušto. P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 88–89; P4883 (Data on exhumations in the Sarajevo region in the period of 1996–1998), pp. 32–34. Having considered these inconsistencies, the Chamber does not consider them to be of significance, as it is satisfied, as will be seen below, that 47 men indeed died in this incident.

<sup>7565</sup> Defence Final Brief, para. 1710.



Branislav Gavrilović, which the Bosnian Serb authorities tried to disband or even liquidate because of their criminal activities and substance abuse.<sup>7566</sup> Finally, the President argues that there is also evidence which indicates that the attack on the bus was carried out by Bosnian Muslims who erroneously thought that the bus was filled with Serbs.<sup>7567</sup>

2218. The Chamber will now identify and analyse the relevant evidence which implicates Bosnian Serb forces in the attack on the bus and examine whether there are inconsistencies in such evidence: (i) KDZ041 testified that he heard that the “main organisers” of the attack on the bus were Boro Radić, Dragan Ikanović, and Ratko Adžić;<sup>7568</sup> **(How KDZ041 was “reliable witness” “could be seen from his testimony on T.1266** *The second thing I wish to point out is that when we were taken prisoner, when Joja Tintor came to us, he introduced himself to us and he asked whether there were any wounded persons there. And from his military bag he took something out and gave us something to keep us warm. He wore the summer uniform of the JNA. He had a pistol at the waist. He had a military bag, and on his head, he wore a cap with a five-pointed red star. (Mr. Tintor would be the last one all over the world to have red star on his cap, since he comes from the sworn royalist family. In June 92 it is unbelievable that anybody had the red star on cap.!)* (ii) Eset Muračević, a Bosnian Muslim who was detained in Vogošća municipality in the second half of 1992, stated that he had heard from a fellow detainee that a Serb prison guard by the name Predrag Žarković, alias Božur, was “[a]mong the group of Chetniks” who carried out the attack on the bus;<sup>7569</sup> and (iii) KDZ601 testified that [REDACTED], he heard [REDACTED] that Branislav Gavrilović from Vučija Luka and his unit had “hit” the bus with *Zoljas*.<sup>7570</sup>

2219. The Chamber, Judge Morrison dissenting, does not consider that the evidence of KDZ041 contradicts the evidence of Muračević on this issue because Muračević simply stated that Žarković was among the group of Chetniks who carried out the attack on the bus; he did not claim that Žarković was a main organiser of the attack. **(Why the Chamber “forgot” to point out that Muracevic #only heard# that Zarkovic was there?** The Chamber, Judge Morrison dissenting, is also satisfied that the evidence of KDZ601 is not in conflict with the evidence of KDZ041 on this question because KDZ601 did not testify that Gavrilović and his men were the main organisers of the attack. Similarly, the Chamber, Judge Morrison dissenting, is of opinion that the evidence of KDZ601 does not contradict the evidence of Eset Muračević because Muračević merely spoke of one of the participants in the attack. **(#He heard!#)** In light of the foregoing, the Chamber, Judge Morrison dissenting, is of the view that there is no conflict in the evidence of these witnesses on the question of the identity of the perpetrators of the bus attack. **(The only that hadn’t been established properly are the perpetrators! Not to mention what does it have to do with the President? But, this is the question that should be posed for every single incident!)**

2220. The Chamber will now assess the evidence in light of the President’s argument that the bus was attacked by Bosnian Muslims who mistakenly thought that it was filled with Serbs.<sup>7571</sup> There is indeed evidence that Mirko Krajišnik informed Momčilo Krajišnik that Muslims had

<sup>7566</sup> Defence Final Brief, paras. 1707–1708.

<sup>7567</sup> Defence Final Brief, para. 1709.

<sup>7568</sup> KDZ041, T. 12075 (17 February 2011); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 50, 61 (under seal). According to KDZ020, Boro Radić was a common criminal from Vogošća who had the support of the SDS and eventually was integrated into the VRS and given the rank of colonel. KDZ020, T. 12524 (28 February 2011) (private session).

<sup>7569</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 20, 60. On Eset Muračević’s detention, see Scheduled Detention Facilities C.26.1, C.26.3.

<sup>7570</sup> P2399 (Record of interview with KDZ601, 18 April 2005), pp. 38–42 (under seal); KDZ601, T. 18590–18592 (8 September 2011). The Chamber received evidence that Branislav Gavrilović was known and referred to by the municipal authorities of Ilidža as the commander of all SAO Romanija volunteer units. P2302 (Approval of the War Board of Commissioners of Ilidža Municipality, 9 July 1992); Nedeljko Prstojević, T. 12988 (8 March 2011). Witness Velimir Dunjić stated that the unit of Branislav Gavrilović was in the zone of responsibility of the Igman Brigade and that, after a while, it put itself under the command of the Igman Brigade. D2451 (Witness statement of Velimir Dunjić dated 12 November 2012), para. 13.

<sup>7571</sup> See Defence Final Brief, para. 1709.

intercepted a bus carrying detained Muslims and, mistaking the occupants of the bus for Serbs, had opened fire on the bus, killing all the detainees and heavily wounding two Serb guards.<sup>7572</sup>

2221. However, there is also evidence that Momčilo Krajišnik gave instructions to the Bosnian Serbs in Rajlovac that nothing should happen to the Bosnian Muslim men detained there. More specifically, on 8 June 1992, Momčilo Krajišnik informed a certain Mijatović in Rajlovac that his brother Mirko had told him “about problems with these captured men”, and stated that nothing should be done which would be wrong or outside of the rules.<sup>7573</sup> He also told Mijatović that he was ready to help find a solution.<sup>7574</sup> Krajišnik reiterated his position to another interlocutor in the same conversation, emphasising that nothing should be done to the men.<sup>7575</sup>

**(#EXCULPATORY#, for Mr. Krajisnik and the other Serb officials! How the Chamber excluded the possibility that Krajisnik spoke about other difficulties with the detainees, what Vujasin described as his personal risk? There is no a mere indication that Momcilo Krajisnik spoke about some future problem with the bus, that may happen after a week, whyle he couldn't know about this transport at all!!!)**

2222. In this regard, the Chamber notes that Mirko Krajišnik himself was involved in dealing with the detainees at the Rajlovac Barracks. This was brought out by Ramiz Mujkić, who testified that, on the morning of 7 August 1992 while he was detained at the Rajlovac Barracks, Mirko Krajišnik and others visited him in his cell, and enquired about the whereabouts of Hasan Mujkić and his brother Husein, the witness's son Elvir Mujkić, and a person named Junuz Mujkić.<sup>7576</sup> Ramiz Mujkić further testified that on 22 August 1992, Stojanović and two other members of the MP took him from the Žica Hospital in Blažuj to Planjo's House in Svrake.<sup>7577</sup> According to Ramiz Mujkić, Mirko Krajišnik subsequently intervened in order to have him exchanged.<sup>7578</sup> **(One after another, #all exculpatory#, or irrelevant to this case! What does it have to do with the transfer of the Ramiz Mujkic to Planjo's hous? Mirko Krajisnik made a noble move to have exchanged this man!)**

2223. The Chamber also notes that on 20 June 1992 in an intercepted conversation, Mirko Krajišnik informed two individuals with the names Ćamil and Šemso that 284 prisoners from the cisterns near the Rajlovac Barracks had been exchanged whereas 50 additional prisoners had been sent home.<sup>7579</sup> During the same conversation, Mirko Krajišnik, referring to the group of 50 prisoners, told Šemso that there were people with the last name Gačanović amongst them and added “[y]ou heard that there were some casualties among them.”<sup>7580</sup>

<sup>7572</sup> D1088 (Intercept of conversation between Momčilo Krajišnik and Mirko Krajišnik, 15 June 1992), pp. 1, 5–6.

<sup>7573</sup> P2334 (Intercept of conversation between Momčilo Krajišnik, Mijatović and Ljubiša Vladušić, 8 June 1992), pp. 1–2.

<sup>7574</sup> P2334 (Intercept of conversation between Momčilo Krajišnik, Mijatović and Ljubiša Vladušić, 8 June 1992), p. 1.

<sup>7575</sup> P2334 (Intercept of conversation between Momčilo Krajišnik, Mijatović and Ljubiša Vladušić, 8 June 1992), p. 4.

<sup>7576</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 59; Ramiz Mujkić, T. 12400–12409 (25 February 2011); D1105 (Supplemental information sheet for Ramiz Mujkić, 1 November 2004). The Chamber does not accept the Accused's assertion that since witness Ramiz Mujkić had failed to mention the visit by Vlasto Apostolski, Nikola Poplašen, and Mirko Krajišnik in his previous statements, his evidence on the same should necessarily be ignored by this Chamber. The Chamber has received evidence which corroborates Mujkić's account of the visit by Mirko Krajišnik. On 20 August 1992, during an intercepted telephone conversation, Bakir Alispahić informed Mirko Krajišnik that a person by the name Nikola had paid a visit to Ramiz Mujkić and asked whether Krajišnik could arrange for Mujkić's release. Although Krajišnik did not expressly acknowledge having seen Mujkić, he implied that he knew that Mujkić had been injured and subsequently told Alispahić that “[w]e agreed for some kind of exchange for him”. P2337 (Intercept of conversation between Mirko Krajišnik and Bakir Alispahić, 20 August 1992), p. 3.

<sup>7577</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 67–68. On Mujkić's detention at Planjo's House, *see* Scheduled Detention Facility C.26.1.

<sup>7578</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 58; D1105 (Supplemental information sheet for Ramiz Mujkić, 1 November 2004).

<sup>7579</sup> D1089 (Intercept of conversation between Ćamil and Mirko Krajišnik, 20 June 1992), pp. 1–2.

<sup>7580</sup> D1089 (Intercept of conversation between Ćamil and Mirko Krajišnik, 20 June 1992), p. 2. The Chamber notes that the forensic documentation concerning Scheduled Incident B.12.2 refers to six people with the last name Gačanović. *See* fn. 7570.

2224. An engaging feature about this conversation, in which Mirko Krajišnik told Šemso, a Bosnian Muslim, that 50 detainees were sent home and that there were some casualties amongst them, was that at no stage did Mirko Krajišnik mention that Muslims were to blame for the casualties. The Chamber, Judge Morrison dissenting, is of the view that had Bosnian Muslims in fact been responsible for the attack on the bus, Mirko Krajišnik would have raised the matter with Šemso in that conversation which occurred less than a week after the bus attack. **(Why would Mirko Krajišnik start a conversation with Šemso on such a sensitive matter? Was Krajišnik talking about those 50 Muslims, or other one, who tried to break towards Visoko? See what the KDZ041 said on T.12065** A. *When we tried to make a breakthrough to the nearby forest and head onwards to Visoko, fierce infantry fire was opened from the forest and from the surrounding area at a group that was in a plum grove. Some ten men were either shot dead or wounded. I was among the wounded. I was wounded in the leg.* **Wasn't it more genuine and more probable what Mirko said to his brother Momčilo Krajišnik? Why here does not value the principle: #“In dubio, pro reo”#? Or it is sufficient that there existed Mirko Krajišnik, who had shown some interest in a humane outcome of the detention, to conclude that the Serbs are vilaines?)**

2225. The evidence described in the foregoing paragraphs, when taken together, leads the Chamber, Judge Morrison dissenting, to conclude that Mirko Krajišnik deliberately provided Momčilo Krajišnik with misinformation on what had become of those Muslim detainees in respect of whose safety Momčilo Krajišnik had previously articulated his apprehensions. **(Even if so, a high Serb official as Momčilo Krajišnik had an attitude completely opposite to what happened, committed by insufficiently identified individuals. Another question would be: why Mirko Krajišnik would lie to his older brother and thus lead him into an illusion? There is no logical defence to this assertion and finding of the Chamber!#Official proper attitude#!)**

2226. In addition, further analysis of evidence lead the Chamber, Judge Morrison dissenting, to be convinced that the above attack on the bus was carried out by the Serb Forces. **(#This is the last possible inference#!)**

2227. First, KDZ041 stated that just before the attack, the two escort cars behind the bus left the scene; thereafter, Žuti claimed that the engine of the bus had overheated, and along with the guards left the bus. **(This is #incorrect use of the facts#: first, it was not Zuti who said that the engine was overheated, it was the driver, se what KDZ041 responded to the Prosecutor, T. 12073: Q. Very well. I'll continue. Witness, I want to take you now to the moment when Zuti got off the bus to put some water into the cooler of the engine. Could you just describe, and keep it fairly short, what you were able to see or hear just when he -- when you -- when he decided to get off the bus? A. When we came to this place that was called Sokolina, I heard the driver, because on the bus there were two men who were escorts, guards, who asked him why he stopped. He said that the engine was boiling and that he had to add some water into the cooler. What I heard was the stream, the brook, nearby, when the bus stopped.)** **And it was a spot where the road was approaching the brook, because the witness heard the stream, therefore the bus stopped because of that, not because of some other count!#Had there been any intention to fire against the bus, there wouldn't be any question from the guards#!)** Merely 10 to 15 seconds after Žuti and the guards had left the bus, the attack on the bus commenced.<sup>7581</sup> The Chamber, Judge Morrison dissenting, is of the view that had the attack been carried out by Bosnian Muslims, it would have been stretching coincidence past breaking point for them to have anticipated the precise time that the engine of the bus would have overheated and to have been in the right place at that exact time so that they could have sprung their ambush.<sup>7582</sup> **(Again, #wrong**

<sup>7581</sup> See paras. 2212–2213.

<sup>7582</sup> For this reason, the Chamber finds that Žuti and the guards were involved in the attack on the bus, although it is possible that they were not the main organisers of the attack as they could have found easier ways to kill the Bosnian Muslim men.

**use of the facts#. The very same witness testified different, see T.12073, see above, that it was determined by the vicinity of the creek. But, if it were the Serbs, destroying the bus is so irrational and unrealistic, since there was a shortage of everything, and a bus was of a great value. This inference, together with the insecure identity of the perpetrators is also available. There is more that #enough doubts#!)**

**2228.** Further, the evidence of KDZ041 is that he was face down in the bus and bodies were on top of him; he was therefore unable to see anything. KDZ041 testified that shortly after the shooting had stopped, he heard the engines of the escort cars start up and the cars drive off. He then heard two vehicles pull alongside the bus and two men discuss whether they should check for survivors. According to KDZ041, these two men did not enter the bus and instead got into their vehicles and left the scene.<sup>7583</sup> It is clear to the Chamber, Judge Morrison dissenting, that notwithstanding his inability to see during and immediately after the attack, KDZ041 heard what was happening around him. The Chamber assessed KDZ041 to be a credible and reliable witness and accordingly, found no good reason to reject his evidence about the things he said he heard. **(How many times the cars surrounding the bus had left the spot? If one count these cars, would see that it is inconsistent. The two cars behind left the scene before the attack. Immediately after the shooting the escorting cars left the scene. After that KDZ041 heard another two cars pull alongside the bus, and the two men discussing. This is too unbelievable. This witness may be prepared to testify by the Muslim secret service!)**

**2229.** The Chamber also heard from KDZ041 that the residents of the Muslim village of Vukaševići and the Bosnian Muslim TO went to the scene and removed the bodies from the bus; that towards the end of the removal process, a number of VRS soldiers headed by Dragan Ikanović appeared on the scene with two trucks in order to tow the bus away; and that they were told to leave. The Chamber also heard from KDZ041 that a few days later, Ikanović and his men returned and set the bus on fire.<sup>7584</sup> The Chamber, Judge Morrison dissenting, cannot comprehend the inordinate interest displayed by Ikanović and the VRS members in that bus, although allegedly it had been attacked by Muslims, to the extent they were bent on towing it away; and after that attempt failed, they returned and destroyed it a few days later. **(This is only in a case of trusting the witness who couldn't know so many things. How possibly KDZ041 could have known the events after the 14 June? Did he returned to the spot, although he was wounded in leg while breaking through to Visoko, see: T.12065 ...and from the surrounding area at a group that was in a plum grove. Some ten men were either shot dead or wounded. I was among the wounded. I was wounded in the leg. (#A protected lies#! In spite of that wound, KDZ041 was everywhere and saw or heard everything, no wonder why he wanted the protected status!!! How possibly the Muslim TO had an access to the spot where the bus had been fired at? Had it been the Serb controlled territory, there must have been a confrontation line. How the Muslim TO would manage the bodies, how they would bury them? Why they would bury them in a mas grave, without dignity and ceremony? See T.12077-78: Q. And in the second part of that video we saw human bodies. Could you tell the Court what you know about those? A. Those were the bodies of the people who were butchered in the bus. They were pulled out by members of the TO. And with their assistance, since TO was in the area, and was commanded by Dzafer Heric, they were brought up there to this location and buried. They were loaded on two tractors. Q. Now, in your answer a moment ago, where you said that residents dug a mass grave in which the massacred residents of Ahatovici village were buried, were you referring to the victims of the attack on Ahatovici or to the victims of the bus massacre? A. I was referring to the victims of the attack on the bus.? (#A protected lies#! The Muslim**

<sup>7583</sup> See paras. 2212–2213.

<sup>7584</sup> See para. 2215.



territorial defence (TO) behaved as if they had been at their home, which was the truth, because the Muslim TO wouldn't be able to do so many operations on the Serb territory!

But, if the bus of the VRS was hit by the Serbs, and the escort disappeared, which is #not logical#, it is more than normal to expect somebody to come for the bus and the bodies. Contrary to the inference of the Chamber, it would be unusual that nobody appeared to see what happened. And since the Muslim villagers were still there, it must be that the VRS appeared pretty soon after the incident. The actions of Ikanović and the VRS members impel the Chamber, Judge Morrison dissenting, to the conclusion that they manifestly sought to destroy the important evidence of the large killing incident. Their actions would have made no sense if the attack had been carried out by the Bosnian Muslim forces. (#Not logical#! But, initially they came to tow the bus away, not to destroy it. If they wanted to destroy the important evidence, and if the "Serb Forces" did it, they wouldn't do that sacrificing the bus and leaving "the important evidence" on the road, but would rather execute the detainees somewhere else, and save the bus. And if the "Serb Forces" did it, they would resolve the bus problem without any delay.

2230. Finally, the Chamber must also address the evidence of KDZ601. In the opinion of the Chamber, KDZ601, [REDACTED], evinced pronounced bias in favour of the Accused during cross examination.<sup>7585</sup> (The page 18597 didn't contain any of these what is suggested by the Chamber. The witness confirmed the facts known to all and everybody! There is nothing on the pages T.18604-18605, except if the Prosecution-Chamber expected the Prosecution's witness not to confirm the President questions with the answers known to everyone! Not a single confirmation of the Chamber suggestions on pages T, 18615-616! There was also nothing corroborative of the Chamber's conclusion on the pages T.18634-18635! Therefore, only if the Prosecutor's witness was supposed to be anti-Accused, would be credible!#Missing sense#!) In the throes of this bias, however, he implicated Serb paramilitaries in the attack, leaving the Chamber, Judge Morrison dissenting, with the abiding impression that he was being forthright with the Chamber in this respect.

2231. In conclusion, having found (i) that there is no inconsistency in the evidence of witnesses on the question of the identity of the perpetrators of the bus attack; (No positive identification!) (ii) that the evidence of KDZ041 is reliable; (Many things KDZ041 couldn't have known, but he said it!) (iii) that the initial attempt by Ikanović and the VRS members to tow the bus away and then their ultimate destruction of the bus is indicative of a determination on their part to destroy the evidence of the killing; (Illogical, as shown above!) (iv) that Mirko Krajišnik deliberately misinformed Momčilo Krajišnik; (How the Chamber knows that? And why would he misinform his brother?) and (v) that KDZ061 testified (#Contrary to the Chamber's conclusion#!) The KDZ061 didn't testify on this subject, but KDZ601 did, but he didn't say a bit of what the Chamber suggested! Finally, even if some witnesses implied the paramilitaries, the President couldn't be liable for the conduct of a formations that the President disowned, and the system persecuted!) with forthrightness when he described the involvement of Serb paramilitaries in the attack on the bus, the Chamber, Judge Morrison dissenting is satisfied beyond reasonable doubt that on 14 June 1992, Serb Forces, including Žuti, other guards, and paramilitaries, attacked a bus filled with Bosnian Muslim male detainees with grenades and automatic weapons, and killed 47 Bosnian Muslim men.

(H) Movement of the population from Novi Grad

<sup>7585</sup>

See e.g. KDZ601, T. 18597, 18603–18604, 18615–18616, 18634–18635 (8 September 2011).

2232. Bosnian Muslims and Croats left the Novi Grad municipality *en masse* during the conflict. During a conversation that took place on 21 May 1992 between Colonel Milosav Gagović, Acting Commander of the JNA 4<sup>th</sup> Corps Sarajevo,<sup>7586</sup> and Nedeljko Prstojević, the former informed the latter that Muslims were fleeing Dobrinja and that he had taken measures to ensure that they knew that only entire families would be allowed to leave the area.<sup>7587</sup> **(But, the Serbs controlled only several percents of the Novi Grad territory, i. e. several Serb settlements, except for Ahatovici and Dobrosevici (mixed village) That were the two parts of Dobrinja, Nedzarici, Rajlovac. What “take over” could be talking of? Anyway, the exhibit D1236 is misused for the purpose of this thesis of the Prosecution-Chamber, let us see:D1236, p. 1**

Prstojević Nedeljko:	Alija is worrying me, he's not taking care of his people.
Gagović Milosav:	He's not?
Prstojević Nedeljko:	Not at all.
Prstojević Nedeljko:	I will have to explain to that people of his, explain them that it's his fault, it's because he doesn't care and he doesn't take care about the adults or the children.
Gagović Milosav:	Sure.
Prstojević Nedeljko:	That he is showing no interest.
Gagović Milosav:	You do what you can in that regard.
Prstojević Nedeljko:	Well, we fed them, we gave them errr, tea, bread, milk.
Gagović Milosav:	Those children aren't to blame for anything.
Prstojević Nedeljko:	No, they are not.
Gagović Milosav:	It is those hotheads that are behaving differently.

p.2

**Prstojevic is informing Colonel Gagovic how the Serb authorities are taking care of the Muslim minors, for whom Alija (Izetbegovic) doesn't care! Further: pp.2-3**

Gagović Milosav:	These Muslims are fleeing Dobrinja for no reason.
Prstojević Nedeljko:	Is that so?

**So, Gagovic, a Colonel of the JNA is informing Prstojevic, a local Serb official, that the Muslims are “fleeing Dobrinja for no reason”. The JNA Colonel is suspicious why they are doing so, “for no reason”, and assumes that the Muslim secret army is trying to leave only combatants in Dorbinja, so to be free to fight against the JNA and the Serb population. Further: p.3**

<sup>7586</sup> D2738 (Witness statement of Milosav Gagović dated 7 March 2014), para. 2.

<sup>7587</sup> D1236 (Intercept of conversation between Nedeljko Prstojević and Milosav Gagović, 21 May 1992), pp. 2–3; Robert Donia, T. 3140–3141 (31 May–3 June, 7–10 June 2010).

Gagović Milosav:	Yes. I ordered the press centre to release the information that we are allowing Muslims to leave Dobrinja, but as long as it's only entire families that are leaving.
Prstojević Nedeljko:	Yes, yes.
Gagović Milosav:	That means the husband, the wife and the kids.
Prstojević Nedeljko:	Yes, yes.
Gagović Milosav:	Entire family, but we won't allow only women and children to leave and leave those /men/ behind.
Prstojević Nedeljko:	Men you mean?
Gagović Milosav:	Yes.
Prstojević Nedeljko:	Not to leave the men behind, so that they can kill my people.

**(#Wrong presentation#! The Chamber, or those interns who assembled this Judgement, didn't interpret this document properly. The JNA Colonel Gagovic said they were "fleeing Dobrinja for no reason", but it was dropped out of this paragraph, and the rest was misinterpreted, while it was clear that the Muslim side was preparing an attack, and wanted to remove their minors and women out of the area! What is a #liability of the President,# or even of Prstojevic in this JNA #legitimate precautionary measure#s?)**

2233. According to KDZ041 and Ramiz Mujkić, during the period 1 to 14 June 1992, about 400 women and children from Ahatovići and the surrounding villages, including Ramiz Mujkić's mother, wife, and sister, were detained at the adjoining premises of Tehnogas Company and the Distribution Centre.<sup>7588</sup> The VRS also temporarily placed the Muslim women and children in the Gavrilović primary school after the attack on Ahatovići.<sup>7589</sup> **(#EXCULPATORY#!!! That is how it should be, to move the civilians out of the combat zone! On the other side, the Muslim extremists used to take their own civilians as a human shield, firing from the civil zones and exposing the civilians to the response fire!)** Further, a memorandum from the Rajlovac municipality Executive Board, dated 2 June 1992, referring to "captives from Ahatovići, the women and children", reveals an intention on the part of the Executive Board to confine them in the new part of the Tehnogas-Kiskana building.<sup>7590</sup> **(Intention?!?!? Knowing that all the Muslim civilians from Ahatovici had been facilitated to enter the Muslim part of Sarajevo, without any exchange or reciprocal gesture, #the only inference is that the authorities wanted to secure them# and to have them go to Sarajevo, which was their preference! Let us see what the document P5484 really said:**

3. Provide accommodation and food for the captives from Ahatovići, the women and children, in the new part of the TEHNOGAS-Kiskana building /?and secure / a permanent presence of women assigned from the S.O. /municipal assembly/ Rajlovac.

Alongside the already existing security, the Rajlovac Police Station is tasked with securing the facility.

4. The Centre for Social Work is tasked with providing documents on all captured persons and all of them were assigned a Red Cross family parcel which will be used in the prescribed manner.

**This is drastic, but usual and very frequent #abuse and misinterpretation# of the documents. No "confinement" is even alluded, but only an #"accommodation and food"#, with a permanent presence of women assigned by the authorities to take care of the Muslim women and children, so**

<sup>7588</sup> On 13 June 1992, the women, including Ramiz Mujkić's wife, sister, and mother, as well as the children who were detained in the Tehnogas Company premises and the Distribution Centre were exchanged. Ramiz Mujkić, T. 12455 (25 February 2011); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 47-48, 89; D1105 (Supplemental information sheet for Ramiz Mujkić, 1 November 2004); P2310 (Witness statement of KDZ041 dated 14 February 2011), paras. 32, 47 (under seal).

<sup>7589</sup> P5425 (Report of RS MUP, 3 June 1992).

<sup>7590</sup> P5484 (Memorandum of the Rajlovac Municipality Executive Board, 2 June 1992), p. 1.

**that a male are not involved in this task, nor anybody would dare to sexually assault the Muslim women. Instead of being commended, the Rajlovac authorities are blamed, and the President additionally charged!!!#Officials proper conduct#!)**

2234. Moreover, following the attack against Ahatovići, all the surviving Muslims in the village were either arrested or expelled, together with Serbs and Croats who were married to Muslims.<sup>7591</sup>

**(#Deadly combination#! Such a drastic “finding” based on an Adjudicated Fact, “adjudicated” in some other process, in which a defence didn’t have any interest to rebut it!!! Could this kind of deliberation happen in any of the countries that support this Court?)**

In a telephone conversation conducted on 25 June 1992, Petko Budiša who was the chief of Ilidža SJB from August to 20 September 1992 and who later became Chief of the CSB in Bijeljina,<sup>7592</sup> informed Slavko Lazendić from the Rajlovac SJB that he should not allow the entry or exit of any Bosnian Muslims to and from the area via the Bojnik bridge.<sup>7593</sup> **“To and from” excludes any “ethnic cleansing”! But, let us see how this document was used against this President: P2335, p. 4**

16 SL: Regarding taking Croats and Muslims there – is there any agreement about it?  
18 PB: Listen, there is an internal agreement with Croats.  
20 SL: Yes, but there is no agreement with Muslims, right?  
22 PB: But Muslims, he shouldn’t the Muslims /as stated/.  
24 SL: Well, there is a mess here. All police officers from the station have gathered  
25 here.

**p.5**

10 PB: As for the Croats, we shouldn’t make an issue of it.  
15 PB: As for the Muslims, you should continue working on it in accordance with the  
16 information that you have. It is true that some of them are involved in their  
17 actions.

**So, some of the Muslims are involved in the Muslim actions, but Budisa advised Lazendic to continue to work in accordance with the information...In other word, only criminals were of some interest of the Serb Police!# Proper conduct#!**

19 SL: Hold on, Petko. We do not have some here /sic/. We neither let them come in  
20 nor do we let them out of here.

**Since some of the Muslims are “involved in the actions”, the police is taking a precautionary measures**

4 SL: But, we don’t know what to do with the Croats. We have Croats here in  
5 Bojnik. There are many of them and they are legally here. I don’t know.  
6 Bosniaks... there are here.

**The translation is wrong. Lazendic said for the Croats: “There are many of them, and they are legal people” meaning they behave in accordance with the law!**

12 PB: You shouldn’t make any problems for them.  
14 SL: Yes, but what to do with the Muslims?  
16 PB: You shouldn’t create problems and you should maintain good relations with  
17 them.  
23 SL: But, what about the Muslims who go there and come back here via Bojnik,  
24 over the bridge?  
26 PB: No, you shouldn’t let Muslims do anything.

**So, the superior police officer ordered his subordinate to maintain a good relation with the Muslims, but not to allow them to move around freely, because “some of them are involved in their actions”! A good relations with the Croats weren’t disputable! #Proper conduct#!) During the**

<sup>7591</sup> See Adjudicated Fact 2667.

<sup>7592</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 9; P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 101.

<sup>7593</sup> P2335 (Intercepts of conversations between (i) Miodrag Stupar and Petko Budiša and (ii) Slavko Lazendić and Petko Budiša, 25 June 1992), pp. 4–7.



same conversation, Lazendić claimed that the area had been “liberated” and that it was “ethnically clean”.<sup>7594</sup> **( This was a mere bragging, but from the entirety of the document it is clear that it was not “ethnically clean”, because there was “many” Croats, and obviously the Muslims too, otherwise the orders and advises would be senseless, and wouldn’t be said anyway! But, this was a war, and the only reasons were the security reasons. Lazendic clarified whether the Serb police made any agreement with the Croats pertaining to Stup, would it belong to Croats,P2335, p. 7**

SL: Tell me, what is the agreement between you and Stup? Is there going to be... they?

PB: Yes. SL: There won’t be any fight? PB: No fight.

**#Three municipalities – peace#! That was the whole idea: that every ethnic community manages it’s own settlements, without any domination, and no fight was needed! The matter of return of refugees was regulated on the highest level of negotiations, under the auspice of the UN and EC, and didn’t depend of anyone’s colloquial remarks, but a premature return was so risky that shouldn’t be advised! THE ENTIRE DOCUMENT IS EXCULPATORY, BUT ALSO USEFUL TO IDENTIFY THE SERB POLICY AND INTENTIONS OF COEGSISTENCE. AND NO “ETHNIC PURITY, NO ETHNIC CLEANSING!#)**

2235. According to another report compiled by the Red Cross in Rajlovac, dated 1 October 1993, there were no Bosnian Muslims present in the Serb municipality of Rajlovac.<sup>7595</sup> **(No wonder, after so many skirmishes, and particularly since the Serb municipality of Rajlovac was a small area!)**

2236. The Accused claims that after the take-over of Ahatovići, a number of Bosnian Muslim and Bosnian Croat families wished to be taken to Sarajevo whereas some individuals remained throughout the entire war and even joined the VRS on a voluntary basis.<sup>7596</sup> **(The previous document P2335 corroborates what the President claimed for. If the Croats were “legal” there, do not make them any trouble. Maintain a good relations with the Muslims, but not let them to join their combatants! What is wrong with that, in a war zone?)** The President brought Stojan Džino and Mihajlo Vujasin, the deputy commander of the Rajlovac Brigade, to testify that the movement of population was voluntary.<sup>7597</sup> However, the Chamber found both witnesses to be evasive, biased and partisan. **(None of the Prosecutor witnesses would “pass” this test, particularly the Muslim witnesses, but the internationals too. All of them had been motivated to lie against the Serbs, some because they were the adversaries, and some, the foreigners, being prejudiced.)** The Chamber notes, as it did earlier,<sup>7598</sup> that despite their evasiveness, both Stojan Džino and Mihajlo Vujasin conceded that civilians from Ahatovići had been taken to the Rajlovac Barracks and kept there against their will. **(The civilians from Ahatovići tried to escape to Visoko, but there would be too many civilian casualties. They had to be #removed from the combat zone#, and the Rajlovac Barracks was the only choice. We saw the document P5484, how the Rajlovac authorities were concerned and acted responsibly with these civilians!)** The Chamber also recalls the evidence of Vujasin about the beatings of the civilians from Ahatovići and the surrounding areas and the dangers that they were exposed to.<sup>7599</sup> **(Vujasin, as an official of the Serb Army, VRS, exposed himself to a risk by defending the Muslims against some irregulars, and this can not be used against the Serb officials, but rather to commend them!)** The Chamber, further, notes the evidence concerning lootings and destruction of property.<sup>7600</sup> The Chamber also recalls its earlier findings regarding the destruction of the

<sup>7594</sup> P2335 (Intercepts of conversations between (i) Miodrag Stupar and Petko Budiša and (ii) Slavko Lazendić and Petko Budiša, 25 June 1992), p. 5.

<sup>7595</sup> P2340 (Rajlovac Red Cross report, 1 October 1993), p. 1. *See also* D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 63.

<sup>7596</sup> Defence Final Brief, para. 1698.

<sup>7597</sup> Stojan Džino, T. 29854–29856 (6 November 2012); Mihajlo Vujasin, T. 31804 (20 December 2012).

<sup>7598</sup> *See* para. 2207.

<sup>7599</sup> *See* para. 2207.

<sup>7600</sup> *See* paras. 2185–2187.

mosque in Ahatovići,<sup>7601</sup> the existence of detention facilities in Novi Grad municipality and the involuntary confinement of women, children and men therein<sup>7602</sup> as well the evidence which indicates that some civilians detained in such facilities were eventually exchanged for Serbs.<sup>7603</sup> **(It had been proven that the vast majority of the Muslim civilians moved out of the Ahatovici battlefield was released unilaterally to enter Sarajevo, since there was no Serbs who exited Sarajevo instead. The fourteen days of the detention of the civilians collected in the combat zone is misfortunate, but it wasn't really detention stricto sensu!)**

**2237.** Consequently, the Chamber finds that Serb Forces forced the non-Serb population out of the Serb-controlled parts of Novi Grad. **(#Lawful and obligatory#! As it is regulated by the domestic laws, and the international humanitarian law provisions, as well as the mutual agreements of the sides to the conflict, concluded under the auspice of the ICRC and other mediators, the most decisive is: whether there were a military, or a security reasons for moving the civilians out of some areas, it had to be done. See: D4710 :**

**We agree that all refugees will be permitted to return to the places from which they have been expelled and that civilians who are caught up in or trapped by the military situation, will be given freedom of movement.**

**Or see D1141:**

Considering that in the present situation in Bosnia-Herzegovina with generalized violations of International Humanitarian Law systematically committed against civilians, the lives of certain civilians in certain areas can only be saved if they leave temporarily their homes and reach temporarily other areas,

1. Civilians who desire to leave temporarily the territory controlled by one party to reach the territory controlled by another party should be entitled to do so.

3. The civilians should be able to leave in an organized transfer under international supervision and, if necessary, protection. Its security will be guaranteed by each party on the territory it controls.

4. Each party to the conflict guarantees to those who leave temporarily the territory it controls :

a) that their goods, assets and belongings will be respected and protected;

b) that they have a right to return home at a later stage if they wish so;

c) That any document, including a document renouncing or transferring property rights, assets or claims signed by a person who is about to leave temporarily has no legal validity and does not affect in any way that persons's rights or obligations.

5. Persons temporarily transferred to areas other than their areas of origin should benefit, as vulnerable groups, from international assistance, inter alia, in conformity with its mandate, by the ICRC.

**Only the Serb side secured an organised way of the transfer of population. The provision under c) pertaining to property rights the President codified in his document D1754 of 19 August 1992.**

3. That forced transfer of people and other illegal measures against civilian population must be prevented; certificates on property selling or written statements by refugees that they will not return, if any, are not legally valid and are out of force;

**Or see: D1603, p.9, signed by the three parties in London as early as on 22 May 1992:**

<sup>7601</sup> See para. 2196.

<sup>7602</sup> See paras. 2209, 2234.

<sup>7603</sup> See para. 2206.

The displacement of the civilian population shall not be ordered unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.

**So, the displacement could have been done legally under these two conditions: the security of this population, and #“imperative military reasons”#! What was not understandable to the Prosecution here, in this document? Instead of warning the Prosecution for such an incompetent charges, and for an absence of any military expert while assembling this Indictment, the Chamber accepted these claimes as if there was no domestic laws, international norms and mutual agreements of the sides! #The Chamber neglected laws and agreements#!):**

#### iv. Novo Sarajevo

##### (A) Charges

2238. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Novo Sarajevo as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>7604</sup>

2238. Acts of persecution alleged to have been committed in Novo Sarajevo by Serb Forces and Bosnian Serb Political and Governmental Organs include: (i) torture, beatings, and physical and psychological abuse, during and after the take-over as well as in the Slaviša Vajner Čiča Barracks in Lukavica, as cruel or inhumane treatment;<sup>7605</sup> (ii) rape and other acts of sexual violence during and after the take-over as cruel and inhumane treatment;<sup>7606</sup> (iii) the establishment and perpetuation of inhumane living conditions in the Slaviša Vajner Čiča Barracks, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or inhumane treatment;<sup>7607</sup> (iv) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes;<sup>7608</sup> (v) unlawful detention in the Slaviša Vajner Čiča Barracks;<sup>7609</sup> (vi) forced labour at the frontline and the use of Bosnian Muslims and Bosnian Croats as human shields;<sup>7610</sup> (vii) the appropriation or plunder of property, during and after the take-over, during arrests and detention, and in the course of or following acts of deportation or forcible transfer;<sup>7611</sup> (viii) the wanton destruction of private property, including homes and business premises, and public property;<sup>7612</sup> and (ix) the imposition and maintenance of restrictive and discriminatory measures.<sup>7613</sup>

2239. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>7614</sup> In this regard, the Prosecution alleges that

<sup>7604</sup> Indictment, paras. 48–49.

<sup>7605</sup> Indictment, para. 60(b). See Scheduled Detention Facility C.18.1.

<sup>7606</sup> Indictment, para. 60(c). The Prosecution does not allege criminal responsibility for rape and other acts of sexual violence at Scheduled Detention Facility C.18.1. Indictment, fn. 5.

<sup>7607</sup> Indictment, para. 60(d). See Scheduled Detention Facility C.18.1.

<sup>7608</sup> Indictment, para. 60(f).

<sup>7609</sup> Indictment, para. 60(g). See Scheduled Detention Facility C.18.1.

<sup>7610</sup> Indictment, para. 60(h).

<sup>7611</sup> Indictment, para. 60(i).

<sup>7612</sup> Indictment, para. 60(j). The Chamber notes that there are no cultural monuments and sacred sites with respect to Novo Sarajevo in Schedule D.

<sup>7613</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services.

<sup>7614</sup> Indictment, paras. 68–75.

by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Novo Sarajevo in which they had been lawfully present.<sup>7615</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, destruction of houses, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>7616</sup>

(B)Lead-up

2240. Novo Sarajevo, one of the ten Sarajevo municipalities, is located in the eastern part of Sarajevo city between Novi Grad and Ilidža on one side and Centar, Stari Grad, and Pale on the other.<sup>7617</sup> According to the 1991 census, the population of Novo Sarajevo comprised 95,089 people, among whom 35.7% were Bosnian Muslims, 34.6% were Bosnian Serbs, 15.9% were “Yugoslavs”, **(At least 15% of the “Yugoslavs” were the Serbs, since Yugoslavia was not popular among the secessionist ethnics in 1991. So, there was over 50% of the Serbs, which was reflected in the results of elections!)** 9.3% were Bosnian Croats, and 4.6% were “others and unknown”.<sup>7618</sup> The municipality included, *inter alia*, Grbavica, located south of the Miljacka River; Vraca, located 600 to 800 metres to the southwest of Grbavica; Pofalići in the north part of the municipality; and Lukavica in the southwest part of the municipality.<sup>7619</sup>

2241. After the formation of the SDS, SDA, and HDZ, a Novo Sarajevo SDS Steering Committee was appointed to establish local boards in the local communes and an SDS Municipal Board of Novo Sarajevo.<sup>7620</sup>

2242. As a result of the 1990 multi-party elections, the SDS won 24 assembly seats in Novo Sarajevo, the communist SDP won 23, the Reformist Party won 22, the SDA won 21, the HDZ won 7, and the Muslim Bosniak Organisation won 2.<sup>7621</sup> Žarko Đurović, from the SDS, was appointed as president of the Executive Board.<sup>7622</sup> Kasim Demirović, from the SDA, was appointed as president of the municipality.<sup>7623</sup> The post of vice president of the municipal assembly went to the HDZ.<sup>7624</sup>

<sup>7615</sup> Indictment, paras. 69, 72.

<sup>7616</sup> Indictment, para. 71.

<sup>7617</sup> P815 (Map of Sarajevo showing confrontation lines); P973 (Robert Donia’s expert report entitled “Bosnian Serb Leadership and the Siege of Sarajevo, 1990-1995”, January 2010), p. 8; Appendix B, Map 1. *See also* Adjudicated Fact 2.

<sup>7618</sup> P5964 (Census data for BiH by municipality in 1971, 1981, and 1991, April 1995), p. 2; P973 (Robert Donia’s expert report entitled “Bosnian Serb Leadership and the Siege of Sarajevo, 1990-1995”, January 2010), p. 9. *See also* Adjudicated Fact 5; P2577 (Press release of Novo Sarajevo municipality, 1 April 1992), p. 2; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16662–16663, 16676.

<sup>7619</sup> KDZ310, T. 9214, 9222, 9227–9229 (29 November 2010); D883 (Map of Sarajevo marked by KDZ310); P926 (Witness statement of Aernout Van Lynden dated 26 February 2010), para. 92. *See also* Adjudicated Facts 65, 67, 68.

<sup>7620</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 2. According to Šalipur, who was a member of the Steering Committee and the Municipal Board, Novo Sarajevo had about 16 local communes with local SDS boards but only half the boards, those of communes with a Serb majority, were active. D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 2. Milivoje Prijić was the president of the SDS Municipal Board. P2576 (Minutes of 13<sup>th</sup> session of Novo Sarajevo’s SDS Municipal Board, 28 February 1992), p. 2; Branko Radan, T. 31092 (6 December 2012).

<sup>7621</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 3 (further stating that 50% of the Reformists and SDP were Serbs). *See also* Branko Radan, T. 31090 (6 December 2012).

<sup>7622</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 3; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641; Radomir Nešković, T. 14276 (6 June 2011).

<sup>7623</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 3. Nešković referred to Đurović as, alternatively, “president of the municipal government in Novo Sarajevo”, president of the Executive Board, and “president of the municipal authorities”. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16640–16641, 16652, 16673.

<sup>7624</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 3.



2244. As in other parts of BiH, already growing tensions between Bosnian Serbs, Muslims, and Croats further increased with the war in Croatia.<sup>7625</sup> The Serbs demanded and established their own TV channel.<sup>7626</sup>

1. Creation of separate municipal institutions

2245. The Novo Sarajevo Crisis Staff was created in December 1991 in accordance with the Variant A/B Instructions, and Đurović was its president.<sup>7627</sup> According to Nešković, it was mandatory for those who received the Variant A/B Instructions to implement the document, and the recipients were Serb municipal presidents and representatives as well as possibly SDS municipal board officials.<sup>7628</sup> The Crisis Staff included SDS members of the municipal assembly of Novo Sarajevo.<sup>7629</sup> **(The Party Crisis Staff had nothing to do with the municipal CS, and was without any authority, except to inform the Main Board!)**

2246. Around February 1992 the President and Krajišnik were involved in resolving an internal conflict in Novo Sarajevo.<sup>7630</sup> The President and Krajišnik attended at least one meeting of the Novo Sarajevo SDS Municipal Board.<sup>7631</sup> The record of the 28 February 1992 meeting of the Novo Sarajevo SDS Municipal Board also indicates that the President and Krajišnik were to be notified of the decision taken at the meeting to designate the vice president of the Board to carry out the work of the president of the Board, from which Prijić had been relieved, until a new president was elected.<sup>7632</sup> **(All irrelevant! The President didn't impose anything, just mediated in the interparty dispute!)**

2247. On 26 March 1992, SDS deputies of Novo Sarajevo, the presidents of SDS town boards, and deputies of the Sarajevo SDS passed a decision to establish the Serb Municipal Assembly of

<sup>7625</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 3. See also D2418 (Witness statement of Božo Tomić dated 5 November 2012), para. 4; Božo Tomić, T. 30154–30157 (13 November 2012).

<sup>7626</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 3.

<sup>7627</sup> Radomir Nešković, T. 14275–14276 (6 June 2011), T. 14352–14354 (7 June 2011); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16660–16662, 16684; P2575 (Excerpt from session of Novo Sarajevo's Crisis Staff, 23 December 1991). See also P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991); P6055 (Minutes of the Crisis Staff meeting, 25 December 1991); P6066 (Minutes from meeting of SDS Grbavica Local Board, 27 January 1992), p. 1; P2583 (Minutes of Lukavica's Crisis Staff meeting, 29 January 1992); Zdravko Šalipur, T. 31627–31640, 31655 (18 December 2012); D2674 (List of Secretariat of Novo Sarajevo SDS Municipal Board, undated). Nešković attended the meeting of the SDS Main and Executive Boards on 20 December 1991 where the Variant A/B Instructions were distributed. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16646–16653. See para. 133.

<sup>7628</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16655–16660. In the case of Novo Sarajevo, the document would have gone to Žarko Đurović as the president of the executive board. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16652–16653. As to whether Novo Sarajevo fell under Variant A or Variant B, Nešković initially thought that Variant B applied to Novo Sarajevo but later stated, based on the tasks assigned in P2575, that Variant A was implemented in the municipality. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16662–16666; Radomir Nešković, T. 14352–14354 (7 June 2011). See P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 2–5 (outlining tasks numbered between 1 and 11 under Variant A's first phase); P2575 (Excerpt from session of Novo Sarajevo's Crisis Staff, 23 December 1991). Some Defence witnesses from Novo Sarajevo stated that they were not familiar with the Variant A/B Instructions. D2651 (Witness statement of Milorad Katić dated 10 December 2012), para. 2; Branko Radan, T. 31104–31105, 31135–31136 (6 December 2012); Dragan Šojić, T. 31754 (19 December 2012); D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 5; Zdravko Šalipur, T. 31628–31633 (18 December 2012) (nonetheless testifying that the Novo Sarajevo SDS Municipal Board received extracts of the Variant A/B Instructions). Considering other reliable evidence to the contrary, including Šalipur's admission above, as well as the witnesses' evasiveness and lack of forthrightness with respect to the existence and implementation of the Variant A/B Instructions in Novo Sarajevo, the Chamber does not find their evidence on this point to be reliable. Nešković testified that no one from the Government came to or contacted Novo Sarajevo to monitor the implementation of the Variant A/B Instructions in the municipality. Radomir Nešković, T. 14272–14273 (6 June 2011). While the Chamber considers Nešković's evidence generally with regard to the Variant A/B Instructions to be reliable, the Chamber does not consider this testimony to contradict his or other evidence that the Variant A/B Instructions were carried out in Novo Sarajevo.

<sup>7629</sup> P2575 (Excerpt from session of Novo Sarajevo's Crisis Staff, 23 December 1991); P2583 (Minutes of Lukavica's Crisis Staff meeting, 29 January 1992); Momir Garić, T. 29653 (5 November 2012).

<sup>7630</sup> There was a debate about the role of the SDS Municipal Board versus other municipal institutions, and a conflict emerged between Prijić, the president of the Municipal Board, and Đurović, the president of the Executive Board. D1276 (Minutes of meeting of Novo Sarajevo SDS local boards, 3 February 1992), pp. 1–3; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641, 16672–16679. The Accused and Krajišnik used their authority to defuse the conflict and Đurović held onto his position as "president of the municipal authorities". Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641, 16673. See also Zdravko Šalipur, T. 31640 (18 December 2012).

<sup>7631</sup> P2576 (Minutes of 13<sup>th</sup> session of Novo Sarajevo's SDS Municipal Board, 28 February 1992), p. 3; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641, 16675; Zdravko Šalipur, T. 31640, 31657 (18 December 2012); Branko Radan, T. 31092–31093 (6 December 2012).

<sup>7632</sup> P2576 (Minutes of 13<sup>th</sup> session of Novo Sarajevo's SDS Municipal Board, 28 February 1992), p. 6.

the Novo Sarajevo Municipality “as the highest representative and legislative body of the Serbian people of Novo Sarajevo municipality”.<sup>7633</sup> The Serb Municipality of Novo Sarajevo was established as part of SAO Romanija around this time.<sup>7634</sup> **(It is not going to hurt if we remind ourselves that the SDA and Muslim leadership denounced the already agreed Lisbon Agreement on the future arrangement of the BiH. Without this fact, the presentation of the facts and the development of events is invalid and incorrect, as usually, on the Serb account!)**

2248. Around 10 April 1992, Radomir Nešković and Mirko Šarović set up a new Crisis Staff.<sup>7635</sup> The Crisis Staff had an executive organ to carry out its decisions.<sup>7636</sup> **(This one was not the Party CS, this one was the municipal CS of the Serb Municipality of Novo Sarajevo, as a condense organ of authority, with the *ex officio* members!)** Nešković was president of this new Crisis Staff until 5 June 1992.<sup>7637</sup> This Crisis Staff included representatives of the TO.<sup>7638</sup> A 5 June 1992 letter reporting on the activities of the Novo Sarajevo Crisis Staff, addressed to the President of the Bosnian Serb Presidency and signed by Nešković, stated: “The Crisis Staff has performed the function of Municipal Assembly in war conditions.”<sup>7639</sup> **(In an accordance with the law and constitution!)** The letter also indicated that the Crisis Staff co-ordinated and organised a variety of municipal services, including accommodation for “all refugees from the occupied territory and people who were left homeless”, mobilisation, and accommodation of fighters from other areas.<sup>7640</sup> The letter stated that the Crisis Staff has not dealt with and does not intend to deal with police or military command-related matters and therefore had no report on those subjects.<sup>7641</sup> The Crisis Staff ceased to exist on 10 June 1992.<sup>7642</sup>

2249. In July 1992, Branko Radan became the president of the Executive Board of the municipality, and he was succeeded in March 1993 by Budimir Obradović.<sup>7643</sup> In March 1993, Milorad Katić, a former member of the SDS Municipal Board in Novo Sarajevo, became the president of the Novo Sarajevo Serb Assembly and the president of the municipality.<sup>7644</sup>

<sup>7633</sup> D2675 (Decision on establishment of the Assembly of Serbian Novo Sarajevo Municipality, 26 March 1992).

<sup>7634</sup> P2577 (Press release of Novo Sarajevo municipality, 1 April 1992), p. 1. See also Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16679–16680; D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 7; D2683 (Witness statement of Dragan Šojić dated 15 December 2012), para. 7; Dragan Šojić, T. 31736 (19 December 2012). The local communities that were to comprise the municipality were Tilava, Miljevići, Lukavica, Vraca, Gornji and Donji Kovačići, Bane Surbat, Rava Janković, Slobodan Princip Seljo, Ivan Krndelj, Pero Kosorić, Blagoje Parović, Danilo Djokić, Hrasno Brdo, Nikola Tesla, Avdo Hodžić, Omer Maslić, Bratstvo Jedinstvo, Donji and Gornji Pofalići, and the parts of the local communities Gornji and Donji Velešići inhabited by Serbs, as well as parts of Novi Grad municipality, namely Otoka, Staro Hrasno, Petar Dokić, a part of Ivo Lola Ribar, and Odžakovići. P2577 (Press release of Novo Sarajevo municipality, 1 April 1992), p. 1. Nešković stated that although the founding assembly took place toward the end of March 1992, the Serb Municipality of Novo Sarajevo was set up only by 10 June 1992. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16680.

<sup>7635</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16683–16685, 16706; Radomir Nešković, T. 14282–14283 (6 June 2011); D1278 (Transcript of Radomir Nešković’s interview with Karadžić’s legal associate, 8 October 2009), pp. 31–33. See also D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), pp. 1, 4. Nešković drafted this letter and submitted it to the Accused in response to his invitation in June 1992 to the representatives of “Crisis Staffs Jahorina” to report on their work, largely in oral presentations. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16685. The 5 June 1992 letter reported that a Crisis Staff had been set up and included, among others, representatives of the local communes of Petrovići, Miljevići, Gornji Kovačići, Grbavica, Vraca, Hrasno Brdo, Lukavica, and Tilava; army and police representatives; and the “Chairman of the Executive Board”. D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 1.

<sup>7636</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 1.

<sup>7637</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16707.

<sup>7638</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16707.

<sup>7639</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), pp. 1, 4. Nešković testified that the police and TO and later the VRS were responsible for protecting the territory and defending the population. Radomir Nešković, T. 14277–14278 (6 June 2011).

<sup>7640</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), pp. 1–3. See also Radomir Nešković, T. 14288–14290 (6 June 2011).

<sup>7641</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 2. The Chamber notes that the Crisis Staff did, however, order and engage in mobilisation. See paras. 2259–2260.

<sup>7642</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16809.

<sup>7643</sup> D2549 (Witness statement of Branko Radan dated 3 December 2012), para. 10; Branko Radan, T. 31097, 31100, 31103 (6 December 2012).

<sup>7644</sup> D2651 (Witness statement of Milorad Katić dated 10 December 2012), paras. 2, 6, 17–18. The minutes of a session of the Council of the Serb City of Sarajevo indicate Katić was also president of the Executive Board of the Serb Municipality of Novo Sarajevo. D2652 (Excerpt from minutes of RS City Council of Sarajevo meeting, 10 July 1993), p. 1.

2250. With respect to police structures, after the outbreak of armed conflict in Sarajevo in April 1992,<sup>7645</sup> Sarajevo's ten SJBs were divided between Bosnian Serbs and Bosnian Muslims.<sup>7646</sup> The station in Novo Sarajevo was among the four that remained under the control of Bosnian Muslims.<sup>7647</sup> **(#Serbs – first victims#! A Serb policeman Petrovic appeared in this SJB in the evening of 4 April, and he got killed by his Muslim colleagues, but as if thie didn't matter, although it had a terrible influence on a general sentiments. This policeman didn't have any connection with the SDS, and that was why he reported to his duty!)** From around 4 April 1992, the MUP special forces operated at the premises of the BiH MUP school in Vraca.<sup>7648</sup> On 6 April 1992, Serb Forces seized the police station in Novo Sarajevo.<sup>7649</sup> **(Two days after a Serb policeman Petrovic got killed there!)** Simo Sipčić was the head of the MP in Novo Sarajevo.<sup>7650</sup> Milenko Jovanović was the head of the Novo Sarajevo SJB.<sup>7651</sup>

2251. On 21 July 1992, the President as President of the Presidency confirmed the appointment of the members of the War Commission for the Serb Municipality of Novo Sarajevo.<sup>7652</sup> Dragan Đokanović, as the Republican Commissioner, was to serve as Chairman of the War Commission, whose members included Nešković, Milorad Katić, Danilo Škrba, and Milorad Šanjević.<sup>7653</sup>

# 1. Militarisation of Novo Sarajevo

2252. The distribution of weapons started as the JNA withdrew from Slovenia and parts of Croatia in September 1991; weapons and ammunition were transported into BiH and delivered to places under SDS control, including former JNA barracks.<sup>7654</sup> **(At that time it were not “former” but actual JNA barracks! And, as known, there was no a single SDS military formation, because the President opposed any paramilitary organisation and supported the only legal army, the JNA!@)**

2253. On 1 or 2 March 1992, Serbs began to set up barricades at strategic points in Sarajevo and surrounding municipalities.<sup>7655</sup> Those involved in organising the barricades included Serb employees of the BiH MUP such as then-assistant Minister of Interior Momčilo Mandić, Milenko Jovanović, and SDS officials such as Rajko Dukić, Jovan Tintor, and Ratko Adžić.<sup>7656</sup> **(How come the main reason for this unrest was not worthwhile to be mentioned? That happened the**

<sup>7645</sup> See para. 3541.

<sup>7646</sup> Mirsad Kučanin, P16 (Transcript from *Prosecutor v. Galić*), T. 4499–4500; Mirsad Kučanin, P17 (Transcript from *Prosecutor v. S. Milošević*), T. 28934–28935; P27 (Witness statement of Mirsad Kučanin dated 4 September 2000), p. 2.

<sup>7647</sup> Mirsad Kučanin, P16 (Transcript from *Prosecutor v. Galić*), T. 4500; Mirsad Kučanin, P17 (Transcript from *Prosecutor v. S. Milošević*), T. 28934–28935; P27 (Witness statement of Mirsad Kučanin dated 4 September 2000), p. 2. See also P2308 (SJB Ilidža report, 20 September 1993), pp. 1–2.

<sup>7648</sup> D3749 (Witness statement of Milenko Karišik dated 23 June 2013), paras. 19, 23; Branko Radan, T. 31112 (6 December 2012); Božo Tomić, T. 30158 (13 November 2012); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16714.

<sup>7649</sup> P5743 (Intercept of conversation between Jovan Tintor and Danilo Veselinović, 6 April 1992), p. 3. See also Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16714.

<sup>7650</sup> KDZ310, T. 9273 (29 November 2010).

<sup>7651</sup> See Adjudicated Fact 2560; P2575 (Excerpt from session of Novo Sarajevo's Crisis Staff, 23 December 1991); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16668–16669.

<sup>7652</sup> P5543 (Decision of Radovan Karadžić appointing a War Commission in Novo Sarajevo, 21 July 1992); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16592–16593. Nešković stated that he does not know to this day what the purpose of the War Commission was and that at the time it was set up, “legally elected municipal bodies”, i.e., the municipal assembly and municipal executive board, were in existence. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16593.

<sup>7653</sup> P5543 (Decision of Radovan Karadžić appointing a War Commission in Novo Sarajevo, 21 July 1992); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16592–16593.

<sup>7654</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 10; KDZ310, T. 9201–9202 (29 November 2010). See also P5977 (BiH MUP daily bulletin, 16 October 1991), pp. 1–4; Predrag Trapara, T. 29915–29918 (7 November 2012).

<sup>7655</sup> D3803 (List of SRBiH MUP employees, 13 March 1992), pp. 1, 2; P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 6, 8, 66; P2444 (Witness statement of KDZ354 dated 5 February 2011), para. 4 (under seal). See also Adjudicated Fact 2560. KDZ310 stated that the barricades were everywhere in Grbavica, so that people were not able to go to work that morning. P1937 (Witness statement of KDZ310 dated 28 November 2010), paras. 6–7 (under seal).

<sup>7656</sup> D3803 (List of SRBiH MUP employees, 13 March 1992), pp. 2–3; P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 6, 8. See also Adjudicated Fact 2560.

same evening after the Muslim extremists attacked a wedding ceremony in front of the oldest Serb Orthodox Church, killing the Groom's father. What is said about the Serb officials is not true, those named here only joined the barricades later, in order to be able to influence the course of events. Did the Chamber notice, or did it need to know why the barricades had been erected? Was there any killing of a Serb in wedding ceremony? In the area of Grbavica, there were barricades at the Vrbanja Bridge and Bratstvo-Jedinstvo Bridge.<sup>7657</sup> Men wearing black masks were manning the barricades, and vehicles without license plates arrived every half hour with armed men inside.<sup>7658</sup> **(Were there any Muslim barricades? See: D298, p 3, a confession of Gen. Sefer Halilovic, the chief Commander of the Muslim Army:)**

I led the establishment of contra-barricades in Sarajevo in March 1992 and led the armed resistance at the beginning of the aggression against the Republic of Bosnia and Herzegovina.

2254. Around the end of March and the beginning of April 1992, an increased number of armed individuals were present in Vraca and Grbavica; tanks were placed below the MUP school, mines were laid, and soldiers fired at people who went outside.<sup>7659</sup> From 6 April to mid-May 1992, on several occasions "JNA units" and armed SDS members would go to Grbavica during the night, stay for a while at the buildings, and return to their original positions before dawn.<sup>7660</sup> **(#Forgery#! There were no "armed SDS members", every single armed Serb was in the JNA, either as a conscripts, or as professionals, or reservists who responded to mobilisation. While the JNA was there, it was the only legal armed force, the Serbs didn't have other units, since the TO was always under the JNA control. Only if the JNA didn't arrive, the TO were entitled to act for a defense of the zone it covered! How it was possible that the Prosecution was so ignorant of the domestic laws, as well as the Law of war?)**

2255. At the beginning of April 1992, TO staffs in the Sarajevo municipalities where Serbs lived were mobilised as the JNA was already "falling apart".<sup>7661</sup> A unit of the Serb members of the Novo Sarajevo TO staff, previously of mixed composition, was organised.<sup>7662</sup> **(A serious chamber wouldn't miss to mention that prior to this event the Muslim leadership fired Gen. Vukosavljevic as the Commander of the common TO in BiH, and announced formation of a new Territorial Defence, on 6 April 1992, at the same time marking the JNA and the TO in the Serb municipalities as their enemies, which was a declaration of war!)** The Serb TO set up a line of defence that ran in front of areas with a mainly Serb population.<sup>7663</sup> Momir, a.k.a. "Momo",<sup>7664</sup> Garić was the commander of the Serb TO in Grbavica.<sup>7665</sup> Armed units—including

<sup>7657</sup> P1937 (Witness statement of KDZ310 dated 28 November 2010), para. 6 (under seal).

<sup>7658</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 6–8. KDZ310 saw that Mandić, then Deputy Minister of Interior, was able to walk through the barricade at Vrbanja Bridge and cross the river. P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 8.

<sup>7659</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 4; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 9; P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 11, 13; P2444 (Witness statement of KDZ354 dated 5 February 2011), para. 18 (under seal). Mirsad Smajš identified them as Serb soldiers, some wearing "the former Police uniform" and others "the camouflage uniforms". P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 9 (further stating that they called themselves the "White Eagles" and that there was no insignia on the uniforms but there were white ribbons on the sleeves). Witness KDZ354 stated that military trucks with JNA registration plates and reservists arrived in Grbavica in April 1992 and that there were armoured cars on patrol and soldiers wearing uniforms of the former JNA. P2444 (Witness statement of KDZ354 dated 5 February 2011), para. 18 (under seal) (further stating that the men on the trucks had longer hair and beards and carried weapons, including rifles, and that some wore helmets). The vehicles were usually heading toward or coming from the direction of Vrace. P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 18–19 (under seal).

<sup>7660</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 11, 13.

<sup>7661</sup> D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 12.

<sup>7662</sup> D2379 (Witness statement of Momir Garić dated 2 November 2012), paras. 13; Momir Garić, T. 29656–29658 (5 November 2012). According to Garić, the neighbourhoods of Novo Sarajevo where Serbs were organised were Tilava, Lukavica, Vraca, Gornji Kovačići, Miljevići, and Petrovići, and these areas were considered to be inhabited by Serbs only. Momir Garić, T. 29656–29657, 29659–29660 (5 November 2012); D2379 (Witness statement of Momir Garić dated 2 November 2012), paras. 13, 22.

<sup>7663</sup> D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 13 (stating that the area of responsibility of this unit extended from the Slaviša Vajner Čiča Barracks in Lukavica "below Mojmić hill and Ozrenka street in Vraca and the Sarajevo bypass to the Jewish cemetery and then towards Zlatište and the road to Trebević").

<sup>7664</sup> Božo Tomić confirmed that "Momo" was a nickname for Momir Garić. Božo Tomić, T. 30163 (13 November 2012).



Gavrilović and Aleksić's groups of Šešelji's men—were operating in the Sarajevo area in April 1992.<sup>7666</sup>

**2256.** Members of the Serb TO, amongst whom were Obradović and Garić, organised local Serbs and gave them weapons around the time the conflict began in Sarajevo in early April 1992.<sup>7667</sup> A 20 March 1992 report of the Command of the 2<sup>nd</sup> Military District of the JNA indicates that by then, 2,800 “volunteer” men not from the JNA or the Serb TO had been recruited in Novo Sarajevo.<sup>7668</sup> **(Certainly, the JNA recruited them. The JNA was in jeopardy at the first place. And mobilisation of the municipal brigade of the TO was fully in competence of the president of municipality and the municipal Defence committee. By keeping “silent” about the actions of a very numerous Muslim secret army (the Patriotic league and Green Berets) the Prosecution/Chamber company depicts the Serb side as a lunatic, aggressive, or cautious without any reason! Such a grandiose negligence of the context and the sequences in development is not seen so far in a serious courts!)**

**2257.** Bosnian Muslims also armed themselves and organised militarily in Novo Sarajevo.<sup>7669</sup>

They started forming units in the first half of 1991.<sup>7670</sup> **( Incorrect, because the Muslims accomplished the entire organisation and arming of the Patriotic League and Green Berets far before the Serbs organized themselves. See D298 the Report of Gen. Sefer Halilovic:**

Immediately after involving myself in preparations for the defence of R BH /Republic of Bosnia and Herzegovina/, in September 1991, together with the late Safet HADŽIĆ, who was appointed president of the crisis staff of the Sarajevo region, and with the help of Mirsad ČAUŠEVIĆ, now in the MIP /Ministry of the Interior/ and Senad MAŠOVIĆ, now at the command of the Third Corps, I drew up a proposal for organising the Patriotic League for the Sarajevo area, organised the regional staff of the Patriotic League and a plan for the defence of the Sarajevo area.

On the occasion of a meeting with President Alija IZETBEGOVIĆ in Hrasnica, when I informed him of what had been done up to then and proposed a way of organising the Muslim people and other citizens of the Republic of Bosnia and Herzegovina, and a strategy for the defence of the Republic of Bosnia and Herzegovina, he accepted and approved them.

After that I set about realising the plan that had been accepted and organising the Main Staff of the Patriotic League of the Republic of Bosnia and Herzegovina, nine regional military staffs, 98 municipal military staffs of the PL /Patriotic League/ and a large number of manoeuvre, area and logistic units.

I organised and chaired the military consultation of the Patriotic League in the village of Mehurići near Travnik on 7/8 February 1992, when I approved the regional defence plans of regional military staffs of the Patriotic League when the plan for the defence of the Republic of Bosnia and Herzegovina was harmonised, and after that I myself wrote the Directive for the Defence of the Sovereignty of the Republic of Bosnia and Herzegovina, with the assistance of Rifat BILAJAC, Ziéro ŠULJEVIĆ and in part Kemo KARIŠIK.

From the beginning of December 1991 until the end of March 1992, I stayed on five or six occasions in all the regional and municipal headquarters of the Patriotic League and in a large number of units of the Patriotic League in the whole territory of the Republic of Bosnia and Herzegovina, constantly travelling with false and borrowed documents in order not to be discovered.

<sup>7665</sup> Nedeljko Prstojević, T. 13689 (18 March 2011). See also P5958 (Intercept of conversation between Rade Milinković and Momo Garić, 21 April 1992), p. 1; P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 28, 31. Garić, however, did not describe himself as the commander of the TO. According to Garić, he was merely a member of the TO and later the VRS, which he left in September 1992 to work at the RS Ministry of Defence in Pale. D2379 (Witness statement of Momir Garić dated 2 November 2012), paras. 12–14, 30; Momir Garić, T. 29644–29645 (5 November 2012).

<sup>7666</sup> See P2228 (Intercept of conversation between Vojislav Šešelji and Branislav Gavrilović, April 1992); P2523 (Intercept of conversation between Kaća Dučić and Branislav Gavrilović, 21 April 1992); Nedeljko Prstojević, T. 13853–13855 (21 March 2011); P5707 (Intercept of conversation between Kaća Dučić and Radomir Ninković, 21 April 1992); P1148 (Intercept of conversation between Momčilo Mandić and Igor, 21 April 1992); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9025–9029; Momčilo Mandić, T. 4644–4645 (5 July 2010); D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), para. 29. Witness KDZ354 saw Šešelji in Grbavica standing among “a large group of soldiers in camouflage uniforms” and accompanied by Aleksić. P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 1, 101 (under seal); KDZ354, T. 13197–13198 (10 March 2011). Aleksić was a member of the SDS Municipal Board of Novo Sarajevo. Zdravko Šalipur, T. 31641–31642, 31644 (18 December 2012). He was a member of the Serbian Chetnik Movement and a “Chetnik” vojvoda, or military leader, as commander of the Novo Sarajevo Chetnik Detachment. P5035 (Order of Vojislav Šešelji, 13 May 1993), p. 1. See also P6057 (Ilidža SJB receipt for goods, 15 January 1994).

<sup>7667</sup> D2418 (Witness statement of Božo Tomić dated 5 November 2012), paras. 7–8, 12; Božo Tomić, T. 30159–30164, 30170–30171 (13 November 2012); D2379 (Witness statement of Momir Garić dated 2 November 2012), paras. 12–14, 26; Momir Garić, T. 29661 (5 November 2012). Tomić testified that he and his neighbours in Vrace were given weapons for protecting all of the local population but that he does not know if any Bosnian Muslims went to the Serb TO to be armed. Božo Tomić, T. 30159–30160 (13 November 2012). The TO would gather in local communes and discuss matters; one meeting location was the Pajaco facility across the road from the police station and school in Vrace. Momir Garić, T. 29661 (5 November 2012).

<sup>7668</sup> P979 (Report from JNA 2<sup>nd</sup> Military District to JNA General Staff, 20 March 1992), pp. 6, 11.

<sup>7669</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 11; D2683 (Witness statement of Dragan Šojić dated 15 December 2012), para. 12; D2549 (Witness statement of Branko Radan dated 3 December 2012), para. 6; Branko Radan, T. 31103 (6 December 2012).

<sup>7670</sup> D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 5; D2549 (Witness statement of Branko Radan dated 3 December 2012), para. 6; Branko Radan, T. 31103, 31107 (6 December 2012); D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), paras. 11, 13.

**(#Distorted#! How could it be said that “the Bosnian Muslims also armed themselves” when it is documented how and when they organised a secret army? In these 98 municipalities in which General Halilovic organised the Patriotic League the Serbs were majority in 47 municipalities, and a substantial minority in the others. The Serbs were monitoring what their neighbours were preparing, with a fear and concern for their families. Who was the one who could prevent the Serbs to prepare a counter-measures?)**

**2258.** On 4 April 1992, there were clashes between Serb and Muslim police forces at the BiH MUP school in Vraca.<sup>7671</sup> After several hours of fighting Serb Forces placed the school under their control.<sup>7672</sup> **(Although the previous day there was an agreement reached within the common MUP that the seat of the Serb MUP – Ministry of Interior -) will be in school in Vraca. When the Serb police came, it was ambushed by the Muslim extremists, who killed two Serb policemen. Inside the school there was 400 the high school pupils and 180 adult educants. #Tricks after the tricks#!)** A few hours after the clashes, in Miljevići village in Vraca, a vehicle arrived from the military barracks in Lukavica<sup>7673</sup> with automatic and semi-automatic weapons, which were distributed to local members of the TO and other people from the surrounding area.<sup>7674</sup> Weapons were also supplied from Pale.<sup>7675</sup> **The JNA legally distributed the weapon to those on whom they counted for the defence of the JNA personnel and assets. See: D03679**

/handwritten:/

Attachment no. 1-10f  
1925 /circled: 7/ 20 April 2000

2<sup>nd</sup> MILITARY DISTRICT COMMAND  
Strictly confidential no. 09/80-23  
4 April 1992

VERY URGENT  
DELIVER IMMEDIATELY

TO COMMAND: /?VGr.d/

At a session held at 1500 hrs on 4 April 1992, the SRBH /Socialist Republic of BH/ Presidency decided to mobilise the SRBH TO /Territorial Defence/, MUP /Ministry of the Interior/ and BH CZ /BH Civilian Protection/ despite the objection that the Presidency is not competent to mobilise the TO as a component of the OS /Armed Forces/, to which it turned a deaf ear. In view of the overall negative attitude towards the JNA /Yugoslav People's Army/, which was especially displayed at the Presidency session at which the 2<sup>nd</sup> VO /Military District/ commander and SRBH TO commander were present, armed attacks on military facilities, apartments of AVLs /active military personnel/ and GLs /civilian personnel/ and JNA members and retired military personnel are to be expected on the nights of 4/5 and 5/6 April 1992 and during the following days. In connection with this, I hereby

#### ORDER

1. Raise the combat readiness of commands, units and institutions of the 2<sup>nd</sup> VO to the highest level.
2. Be ready to defend military facilities.
3. Pull part of units out of garrisons so they can participate in breaking blockades of military facilities and carry out other tasks.
4. Stimulate retired military personnel and GLs to be ready to defend residential buildings.
5. Nobody may issue TO weapons without a special order and signature by the 2<sup>nd</sup> VO commander, and bear in mind warnings about the seizing of weapons from military depots, and to this end take all measures to prevent such activities in the most vigorous manner.
6. In all their activities, JNA units and members must protect and defend endangered citizens from all ethnic groups from the terrorism and attacks of paramilitary formations and the negative consequences arising from the unauthorised decision of the SRBH Presidency.
7. It is especially important to ensure full combat readiness at isolated facilities and their defence by 2000 hrs on 4 April 1992.

COMMANDER  
Colonel General Milutin KUKANJAC  
/signed and stamped/

**(After this “unauthorised decision” of the BH Presidency, and this Order of the Commander of 2<sup>nd</sup> Military District, as well as his Order for the mobilisation, D01386, everything what happened before 20 May, or rather 15 June, when the VRS started to exist, was not responsibility of the President, or the local Serbs. No court has a right to neglect domestic**

<sup>7671</sup> See Milorad Katić, T. 31400–31401 (13 December 2012); D2418 (Witness statement of Božo Tomić dated 5 November 2012), para. 6; Božo Tomić, T. 30158 (13 November 2012). According to Karišik and Dobrislav Planojević, pursuant to an agreement to divide the BiH MUP, the BiH MUP school in Vraca was to go to the Serbs. D3749 (Witness statement of Milenko Karišik dated 23 June 2013), para. 19; D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), para. 15.

<sup>7672</sup> D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 9.

<sup>7673</sup> See para. 2275.

<sup>7674</sup> Milorad Katić, T. 31400–31403 (13 December 2012). Tomić and his neighbours in Vraca were organised around the same time. See para. 2256, fn. 7674.

<sup>7675</sup> Milorad Katić, T. 31403–31404 (13 December 2012).

**legislation, because the Serbs were acting in accordance to it, not to the Statute of the Tribunal. Let us look at that document, see what was an obligation of the Serbs who were reservists, D1386 :**

2<sup>nd</sup> VO /Military District/ COMMAND  
Strictly Confidential no. 12/78-35  
5 April 1992

/handwritten: **103721/**

VERY URGENT!  
DELIVER IMMEDIATELY!

To: /handwritten: OC /Operations Centre/ of the 2<sup>nd</sup> VO/

Pursuant to the Order of the Federal Secretary for National Defence, Strictly Confidential no. 1530-1 of 5 April 1992, and regarding the situation that has arisen in the zone of the 2<sup>nd</sup> Military District, I hereby

ORDER :

1. – Mobilise all war units which are part of the 2<sup>nd</sup> Military District.
2. – Start mobilisation at 0600 hours on 6 April 1992.
3. – The reserve force is to be called up using the call-up system of the military territorial organs and its own system for calling up war units.  
In the event that individual v/o /conscripts/ who have RR /wartime assignments/ in RJ /war units/ fail to respond to the call-up by for ethnic and other reasons, other v/o are to be called up to replace them, taking into account their reliability.
4. – Mobilised units are to be manned according to wartime establishment, equipped with the required weapons and military equipment and prepared for implementation of the task.
5. – Reports on the course and completion of mobilisation and manning levels achieved are to be sent daily at 0600 and 1800 hours to the OC 2<sup>nd</sup> VO.

COMMANDER  
Colonel General  
Milutin KUKANJAC  
/signed and stamped/

**Under para 1. “all war units” were the local reservists of the JNA, of whom only the Serbs responded, see para 3, “In the event that undividual... fail to respond to call-up by for ethnic reasons, other v/o are to be called up...”. Under para 3. means that the military territorial organs were obliged to call up the members of the war units, and all and everyone knew his deployment far in advance. So, when the Muslims testify that they had seen some activities, the Chamber must accept and differentiate what of the Serb conduct was legal due to the domestic laws, and what not, as well as to have in mind the challenges for the security caused by the Muslim preparations of the war!)**

**2259.** On 22 April 1992, on the basis of an SNB order, the Novo Sarajevo Crisis Staff ordered all able-bodied men between the ages of 18 and 60 residing in the area of the Serb Municipality of Novo Sarajevo to report for mobilisation within 24 hours at Lukavica.<sup>7676</sup> **(It was still the JNA,**

<sup>7676</sup> D888 (Order of Novo Sarajevo Crisis Staff, 22 April 1992). *But see* KDZ310, T. 9271–9272 (29 November 2010) (testifying that he did not believe the 22 April 1992 order to be genuine or that it was ever implemented). According to KDZ310, in May 1992, a mobilisation of males from ages 18 up to 60 was carried out, which applied only to males of Serb ethnic origin, and men from other ethnic groups were not mobilised. P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 16–17. KDZ310 stated that this period was the only time that he knows of “when Mladić was present in Grbavica for an inspection of the troops”. P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 17. *See also* P1145 (Intercept of conversation between Momčilo Krajišnik and Ratko Mladić, 24 May 1992), p. 5 (indicating that Mladić was located “by Miljacka” at that time). KDZ310 heard that Mladić confirmed that the mobilisation applied only to Serbs “for the time being”. P1937 (Witness statement of KDZ310 dated 28 November 2010), para. 17 (under seal).

**and the Serb TO was formed a week after the Muslim side expelled the Serb component from the common TO. So, the SNB only supported replenishing of the manpower of the JNA, which was obligatory!** The Crisis Staff's order also stated that those who did not report for mobilisation, in violation of the order, would be subject to the Law on Military Obligation and Military Court and their property would be confiscated.<sup>7677</sup> **(Obviously, the SNB was late 17 days after the Kukanjac order, which means that the 2<sup>nd</sup> MD was not satisfied with the response to call-up, and the SNB intervened!)**

2260. In a report of 5 June 1992, the Novo Sarajevo Crisis Staff informed the President of the Bosnian Serb Presidency that it had mobilised about 900 people over the previous two months, including about 700 in the Lukavica and Tilava area and about 200 in Grbavica.<sup>7678</sup>

**2261.** Pursuant to an order of the SRK Command on 22 May 1992, the Novo Sarajevo TO comprising locals of Grbavica, Hrasno, Vrace, and Kovačići was organised into the SRK.<sup>7679</sup> **(Exactly, according to the law, since until 20 May the JNA was legally in charge in the BiH!)**

i. Take-over

**2262.** Combat activity increased in late April 1992.<sup>7680</sup> The Serb TO was engaged in Grbavica on 21 April 1992.<sup>7681</sup> Garić requested additional men, and Prstojević, from Ilidža, prepared a platoon from Kasindol to assist.<sup>7682</sup> JNA forces shelled Novo Sarajevo at the end of April 1992.<sup>7683</sup> Fighting also took place in May 1992.<sup>7684</sup> **(#Serb suburb, no take-over#! What "take over"? Grbavica was over 80% Serbian settlement, and the Serb TO was obliged to protect the settlement that was the basis for this unit. Until an attack, nobody "engaged" in Grbavica. There is a complete ignorance of the Prosecution of the domestic laws, as well as of the reality. From any of those paragraph is visible that the Serbs would be innocent only if didn't defend and got killed, as the Serbs in Pofalici, just across the Miljacka River from Grbavica@!)**

<sup>7677</sup> D888 (Order of Novo Sarajevo Crisis Staff, 22 April 1992).

<sup>7678</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 3 (indicating that "mobilisation was carried out in various ways (personally and directly, through SDS [...] local boards and local communes, with the help of police, etc.)").

<sup>7679</sup> P1505 (SRK Order, 22 May 1992), p. 1; Božo Tomić, T. 30163–30164 (13 November 2012). See also D2351 (Witness statement of Stevan Veljović dated 19 October 2012), paras. 12–13. The TO had earlier been incorporated into the JNA. D2379 (Witness statement of Momir Garić dated 2 November 2012), paras. 14, 22; Momir Garić, T. 29663–29667 (5 November 2012).

<sup>7680</sup> P5703 (Intercept of conversation between Momo Garić and "Velibor", 21 April 1992); P5705 (Intercept of conversation between Nedeljko Prstojević and unidentified male, 21 April 1992); P5706 (Intercept of conversation between Milenko Karišik and Slobodan Škipina, 21 April 1992); P5708 (Intercept of conversation between Momčilo Krajišnik and unidentified male, 21 April 1992); P5709 (Intercept of conversation between Radomir Ninković, Milenko Karišik, Nikola Koljević, and Momčilo Krajišnik, 21 April 1992); P5710 (Intercept of conversation between Nedeljko Prstojević and Krstović, 21 April 1992); D1202 (Intercept of conversation between Momo Garić and Nedeljko Prstojević, 21 April 1992); P5959 (Intercept of conversation between "Ranko" and Momo Garić, 21 April 1992); D920 (Intercept of conversation between Radovan Karadžić and Radovan Pejić, 23 April 1992).

<sup>7681</sup> P5705 (Intercept of conversation between Nedeljko Prstojević and unidentified male, 21 April 1992), pp. 1–2; P5709 (Intercept of conversation between Radomir Ninković, Milenko Karišik, Nikola Koljević, and Momčilo Krajišnik, 21 April 1992), p. 2.

<sup>7682</sup> P5703 (Intercept of conversation between Momo Garić and "Velibor", 21 April 1992); D1202 (Intercept of conversation between Momo Garić and Nedeljko Prstojević, 21 April 1992), p. 3; P5959 (Intercept of conversation between "Ranko" and Momo Garić, 21 April 1992), p. 1; P5705 (Intercept of conversation between Nedeljko Prstojević and unidentified male, 21 April 1992), p. 1; Nedeljko Prstojević, T. 13687–13690 (18 March 2011). See also P5710 (Intercept of conversation between Nedeljko Prstojević and Krstović, 21 April 1992), pp. 1–2.

<sup>7683</sup> See Adjudicated Fact 2582. See also P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 12–13 (under seal).

<sup>7684</sup> P2240 (Intercept of conversation between Momčilo Krajišnik, Branko Đerić, and Milenko Karišik, 7 May 1992), pp. 1–2; P2332 (Intercept of conversation between Čedo and Radovan Karadžić, 30 May 1992), pp. 5–6; D2379 (Witness statement of Momir Garić dated 2 November 2012), paras. 21, 23; D2519 (Witness statement of Dragan Maletić dated 9 November 2012), para. 7; Momir Garić, T. 29734–29735 (5 November 2012); Zdravko Šalipur, T. 31642 (18 December 2012). Defence witnesses stated that Muslim forces fired on Grbavica and Lukavica. D2651 (Witness statement of Milorad Katić dated 10 December 2012), para. 5; D2379 (Witness statement of Momir Garić dated 2 November 2012), paras. 14, 17, 20; D2418 (Witness statement of Božo Tomić dated 5 November 2012), paras. 9–10, 19; Božo Tomić, T. 30179–30182, 30227 (13 November 2012); D2519 (Witness statement of Dragan Maletić dated 9 November 2012), paras. 20, 32, 39.



2263. By mid-May, Grbavica was occupied by the Serbs, after an initiative by Serb Forces to move the confrontation line.<sup>7685</sup> **(How the Serbs could have #occupied their own settlement#! Once there was a jeopardy, the Territorial Defence was obliged to protect the settlement, and if not, it would be punishable before the court!)** The line was established on the bank of the Miljacka River, including by the Bratstvo-Jedinstvo Bridge and Vrbanja Bridge, extending west toward Hrasno and east toward Skenderija.<sup>7686</sup> Serb Forces took Grbavica with little fighting.<sup>7687</sup> After the Serb take-over of Grbavica, it became no longer possible to cross over the Miljacka River.<sup>7688</sup> **(For whom it was impossible to cross over Miljacka? An average people could do it, but the Muslim extremists who already started killing the Serb civilians couldn't. Before "the mid-May" there was a real terror of the Muslim Forces over the Serbs under their control, starting by the killing of the Serb Petrovic, a policeman in the common police, and continuing as an every day terror. By mid-May (15 May) the Muslim forces attacked Pofalici, the Serb settlement in Novo Sarajevo Municipality, on the right bank of the Miljacka River, and killed up to 250 Serb civilians. Who had any rights to prevent the Serbs in other parts of the Municipality to prepare for the defence, particularly since the JNA took away all of the able-bodied Serbs? How come the international community didn't pay any attention to this horrifying crime, which influenced the rest of the country throughout the war?)**

# 1. Searches of Bosnian Muslim and Bosnian Croat houses

2264. During the take-over, members of the Serb Forces, including the VRS, the police, and Šešelj's men, searched Bosnian Muslim and Croat houses in Grbavica for weapons.<sup>7689</sup> **(#Deadly combination#! All of it is only on the adjudicated facts, or Rule 92bis evidence, or a solitary statements of the Muslim extremists! There was no "Seselj's men as a military formation, but only the JNA with it's regular (conscripts) and reserve manpower, which was attacked on a daily basis by the Muslim irregulars, and butchered on 2 and 3 May 92. The police was obliged to search for the illegal weapons. The VRS was proclaimed only after 20 May 92. What is the Accuse charged for herein? Because there was a civil war, and the police was doing it's regular job!)** In one such instance, on 7 May 1992, a group of seven or eight armed

<sup>7685</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 11, 13–15; D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 16. See also Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8708–8709. KDZ310 identified JNA and VRS forces as taking Grbavica. P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 11, 13–14; KDZ310, T. 9228 (29 November 2010). See also P926 (Witness statement of Aernout van Lynden dated 26 February 2010), para. 99; D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 16; Adjudicated Facts 66, 68.

<sup>7686</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 11, 13, 15; D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 16. See para. 3557.

<sup>7687</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 14; Witness KDZ310, T. 9213–9214, 9228 (29 November 2010); D2379 (Witness statement of Momir Garić dated 2 November 2012), para. 16; Momir Garić, T. 29718–29720 (5 November 2012); P5695 (Intercept of conversation between Branko Đerić and Milenko Karišik, 7 May 1992), p. 3. In an intercepted conversation on 5 May 1992, Mandić said to Branko Kvesić: "We came down and cleaned Grbavica". P1103 (Intercept of conversation between Momčilo Mandić and Branko Kvesić/Bruno Stojić/Mičo Stanišić, 5 May 1992), p. 4. Later in the conversation, Mandić said to Bruno Stojić: "We očistiti /cleansed or mopped up/ Novo Sarajevo." P1103 (Intercept of conversation between Momčilo Mandić and Branko Kvesić/Bruno Stojić/Mičo Stanišić, 5 May 1992), p. 9. Mandić testified that the participants in the conversation knew that it was being intercepted and that these statements were jokes and did not reflect the actual situation on the ground. Momčilo Mandić, T. 4609–4611 (5 July 2010). Considering Mandić's interest in minimising the significance of his statements in the intercepted conversation as well as his evasiveness and partiality on this point, the Chamber does not find Mandić's evidence to be reliable in this regard. **(Why Mr. Mandic would "minimize the significance" of his conversation with his Croatian colleague, while he was already acquitted in the Bosnian Court, which is well known as an anti-Serb court?)**

<sup>7688</sup> KDZ310, T. 9255 (29 November 2010).

<sup>7689</sup> See Adjudicated Fact 2584; P2444 (Witness statement of KDZ354 dated 5 February 2011), para. 24 (under seal); P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court pp. 4–5; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 9. **The entire fn. contains only the materials that couldn't be challenged. What "take over"? The Serbs controlled only the Serb settlements, but not all of them, and none of the Muslim settlements.**

soldiers came to the house of Smajš, a Bosnian Muslim, in Vrace to search for weapons.<sup>7690</sup> Although they did not find any, they ordered Smajš to go with them.<sup>7691</sup> **(#Muslim extremist#! Obviously, weapons was not the only reason for bringing Mr. Smajš in! he was a very known extremist, and on 5 April 92 the two Serb special policemen had been killed from the back exactly in this neighbourhood! It is not to justify the conduct of the armed people who brought him in, just to understand that it was not his religion or ethnicity that determined them to theat him that way!)** Outside, a soldier ordered him to walk, with his head down, toward the Golf Café, in front of which a group of ten soldiers stood.<sup>7692</sup> He was ordered to strip to the waist and was then beaten with rifle butts, punched, and kicked all over for about 15 to 20 minutes.<sup>7693</sup> He was then transported, along with his neighbour Mirsad Dedić, in a military vehicle to the MUP school at Vrace.<sup>7694</sup> During the ride they were both beaten and one of the soldiers fired his unloaded automatic rifle three times into his temple; they were beaten again at the MUP school.<sup>7695</sup> Smajš, blindfolded and with his hands tied behind his back, was then transported, along with Dedić, to “Kula prison”.<sup>7696</sup>

**2265.** Other Bosnian Muslims in Grbavica were frequently subjected to house searches by members of Serb Forces.<sup>7697</sup> All Muslims had been asked to voluntarily surrender their weapons and a Commander Major Petković had told those who did so that the VRS would not search their flats.<sup>7698</sup> **(Therefore, it was not any kind of a persecutory conduct, but exacttly what had been said: to neutralise weapons, so to be secure not to lose lives from their back!)**

**2266.** The 5 June 1992 report of the Novo Sarajevo Crisis Staff stated, in the section entitled “[t]reatment of Muslims and Croats”:

Citizens of all nationalities assemble frequently, especially in Grbavica, and our public attitude is very correct, we appoint a head of every building who is responsible for the situation in his building and for all the information about the occupants. Secretly, the police apply the usual procedure to people who were engaged in military activities against us. We informed the Muslims that they would be safe if they were militarily neutral to us, and so far the situation has been good.<sup>7699</sup> **(This report had been directed to the President from the most competent and**

<sup>7690</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 4; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court pp. 8–9. Smajš described the armed men who came to his home as wearing camouflage uniforms and stated that outside his house, there were also men “in the Police uniforms” and men not wearing any uniforms. P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 4; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court pp. 8–9. **Again, no possibility to check anything. Again the Defence is defenceless and helpless.**

<sup>7691</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 4.

<sup>7692</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 4; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court pp. 8–9.

<sup>7693</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court pp. 4; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court pp. 8–9. With respect to the men who beat him, Smajš said that based on their accents they were not from Grbavica and were probably from somewhere in Serbia. P43 (Witness statements of Mirsad Smajš dated 18 December 1993), e-court p. 5; P43 (Witness statements of Mirsad Smajš dated 18 December 1993 and 14 January 1998), e-court p. 9.

<sup>7694</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court pp. 4–5; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 9.

<sup>7695</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 5; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 9.

<sup>7696</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 5; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court pp. 8–9. See Scheduled Detention Facility C.18.2.

<sup>7697</sup> P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 1, 24, 39–46 (under seal); KDZ354, T. 13215–13216, 13221 (11 March 2011). One of the men who came to KDZ354’s building asked if there were any “balijas” there. Some wore JNA uniforms and others wore “military uniforms” with a white belt as she had seen military policemen wear. P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 24, 39, 41 (under seal).

<sup>7698</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16715. See also Radomir Nešković, T. 14292–14293 (6 June 2011).

<sup>7699</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), pp. 3–4. According to Nešković, who signed the report, if “any inhabitants” noticed, in their building, Muslims who did not surrender their weapons and acted against the VRS, they were required to report the fact to the civilian police and “then further police procedures would be implemented”, including arrest of the individual concerned. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16715–16716. See also Radomir Nešković, T. 14288, 14292–14293 (6 June 2011). The Chamber accepts Nešković’s evidence with respect to his statement that Muslims were arrested. However, considering Nešković’s interest in casting the report and the actions of the Crisis Staff in a favourable light, the Chamber does not consider that Nešković was entirely forthright in his explanation of “the usual procedure”, applied “[s]ecretly”, to which the report refers. The Chamber will therefore not rely on this portion of Nešković’s evidence.

responsible official of the Serb authorities in Grbavica. And that was the only what the President have known and what he should trust, nothing else, particularly not a Muslim propaganda! The Neskovic's report didn't contain any reason for an additional caution of the President, nor alarmed him to act in any direction! But, Smajs was an exception, probably known as an extremist. 5 of April the two Serb policemen were killed from behind in this neighbourhood, and all of this could have had some relation to it. No justification, but there must have been some reason, because Smajs wasn't treated this way only for being a Muslim, because other Muslims would be treated the same way, which was not the case! And the UN documents, like D2424 from 1993, see: D2424, p. 1 #UN documents contra Chamber findings#:

4. Minorities.

There are appr. 1200 Muslims still in Grbavica. The males are not drafted, but those of a certain age have to "do work". (follow up). Between 100 and 150 Muslims have indicated a willingness to leave to "the other side". They signed a declaration, stating that they will voluntarily leave their property behind. What will actually happen to their property will be "discussed" after the war is over. The departure of these people will be part of an exchange for a similar number of Serbs from "the other side".

and p.2

Regarding position of Muslims; impression that those with known loyalties to the Republica Srpska face no difficulties.

as well as a lately disclosed document from 1994 say the same: "those Muslims and Croats who are not fighting against the Serbs seem not to have any problems, and do not want to leave Grbavica"! So, it was the case in June 1992, see D885 from this fn, it was the same in 1993, see D2424, and in 1994, which is ib the lately disclosed document!)

## Other acts

**2267.** osnian Muslims and Croats were forced to perform labour under the responsibility of VRS platoon or company commanders in Novo Sarajevo.<sup>7700</sup> There were prisoners from Kula Prison in Ozrenka; there they had to dig trenches between the confrontation lines.<sup>7701</sup> Several men were killed by sniper fire while performing these work duties.<sup>7702</sup> Before the winter of 1992, detainees from Kula Prison were no longer brought to Ozrenka and they were replaced by "people from Grbavica".<sup>7703</sup> ( #Legal and obligatory#! The ordinary able bodied citizens had in a war condition a legal obligation either to join the Army, or to participate in the working obligation. Since the Muslims and Croats hadn't been "drafted" see D2424 above, they had to work, while many Serbs seeked to be transferred from the military to the working

<sup>7700</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 46; P1937 (Witness statement of KDZ310 dated 28 November 2010), para. 18 (under seal). See also P2444 (Witness statement of KDZ354 dated 5 February 2011), para. 81 (under seal).

<sup>7701</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 46; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3. See para. 2157. KDZ310 stated that he knew they were prisoners from Kula Prison because he asked them. P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 46. See also D2418 (Witness statement of Božo Tomić dated 5 November 2012), para. 15; Božo Tomić, T. 30200–30204 (13 November 2012) (stating that a "work detail" composed of Muslim detainees from Kula Prison was engaged to help fortify the confrontation line at Sanač by digging trenches and covering the trenches). Tomić testified that coming to the area was not safe for members of the VRS but denied that the work detail was in danger in carrying out the tasks of digging and covering trenches at the line. Božo Tomić, T. 30201–30205, 30208–30209 (13 November 2012). But see P5987 (Special report of the 2<sup>nd</sup> Infantry Battalion, 21 May 1993), pp. 1–2 (reporting to the Kula Prison Administration the escape of two Muslim detainees who had been building bunkers with nine other detainees and stating that the area where they were working was constantly under enemy fire). Tomić stated that the area referred to in the report was about 1,500 metres from his position. Božo Tomić, T. 30205–30207 (13 November 2012).

<sup>7702</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 46; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3. The Chamber has already discussed these killings in the Ilidža Section of this Judgement. See para. 2157.

<sup>7703</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 46.

**obligation! There is no evidence that the President was informed about any unlawful “working obligation”!)**

**2268.** Bosnian Muslims and Croats were beaten during the course of searches for weapons.<sup>7704</sup> They were sexually assaulted and raped by soldiers wearing former JNA uniforms.<sup>7705</sup> Bosnian Muslims and Croats were also killed.<sup>7706</sup> Members of the VRS, including the MP, and of the civilian police engaged in mass looting from the point the VRS entered Grbavica.<sup>7707</sup> While the looting did not take place pursuant to an order, it went unchecked without the perpetrators being brought to account.<sup>7708</sup> Non-Serbs experienced psychological pressure as they feared being taken away or beaten.<sup>7709</sup> **(All of it such a general in the manner “#somebody killed somebody#y for some reasons”, but this is not sufficient for a serious court and a serious criminal case! All the sides in conflict wore the former JNA uniforms, it could have been anybody, and certainly it had not been even alleged, let alone proven that it had anything to do with the President! Those are arguments only against a civil war, not against this President! That is why it was unfair to prevent the Defense to depict what was doing the other side, whether the Serbs had been totally secured, or they had many reasons to control the armament and other matters that could jeopardise them. The Defense was prevented to tender the 1D2807, because of the negativism of the KDZ310, and because it was red to the transcript, but see what was red: KDZ310, T9209 "Regional Staff of the Patriotic League, Sarajevo.**

**#Formidable Muslim Forces#! "Regional Staff of the Patriotic League and Green Berets for the Sarajevo region consolidated and connected organisationally and at the same time subordinated, organised forces of the PO BiH and Green Berets that were formed in all municipalities of the region. At municipal level, these units, from squad level to company and detachment level, were subordinated to municipal staffs that guided their activities." So here is a review for the different municipalities in the city. [...] This is the municipality of Novo Sarajevo: "Composition of Municipal Staff of the TO Staff of Novo Sarajevo on the 18th of April, 1992. "Twenty-three active and reserve officers." And: "1.730 soldiers." And the total is 1.753. "Four detachments. "Three independent companies. "Three independent platoons." In a suburb with 10,000 to 12,000 inhabitants, this amount of the secret army members had been a formidable force, and the Serbs had every reason to be cautious!)**

**2269.** Veselin Vlahović, known as Batko, committed numerous crimes in Novo Sarajevo.<sup>7710</sup> He looted in June to July 1992.<sup>7711</sup> He targeted Muslims and Croats and “was involved in all sorts

<sup>7704</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993 and 14 January 1998), e-court pp. 4–5, 9; P1937 (Witness statement of KDZ310 dated 28 November 2010), paras. 18–19, 23 (under seal); P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 50, 52–54 (under seal); KDZ354, T. 13223 (11 March 2011).

<sup>7705</sup> P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 39–40, 47–60, 74 (under seal); KDZ354, T. 13192–13193 (10 March 2011); P1937 (Witness statement of KDZ310 dated 28 November 2010), para. 18 (under seal).

<sup>7706</sup> P1937 (Witness statement of KDZ310 dated 28 November 2010), para. 20 (under seal); KDZ310, 9274–9275 (29 November 2010); P43 (Witness statement of Mirsad Smajš dated 18 December 1993 and 14 January 1998), e-court p. 5. The Chamber notes that these killings are not charged in either Schedule A or B of the Indictment.

<sup>7707</sup> KDZ310, T. 9249–9250 (29 November 2010). *See also* D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 3 (reporting that robberies, especially car thefts, had been rife); P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 7–8 (under seal) (describing car thefts in Grbavica in April 1992).

<sup>7708</sup> KDZ310, T. 9250, 9254, 9265, 9274 (29 November 2010).

<sup>7709</sup> P1937 (Witness statement of KDZ310 dated 28 November 2010), para. 23 (under seal).

<sup>7710</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16699–16705; Branko Radan, T. 31095–31096 (6 December 2012); P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 19. KDZ354 said that she saw Batko wearing “an olive-drab uniform” and carrying a rifle and, at a later time, a camouflage uniform with an insignia on his sleeve saying “The Army of Republika Srpska” and showing a flag. KDZ354, T. 13194 (10 March 2011), T. 13225 (11 March 2011); P2444 (Witness statement of KDZ354 dated 5 February 2011), para. 65 (under seal) (stating that Batko himself said that he was a Montenegrin). *See also* D1278 (Transcript of Radomir Nešković’s interview with Karadžić’s legal associate, 8 October 2009), pp. 40–41. Radan testified that Batko wore an army uniform but that he was not connected to the army. Branko Radan, T. 31097, 31109 (6 December 2012). *But see* D3197 (Witness statement of Dobroslav Planojević dated 23 March 2013), para. 26 (stating that “Batko was supposedly a member of the army”).

<sup>7711</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16701–16702, 16704 (stating that Batko would enter people’s flats at night, steal property, and commit “other misdeeds” and that there were rumours that he committed murders); D1278 (Transcript of Radomir Nešković’s interview with



of violence”.<sup>7712</sup> He killed a number of non-Serbs.<sup>7713</sup> Batko raped Bosnian Muslim women during house searches for weapons in June to September 1992.<sup>7714</sup> Other non-local Serbs, including Zoka, mistreated Bosnian Muslims and Croats in the area of Grbavica.<sup>7715</sup> **(How possibly a renegade like this could have been connected with the President?)**

2270. Municipal authorities were aware of the crimes committed by Batko and others over a period of months. A note of the Novo Sarajevo SJB and Vraca Reserve Police Station dated 31 May 1992 identified “Veselin Vlaović” as among members of the MP formed as part of the Novo Sarajevo Battalion who were “undertaking certain operations on their own without any authority”, including carrying out searches of apartments and vehicles and taking “private and socially-owned property, securities and gold coins”.<sup>7716</sup> From around July 1992, municipal authorities discussed the problems caused by these men, did not support them, and, around September 1992, tried to remove Batko and the others from the municipality.<sup>7717</sup> Radan testified that “something could have been done earlier” to stop Batko’s crimes, before he was eventually removed from the municipality.<sup>7718</sup> Nešković stated that he informed Šipčić about Batko and that Batko was arrested by Šipčić on several occasions but “somebody would always release him”.<sup>7719</sup> Batko “terrorise[d]” the population for a period of months; the MP could have arrested him at any time and the prosecutor’s office could have tried him.<sup>7720</sup> KDZ310 stated that no action was taken against Batko and that at some point he “disappeared” from Grbavica.<sup>7721</sup> **(Here is what KDZ310 exactly said in the cross examination: T.9275: Q. And who did that? A. Veselin Blagojevic [as interpreted], nicknamed Batko. Q. Who is about to be tried in Bosnia; right? A. Correct. Q. So what do authorities have to do with Veselin Vlahovic, Batko? We are here discussing the position taken by authorities. There will always exist criminals, and what do authorities have to do with a man who was expelled and against whom serious measures were about to be taken when he fled? A. Yes, they wanted to do it, but they never did it. Q. Well, did he just disappear from Grbavica? A. While I was still there, yes, he disappeared. (So, KDZ310 was aware of the efforts of authorities to arrest or otherwise eliminate Batko, but he disappeared from Grbavica, obviously feeling that he will be apprehended. Had he felt himself secure and protected in Grbavica, he wouldn’t disappear!)** KDZ354 testified that she reported crimes committed by Batko to the Bosnian Serb MP in July 1992 but was not approached at any time by Bosnian Serb authorities regarding any investigation into the incident she reported.<sup>7722</sup> **(#Not reported to the President#! We also have heard that nobody knew how many men are with Batko, and there were made plans to arrest or even to liquidate him. Certainly, he didn’t**

Karadžić’s legal associate, 8 October 2009), p. 41; P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 61–62 (under seal); KDZ354, T. 13239–13240 (11 March 2011). See also Adjudicated Fact 2586.

<sup>7712</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16704. See also D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), para. 26.

<sup>7713</sup> KDZ310, T. 9274–9275 (29 November 2010). The Chamber notes that these killings are not charged in either Schedule A or B of the Indictment.

<sup>7714</sup> See Adjudicated Fact 2585. Radomir Nešković stated that Batko committed rapes in Grbavica. D1278 (Transcript of Radomir Nešković’s interview with Karadžić’s legal associate, 8 October 2009), p. 41.

<sup>7715</sup> D2549 (Witness statement of Branko Radan dated 3 December 2012), para. 13; Branko Radan, T. 31095–31096, 31107–31110 (6 December 2012). Vladimir Lukić stated that there was “chaos” in Grbavica with the outbreak of conflict owing to “self-appointed individuals” like “Batak” mistreating individuals, regardless of their ethnicity. D3563 (Witness statement of Vladimir Lukić dated 18 May 2013), para. 7. In light of other evidence and considering the witness’s lack of candour on this point, the Chamber does not consider as reliable Lukić’s statement in relation thereto.

<sup>7716</sup> P6017 (Official note of Novo Sarajevo SJB, 31 May 1992), p. 2 (further stating that they were armed and in uniform). See also P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 63.

<sup>7717</sup> D2549 (Witness statement of Branko Radan dated 3 December 2012), para. 13; Branko Radan, T. 31095–31096, 31109–31111 (6 December 2012).

<sup>7718</sup> Branko Radan, T. 31112–31113 (6 December 2012).

<sup>7719</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16709–16710; Radomir Nešković, T. 14318–14319 (7 June 2011); D1278 (Transcript of Radomir Nešković’s interview with Karadžić’s legal associate, 8 October 2009), p. 41. Nešković’s report of 5 June 1992 discussed ongoing looting but did not refer specifically to Batko or other perpetrators. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16712; D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 3.

<sup>7720</sup> Radomir Nešković, T. 14309, 14316–14318 (7 June 2011).

<sup>7721</sup> KDZ310, T. 9275 (29 November 2010). See also D2651 (Witness statement of Milorad Katić dated 10 December 2012), para. 3. Planojević stated that Batko disappeared from Grbavica for about ten days but that on his return the army arrested and detained him. D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), para. 27.

<sup>7722</sup> KDZ354, T. 13192–13193 (10 March 2011).

appear before the Neskovic's report in June 1992, D885, otherwise, he would be mentioned in it. But, such a kind of individuals are always present in the chaotic areas. There was no prosecutors and courts at that time, or were just in the forming. Still, what does it have to do with the President? The President issued many orders which banned this kind of conduct, and even didn't know about individuals!)

2271. Republic-level leaders were also aware of the ongoing crimes by Batko and others. Vladimir Lukić stated that he spoke about the situation in Grbavica, though not about "Batak" specifically, with Koljević.<sup>7723</sup> Nešković also stated that "the top leadership at Pale was told about Batko by Biljana Plavsić and it never yielded any results [...]".<sup>7724</sup> **(Neskovic couldn't have known whether and what Plavsic may said to the other leaders! Plavsic was in charge of the humanitarian issues, and didn't have to report to anybody, but could issue a direct warnings to the officials on the terrain, and probably she did it!)** Dobrislav Planojević, who worked in the MUP from 20 April 1992, stated that he heard about what Batko was doing and the absence of any reporting or investigation due to fear and that he informed Mićo Stanišić about this.<sup>7725</sup> He also informed Prime Minister Đerić in 1992 about problems with crime in the area and with Batko.<sup>7726</sup> **(#Crimes hidden from authorities#! Obviously, after the Planojevic's and Plavsic's intervention, Batko had been arrested, but as Planojevic said, those who detained him didn't have a proper criminal reports, "due to fear" he could have been released prematurely, but the police was after him, and he disappeared from Grbavica! The Prosecution looks like desperate, trying to attach such a marginal renegade to this President! Nota bene: The KDZ354 testified that Batko brought her to another apartment clandestinely and in a dark environment, taking care not to be seen. Even this witness saw that he was doing this on his own. How the situation was difficult there is visible from the incident when the president of Executive Board, a very respected Budo Obradovic was killed in his office by a Serb renegade, although he was a very known and popular official.)**

2272. On 20 October 1992, Defence Minister Bogdan Subotić proposed to the President the introduction of military rule in parts of the territory of RS, including the municipality of Novo Sarajevo.<sup>7727</sup> Subotić set out as the causes for introduction of military rule "the fact that the political and security situation in some [RS] municipalities has become more tense due to the increasingly active paramilitary formations, quasi-state organs and institutions", that legal state organs were not performing their duties in accordance with the Constitution and laws and with adopted defence goals, and that decisions by the Government and other state organs were not being respected.<sup>7728</sup> **(This is another proof that it was not the Government or other state organs who tolerated, allowed, supported – let alone ordered any crime! This fact is #EXCULPATORY#!!!! Unfortunately, the Military rule could not be introduced in own territory, but only on the occupied one, while a state of war could be and would have a similar effects. But the President tried not to militarise the civil life, since the prospective was that it was to be a long lasting low intensity war! He spoke about it frequently, in the Assembly sessions!)**

<sup>7723</sup> D3563 (Witness statement of Vladimir Lukić dated 18 May 2013), paras. 7–8 (stating that he was appointed commissioner of Novo Sarajevo municipality around this time by a decision of the Accused as President).

<sup>7724</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16710.

<sup>7725</sup> D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), paras. 2, 17, 26 (stating that he was chief of the Crime Prevention and Detection Administration until mid-July 1992, became a National Security Service inspector in September 1992, and was chief of the State Security Centre Sarajevo from July 1994 to June 1995).

<sup>7726</sup> D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), para. 27. See also P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 14 (stating that he had received information through "private channels" about problems with a man in Grbavica named "Batika" and issues with detaining him).

<sup>7727</sup> D458 (RS Ministry of Defence letter to Radovan Karadžić, 20 October 1992).

<sup>7728</sup> D458 (RS Ministry of Defence letter to Radovan Karadžić, 20 October 1992).

On 15 November 1992, at a meeting of the SRK Command where then-President of Novo Sarajevo Municipality, Milivoje Purić, was present, it was noted that among the flaws of the operations was “genocide on other nations”.<sup>7729</sup> The meeting also noted: “[t]he understanding and practice of individuals and groups that they are masters of life and death to every individual of different ethnicity, resulting in cases of unnecessary mistreatment and killing of members of other ethnicities, especially Muslims. Such people see the Geneva and other conventions as obsolete and unnecessary in this war.”<sup>7730</sup> Purić gave a speech about the situation in Novo Sarajevo in which he stated: “A great portion of soldiers is exercising unruly behaviour. Mass removals of property from the municipality, rape, expulsions from flats are going unpunished, affecting morale. Military police are consolidating but are still not strong enough.”<sup>7731</sup>

**(What we can see for sure is that there was a lot of incompetence, weakness, fear, lack of strength, but not criminal intent of the officials. But, how this document and this meeting could have been used against the President?!? This is an EXCULPATORY fact! This is a perfect example how the Serb military and civilian officials analysed the situation and tried to improve it, and to prevent any irregularity. The President was not present, nor he was informed about the conclusions. But, he didn't have to be, because the present authorities were doing their duties well and in the right direction. The President should be informed and asked for an assistance if there was an opposition of the participants to the respect of law and order. Let us see what had been concluded, and what was the attitude of the present officials towards the noted irregularities: see P5065: p. 5 - 10. This is how Lt. Col. Marko Lugonja, the chief of the intelligence-security sector of the SRK summarised the problems and the causes**

<sup>7729</sup> P5065 (Minutes of SRK Command consultation meeting, 15 November 1992), pp. 1–2, 4.

<sup>7730</sup> P5065 (Minutes of SRK Command consultation meeting, 15 November 1992), p. 9. See also Branko Radan, T. 31124 (6 December 2012).

<sup>7731</sup> P5065 (Minutes of SRK Command consultation meeting, 15 November 1992), p. 12. According to Radan, municipal leaders wanted to stop the crimes by VRS soldiers but lacked the capacity to do so and that they would have required co-operation from the army and the civilian and military police. Branko Radan, T. 31127 (6 December 2012). The Chamber notes Radan's interest in distancing himself from responsibility for addressing the crimes and does not consider his evidence reliable in this regard. The Chamber also considered its broader assessment of the testimony that the witness was withholding information from the Chamber on certain points.

**(This is an unacceptable disqualification of a Defence witnesses on a fake basis: both, Radan and Purić were the SDS officials in the authorities, none of them had ever been mentioned, let alone indicted for any crime. Why would Radan distance himself, while he as well as Purić were trying to improve the situation? Let us see what Branko Radan testified on T.31095-96: Q. Thank you. Can you tell us if you encountered any security problems in your municipality as of the date when the conflict broke out? A. I said that we had been trying the whole time to prevent anarchy. That is a normal phenomenon under such circumstances, so we were no exception. We tried in every possible way, because we lived mostly in the urban part of the city with all three ethnic communities. We wanted to protect everybody who remained with us. We had a huge problem with a group that came from outside, meaning that they were not locals. We had problems with them because they were maltreating and harassing our citizens of Muslim and Croat ethnicity. Therefore, we constantly pointed out to these happenings, and at our regular meetings that took place at least once a week, the civilian authorities, the police, and the army underlined, although I was not able to give any tasks to anyone, we made a joint effort to remove those nine persons who were constantly causing problems. And amongst them was Veselin Vlahovic, aka Batko, who was the worst. Q. Thank you. These nine persons, did they enjoy any support from the authorities? A. I already said that we could not support these individuals in any way whatsoever, quite the opposite. We did our best to remove them from our territory and prevent them from causing problems, and I think that we managed to do that step-by-step, to remove them from our territory. Taking into account the fact that the Batko's group #acted clandestinely#, during hights, Radan should be trusted!)**

3. Submitter of introductory report: Lt. Col. Marko LUGONJA.

- War before the war;
- Overflow of weapons, prolonging war;
- During that period certain persons, prominent individuals, formal and informal groups (party leaders and various dealers) who had taken advantage of the Serbian cause for their own promotion were not subjected to exposure;
- Aggressive by nature, they tried to impose their standpoints and emphasized their achievements;
- The first battles of groups and individuals produced the first heroes who considered themselves competent and compelled to influence or take decisions relevant to the whole unit. Thus acquired "fighter status" gave many an excuse to start exercising self-will.
- War as the first experience of many. Many people had gained their education in that area and did not get any education for a civil war. Many if not all

**No to much help of the general military knowledge, said Lugonja, because the army officers were not educated for a civil wars.**

The situation in the Corps area is very favorable in that sense, and everyone (or almost everyone) is in favor of creating RS. Everyone is in favor of achieving this through an armed struggle, at this stage at least. From that aspect, the balance of power is very favorable and the situation is stable. In the Corps area, as far as we are aware, there is, conditionally speaking, no organized opposition to the Serbian people's struggle or opponents of war objectives. A share of the Muslim population and a relatively negligible number of Croats are, at least in the practical sense, loyal to the Serbian authorities.

**The assessment of the position of Muslims loyal to the Serb authorities is consistent with the UN assessment in D2424, see above!**

- Ill discipline and disobedience, self-will, various forms of abuse, mutual disrespect, etc.
- Non-recognition of army hierarchy, subordination and unity of command. Many believe that the fall of the former system also meant the fall of basic relations in the army, and the new system does not acknowledge some communist inventions. Certainly, the conductors of such activities see themselves as more educated and knowledgeable, and as having achieved so much for the Serbian people that they are entitled to exert major influence on everything.
- Creation of formal and informal groups and organizations, gathering around an already prominent and creditable individual. They exercise their status in units via threats, extortion, and other violent methods.

**Lt. Col. Lugonja depicts the problems that arised from the fall of the previous system. Therefore, this was a state equal to a revolution. A "diagnosing" the causes was a #commendable#, because it was followed by the proposal of set of measures to extinguish crime! Se further: P5065, p. 9**



- Extremely widespread theft, robbery, violent and other crimes. Everything is being stolen, starting from cars, household appliances, to clothing etc. It is worth emphasizing that many individuals feel that committing theft and robbery is their right and is the only way to refund what they have lost, or to compensate their participation in war.
- The understanding and practice of individuals and groups that they are masters of life and death to every individual of different ethnicity, resulting in cases of unnecessary mistreatment and killing of members of other ethnicities, especially Muslims. Such people see the Geneva and other conventions as obsolete and unnecessary in this war.
- Collective attempts to shelter individuals against whom security organs and military police organs have taken measures (tricks, transport etc.). In the process, threats and weapons are often used.
- Everything has been made relative, all previous values, knowledge, expertise, education.
- Security has been made worse by a number of individuals who under no circumstances should have contact with weapons.

**#Authorities – proper conduct#! This is the first class proof that there was a chaos, and that was not either intention, or negligence of the authorities. The entire state structure is making an endeavour to overbridge the gap in regularities. If it was as the Prosecution alleged, and the Chamber “found” the authorities would jubilant and satisfied how the Joint Criminal Enterprise had been realised. But it was all the way around, and that is #EXCULPATORY#! See further: P5065, p.9**

- Near-total absence of the rule of law (many legal matters haven't been solved) and many matters do not suit current war situation.
- In connection with the above, the rule might-makes-right applies, or if that doesn't help, weapons do (cases of SVČ /expansion unknown/ tricks and encirclement).
- Widespread theft, robbery, and all forms of violent behavior.
- Intensive war profiteering and organized crime activities, permeating all structures: civilian authorities, army, police etc.
- Nearly-total financial and legal insecurity particularly in specific areas (Grbavica etc.), widespread belief that war provides an opportunity to profit as much as possible, which is only viewed as normal.
  - Reporting and promotion of various power-mongers on a local level, refusing to acknowledge any authority, civilian or military.
- Growing localism, particularism, and feeling of self-sufficiency in certain municipalities, settlements etc. (taking away of soldiers, material goods, other goods).
- Long-term assumption of an unfavorable security picture: emptying of territory and merciless exploitation of various resources.
- Tolerant attitude, organizing, requesting of various armed groups or individuals, preference for them over the members of the RS army.

#### Proposal:

Achieve complete unity of measures and activities in order to accomplish war objectives, to which everything should be subordinated (cooperation between the civilian and military authorities).

Ensure full implementation of subordination in units, and reinstate a lance corporal's role of a commissar.

Affirm and strengthen the repressive apparatus with skill and instances of repressive action, repressive action if required.

- Officers should be made responsible for the situation in their units, while turning random groups, which some units resemble, into military collectives with built-in positive attitudes; holding individuals responsible for their behavior.
- Ensure that legal and other sanctions are applied more swiftly in order to create a desired effect.

**The only villain is the civil war, not those officials who are trying to establish the rule of law**

**and order! Further, P5065, p. 12, the quoted sentence of Mr. Prijic, the then president of municipality of Novo Sarajevo:**

The soldiers' morale in Novo Sarajevo SO is falling. A great portion of soldiers is exercising unruly behavior. Mass removals of property from the municipality, rape, expulsions from flats are going unpunished, affecting morale. Military police are consolidating but are still not strong enough.

**Both, the military and civilian authorities are concurring about the situation and the causes. It is explicitly said that the "Military police are consolidating but are stil not strong enough! Batko already disappeared a couple of months prior to this meeting, and the military police then was even weaker!":.**

i. Scheduled Detention Facility C.18.1

2238. The Indictment refers to the use of the Slaviša Vajner Čiča Barracks in Lukavica as a detention facility from 22 June 1992 until September 1992.<sup>7732</sup>

2275. Lukavica, about three kilometres from Kula, was an area held by the SRK.<sup>7733</sup> The Slaviša Vajner Čiča Barracks in Lukavica served as the Forward Command Post of the SRK.<sup>7734</sup>

2277. On 22 June 1992, around 9 p.m., approximately 280 men who had previously been detained in the garage of the Hadžići Municipal Assembly Building<sup>7735</sup> and in the Hadžići Culture and Sport centre<sup>7736</sup> were placed on four buses and transferred to the Slaviša Vajner Čiča Barracks in Lukavica.<sup>7737</sup> The driver of one of the buses was Milan Ačimović.<sup>7738</sup> The buses first went to Kula prison, in front of which two Serb individuals in camouflage uniforms got on the buses and started beating the detainees badly; these beatings resulted in head injuries.<sup>7739</sup> One of the soldiers extinguished a cigarette butt on the face of one of the Bosnian Muslims.<sup>7740</sup> The soldiers threw bullets among the detainees and said, "[h]ey, balija, you have ammunition!"; they then used that as "a pretext" to beat the detainees.<sup>7741</sup> The detainees were then taken to the Slaviša Vajner Čiča Barracks in Lukavica.<sup>7742</sup>

2277. Upon arrival at the Slaviša Vajner Čiča Barracks, the detainees exited the buses and were beaten by Serbs in uniforms as they made their way to the barracks.<sup>7743</sup> Inside, the detainees were beaten with rifles, batons, and various objects when they went to the toilet or to get a drink of water.<sup>7744</sup> Some people chose not to go to the toilet because they did not want to be beaten on the

<sup>7732</sup> Indictment, Scheduled Detention Facility C.18.1. However, the Prosecution in its Final Brief refers only to detention around 22 June 1992. Prosecution Final Brief, Appendix B, p. 29.

<sup>7733</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8879. See also Adjudicated Fact 2630.

<sup>7734</sup> KDZ088, T. 6277–6278 (7 September 2010) (closed session); P989 (Witness statement of Richard Philipps dated 25 May 2010), pp. 11, 17; Desimir Šarenac, T. 34922 (6 March 2013). See also John Hamill, P1994 (Transcript from *Prosecutor v. Galić*), T. 6115–6116; Hussein Ali Abdel-Razek, T. 5501 (19 July 2010).

<sup>7735</sup> See Scheduled Detention Facility C.11.1.

<sup>7736</sup> See Scheduled Detention Facility C.11.2.

<sup>7737</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 51, 64–72; Mehmed Musić, T. 12868–12869 (3 March 2011); see Adjudicated Facts 2617, 2630. See also P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2 (stating that people were taken from the Sport centre to Lukavica on the night of 20 June 1992). See paras. 2099, 2106.

<sup>7738</sup> P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2.

<sup>7739</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 67–69 (referring to the men as "Chetniks"); P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2.

<sup>7740</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 69; Mehmed Musić, T. 12870 (3 March 2011). See also P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2.

<sup>7741</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 69; Mehmed Musić, T. 12870 (3 March 2011).

<sup>7742</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 69–72; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2.

<sup>7743</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 72.

<sup>7744</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 75–76; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2. See also Adjudicated Fact 2631.

way.<sup>7745</sup> All 280 of them were put in two empty rooms; as a result the rooms were very crowded.<sup>7746</sup> During the first hours of detention, individual detainees were called out and beaten.<sup>7747</sup> All 280 detainees were then taken to one room in another part of the barracks.<sup>7748</sup> Subsequently, a man in uniform called out a list of 48 men.<sup>7749</sup> Each of these men had to walk through a corridor with guards lined up on both sides and was beaten with various objects and kicked.<sup>7750</sup> The guards swore at the detainees' "balija" mothers.<sup>7751</sup> One of the detainees, Mehmed Musić, saw his brother, covered in blood, lying on the ground and was told to carry him.<sup>7752</sup> Musić carried his brother into the room at the end of the gauntlet as instructed and saw the other detainees who had been called out, lined up against three walls, and three officers at a desk in the middle of the room.<sup>7753</sup> They asked Musić his name, his father's name, and where he worked and "swore on [his] balija mother", and one of them kicked him.<sup>7754</sup> One of the officers hit him and told him to get out, and as he went through the hallway, he was hit again.<sup>7755</sup> Musić returned to the previous room and has not seen any member of the group of 47 since.<sup>7756</sup> Soldiers later came twice to beat the detainees.<sup>7757</sup> They also made the detainees make the sign of the cross and sing Serb songs.<sup>7758</sup> Later "regular JNA soldiers" came in and told the detainees to stop singing, said no one would touch them anymore, and brought them some food.<sup>7759</sup> **(It is for sure that those "regular JNA soldiers" were not the JNA soldiers, because the JNA wasn't present in Lukavica after 20 May 92. Those soldiers were the regular soldiers of the VRS, which means that the felonies that are described hadn't been committed by the soldiers, but by some other group!)**

<sup>7745</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 76. The detainees were also given only a few minutes to go to the toilet or get water. P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2.

<sup>7746</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 72; Mehmed Musić, T. 12872 (3 March 2011); P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2.

<sup>7747</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 73–74 (stating that he saw black and blue marks on the individuals when they returned); P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2. According to Musić, one of the men called out during this time, Kardaš Alija, was taken out of the room, those in the room heard him screaming and a shot, and he was not brought back to the room. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 73. The Chamber notes that there is no killing charged in relation to this detention facility pursuant to either Schedule B or C of the Indictment. *See* fn. 13; Indictment, para. 60(a)(ii), fn. 4.

<sup>7748</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 77.

<sup>7749</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 78–79; P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2. Musić later learned that the man was Vujo Vukotić. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 78; Mehmed Musić, T. 12873 (3 March 2011).

<sup>7750</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 80. *See also* P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 2. According to Musić, the men in the corridor who beat him all wore red berets and camouflage uniforms and, based on their speech, seemed to be from Serbia. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 81–82; Mehmed Musić, T. 12873–12875 (3 March 2011). *See also* KDZ216, P69 (Transcript from *Prosecutor v. Kunarac*), T. 3395 (under seal) (stating that there were "Serbian soldiers" at the barracks in Lukavica, where he stayed for about a month). Musić stated that members of the police were present and described them as Serb, "SDS police", as distinct from "the ordinary, regular police" and from "the military police who wore white waist belts". P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 83.

<sup>7751</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 80.

<sup>7752</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 84.

<sup>7753</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 84. Musić said he knew that they were officers because they all wore uniforms with ranks. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 84.

<sup>7754</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 84–85 (also stating that one of the officers wore a cap with the coat of arms from Lika, Serbia and another "spoke like he was a Montenegrin").

<sup>7755</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 85.

<sup>7756</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 89. The Chamber notes that there is no killing charged in relation to this detention facility pursuant to either Schedule B or C of the Indictment. *See* Indictment, para. 60(a)(ii), fn. 4.

<sup>7757</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 85–86; Mehmed Musić, T. 12879 (3 March 2011); P161 (Adem Balić's statement to BiH authorities, 7 February 1993), p. 3. These men carried large knives and wore the same gloves as those who beat Musić and others in the Sport centre; some wore black uniforms while others wore camouflage uniforms. P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 86; Mehmed Musić, T. 12870 (3 March 2011). **The look, equipment and behaviour of those who maltreated Musić certainly didn't belong either to the Serb Army or to the Police.**

<sup>7758</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 86; Mehmed Musić, T. 12879 (3 March 2011).

<sup>7759</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 87–88; Mehmed Musić, T. 12870–12871 (3 March 2011).

2278. The next day, the remaining approximately 233 men went back to the buses and were taken to Kula Prison.<sup>7760</sup>

2278. The Chamber took judicial notice of the fact that at the Lukavica barracks, detainees were forced to perform manual labour such as digging trenches and graves.<sup>7761</sup> However, the Prosecution, for the period charged, did not provide evidence on forced labour at this detention facility or on detention other than in relation to the 280 non-Serb men for a few days in June 1992 discussed above.<sup>7762</sup> The Chamber notes that the Prosecution itself limited its discussion of Scheduled Incident C.18.1 in the Final Brief to the detention and beatings of men from 22 June 1992.<sup>7763</sup> The Chamber concludes that it does not have sufficient evidence on which to make a finding that detainees were forced to perform labour at the Slaviša Vajner Čiča Barracks.

**2280.** Based on the above, the Chamber finds that individuals were detained at the Slaviša Vajner Čiča Barracks in Lukavica for a few days in June 1992. The Chamber further finds that detainees were beaten and that 48 detainees were forced to run through a gauntlet. **(The Defence doubted this, since it was not corroborated by any objective, unbiased evidence. Had it happened, there would be some knowledge and record about it within the VRS!)** The Chamber finds that the detainees were held in poor conditions, including a lack of adequate space and access to sanitation facilities and water. **Everyone could agree on that, but it should be of a decisive significance to establish whether it was a deliberate conduct of the authorities, or the circumstances determined the conditions. Namely, nobody expected, and therefore nobody prepared any facility for such a number of the POW-s and detainees. That concerns the food also. We also see that the “regular” soldiers behaved differently from those who mistreated the detainees.#General shortage#!).**

**(Deadly combination#! However, the Chamber took for granted everything that Mehmed Music said about this mistreatments, and Adem Balić’s 92bis, and a few AF, and the Defence consider this not to be fair.**

**Not to justify, but to understand, Grbavica and the entire municipality of Novo Sarajevo had been on the front line, against the three to four times more numerous enemy, with the sniping and mortar fire on a daily basis, and everyone able-bodied was obliged to go to the trenches, see See: P06643,p.1**

In spite of the problems with, primarily, overall lack or insufficiency of staff, a total of 469 crimes were recorded in this period, of which: 168 serious crimes, mostly aggravated thefts, 18 murders and one attempted murder, three cases of causing public danger, two cases of grievous bodily harm, 7 war crimes, 12 robberies, 35 cases of motor vehicles being taken, 10 forgeries and 175 other types of crimes.

Of the recorded crimes, 430 were carried out by NN /unidentified/ and 39 by identified perpetrators. Intelligence work solved 273 crimes, or 63%. A total of 311 criminal reports were submitted in this period. During the processing phase, 624 persons were brought in, 157 motor vehicles seized, 173 apartments and other premises searched and 40 other notes of interest for security filed. Approximately 2,000 various items were seized and receipts for them issued, and 301 persons were put on the wanted list for whom reasonable grounds existed that they had participated in the commission of crimes..

**The primarily “overall lack or insufficiency of staff” should be taken into account. See: p.2.**

<sup>7760</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 89, 92; Mehmed Musić, T. 12879 (3 March 2011); P161 (Adem Balić’s statement to BiH authorities, 7 February 1993), p. 3. See also Adjudicated Fact 2638. See para. 2141.

<sup>7761</sup> See Adjudicated Fact 2632.

<sup>7762</sup> The Chamber notes P6282, which identifies a number of detainees who were forced to carry out labour at frontlines, including digging trenches, and were held in the Lukavica Barracks in 1993. See P6282 (RS Central Exchange Committee list of persons). However, as these events fall outside of the temporal scope for the Lukavica Barracks charged in the Indictment, the Chamber will not make a finding of forced labour at the Lukavica Barracks based thereon.

<sup>7763</sup> Prosecution Final Brief, Appendix B, p. 29.



A meeting was held with heads of the Crime Department and all SJBs, drawing attention to a series of problems encountered in time of war and, predominantly, in zones of combat operations. It was proposed that they be successfully dealt with and resolved in order for the employees of the Crime Department to be able to carry out their work competently and to a high standard.

**“...a series of problems encountered in time of war and, predominantly, in zones of combat operations” was a big problem, and Grbavica and the whole Serb Sarajevo was in the #combat zone#, aimed and fired at from all the surrounding, almost completely encircled.**

**See: P02761, p. 8, how the Police, in addition to the “lack or insufficiency of staff” had to participate in the combat activities:**

Finally, something that could not be by-passed in this report, is the data which we present and which can, at least to some extent, provide a picture of the participation of MUP members in combat activities.

By the beginning of April, there were 12,600 members of the regular Serbian MUP, of which more than 9,700 were reserve members.

On average, in the areas of the Security Services Centres, more than 14,700 policemen took part in combat activities at the front line, with over 390,000<sup>2</sup> days in combat, or on average 1451 police officers each day.

#### **p. 17**

The military, security and political situation in Republika Srpska has affected public peace and order situation and vice versa: this situation has influenced the total security situation. At the same time, some new forms of violations of law and order appeared, others that appeared earlier have changed and become worse.

A great problem was the activities of certain armed groups, some of which often acted in a non-institutionalised and violent manner in attempts to impose their solutions for the current social and political problems in certain environments. In addition to this, there were attacks on police stations, or Public Security Stations (in six municipalities), which greatly disturbed law and order and had very negative connotations on the entire situation with security and efficiency of the police in these areas. In addition, law and order was often violated by other criminal acts, most often plunder and robbery in public places, attacks on citizens, planting explosive devices, unauthorised use of weapons etc., which could create serious problems and consequences for the safety of citizens and the social order.

**# Officials vs. crimes#, but used against officials#! This is evident that the MUP was aware of a serious problems, but was limited by many factors. Those reports, as well as the reports from the Novo Sarajevo authorities are the sources of knowledge of the crimes. How possibly this can be used against this President? The only reason for not preventing the crimes was the war and the initial chaos, 2000 km of the front line, lack of institutions in the Republika Srpska, constant armed attacks by opponents with a possible catastrophic consequences, their crimes against the Serbs, which motivated many personal revengeful acts, an influx of the Serb refugees, sanctions and lack of production, lack of food, oil and fuel... All of it was too far from a real abilities of the society and state organs to cope with it, particularly in 1992. The reports about the efforts of the officials, and their desperate needs for help could and should not be used as an evidence of their liability, let alone of the liability of the President!**

- i. Movement of the population from Novo Sarajevo and appropriation of property

**2281.** During 1992 Bosnian Muslims and Croats, including nuns, were expelled from their homes, which were then looted.<sup>7764</sup> From the time Grbavica was taken over by Serb Forces,

<sup>7764</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), paras. 45, 64; P1937 (Witness statement of KDZ310 dated 28 November 2010), para. 18 (under seal); KDZ310, T. 9179, 9248–9249, 9255–9259 (29 November 2010); P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 82–91 (under seal); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16698–16701; Radomir Nešković, T. 14294–14295 (6 June 2011); P43

Bosnian Muslims and Croats were expelled and forced to the other side of the Miljacka River.<sup>7765</sup> KDZ310 testified that he could see from the expressions of the people moving that they were not going of their own free will; people were crying and did not want to leave their property behind to be looted.<sup>7766</sup> Serb soldiers were kicking and hitting the Bosnian Croats and Muslims.<sup>7767</sup> Both soldiers and the civilian and MP took part in the expulsion of non-Serbs from Grbavica.<sup>7768</sup>

**(#Protected lies#! As all the “protected witnesses”, enjoying benefits for their services to the Prosecution, the KDZ310 lied a lot. It had been clarified with this witness that the Muslims and Croats leaving Grbavica early in morning on 30 September 92 were not leaving by their joy and happiness, and the sadness was normal and expected. However, the front line went through the settled zone, sometimes even through the buildings, so a two neighbouring apartments were belonging to the two warring sides. The people from the testimony of KDZ310 were living along the front line in the area of Jewish cemetery, and both, the Serb and Muslim civilians had to leave. While the Serbs went deeper in the Serb territory, the Muslims rather choose Sarajevo areas under the Muslim control. See: T. 31098 – 31100 Q**

*Thank you. In September 1992, was there a significant relocation of the population in Novo Sarajevo municipality, and if so, can you please tell us? A. Yes. On the 30th of September, 1992, in the early morning hours there are some estimates that about 300 Muslim citizens crossed over the bridge on the Vrbanja and went to the territory of the federation -- or, rather, under the control of their forces. Since I wasn't personally present there but I nevertheless reacted immediately by talking to the police and inquired about this incident, I was told that that happened with the inhabitants who were living on the front line in Jevrejsko Groblje, Gornja Kovacici and Donji Kovacici, and on a daily basis there was shooting, fighting, shelling in that area. The Serbian forces were holding defence positions. They had moved their families further back in order to provide safety, but the Muslims stayed in their houses and they were behind the VRS. In order for them to be safer, I don't know who agreed on that or whether they organised themselves, they decided to cross over to the other side. As far as I know, no pressure was exerted. Nothing was done under coercion, and people moved across. So I think that it was an organised move and that it was a satisfactory move, and I have proof in the incident that took place on the 15th of November when 15 buses of Serbs crossed across -- passed across our territory and went to Belgrade. So there was some kind of goodwill there, and there was a response from our side. Q. Thank you. The Muslim civilians living along the confrontation line, did they have any other alternative to be safe? What could they have done? A. Well, they could have withdrawn, but believe me, Grbavica was fully packed with refugees. All the vacant premises were filled by people, flats and all other residential areas. So there was very little possibility to provide shelter elsewhere for those people living on the front line. Q. Thank you. Did any Muslims remain at Grbavica, those who weren't living along the confrontation line? A. Yes. According to some estimates, between 3 -- 1.350 and 1.500 inhabitants remained, and they enjoyed all the same rights in terms of humanitarian aid, medical assistance and security. We tried to provide identical conditions for them as the ones accorded to the Serbs and Croats. So as I said, between 1.350 and 1.500 of them remained. Q. Did they stay there until the end of the war? A. Yes, until reintegration took place.*

**(#Consistent with UN documents#! That was what Mr. Radan testified, and his testimony, particularly in the part of number of Muslims living in Grbavica, and their rights – is consistent with the D2424, the UN report about status of the Muslims/Croats in Grbavica in 1993. No reason to disqualify this witness on this or any other occasion! Beside that, it would be impossible to forcefully gather 300**

(Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 7. See also P2922 (Witness statements of KDZ079 dated 17 May 2006 and 12 March 1995), e-court pp. 5, 14.

<sup>7765</sup> KDZ310, T. 9179, 9255–9256 (29 November 2010); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16699–16701.

<sup>7766</sup> KDZ310, T. 9255–9257 (29 November 2010).

<sup>7767</sup> KDZ310, T. 9257 (29 November 2010).

<sup>7768</sup> KDZ310, T. 9179 (29 November 2010); P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 64.

people in the early morning, all packed and prepared to cross the confrontation line – without a dramatic unrest! Obviously, it was appointed with the civilians who left!)

2282. Intimidation and threats were employed to impel people to leave.<sup>7769</sup> But, from the testimony of the very same witness, it was obvious that relatives from the Muslim part of Sarajevo made many lists of the relatives they wanted to cross the River, as it was with his father. His father wasn't on the very front line, and decided not to leave, and remained all the time in Grbavica, see: KDZ310, T9257-9259: **Q:** Can you look at this document, please? You can see here where it says that: "The UNPROFOR forces were rather surprised today when they came to the Serbian settlement of Grbavica in order to take several Muslim and Croatian families to be exchanged. These are families of Dervo Pusina, Izet Tanovic, Alija Talic, Drago Barbar, as well as family Hadzimesic signed the statement they didn't want to leave Grbavica because they had no reason for such action. To the team of UNPROFOR, they confirmed that, 'the Serbian authorities treated them correctly and that they enjoyed all the conditions for normal live, as well as the Serbian people in the settlement.'" **Q:** They also asked how their names got on the exchange list in the first place. I am claiming now that after the lines were established, the only way to cross the line was if this was organised by some humanitarian organisation and what you saw was that. Are you able to provide some kind of convincing proof without reading the faces of people that you saw? Do you have proof that somebody was expelled, and can you explain how was somebody able to cross the lines who was expelled? **A:** Simply, they were able to cross the lines. They would tell the people who were at the lines to let them pass on the other side, and they were expelled, and that's that. Through Belgrade Street, you would be moving in the direction of Skenderija and Vrbanja, and that would be that. It was very simple, how this could be done. It can be done very easily if somebody wants to do that. **Q:** And you know about these lists? **A:** I don't know about the lists, but I know that through the Exchange Bureau, in some cases such exchanges were carried out, because prisoners were also exchanged through this bureau, and civilians were crossing either side. I know a Serb woman who crossed over to the Serbian side, she went to Belgrade, and then she asked to go back again, for example. There are different cases. The quoted document is #consistent with UN document# D2424! As it is clear, the KDZ310 witness confirmed something else in the cross examination. There was a Exchange Bureau facilitating a possibility to civilians to cross over the confrontation line. Why would exist such a "bureau" if there was expelling of the people? Also, even without any criminal act, the Witness confirmed that the mere matter of the ethnic conflict, the maps and so on, rose an anxiety among the people finding themselves in the "others territory", but that was because of the secession of BiH, see: T9177 - 78 **Q:** And do you recall that there were also maps in relation to Sarajevo, and do you recall what was indicated in such maps? **A:** Yes, I recall that maps of Sarajevo looked very similar to what the ultimate division according to the Dayton Agreement was. **Q:** And these maps and the divisions of territories, did these maps and the talks about it have an effect on the population? **A:** They did have an effect on the population, of course they did, especially the population that saw itself outside the areas that would belong to a particular people, say Serbs, who saw themselves outside a possible Serb area, according to such maps. Well, there was a feeling of anxiety among them. See p. 9118 **A:** At that time, a lot of people were saying that there might be a war, but what kind of war it would be, well, people were quite simply afraid. They were afraid for their families, they were afraid in terms of their very existence and their survival in that area. You know, that is a terrible thing. Croats and Muslims were afraid, and Serbs were afraid too, of course. Everybody was afraid. (#Everybody was afraid#)

KDZ079 stated that in early 1992 Serb soldiers would come, sometimes several times in one day, to the apartment where she lived with her husband and children, which made her and her family fear for their lives.<sup>7770</sup> After her husband left to obtain food, Serb soldiers repeatedly came to the apartment asking for him and a photograph of him and his identity card.<sup>7771</sup> The soldiers said they would take the witness and her daughter if her husband did not return.<sup>7772</sup> Because Bosnian Croats and Muslims could not get bread and Serb soldiers were breaking into apartments and taking private possessions, on 26 May 1992 the witness, with her children, left the apartment and all their belongings.<sup>7773</sup>

2283. Soldiers entered buildings and made statements such as, “[i]n 10 minutes all Ustašas and Balijas out!”.<sup>7774</sup> In one instance where civilians were being expelled from Grbavica, KDZ310 talked to a platoon member who agreed to go to the MP headquarters to ask for an explanation for the expulsions but the member did not receive an answer.<sup>7775</sup>

2284. The 5 June 1992 report of the Novo Sarajevo Crisis Staff to the Bosnian Serb Presidency stated that it had provided as accommodation “empty and deserted Croatian and Muslim flats” to fighters from other areas who had joined regular units.<sup>7776</sup> **(#In accordance with the law!#)**

2285. On 19 July 1992, the President sent a memorandum to several municipalities, including Novo Sarajevo, requesting an inventory of all housing facilities “that are vacant following the voluntary departure of Muslims”, explaining that vacant homes would be used to temporarily house Bosnian Serbs from the Muslim part of Sarajevo.<sup>7777</sup> **(#In accordance with the law#! The stress was on the “temporary” as it was said, the issue of refugeeese as well as abandoned property are a war, therefore temporary features! See: D111, introductory paragraph, on the same subject :**

#### INSTRUCTIONS to all presidents of municipalities

It has become common for local people to move into empty flats instead of refugees, and they sometimes even retain some kind of “right” to several flats.

The occurrence of abandoned flats is a war issue, and so are the refugees. This means that both occurrences are temporary.

**So, the allocation of property for a temporary use was a move towards preserving it against looting and destruction. Otherwise, refugees would occupy it anyway, but without obligations to preserve it!)**

2286. A UN report from 30 September 1992 reported as confirmed that approximately 300 Bosnian Muslim civilians were expelled by Serbs that day from the area of Grbavica and had travelled on foot using one of two bridges, Vrbanja Bridge and a bridge behind the Bristol

<sup>7770</sup> P2922 (Witness statements of KDZ079 dated 17 May 2006 and 12 March 1995), e-court pp. 5, 14.

<sup>7771</sup> P2922 (Witness statements of KDZ079 dated 17 May 2006 and 12 March 1995), e-court pp. 5, 14.

<sup>7772</sup> P2922 (Witness statements of KDZ079 dated 17 May 2006 and 12 March 1995), e-court pp. 5, 14.

<sup>7773</sup> P2922 (Witness statements of KDZ079 dated 17 May 2006 and 12 March 1995), e-court pp. 5, 14.

<sup>7774</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 64.

<sup>7775</sup> P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 65. KDZ310 also went to the military police to seek protection for a Muslim civilian who lived in his building, but the military policeman on duty he found dismissed the request, waving his hand aside. P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 65; KDZ310, T. 9265 (29 November 2010).

<sup>7776</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 3; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16716–16717 (explaining that this was a way to protect these flats from looting or damage and to provide temporary housing to the fighters). However, KDZ310 testified that permission to use flats was given to fighters but that they looted the apartments they were issued. KDZ310, T. 9251–9252 (29 November 2010). Considering this testimony, which the Chamber finds credible, and considering Nešković’s interest in casting the report and the activities of the Crisis Staff in a favourable light, the Chamber does not accept Nešković’s explanation that the flats of Croats and Muslims were provided to prevent looting or damage.

<sup>7777</sup> P739 (RS Presidency request to various municipalities, 19 July 1992).



Hotel.<sup>7778</sup> People were seen carrying bags and bundles, and armed soldiers, with rifles pointed in the air, were standing beside them.<sup>7779</sup> **(How many times the Prosecution exploited this event? This is the same event elaborated by KDZ310 and by Branko Radan in paragraphs 2281 2282 above!) On 1 October 1992, UNPROFOR Acting Commander, Morillon, conveyed in a letter to the President that he had received news of “[the President’s] forces hav[ing] proceeded with the forced expulsion of nearly three hundred persons from Grbavica”.<sup>7780</sup> (The same event: General Morillon “had received news” from the Muslim side, but it was clarified that this was a #military necessity# to move them either to Lukavica as the Serb families did, or to the Muslim part of Sarajevo. They were living on the confrontation line, and had been offered the two ways, and they decided the Muslim part of Sarajevo. There is no any evidence that they had been expelled, there is evidence that they crossed the confrontation line (and the Miljacka River) but all other was unknown and in the sphere of “impressions”. How possibly could it be achieved to have 300 people packed and ready to cross the river gathered at early morning, without any dramatic development?)** The 30 September UN report was brought up by the UNPROFOR Sarajevo sector commander, Hussein Ali Abdel-Razek, during multiple meetings with Plavšić.<sup>7781</sup>

**2287.** In relation to the movement of population, Defence witnesses testified that: (i) with the outbreak of war in BiH, some Serbs and non-Serbs moved to where they thought they were safer;<sup>7782</sup> (ii) Serb and non-Serb civilians alike lacked complete freedom of movement, particularly in Grbavica and Vraca, due to almost continual sniping and shelling from high-rise buildings and other facilities under the control of Muslim forces;<sup>7783</sup> (iii) a significant number of non-Serbs remained in Novo Sarajevo throughout the war;<sup>7784</sup> and (iv) some Bosnian Muslims requested to leave.<sup>7785</sup> **(But, the people of all ethnicities had to leave the confrontation line, that was a #legal obligation# of the authorities! The choice of destination was on the citizens!)**

<sup>7778</sup> P1266 (UN report re expulsion of civilians from Grbavica, 30 September 1992). See also Hussein Ali Abdel-Razek, T. 5521 (20 July 2010); KDZ310, T. 9286–9287 (29 November 2010); P1938 (Witness statement of KDZ310 dated 28 November 2010), para. 64; P1951 (TV Belgrade news report re UNPROFOR conference); P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 82–88 (under seal); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16700–16701 (stating that expulsions increased from around August 1992).

<sup>7779</sup> P2444 (Witness statement of KDZ354 dated 5 February 2011), paras. 83–84 (under seal). Branko Radan testified that he heard, though did not personally observe, that on 30 September 1992, an estimated 300 Muslim citizens crossed over to Muslim-controlled territory over the Vrbanja Bridge. Branko Radan, T. 31098–31099, 31127–31128, 31131–31135 (6 December 2012). According to Radan, “no pressure was exerted” on the people and they “decided to cross over to the other side” in an “organised” and “satisfactory” move, in order to be safer. Branko Radan, T. 31098–31099, 31132 (6 December 2012). He testified that there was daily shooting, fighting, and shelling in the area of the frontlines in Jevrejsko Groblje, Gornja Kovačići, and Donji Kovačići. Branko Radan, T. 31098 (6 December 2012). Having considered the totality of the evidence in record, the Chamber rejects Radan’s testimony that the movement of the 300 Muslims on 30 September 1992 was voluntary.

<sup>7780</sup> P5419 (UNPROFOR letter to Radovan Karadžić, 1 October 1992), p. 1.

<sup>7781</sup> Hussein Ali Abdel-Razek, T. 5521 (20 July 2010); P1267 (UNPROFOR report re meeting with Biljana Plavšić, 2 October 1992), p. 2.

<sup>7782</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 30; D2683 (Witness statement of Dragan Šojić dated 15 December 2012), para. 26; D2418 (Witness statement of Božo Tomić dated 5 November 2012), paras. 13–14; Božo Tomić, T. 30193–30194 (13 November 2012); D3563 (Witness statement of Vladimir Lukić dated 18 May 2013), para. 8.

<sup>7783</sup> D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 30; D2683 (Witness statement of Dragan Šojić dated 15 December 2012), para. 26.

<sup>7784</sup> Radomir Nešković, T. 14336 (7 June 2011); D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 30 (stating that more than 1,200 Muslims and Croats stayed in Novo Sarajevo throughout the war); D2683 (Witness statement of Dragan Šojić dated 15 December 2012), para. 26; Branko Radan, T. 31099–31100 (6 December 2012) (testifying that, by some estimates, between 1,350 and 1,500 Muslims remained in Grbavica throughout the war); D2651 (Witness statement of Milorad Katić dated 10 December 2012), para. 13 (stating that 1,500 non-Serbs remained in Grbavica throughout the war); P1483 (Ratko Mladić’s notebook, 2 April–24 October 1993), p. 190 (wherein the President of Novo Sarajevo reported that out of the 30,000 people in the municipality, there were 1,500 Bosnian Muslims and 200 Croats on 2 June 1993). See also D2424 (Report of Protection Officer’s visit to Grbavica, 11 March 1993) (stating that there were approximately 1,200 Muslims still in Grbavica and indicating that Muslim males of a certain age were required to perform work and that the officer had not been able to meet with Muslims who wanted to leave or were displaced within Grbavica, pending clearance by the army headquarters in Lukavica for such a visit). Radan testified that the Muslims who stayed “enjoyed all the same rights in terms of humanitarian aid, medical assistance and security” as Serbs and Croats. Branko Radan, T. 31099–31100 (6 December 2012). See also D2673 (Witness statement of Zdravko Šalipur dated 16 December 2012), para. 30; D2683 (Witness statement of Dragan Šojić dated 15 December 2012), para. 26. Considering Radan’s interest in distancing himself from the mistreatment that occurred as well as the lack of candour on this point of all three witnesses, the Chamber rejects the evidence that Muslims who stayed were provided for and protected equally as Serbs and Croats.

<sup>7785</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16700–16701 (stating that before August 1992, there were expulsions of Muslims but that some Muslims requested to cross over to the other side because they did not feel safe and that “secret exchanges” of Muslims and Serbs also took place). See also Branko Radan, T. 31101–31102 (6 December 2012) (testifying that non-Serbs from Grbavica seeking reunion with their families and better living conditions made efforts to cross to the other side with the assistance of “freelancers”). However, Radan recognised the possibility that non-Serbs sought to leave because they were being subjected to harassment. Branko Radan, T. 31126 (6 December 2012).

**2288.** Having considered the totality of the evidence, however, the Chamber finds that many Bosnian Muslims and Croats were forced to leave the municipality. The Chamber notes that in some instances people requested to leave; however, the Chamber finds that this was still involuntary considering the surrounding circumstances in which the departures occurred. Consequently, the Chamber is satisfied that Bosnian Muslims and Croats were forced to leave the Serb-controlled parts of Novo Sarajevo municipality. **(Those who requested to leave did it through the authorities, while we didn't see any evidence that those who were "expelled" were forced by the authorities. Some solitary cases could have happened, not on any initiative or misdoings of the authorities, but rather by the paramilitaries, and it couldn't be any group, but rather some solitary cases. The witness KDZ310, and others, testified that there was a Bureau for Exchange, which wouldn't exist if these allegations were true! The only group transfer was on 30 September, as an exception, but it was the people from the front line along the Jewish cemetery!)**

b. Pale

i. Charges

2289. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Pale as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>7786</sup> Acts of persecution alleged to have been committed by Serb Forces and Bosnian Serb Political and Governmental Organs in Pale include killings related to the "Former Culture Centre/Dom Culture in Pale (also referred to as a Gym)",<sup>7787</sup> as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at that facility.<sup>7788</sup> The Prosecution also characterises these killings as extermination, a crime against humanity, under Count 4; murder, a crime against humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.<sup>7789</sup>

2290. Other acts of persecution alleged to have been committed in Pale by Serb Forces and Bosnian Serb Political and Governmental Organs include (i) torture, beatings, and physical and psychological abuse during and after the take-over and in Pale Gym as cruel or inhumane treatment;<sup>7790</sup> (ii) the establishment and perpetuation of inhumane living conditions in Pale Gym, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or inhumane treatment;<sup>7791</sup> (iii) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes within Pale;<sup>7792</sup> (iv) unlawful detention in Pale Gym;<sup>7793</sup> (v) the wanton destruction of public property, including

<sup>7786</sup> Indictment, paras. 48–49.

<sup>7787</sup> The Chamber notes that in the Indictment and in the evidence, this detention facility has been referred to by various names. *See e.g.* Indictment, Scheduled Incident B.14.1, Scheduled Detention Facility C.19.2 (referring to "Former Culture Centre", "Dom Culture", and "a Gym"); P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 18 (referring to "Pale sports centre" and "old Cultural Centre"); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 55 (referring to "sport complex"). For the sake of clarity, the Chamber will use the term "Pale Gym" to refer to this alleged detention facility throughout this Judgement.

<sup>7788</sup> Indictment, para. 60(a)(ii). *See* Scheduled Incident B.14.1; Scheduled Detention Facility C.19.2.

<sup>7789</sup> Indictment, para. 63(b).

<sup>7790</sup> Indictment, para. 60(b). *See* Scheduled Detention Facility C.19.2.

<sup>7791</sup> Indictment, paras. 60(d). *See* Scheduled Detention Facility C.19.2.

<sup>7792</sup> Indictment, para. 60(f).

<sup>7793</sup> Indictment, para. 60(g). *See* Scheduled Detention Facility C.19.2.

cultural monuments and sacred sites;<sup>7794</sup> and (vi) the imposition and maintenance of restrictive and discriminatory measures.<sup>7795</sup>

2291. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>7796</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs had forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Pale in which they had been lawfully present.<sup>7797</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, killing, destruction of cultural monuments and sacred sites, as well as the threat of further such acts caused some Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>7798</sup>

## ii. Background

2292. Pale, one of the ten constitutive municipalities of Sarajevo, is located to the east of Novo Sarajevo and Stari Grad and to the west of Rogatica.<sup>7799</sup> The municipality of Pale includes, *inter alia*, the Muslim settlements of Bare, Donja Vinča, Prača, Podgrab and Renovica, and the largely Serb inhabited settlements of Krivodoli, Lapišnica, Mokro, and Vrhpraća.<sup>7800</sup> According to the 1991 census, Pale municipality had 16,119 inhabitants, of whom about 27% were Bosnian Muslims and 69% were Bosnian Serbs.<sup>7801</sup>

2293. There were a number of military installations in Pale, including an army barracks located in the centre of Renovica, an army depot in Krivodoli, a depot in Jahorinski Potok and a radar installation at Mt. Jahorina.<sup>7802</sup> In late March or April 1992, the Republic Communications Centre was established in Pale and began providing secure communication links in the territory of SerBiH.<sup>7803</sup>

2294. The founding assembly of the SDA Municipal Board was held in July 1990 in Renovica.<sup>7804</sup> In August or September 1990, the SDS Municipal Board in Pale, headed by

<sup>7794</sup> Indictment, para. 60(j). See Scheduled Incident D.16.

<sup>7795</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services. The Prosecution does not allege criminal responsibility for rape and other acts of sexual violence; forced labour on the frontlines; the appropriation or plunder of property or the wanton destruction of private property in Pale. Indictment, fn. 5, 7, 8, 9.

<sup>7796</sup> Indictment, paras. 68–75.

<sup>7797</sup> Indictment, paras. 69, 72.

<sup>7798</sup> Indictment, para. 71.

<sup>7799</sup> P973 (Robert Donia's expert report entitled "Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995", January 2010), p. 8; Appendix B, Map 1; Sulejman Crnčalo, T. 1209 (15 April 2010). See also Adjudicated Fact 2.

<sup>7800</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 19; Sulejman Crnčalo, T. 1197, 1223 (15 April 2010); D15 (SRNA news report, 22 June 1992); D29 (Article from Glas Current Affairs entitled "Agreement with the Muslims in Pale", 17 April 1992); Hajrudin Karić, T. 15335 (23 June 2011); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 16; Zdravko Čvoro, T. 30962 (5 December 2012); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 39; see Adjudicated Fact 2591.

<sup>7801</sup> P5964 (Census data for BiH by municipality in 1971, 1981, and 1991, April 1995), e-court p. 2 of BCS version. See also Adjudicated Fact 3. But see P4994 (Addendum to Ewa Tabeau's expert report entitled "Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997", 3 February 2009), pp. 30, 33, 36, 39, 73, 75, 77, 79 (indicating that Pale municipality had 12,433 inhabitants, of whom 21.4% were Bosnian Muslims, 74% were Bosnian Serbs, and 0.9% were Bosnian Croats); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 56 (indicating that in 1991, Pale municipality had 15,482 inhabitants of whom, 25.4% were Bosnian Muslims, 68% were Bosnian Serbs and 0.6% were Bosnian Croats). While the Chamber finds P4994 and D4002 to be generally reliable, for the purpose of determining the population of Pale and the ethnic composition thereof in 1991, it relies on P5964, which is a direct source document and which contains the raw data from the 1991 census in BiH.

<sup>7802</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 16; Jovan Šarac, T. 47151 (14 February 2014); P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 20.

<sup>7803</sup> P2560 (Letter from Radovan Karadžić to presidents of municipalities, 23 March 1992), p. 1; P2794 (Witness statement of Ranko Vuković dated 24 May 2011), para. 2; see Adjudicated Fact 2063.

<sup>7804</sup> D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 30.

Svetislav Lučić, was founded.<sup>7805</sup> In April 1991, Jovan Šarac became the President of the Pale SDS Municipal Board.<sup>7806</sup>

2295. From April 1992 onwards, Pale served as the seat of the government of the SerBiH and later of the RS.<sup>7807</sup> Between 1992 and 1995, the President used the following three locations in Pale as his office: the Kikinda building, the Mali Dom building, situated in the Panorama Hotel complex, and the administrative building of the Famos factory.<sup>7808</sup> From April 1992 onwards, the President and his family resided at a number of locations in Pale.<sup>7809</sup> Momčilo Krajišnik and Biljana Plavšić stayed in the Panorama Hotel complex.<sup>7810</sup>

### iii. Lead-up

2296. In the multi-party elections, the SDS and SDA respectively obtained 65% and 20% of the votes for the Pale Municipal Assembly; subsequently, the SDS and SDA formed a coalition and divided the positions of authority in the municipality between themselves.<sup>7811</sup> Slobodan Kovačević became the president of the Municipal Assembly and Malko Koroman was appointed the Chief of the Pale SJB.<sup>7812</sup> Idriz Efendić, a Bosnian Muslim, was appointed as the Commander of the Pale SJB.<sup>7813</sup> Hamed Palo, a Bosnian Muslim, was named as Kovačević's deputy.<sup>7814</sup> Kovačević was later replaced by Radislav Starčević.<sup>7815</sup> In January 1992, Zdravko Čvoro was appointed as President of the Executive Board in Pale.<sup>7816</sup>

2297. In the beginning of 1991, Bosnian Serbs in Pale organised large public rallies at which they waved Serb flags and shouted nationalist slogans.<sup>7817</sup> **The criterion of what was a Serb nationalistic slogan that the Chamber accepted was characterized by S. Crnčalo, a Muslim extremist. For them, as well as for all the communists, anything Serbian was nationalistic. This comes even from the 3<sup>rd</sup> Communist International and Stalin. A national sentiment is not as same as a nationalistic slogans.** In response to the increasing national sentiments amongst Serbs, the Bosnian Muslims in Pale organised night watches in order to guard their families and homes.<sup>7818</sup> Bosnian Muslims in Pale owned hunting rifles and pistols.<sup>7819</sup> **(At the**

<sup>7805</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 7; Tomislav Hršum, T. 32917 (30 January 2013); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 30.

<sup>7806</sup> Jovan Šarac, T. 47141 (14 February 2014).

<sup>7807</sup> Nedeljko Prstojević, T. 12965 (8 March 2011); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 21; P820 (Witness statement of David Harland dated 4 September 2009), paras. 50–51; David Harland, T. 2064–2067 (7 May 2010); P5742 (Intercept of conversation between Radovan Karadžić and an unidentified male, 6 April 1992), p. 2; D3583 (RTV news report, 14 August 1993); Nebojša Ristić, T. 15388–15389 (24 June 2011); Momčilo Mandić, T. 5099–5100 (14 July 2010). See also Adjudicated Fact 2052.

<sup>7808</sup> Nebojša Ristić, T. 15380, 15384–15387, 15389–5392 (24 June 2011); P2841 (Photographs and sketches marked by Nebojša Ristić), e-court pp. 1–3, 7; P2842 (Map of Pale marked by Nebojša Ristić); P2794 (Witness statement of Ranko Vuković dated 24 May 2011), para. 14; Momčilo Mandić, T. 4648 (5 July 2010), T. 5011 (13 July 2010); Patrick Rechner, T. 11081 (2 February 2011).

<sup>7809</sup> Nebojša Ristić, T. 15380, 15383 (24 June 2011); P2841 (Photographs and sketches marked by Nebojša Ristić), e-court pp. 8–9.

<sup>7810</sup> Nebojša Ristić, T. 15382 (24 June 2011).

<sup>7811</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 12; D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 7; Zdravko Čvoro, T. 30937 (4 December 2012); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 56; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 33.

<sup>7812</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 12; Sulejman Crnčalo, T. 1252 (15 April 2010); P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 19, 41; Hajrudin Karić, T. 15347 (23 June 2011); P6089 (BiH MUP report, 24 March 1992), p. 2; P6090 (Pale SJB record, 8 February 1993), p. 1; P6093 (List of employees of Pale CJB), p. 1; Tomislav Hršum, T. 32938 (30 January 2013); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 44; Jovan Šarac, T. 47143 (14 February 2014); P963 (Interview with Malko Koroman in RS MUP magazine "Policeman", November 1994), p. 1.

<sup>7813</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 6; Tomislav Hršum, T. 32921 (30 January 2013).

<sup>7814</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 12; Sulejman Crnčalo, T. 1194 (15 April 2010).

<sup>7815</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 12, 35; D31 (14<sup>th</sup> session of Pale Municipal Assembly, 18 June 1992), e-court p. 1; D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 6.

<sup>7816</sup> D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 1.

<sup>7817</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 10; Sulejman Crnčalo, T. 1189–1191 (15 April 2010).

<sup>7818</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 13–14.

<sup>7819</sup> Sulejman Crnčalo, T. 1208–1209 (15 April 2010). In 1991, some JNA sergeants and Bosnian Muslims stole weapons, mines, and explosives from the Renovica Barracks. D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 36.



same time the Muslims had the commander of the police station in Pale, and were represented proportionally in all the bodies! The witness as an extremist neglected the fact that the Muslim extremists have organized the secret army and stolen the armament and explosive from the JNA, see this fn!)

2298. On 8 May 1991, at the initiative of the SDS Regional Board, the municipalities of Pale, Han Pijesak and Sokolac declared that they would join together in order to create the SAO Romanija.<sup>7820</sup> (#Legal and constitutional#! It was legal and in accordance with the Constitution, as all other communities of municipalities. Some may not like it, but it was a legal decision! Even the common Assembly didn't ban the formation of SAOs and other moves towards regionalisation, but only "recommended" it to be postponed!)

2299. In November 1991, Serbs from several army installations began secretly distributing arms to the local Serb population at night.<sup>7821</sup> Stjepan Koroman, a relative of the police chief, was in charge of distributing weapons to the inhabitants of Vrhprača and Podgrab.<sup>7822</sup> From this point on, there was an increase in Serbs firing their weapons.<sup>7823</sup> (#JNA competence, legal#! As in the other cases, it was the arming of the JNA reserve, since the war in Croatia was going on, and the Muslims and Croats didn't respond to the mobilisations! Mr. Koroman was in charge of the military affairs as a chief of the Territorial Defence, not because he was "relative" of the police chief!)

2300. In early 1992, the Bosnian Serb police officers who had been disarmed and expelled from the Stari Grad SJB, joined the Pale SJB to work on security tasks.<sup>7824</sup> In January 1992, the Bosnian Serb population in Pale was mobilised by means of written call-ups that were issued to them.<sup>7825</sup> (#JNA competence, legal#! The call-ups could be sent only by the "territorial defense organs", that were directly under the Federal Ministry of Defence and the Command of 2<sup>nd</sup> Military District. So, it had nothing to do with the local authorities, except the fact that the locals supported all of the JNA demands, as it was a legal obligation, and according to the document, see: D03679, 4 April 92

1. Raise the combat readiness of commands, units and institutions of the 2<sup>nd</sup> VO to the highest level.
2. Be ready to defend military facilities.

And D01386, para 3., of 5 April 92, the Commander of the 2<sup>nd</sup> MD, it was only in April, not in January 92.:

Pursuant to the Order of the Federal Secretary for National Defence, Strictly Confidential no. 1530-1 of 5 April 1992, and regarding the situation that has arisen in the zone of the 2<sup>nd</sup> Military District, I hereby

3. – The reserve force is to be called up using the call-up system of the military territorial organs and its own system for calling up war units.

(#Liers vs. documents#! Why the testimony of a Muslim extremist was more convincing than the genuine contemporaneous documents, obtained by the Prosecution? Taken into account as it must be, all the "findings" concerning with responsibility of the local Serbs, and almost everything from the Crncalo's testimony would be worthless!)

<sup>7820</sup> D1267 (Article from Javnost entitled "Municipalities join together into a community of municipalities", 11 May 1991), e-court p. 1; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 12; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 56.

<sup>7821</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 19–20. See also P979 (Report from JNA 2<sup>nd</sup> Military District to JNA General Staff, 20 March 1992), pp. 6, 11 (indicating that by 20 March 1992, in Pale municipality, 2,000 men who were not part of the JNA or the TO had been armed by either the JNA or the SDS).

<sup>7822</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 19.

<sup>7823</sup> Sulejman Crnčalo, T. 1196 (15 April 2010); P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 17.

<sup>7824</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 11; Tomislav Hršum, T. 32952–32953, 32955 (30 January 2013); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 50.

<sup>7825</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 21–22, 46, 58.

**2301.** During this period, paramilitary groups, including a formation commanded by Radomir Kojić, a special unit commanded by Rajko Kušić as well as Šešelj's men began operating in Pale.<sup>7826</sup>

**(Mr. Kojic was a former active policeman, and at the time described he was a reserve police officer, while Rajko Kušić was an active policeman, and they did only what had been ordered by the police!)**

In late April or early May 1992, members of Arkan's men, led by a man nicknamed "Čarli", also entered Pale and moved into the Panorama Hotel complex.<sup>7827</sup> **(#Before**

**VRS, JNA competence#! "In late April or early May" there was already the war going on, and only 9 km far from Pale there was 40,000 Muslim soldiers in the city of Sarajevo!)**

During May and June 1992, a large amount of military equipment and many military personnel arrived in Pale.<sup>7828</sup> **(For that see: D03679, 4 April 92**

3. Pull part of units out of garrisons so they can participate in breaking blockades of military facilities and carry out other tasks.

4. Stimulate retired military personnel and GLs to be ready to defend residential buildings.

5. Nobody may issue TO weapons without a special order and signature by the 2<sup>nd</sup> VO commander, and bear in mind warnings about the seizing of weapons from military depots, and to this end take all measures to prevent such activities in the most vigorous manner.

6. In all their activities, JNA units and members must protect and defend endangered citizens from all ethnic groups from the terrorism and attacks of paramilitary formations and the negative consequences arising from the unauthorised decision of the SRBH Presidency.

7. It is especially important to ensure full combat readiness at isolated facilities and their defence by 2000 hrs on 4 April 1992.

**nd see D01386**

4. – Mobilised units are to be manned according to wartime establishment, equipped with the required weapons and military equipment and prepared for implementation of the task.

**(#Liers vs. documents#! But, what happens when the Chamber adopts the Muslim extremist qualifications? The Serbs look very bad. As if the Serbs were violating the Federal law, which was violated by the Muslims from the top of SDA and the ramp Presidency)**

**The Radomir Kojic's unit was a legal unit of TO under the control of the JNA, the Rajko Kusic's unit was also mobilised due to the 5 April Order of the Federal Secretary for Defence, but it could be also due to the Izetbegovic Order of 4 April 92. either way, they couldn't stay at home!)**

In the same period, an additional number of paramilitaries arrived in Pale.<sup>7829</sup> They were mainly young Serbs; they had red ribbons on their arms and heads, and carried automatic rifles and knives.<sup>7830</sup>

**They came to the #JNA call for volunteers#, not to the local Serb authorities. All the time to 20 May, all the military affairs were under the JNA competence. Some of the volunteers later become a paramilitaries, but the President banned them, disowned them, and ordered their arrest!)** They often drove around in Pale and confiscated the cars and trucks that belonged to non-Serbs.<sup>7831</sup>

<sup>7826</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 16; Hajrudin Karić, T. 15343 (23 June 2011); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 57. The Chamber notes that the individual by the name of Rajko Kušić who is referred to in this section of the Judgement on Pale is not the same individual as the man also named Rajko Kušić who is referred to in the Rogatica section of this Judgement. See Hajrudin Karić, T. 15343 (23 June 2011).

<sup>7827</sup> D1076 (MUP Administration for the Police Duties and Affairs report, 3 August 1992), p. 3; P1107 (SerBiH MUP report to the Minister of Interior re inspection of Romanija-Birač CSB and SJB, 10 August 1992), p. 3. According to Hršum and Šarac, this group engaged in criminal acts against private and public property and for this reason, it was eventually disarmed by the Pale SJB and escorted back towards Serbia in June 1992. D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 25; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 45; Jovan Šarac, T. 47158–47159 (14 February 2014).

<sup>7828</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 52. See also Adjudicated Fact 2590.

<sup>7829</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 52, 54.

<sup>7830</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 52, 54; Sulejman Crnčalo, T. 1159 (14 April 2010), T. 1255 (15 April 2010).

<sup>7831</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 52–53, 55; Sulejman Crnčalo, T. 1255 (15 April 2010).

2302. In March 1992, subsequent to talks between the Chiefs of Pale and Stari Grad SJBs, police check-points were created by both sides at Lapišnica.<sup>7832</sup> Bosnian Muslims and Bosnian Serbs also established check-points on various roads leading in and out of Pale.<sup>7833</sup>

2303. The Crisis Staff in Pale was established in March or April 1992; its headquarters was located in Pale SJB.<sup>7834</sup> Zdravko Čvoro, the President of the Executive Board, was appointed as the President of the Crisis Staff.<sup>7835</sup> The Crisis Staff, which included Šarac and other SDS members in Pale municipality such as Koroman, and Slobodan Ninković, controlled all municipal activities.<sup>7836</sup> According to Šarac, the Pale Crisis Staff was in essence an expanded version of the Executive Board.<sup>7837</sup> **(This was the case with all the Crisis Staffs, because the memberships were ex officio, i.e. crisis staffs were not a new bodies, but the existing bodies with an intensive regime of work!)**

2304. The SDS enjoyed “absolute power” in the municipality and the Pale municipal authorities allocated funds to it.<sup>7838</sup> They also allocated premises and material resources and contributed financially to the Bosnian Serb Press Agency, the SRNA.<sup>7839</sup>

2305. In early March 1992, the Bosnian Serb municipal authorities called on non-Serbs to hand in their personal weapons.<sup>7840</sup> **(All the reservists that didn't respond to the JNA calls had to return their weapons, due to the federal Presidency decision. The local Serb authorities had to execute the federal orders! It was not difficult to establish, had there been any interest of the Prosecution in the domestic legal system!#JNA legal obligations#!)** Subsequently, in local communes outside of Pale town, authorities designated special locations for the non-Serb population to bring in their weapons; the weapons collected in such locations were then brought to the SJB building in Pale town.<sup>7841</sup> **(All as it should be!)** At the same time, men in camouflage uniforms who were not from the JNA conducted searches of Bosnian Muslim houses for weapons.<sup>7842</sup> **(#Times shifting#! But not in “early March”!!! Such a merging of the events from two different times creates a false picture, and the witness becomes a real creator of the facts, not witness! When the war broke out, it was a military necessity to disarm all those who could attack families while the soldiers are on the front line! This is not a matter of politics, but of the security!)**

<sup>7832</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 14; Tomislav Hršum, T. 32948 (30 January 2013); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 39.

<sup>7833</sup> D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 52; D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 14; P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 43; Sulejman Crnčalo, T. 1215–1216 (15 April 2010); P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 7; Hajrudin Karić, T. 15316–15318 (23 June 2011). *See also* Adjudicated Fact 2589.

<sup>7834</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 42; P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 9; D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), paras. 2, 11. *See also* P6089 (BiH MUP report, 24 March 1992), p. 2 (indicating that the Pale Crisis Staff was functional as of March 1992 and that it ordered the Bosnian Muslim policemen in Pale SJB to hand in their weapons). On 6 April 1992, the 2<sup>nd</sup> Military District Reserve Command Post reported that it maintained constant contact and co-ordinated its operations with the Pale Crisis Staff. P5426 (Report of 2<sup>nd</sup> Military District RKM, 6 April 1992).

<sup>7835</sup> D4368 (Witness statement of Jovan Šarac dated 10 February 2014), paras. 38, 46; Zdravko Čvoro, T. 30929, 30933, 30936, 30938 (4 December 2012).

<sup>7836</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 42; Jovan Šarac, T. 47141 (14 February 2014). In April 1992, the Crisis Staff began receiving the daily dividends generated by the various companies that were based in Pale, including the Pale branch of Centrottrans. The Pale Crisis Staff also took decisions about companies and determined the salaries of their staff. In the same period, the Pale Crisis Staff adopted a number of regulations concerning the purchase and sale of basic commodities and banned the sale of alcohol. P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 10–13; Hajrudin Karić, T. 15336 (23 June 2011); D21 (SRNA news report, 24 April 1992); D22 (SRNA news report, 2 May 1992); D26 (SRNA news report, 25 May 1992).

<sup>7837</sup> D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 38; Jovan Šarac, T. 47171 (14 February 2014).

<sup>7838</sup> P6029 (Decision of Pale Executive Board, 25 May 1992), p. 3; Zdravko Čvoro, T. 30937 (4 December 2012).

<sup>7839</sup> Zdravko Čvoro, T. 30960 (5 December 2012).

<sup>7840</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 28. According to Hršum, the reasons for disarming were threefold: (i) in the area of Renovica, there were armed persons in hitherto unseen military uniforms moving about; (ii) there were constant incursions into and attacks against Renovica Barracks; and (iii) two individuals who had been linked with an alleged murder dating back to before the start of the war had hidden in the Renovica area. Tomislav Hršum, T. 32955–32957 (30 January 2013). The Chamber rejects Hršum's evidence on this point in light of reliable documentary evidence originating from the chief of Pale SJB's Criminal Investigation Service which indicates that in mid-March, Pale SJB confiscated weapons that were in the possession of Bosnian Muslims, “irrespective of whether they had permits for them or not.” *See* P6090 (Pale SJB record, 8 February 1993), p. 1.

<sup>7841</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 29.

<sup>7842</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 31.

**2306.** During the night of 3 March 1992, three Bosnian Serb reservists in dark police uniforms arrested Sulejman Crnčalo and his neighbour and took them both to the SJB in Pale; at the time of his arrest, Crnčalo was guarding his house with a hunting rifle.<sup>7843</sup> At a certain point, Koroman arrived at the SJB and while questioning Crnčalo, stated that if any of his “policemen or soldiers” were wounded in Crnčalo’s neighbourhood, he would completely destroy that neighbourhood.<sup>7844</sup> Koroman added that “[a]s long as there is no Serb policeman in Stari Grad, there is not going to be one Muslim policeman in Pale.”<sup>7845</sup> **(It was a part of the #inter-party Agreement#, which envisaged a pairs of similar municipalities, so to allocate the posts in the power reciprocally! Disrespect of this agreement annihilates the same agreement in the pair-municipality, and the majority party is free to establish authorities without coalition!)** In the early morning hours, Koroman indicated that he was going to escort Crnčalo and his neighbour back to their respective homes.<sup>7846</sup> When exiting the SJB, Crnčalo noticed at least a hundred reserve policemen outside.<sup>7847</sup> Near his home, Crnčalo saw many heavily-armed soldiers and policemen facing the Bosnian Muslim inhabited parts of Pale.<sup>7848</sup> **(This is a #lie of an extremist#, because no one could mobilize the reserve police at that time without the Minister who was a Muslim, Alija Delimustafic. So, if there was some reserve police, it must be summoned by the Ministry and the Minister himself! Even at the end of March 92, when the carnage of the Serbs in Sijekovac near Bosanski Brod happened, not even Deputy Minister, a Serb Zepinic could activate the reserve police without the Minister’s approval!).**

**2307.** On 23 March 1992, about 35 Bosnian Muslim active-duty and reserve policemen from Pale SJB met with Koroman at the Prača reserve SJB.<sup>7849</sup> At the meeting, Koroman stated that Bosnian Muslim policemen were required to hand in their weapons and equipment.<sup>7850</sup> Koroman added that this was a countermeasure against the move made by Stari Grad SJB and that the reinstatement of Muslim policemen depended on Serb policemen returning to their jobs in the Stari Grad SJB.<sup>7851</sup> **(#Logical, legal and in accordance with inter-party agreement#!)** The Bosnian Muslim policemen complied and handed in their weapons.<sup>7852</sup> Later that day, Bosnian Muslim reserve policemen in the Pale SJB were disarmed in a similar fashion.<sup>7853</sup> From this point on, Pale SJB stayed under Bosnian Serb control.<sup>7854</sup> **(As well as the neighbouring Stari Grad SJB without the Serbs and under Bosnian Muslim control entirely!)**

**2308.** Ethnic tensions increased further in April 1992, when a large number of Bosnian Serb refugees from Sarajevo began to pour into Pale.<sup>7855</sup> **(The prosecution didn’t indict the Muslim**

<sup>7843</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 23–24; Sulejman Crnčalo, T. 1199 (15 April 2010).

<sup>7844</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 24.

<sup>7845</sup> Sulejman Crnčalo, T. 1252 (15 April 2010); P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 25.

<sup>7846</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 26; Sulejman Crnčalo, T. 1199 (15 April 2010).

<sup>7847</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 26.

<sup>7848</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 26.

<sup>7849</sup> P6089 (BiH MUP report, 24 March 1992), p. 2.

<sup>7850</sup> P6089 (BiH MUP report, 24 March 1992), p. 2.

<sup>7851</sup> P6089 (BiH MUP report, 24 March 1992), p. 2; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 50.

<sup>7852</sup> P6089 (BiH MUP report, 24 March 1992), p. 2.

<sup>7853</sup> P6089 (BiH MUP report, 24 March 1992), p. 2. On 8 February 1993, the Pale SJB reported that due to “security reasons”, during mid-March 1992 it had “disarmed the non-Serb police employees and removed them from service”. See P6090 (Pale SJB record, 8 February 1993), p. 1. See also Adjudicated Fact 2587. But see Hršum’s testimony that on 17 March 1992, all Bosnian Muslim policemen of the Pale SJB and most Bosnian Muslim policemen at the Prača SJB branch indicated that they wanted to temporarily stop coming to work because of problems that had arisen in Sarajevo, and accordingly, handed in their weapons and official badges. Tomislav Hršum, T. 32923–32926 (30 January 2013). In light of its inconsistency with the reliable documentary evidence contained in P6089 and P6090, the Chamber rejects Hršum’s assertion.

<sup>7854</sup> Mirsad Kučanin, P16 (Transcript from *Prosecutor v. Galić*), T. 4500. See also P963 (Interview with Malko Koroman in RS MUP magazine “Policeman”, November 1994), p. 2.

<sup>7855</sup> Sulejman Crnčalo, T. 1198, 1201–1202 (15 April 2010); D8 (SRNA news report, 10 April 1992); D9 (SRNA news report, 19 May 1992); D11 (SRNA news report, 17 April 1992); Hajrudin Karić, T. 15337–15338 (23 June 2011); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 15; D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 3. In the latter half of May 1992, the number of Bosnian Serb refugees in Pale reached 15,000, which was nearly as much as Pale’s original population. D10 (SRNA news report, 20 May 1992); D12 (SRNA news report, 21 May 1992); Sulejman Crnčalo, T. 1257 (15 April 2010).



**authorities of Sarajevo for this expulsion!)** On 4 April 1992, on the Pale-Sarajevo road, two Bosnian Serb bus drivers and some of the Bosnian Serb passengers who were travelling with them were beaten by Bosnian Muslims.<sup>7856</sup> In the village of Lapišnica, a Serb was wounded by Muslim gunfire.<sup>7857</sup> Around the same period, certain shops refused to sell products to non-Serbs.<sup>7858</sup> **(Everyone in Pale have known that this was a lie! There was a general lack of food, not only for the non-Serbs! #General shortage#!)** Eventually, most shops in Pale closed down.<sup>7859</sup> By April 1992, many Bosnian Muslims had been suspended from their jobs.<sup>7860</sup> **(The Serbs as well, because all production decreased. This, as well as the “story” about the food discrimination, is a lie, made possible because of the Chamber’s trust in a single witness, who was an extremist! No any document or other corroboration!)**

**2309.** On 11 April 1992, the Pale Crisis Staff promised to provide full security to all residents of Pale regardless of their ethnicity, decided that supplies shall be provided equally to all parts of the municipality, and proposed to hold discussions with SDA officials about supply and security issues.<sup>7861</sup> On or about 16 April, the Bosnian Muslims in the villages of Bare, Renovica, Prača and Podgrad recognised the “legal police” in the municipality and received guarantees of personal and material security as well as normal supplies and regular bus transport.<sup>7862</sup> **(#EXCULPATORY#! That was an official attitude throughout the Republic of Srpska, consistent with D2424 UN document, or P3788, Edward Vulliamy’s report, and all other documents. Those of the “non-Serbs” who didn’t fight and didn’t fire against the VRS, police o civilian – enjoyed all the rights that the Serbs enjoyed!)**

**2310.** During late April 1992, paramilitary forces dressed in camouflage uniforms and led by Zoran Škobo arrested a number of Bosnian Muslim men aged between 20 and 30.<sup>7863</sup> These men were kept in the SJB for a few hours and then released.<sup>7864</sup> **(A police throughout the world do that, for their reasons to check some suspects. At the time the police could have keep detained persons up to 72 hours, nowadays up to 48 hours!)** In May 1992, more Bosnian Muslims were randomly arrested.<sup>7865</sup> **(Zoran Skobo was acquitted from any charges in the BIH court.)**

**2311.** In the beginning of May 1992, pursuant to an order issued by the Pale Crisis Staff, the Post Office in Pale disconnected the telephone lines of Bosnian Muslims.<sup>7866</sup> From this point onwards,

<sup>7856</sup> D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 39; Hajrudin Karić, T. 15319–15321 (23 June 2011).

<sup>7857</sup> D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 39.

<sup>7858</sup> Sulejman Crnčalo, T. 1230 (15 April 2010).

<sup>7859</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 15; Hajrudin Karić, T. 15338–15339 (23 June 2011).

<sup>7860</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 46; P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 8–9; Hajrudin Karić, T. 15324–15327 (23 June 2011).

<sup>7861</sup> D28 (Conclusions of the Crisis Staff of Pale Municipal Assembly, 11 April 1992).

<sup>7862</sup> D29 (Article from Glas Current Affairs entitled “Agreement with the Muslims in Pale”, 17 April 1992).

<sup>7863</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 49.

<sup>7864</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 49.

<sup>7865</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 49. *But see* Tomislav Hršum, T. 32968 (30 January 2013) (testifying that members of Pale SJB never considered ethnicity as a basis for remanding individuals in custody). The Chamber does not accept this evidence given that Hršum was himself a policeman in Pale and therefore has an interest in denying that employees of Pale SJB arrested individuals on the basis of their ethnicity. **But the said Hrsum had been certified by the Internationals as suitable for the public duties. According to this criterion, all of the Muslim witnesses were motivated to denigrate the Serbs and their authorities, and the Defense has a reason to believe that the AID (the Muslim Secret Service) educated majority of their witnesses. Hrsum was working in the police, and he knew who was arrested and why, and that he was right can be proven since no all the Muslims had been subject of the police interest.**

<sup>7866</sup> P734 (Order of Pale Crisis Staff, 7 May 1992); P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 50–51. Zdravko Čvoro testified that private resources and services were taken over or withheld to defend the territory, that many Serbs and even public institutions also had their telephone lines cut as there was a shortage of telephone lines, and that the lines which were cut belonged to Bosnian Muslims who had already departed. *See* D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 13; Zdravko Čvoro, T. 30929–30931 (4 December 2012). The Chamber rejects Čvoro’s evidence on this point given his lack of candour and evasiveness in his explanation of P734, a document which bears his name (although signed by someone else) and which orders that the telephone lines of 15 Bosnian Muslims be cut.

Bosnian Muslims went to the Post Office in order to make calls or asked their Serb neighbours to allow them access to their telephones.<sup>7867</sup> **(#Security necessities#! There was only about 15 telephones that had been disconnected, and this wasn't a matter of any civilian policy, but a matter of security and military matter! It is evident that Pale became a very crowded by the Republic's institutions, and the need for the telephone lines suddenly increased, so that the existing telephone station was insufficient. In the case the Cvoro testimony is not acceptable, another inference is also possible: at the same time there were shellings of Pale, and probably that was a reason, i.e. security reason to disconnect only 15 Muslim inhabitants of Pale. Not to justify, just to understand, but this was a right of the security agencies!)**

(D2) Attack against Renovica and other villages **(#Distorted, it was vice versa#!)**

**2312.** On 22 May 1992, the Bosnian Muslims in Prača, Bogovići, Gornja Vinča, and Podgrab handed over their weapons to Bosnian Serb Forces.<sup>7868</sup> Residents of Renovica, however, refused.<sup>7869</sup> **(Nota bene!)**

**2313.** On the same day, members of the Pale MUP and the VRS conducted a military operation against Renovica.<sup>7870</sup> **(#Opposite# First happened that the Muslims from Renovica ambushed the police patrol walking by foot to Renovica with the aim to talk about the weapons, and they got killed in this ambush. It is well known, and can not be bypassed, because that was an act of war! It was depicted in the court room, by the Prosecution witnesses, who confirmed that the Chief of the SJB Pale, Mr. Koroman was crying on the TV announcing that the war came to Pale too, see the next para!)** Policemen from Pale SJB detained approximately 30 Bosnian Muslims and took them to the Pale Gym.<sup>7871</sup> On that day, Serb Forces also attacked and shelled the predominantly Muslim village of Donja Vinča, setting houses on fire and forcing the villagers to leave.<sup>7872</sup> SRNA reported on the operation against Renovica, stating that seven MUP members had been killed or wounded.<sup>7873</sup> SRNA also reported that although the casualty figure in relation to the Bosnian Muslims had not been established yet, it was estimated to be “substantially greater”.<sup>7874</sup> Furthermore, SRNA quoted the Pale MUP’s instruction to Muslims in Pale to hand over their weapons peacefully in order to prevent more bloodshed.<sup>7875</sup> Around the same period, the Pale SJB also took control of villages that were situated in the direction of Renovica and Goražde.<sup>7876</sup> **(Obviously, in order to contain the armed Muslims from Renovica and Gorazde. This move, strictly defensive, shows that the Pale police assumed that they and the town may be attacked and destroyed, and the people killed. The local authority’s assumption of the security risks was their sovereign right and obligation, and nobody could intervene!But, let us see what is said in the exhibit D15 of 22 May 92:**

<sup>7867</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 50.

<sup>7868</sup> D15 (SRNA news report, 22 May 1992); Hajrudin Karić, T. 15353 (23 June 2011), T. 15376 (24 June 2011); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 19.

<sup>7869</sup> Hajrudin Karić, T. 15353 (23 June 2011); D15 (SRNA news report, 22 May 1992).

<sup>7870</sup> Sulejman Crnčalo, T. 1217, 1220, 1222, 1225 (15 April 2010); P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 17–19; Hajrudin Karić, T. 15342, 15346, 15348, 15350–15351 (23 June 2011), T. 15376 (24 June 2011); D19 (Letter from Serbian villagers of Renovica to Pale Municipal Assembly, 26 June 1992); D31 (14<sup>th</sup> session of Pale Municipal Assembly, 18 June 1992), e-court p. 3; D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 19; Tomislav Hršum, T. 32925, 32956–32957 (30 January 2013); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 43; Jovan Šarac, T. 47149 (14 February 2014); D16 (SRNA news report, 22 May 1992).

<sup>7871</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 17–19, 24; Hajrudin Karić, T. 15312, 15351, 15364–15365 (23 June 2011) T. 15376 (24 June 2011); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 19; Sulejman Crnčalo, T. 1227 (15 April 2010).

<sup>7872</sup> See Adjudicated Fact 2591.

<sup>7873</sup> D15 (SRNA news report, 22 May 1992).

<sup>7874</sup> D15 (SRNA news report, 22 May 1992). The Chamber notes that killings during the course of the attack on Renovica are not charged in the Indictment.

<sup>7875</sup> D15 (SRNA news report, 22 May 1992).

<sup>7876</sup> P963 (Interview with Malko Koroman in RS MUP magazine “Policeman”, November 1994), p. 2.

Today the members of the active reserve unit of the Public Security Station in Pale engaged in an effort to disarm Muslim paramilitary forces in Praca and Renovica, neighborhoods with a majority Muslim population. This action occurred after it was noticed that armed groups were forming in this region and it was discovered that land mines had been placed on a couple of bridges. The Muslims in the neighborhoods Praca and Podgrab agreed to hand over their weapons without providing resistance. In Renovica, the members of the Pale MUP were faced with an organized resistance of the Muslim paramilitary forces. On that occasion, Goran Kablar and Rade Tosic were killed and five members of MUP were wounded. The number of killed and wounded on the opponents' side has not been determined, but it is estimated that it is a significantly higher number.

The action is still in progress and MUP Pale is calling on all Muslims in these neighborhoods to hand over their weapons in a peaceful way and refrain from causing more bloodshed.

**It is clear that the Pale MUP undertook all the legal and legitimate measures!)**

**2314.** On 23 May 1992, Koroman appeared on television and after announcing that war had finally come to Pale, issued an ultimatum to all non-Serbs to surrender their weapons to the SJB.<sup>7877</sup> During the days that followed, Bosnian Muslims handed over hundreds of additional pieces of weaponry to the Pale SJB.<sup>7878</sup> Koroman subsequently informed the Pale Crisis Staff of the attack against Renovica and was advised to transfer the Bosnian Muslims who had been detained there and who were "guilty" to Kula Prison, in Ilidža municipality, and to release the ones that were "not guilty".<sup>7879</sup> **(Therefore, some of the Renovica Muslims had been guilty of something? Why the Prosecution-Chamber didn't clarify for what? They had been guilty for ambushing a regular and quiet police patrol, killing the policemen and afterward the Serb civilians too!)**

**2315.** Pale SJB's chief of Criminal Investigation Service reported that, amongst other things, forcible entry into weekend houses was widespread and that SJB operatives, instead of suppressing such acts, participated and continued to participate in their commission.<sup>7880</sup>

**(#Absurdity# #Officials did properly#! This is a report of the superior in the criminal department of SJB Pale, which exactly shows that somebody in the authorities worked properly and did his job. How possibly this sharp and honest report could be used against the state organs and this President particularly??? Let us see what is the main point in this report: P06091,p.2**

In this period, the conditions of war and the poorly organised activities at these levels resulted in the mass occurrence of all types of criminal activities committed by many people, and the so-called "war profiteers".

Due to this, on this territory, as well as on other territories, we had many cases of motor vehicles stolen from other territories and driven around Pale, where their papers were arranged, and the vehicles then taken to Serbia; a large number of forcible entries and robbing of weekend houses from which many things were stolen; stealing of cattle from persons of Muslim ethnicity who had fled into the forest or moved to Sarajevo, as well as other acts of crime.

**This is an honest review of the weaknesses of the service in a new circumstances for which nobody was prepared. The main issues are so-called "war profiteering", theft of cars, robbing weekend houses, stealing and smuggling. All municipal departments...including the Pale SJB and its management, were caught off-guard by this phenomena. Therefore, all of the mistakes hadn't been planned or supported by the state organs, but were rather a weakness and insufficiency of a small town founding itself in a big problems.**

<sup>7877</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 28; Sulejman Crnčalo, T. 1209, 1216–1217, 1220, 1258 (15 April 2010); D16 (SRNA news report, 22 May 1992); D17 (SRNA news report, 23 May 1992); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 19; Tomislav Hršum, T. 32955–32956 (30 January 2013); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 43.

<sup>7878</sup> Sulejman Crnčalo, T. 1258 (15 April 2010); D17 (SRNA news report, 23 May 1992); D18 (SRNA news report, 24 May 1992); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 19; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 43.

<sup>7879</sup> Jovan Šarac, T. 47153 (14 February 2014).

<sup>7880</sup> P6091 (Report of Pale SJB, 31 December 1992), p. 2; P6092 (Report of Pale SJB, 12 May 1993), e-court p. 1.

All municipal departments, local communes, the Red Cross and everybody else, especially the Pale Public Security Station and its management, were caught off-guard by these phenomena. At the time, they did very little for the protection of that property, they even participated in the execution of certain crimes because they thought, as they still do today, that they would never be held responsible for criminal activities.

In the same manner, the municipal services, local communes and the Red Cross were overwhelmed with the massive arrival of refugees to this area, and reception and accommodation were not organised, so that, at the proposal of the people from the municipal authorities, who were also affected by bribery and corruption, and the municipal services, the refugees were sent to go from one weekend house to another and find accommodation on their own, and would then later on come to the competent municipal services for a decision to be issued. This chaos led to masses of people breaking into weekend houses and taking their pick, which resulted in many weekend homes being left open and easy to rob.

**The impact of the “massive arrival of refugees... bribery and corruption... this certainly wasn’t a plan of the state organs.**

In such a situation, there was very little that the Public Security Station could do to prevent this. In spite of many objective, and mainly subjective, weaknesses, the Criminal Investigation Service’s employees managed to carry out some of the work. Special attention was given to serious crimes (murder) and serious cases of other crimes which, depending on the consequences, or the mode of their execution, could have caused unrest among the citizens and the public at large.

**All of it in P6091, quoted only partially! When we take into account that the chief of the SJB Koroman was replaced by the Minister of Interior Mr. Stanisic for the incompetence and weakness as early as in May 1992, (unsuccessfull because of riots and resistance, but was replaced latter) and when we take into account that the author of this report was a superior of one department of SJB Pale, and therefore represented the state organs more than the villains, this report can not be used against the state organs, and certainly not against this President. #Next level# rectified!.**

#### Movement of the population from Pale and appropriation of property

**2316.** On or about 13 March 1992, policemen and paramilitaries started advising non-Serbs to leave Pale municipality.<sup>7881</sup> For instance, Jovan Škobo and Novica Stanar, who were both policemen, as well as Kojić, a paramilitary, visited Crnčalo’s village and during this visit, Škobo told the residents that it was better for them to voluntarily go to an area where the Muslims were a majority now rather than being “chase[d] through the woods” later.<sup>7882</sup> In response, Crnčalo, his brother and a number of neighbours went to see Starčević who assured them that if they had not done anything wrong, they had nothing to worry about.<sup>7883</sup> **(However, Skobo was tried in the BH Court, and was acquitted! We should ask for this file to see whether Crncalo testified, and**

<sup>7881</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 33–34; Sulejman Crnčalo, T. 1247–1248, 1250 (15 April 2010). *But see* Čvoro’s claim that Serb authorities went to Bosnian Muslim villages and neighbourhoods in Pale in order to persuade the population there to stay. D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 6; Zdravko Čvoro, T. 30939 (4 December 2012). The Chamber rejects Čvoro’s evidence on this point because of his evasiveness and his lack of candour as a witness. For example, Čvoro insisted that he had no knowledge about the Pale SJB’s involvement in the expulsion of Bosnian Muslims from Pale despite being showing documentary evidence to that effect which bore his signature. *See* Zdravko Čvoro, T. 30963–30967 (5 December 2012); P6034 (Report of Pale Executive Board, 7 July 1992).

<sup>7882</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 34. *See also* Adjudicated Fact 2588. *But see* Šarac’s evidence that the SJB never applied pressure to Bosnian Muslims of Pale to leave the municipality. D4368 (Witness statement of Jovan Šarac dated 10 February 2014), paras. 44, 51.

<sup>7883</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 35.



**what he said there. I do have a hint that his wife hadn't been killed at Markale in August, but died somehow else, and I will make an inquire into it @somebody to investigate.**

**2317.** In May 1992, Crnčalo and his neighbours requested that Koroman organise a meeting at the SJB building and invite a high-ranking government official so that Bosnian Muslims in the Pale municipality could be given guarantees about their safety.<sup>7884</sup> Shortly after the start of the meeting, Nikola Koljević arrived and when asked by Bosnian Muslims to give guarantees that they could stay in Pale, he replied that "Serbs don't want to continue living with you here."<sup>7885</sup> During the same meeting and in the presence of Koljević, Koroman told the Muslim delegates that he could no longer guarantee their safety because he was unable to hold back the Red Berets who had come from Knin.<sup>7886</sup> **(This is a cruel lie, Mr. Koljevic was something quite different, and I do think that we have to obtain some document or a witness to check it. Koljevic was ti initiator of this meating! @To see whether there was anyone else present, or somebody took notes???@ )**

**2318.** On 12 June 1992, Starčević asked the secretary of the Pale SDS to urgently call a meeting of the Pale SDS Main Board so that the SDS could adopt a general position on the departure of non-Serbs from the municipality.<sup>7887</sup> On 18 June 1992, during a Pale Municipal Assembly session, the President of the Assembly, Starčević, and the President of the Executive Board, Čvoro, complained that the Pale SJB had taken measures to move the Bosnian Muslim population out of the municipality.<sup>7888</sup> On 19 June 1992, Pale Municipal Assembly adopted a decision which required non-Serbs who wished to leave the municipality to obtain permission from the SJB.<sup>7889</sup> Pursuant to the same decision, the Pale SJB, in co-ordination with municipal commissions, was to compile a list of all property owned by non-Serbs who were leaving the municipality.<sup>7890</sup> The Pale Municipal Assembly also entrusted the Pale SJB with the task of organising the departure of non-Serbs and making sure that they crossed the separation line safely.<sup>7891</sup> **(#Due to Agreement#! It is the moment to remind on the Agreement signed on 22 May 92, of 17 July 1992, of 27 August 1992, 30 September 1992 and 1 October 1992. which exactly described the procedure how a civilian population may and should cross to another territory, with cooperation and escort of police! See D1603,**

**NON CLASSIFIC**  
**On the basis of the Agreement of 22 May 1992,**  
**Accepting the good offices of the ICRC to help conclude**  
**agreements to release prisoners in conformity with Chapter IV of**  
**the Agreement of 6 June 1992,**  
**Recalling the humanitarian plan of action their leaders accepted**  
**in London on 27 August 1992,**  
**The undersigned have accepted the following:**

<sup>7884</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 36–37; Sulejman Crnčalo, T. 1164–1165 (14 April 2010), 1260–1261 (15 April 2010).

<sup>7885</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 38; Sulejman Crnčalo, T. 1164 (14 April 2010), T. 1247 (15 April 2010).

<sup>7886</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 39–40; Sulejman Crnčalo, T. 1164 (14 April 2010). On 2 July 1992, Crnčalo saw two soldiers who were wearing red berets near the Panorama Hotel, behind a privately owned house. P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 71.

<sup>7887</sup> D30 (Letter from Pale Municipal Assembly to Pale SDS President, 12 June 1992); Zdravko Čvoro, T. 30936 (4 December 2012).

<sup>7888</sup> D31 (14<sup>th</sup> session of Pale Municipal Assembly, 18 June 1992), e-court p. 4.

<sup>7889</sup> P5090 (Decision of the Pale Assembly, 19 June 1992); Tomislav Hršum, T. 32961 (30 January 2013); D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 6; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 48; Jovan Šarac, T. 47178 (14 February 2014).

<sup>7890</sup> D32 (Decision of Pale Municipal Assembly, 18 June 1992); Zdravko Čvoro, T. 30951–30952 (4 December 2012).

<sup>7891</sup> D32 (Decision of Pale Municipal Assembly, 18 June 1992); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 22; Tomislav Hršum, T. 32928 (30 January 2013).

**and D4710:**

We agree that all refugees will be permitted to return to the places from which they have been expelled and that civilians who are caught up in or trapped by the military situation, will be given freedom of movement.

**and P1090, of 6 June 92,**

All persons have to be granted the freedom of movement, of removal, according to their wishes, if this does not mean jeopardising personal or general safety;

**(#Due to Laws and Agreements#! The Prosecution-Chamber didn't pay any attention to the domestic laws, and to a great number of agreements concluded by the warring sides under the auspice of the international organisations, UNHCR, ICRC, United Nations, European Community... That is why the Indictment and Judgment rather looks like a communist lecture against nationalism, i.e. national and human rights!)**

2319. In late June and early July 1992, Bosnian Serb authorities in Pale gave Bosnian Muslim property-owners contract forms which already contained their data.<sup>7892</sup> By virtue of these contracts, which the Muslims had to sign before they could depart from Pale, Muslim property in Pale became Serb property in exchange for Serb-owned property in Sarajevo.<sup>7893</sup> Those who refused to sign such contracts were forced to surrender the keys to their houses to the Pale SJB.<sup>7894</sup>

**(There was no a single case like that. Mr. Crncalo had been very well prepared by the Muslim secret services for this testimony! It had never happened that any property ownership be changed! Such a lies are enabled in this court, in spite of the oaths and legal obligations towards truth. This is absolutely incomprehensible and unacceptable, and it discredits all the idea of the international justice!)**

2320. During the same period, Serb authorities in Pale organised a number of convoys for the transportation of non-Serbs out of the area.<sup>7895</sup> Prior to this, written notices were put up, informing the non-Serb population of the location and time at which they could board the buses.<sup>7896</sup> Those boarding the buses were allowed to take only what they could carry.<sup>7897</sup> The first convoy left Pale on or about 28 June 1992.<sup>7898</sup> On 2 July 1992, SerBiH MUP ordered the Pale SJB to grant permission to Bosnian Muslims and Bosnian Croats living in Pale centre to move out of the Pale municipality “of their own free will” and instructed “police and military patrols to enable the unobstructed passage of three buses transporting Muslim civilians”.<sup>7899</sup> The third convoy left Pale

<sup>7892</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 61; P735 (List of contracts for exchange of houses).

<sup>7893</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 61–62; P735 (List of contracts for exchange of houses); Sulejman Crnčalo, T. 1267 (15 April 2010); P5429 (Request for relocation to Pale Municipal Assembly, 22 June 1992); P5524 (Request of Muslim Citizens to Relocate from Pale to Sarajevo, 22 June 1992); D33 (Contract regarding a house exchange in Pale, 2 July 1992). *But see* Čvoro's assertion that many Muslims “protected their property by entering into various agreements” with their Serb neighbours, including agreements that left Muslim property in Serb hands for the purposes of “safe-keeping”. D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 6; Zdravko Čvoro, T. 30949–30950 (4 December 2012). However, the Chamber notes that during the war, Čvoro himself had lived in property that belonged to a Bosnian Muslim. *See* Zdravko Čvoro, T. 30982–30983 (5 December 2012). This leads the Chamber to conclude that there was an obvious underlying self-interest on the part of Čvoro for advancing the claim that Muslims placed their property in Serb hands for safe-keeping.

**But there are many more undisputable agreements on temporary or permanent exchange of property. It never meant that a private property was to belong to the state or municipality. Crncalo lied more than it is acceptable. At least, we should ask the court in Pale to send to us a report about a possible post-war litigations pertaining the property.**

<sup>7894</sup> Sulejman Crnčalo, T. 1268 (15 April 2010).

<sup>7895</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 64, 71; P736 (Decision of Pale SJB, 2 July 1992); P737 (Decision of Pale SJB, 6 July 1992); D35 (SJB Pale report on change of residence of Croats and Muslims from Pale, 6 July 1992); Hajrudin Karić, T. 15365–15366 (23 June 2011); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 48. *See also* Adjudicated Fact 2671–2672.

<sup>7896</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 65. *See also* Adjudicated Fact 2671.

<sup>7897</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 71; Sulejman Crnčalo, T. 1262 (15 April 2010). *See also* Adjudicated Fact 2672. *But see* Čvoro's and Šarac's assertions that Muslims were able to take their private cars as well as all their belongings and documents with them. D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 6; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 60.

<sup>7898</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 66; D35 (SJB Pale report on change of residence of Croats and Muslims from Pale, 6 July 1992).

<sup>7899</sup> P736 (Decision of Pale SJB, 2 July 1992).

on 2 July 1992 for Hreša, a small hamlet near Sarajevo.<sup>7900</sup> From Hreša, non-Serbs from Pale went to a reception centre for refugees in Vratnik, which was operated by Bosnian Muslim authorities.<sup>7901</sup>

2321. On 6 July 1992, the Bosnian Serb MUP issued a decision, granting the request by non-Serbs living in the inner parts of Pale to move out of the Pale municipality “of their own free will” and “under the escort of police officers” of the Pale SJB, and instructed “police and military patrols” to enable the unobstructed passage of 420 civilians aboard eight buses bound for Stari Grad municipality.<sup>7902</sup>

2322. On the same day, pursuant to the instructions of the SerBiH government, the Executive Board decided that non-Serb individuals or families must not be allowed to leave the territory of the municipality until “a list of their property is made and the property is taken over in accordance with the regulations in force.”<sup>7903</sup> The Executive Board also requested that the Pale SJB take immediate measures to protect the property left behind by the non-Serbs until such time that this property was taken over by an authorised municipal commission.<sup>7904</sup> **(Here is the document named in the foot note. However, it is clear that the main point was to protect the property, and to have the list of property left behind, otherwise the municipal authorities would not be responsible for the looted or destroyed property. Also, the refugees taking such a property by themselves were not obliged to return it in the same condition. NO CHANGE OF THE PROPERTY RIGHTS! #No appropriation#!.**

1. The Pale Police Station is hereby requested to take immediate measures to protect the property of non-Serbian inhabitants who have moved out of the territory of Pale municipality until this property is taken over by an authorised municipal commission. It should coordinate its activities in this task with the activity of units of the Civilian Protection and authorised commissions for the take-over of this property.
2. Individuals or families of non-Serbian ethnicity who wish to leave the territory of Pale municipality must not be allowed to do so until a list of their property is made and the property is taken over in accordance with the regulations in force, which should be duly recorded.

232

3. Also on 6 July 1992, the Pale SJB reported that between 30 June and 3 July 1992, it had “organised change of the place of residence from the territory of Pale municipality to the territory of Stari Grad Sarajevo municipality” of 1,042 non-Serbs.<sup>7905</sup> The SJB continued to organise the movement of Bosnian Muslims out of Pale municipality for another one or two months.<sup>7906</sup>

**(#Legal obligation#! So what? That was an obligation of the authorities, to secure the safe passage, an organized convoy, a police escort, and a certainty that the municipality of destination would accept the civilians, see: D1141:**

at a meeting chaired by Mr. Thierry Germond, ICRC Delegate General for Europe,

Recalling that the presence of civilians may not be used to render certain areas immune from military operations,

Considering that in the present situation in Bosnia-Herzegovina with generalized violations of International Humanitarian Law systematically committed against civilians, the lives of certain civilians in certain areas can only be saved if they leave temporarily their homes and reach temporarily other areas,

<sup>7900</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), paras. 9, 66, 77; Sulejman Crnčalo, T. 1238 (15 April 2010); D35 (SJB Pale report on change of residence of Croats and Muslims from Pale, 6 July 1992).

<sup>7901</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 77.

<sup>7902</sup> P737 (Decision of Pale MUP, 6 July 1992).

<sup>7903</sup> P738 (Conclusions of Pale Executive Board, 6 July 1992); P6031 (SerBiH Decree published in SerBiH's Official Gazette, 8 June 1992); Zdravko Čvoro, T. 30953–30954 (4 December 2012).

<sup>7904</sup> P738 (Conclusions of Pale Executive Board, 6 July 1992); D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 7; Zdravko Čvoro, T. 30951 (4 December 2012).

<sup>7905</sup> P5428 (Report of Pale SJB, 6 July 1992); D35 (SJB Pale report on change of residence of Croats and Muslims from Pale, 6 July 1992).

<sup>7906</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 22.

The undersigned submit the following recommendations to the deliberation of the International Conference on Former Yugoslavia :

1. Civilians who desire to leave temporarily the territory controlled by one party to reach the territory controlled by another party should be entitled to do so.
3. The civilians should be able to leave in an organized transfer under international supervision and, if necessary, protection. Its security will be guaranteed by each party on the territory it controls.
4. Each party to the conflict guarantees to those who leave temporarily the territory it controls :
  - a) that their goods, assets and belongings will be respected and protected;
  - b) that they have a right to return home at a later stage if they wish so;
  - c) That any document, including a document renouncing or transferring property rights, assets or claims signed by a person who is about to leave temporarily has no legal validity and does not affect in any way that persons's rights or obligations.
5. Persons temporarily transferred to areas other than their areas of origin should benefit, as vulnerable groups, from international assistance, inter alia, in conformity with its mandate, by the ICRC.

**What is not clear here? All had been regulated under the auspice of the international agencies and the ICFY, sub-Conference on BiH led by Lord Carrington and Ambassador Cutileiro, all signed by the three warring parties, all in accordance with the international documents!):**

2324 . In a letter dated 7 July 1992, the Executive Board informed Plavšić that despite the Assembly's decision of 19 June 1992,<sup>7907</sup> there had been "forced and wilful" efforts to move Bosnian Muslims out of the municipality, resulting in a large number of criminal acts.<sup>7908</sup> **(This document is an urgency of the Pale Executive Board Chief, the same Zdravko Cvorovic. In the document he reports to the vice-President of the RS about irregularities with the issue of "changing the place of residence" (which is in Serbian "mesto boravišta" i.e. temporary being somewhere,**

Напомена, супротно одлуци СО-е Пале, са своје сјединице од 10.00.1992. године, која је регулисала питање промјене мјеста боравка становништва неспрассе мјеста боравка становништва

**contrary to "mesto prebivališta" which means a permanent resettlement) of the non-Serbs from Pale. #Ad absurdum#! So, once again, the Chamber is taking documents of the governmental institutions complaining about crimes and crying for assistance to rectify irregularities – against this President!!! The war conditions, the influx of refugees, insufficient and incompetent police personnel, vicinity of the confrontation line, every day casualties, all of that caused a chaos and facilitated irregularities at least by some of the policemen and corrupt officials. But the state organs fought for the regularity and as time passed and the institutions strengthened, a rate of crimes gradually decreased.**

**Another question is: why the same Zdravko Cvorovic is now credible to the Chamber, but when talking about what he knew was not credible? Is there any difference between the Chamber and Prosecution in treating the Defence arguments?)**

<sup>7907</sup> See para. 2318.

<sup>7908</sup> P6034 (Report of Pale Executive Board, 7 July 1992).



2325. On 14 July 1992, the Executive Board noted the theft and unlawful use of abandoned property in Pale which in its opinion was attributable to the failure of the commissions established earlier for the purpose of making an inventory of abandoned non-Serb property. The Executive Board then established a new audit commission to re-examine the situation and file a written report.<sup>7909</sup>

**(The Serb authorities are taking steps to rectify the failure in an inventory of the abandoned property! #EXCULPATORY#! THAT WAS SOMETHING #COMMENDABLE#!)**

2326. On 19 July 1992, the President requested that Pale municipal authorities make an inventory of all housing facilities that were vacant “following the voluntary departure of Muslims.”<sup>7910</sup> On 10 August 1992, the Municipal Assembly signed over non-Serb housing property to Serb refugees for “temporary use”.<sup>7911</sup> The municipal authorities also concentrated the movable property left behind by Muslims in the premises of various military and non-military institutions.<sup>7912</sup> **(All as it should be. The quotation marks with “temporary use” really compromises the Chamber as an uncritical “ally” of the Prosecution! There was no a single litigation after the war about property and ownships, which confirms this “temporary nature” of use of other’s property!)**

2327. On or about 24 July 1992, the President informed the Bosnian Serb Assembly that the Bosnian Serb government was giving assurances to Bosnian Muslims in Pale that “they have nothing to fear.”<sup>7913</sup> **(#EXCULPATORY#!!! Here is this D27, the President’s speech in the Assembly of the Republic of Srpska:**

We are about to reach the finish line like an athlete who ran an entire track, and now only has to cut the finish line. All of this has happened in the passed two years, from the moment when the Serbs decided to organise politically, to establish political subjectivity, to introduce balance with the forces that disintegrated these areas during times which we know very well unfortunately, with tragic consequences to the Serb people and the genocide and execution of over 7,000 Serbs. The Serb people used to planned especially that which has a formative character, which is supposed to form the state. Perhaps we should have talked more ceremonially, we have three months’ reason for it, with a difficult and bloody battle have we managed to mark our state. We have not yet raised its sign posts, but I believe that this Assembly will decide about it, but one knows in essence, because we have closed off an area, prior to all had we not closed it off we would not be able to make government decisions. It entails ethnically Serb areas. The Serbs and others live freely there. I must say that sadly the Muslims in Podrinje do not want peace, except in Bijeljina, in Pale, where they form 20 percent of the population, where nobody bothers them or considers them as second class citizens. On the contrary our government officials are communicating with them to persuade them that they have nothing to fear. Therefore, in Serb BiH the Serbs have accomplished their state, their freedom, and a state big enough for all. I hope that we reach in this Assembly session, some conclusions and decisions to further entrench this state.

<sup>7909</sup> D34 (Conclusion by Pale Executive Board, 14 July 1992); D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 8; Zdravko Čvoro, T. 30952, 30955 (4 December 2012).

<sup>7910</sup> P739 (RS Presidency request to various municipalities, 19 July 1992).

<sup>7911</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 22; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 48; D4369 (Decision of Pale Municipal Assembly, 10 August 1992).

<sup>7912</sup> Zdravko Čvoro, T. 30952 (4 December 2012).

<sup>7913</sup> D27 (Radovan Karadžić’s speech from 17<sup>th</sup> session of RS Assembly, 24-26 July 1992), e-court p. 3.

**The figure of 7.000 Serbs killed in the genocide in WWII should be 700,000. Also, the penultimate sentence should be translated as follows: "... and a state that will be comfortable to all others who live with us"! But, anyway, this is a highly #EXCULPATORY#, and it was said among the members of Parliament, so that everyone knew what was the position of the President in the #minority rights#!)**

2328. On 20 October 1992, the Executive Board decided to seize all movable property belonging to persons who had been outside of Pale municipality for more than 30 days.<sup>7914</sup> The Executive Board then noted that temporary allocation of such property to Serb refugees in Pale may take place on the condition that such allocation is authorised and recorded by a competent municipal commission.<sup>7915</sup> **(A #proper decision#, because only in such a case there would be an obligation to preserve the property!)**

2329. Only a small number of Bosnian Muslims remained in Pale municipality during the war.<sup>7916</sup> **(Why nobody bothered them? The most probable reason for a discomfort of some families was the fact that their relatives fought in the Muslim Army. For that reason the President banned all the mass funerals, because at the beginning of June 92 there was 45 casualties from Pale, killed in an ambush after been guaranteed the free passage. The mass funeral raised tensions, but a solitary ones also!)**

2330. The President argues that (i) through their elected representatives or by filing individual applications, Bosnian Muslims of Pale requested permission to leave the municipality;<sup>7917</sup> (ii) the Bosnian Muslims of Pale asked to leave because the Bosnian Muslim authorities in Sarajevo had demanded such departure as part of their preparations for a planned military take-over of Pale;<sup>7918</sup> and (iii) in order to prevent the departure of Bosnian Muslims, Serb authorities guaranteed the civil rights of all people regardless of any ethnic or religious affiliation.<sup>7919</sup>

2331. Having considered the totality of the evidence and assessed the circumstances in which the departures occurred, the Chamber finds that Bosnian Muslims were forced to leave. The Chamber notes that in some instances, Bosnian Muslims requested to leave the municipality; however, the Chamber finds that even when the Bosnian Muslims did request to leave Pale, they were driven by the fear caused by all of the surrounding circumstances. Consequently, the Chamber is satisfied that Bosnian Muslims were forced to leave the Serb-controlled parts of Pale municipality. **(They could have been #forced by the circumstances#, as well as the newly born problems and inability of the authorities to cope with this problems, and maybe some of them were "persuaded" by individuals, but the authorities didn't want them to leave, and didn't force them. At least, the main participants in the municipal and Republic organs were not in favour of their leaving, and fought against the unlawful conduct! Being "forced" by the civil war atmosphere could be responsibility of the civil war and those who wanted it and caused it, and the Chamber had a very persuasive evidence that the President was against**

<sup>7914</sup> D4737 (Conclusion of Pale Executive Board, 21 October 1992).

<sup>7915</sup> D4737 (Conclusion of Pale Executive Board, 21 October 1992).

<sup>7916</sup> D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 22; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 57; P4994 (Addendum to Ewa Tabeau's expert report entitled "Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997", 3 February 2009), pp. 21, 30.

<sup>7917</sup> Defence Final Brief, para. 1720. Witnesses testified that through their elected representatives and by signing individual requests, the Bosnian Muslims in Pale sought permission from the municipal authorities to leave the municipality. They testified further that despite the assurances repeatedly given by the municipal and RS authorities, including those given by Biljana Plavšić in Prača, the Bosnian Muslim population of Pale insisted on their demand to leave. See D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 22; Tomislav Hršum, T. 32960–32962 (30 January 2013); D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), paras. 5–6; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 47; Jovan Šarac, T. 47178–47179 (14 February 2014); D3671 (Witness statement of Dušan Kovačević dated 7 June 2013), para. 41.

<sup>7918</sup> Defence Final Brief, para. 1720.

<sup>7919</sup> Defence Final Brief, para. 1721. See also D2530 (Witness statement of Zdravko Čvoro dated 1 December 2012), para. 5; Jovan Šarac, T. 47173–47175, 47177–47179 (14 February 2014).

**the war, see D1833:**

Cutileiro talks. Dr. Radovan Karadzic, the leader of the Serbs, was also positively inclined towards these talks. He wanted to avoid a war at all costs in Bosnia-Herzegovina, Secretary Vance

i. Scheduled Detention Facility C.19.2 and Scheduled Incident B.14.1

2332. The Indictment refers to the use of Pale Gym as a detention facility at least between May and August 1992, and alleges that between June and July 1992, a number of men died as a result of beatings which they sustained in there.

Establishment and control

2333. Pale Gym was a large sports hall situated near the Pale SJB, in Pale Culture Centre.<sup>7920</sup> There were windows only on one side of Pale Gym.<sup>7921</sup>

2333. 10 May 1992, Mirsad Smajš and eight other detainees from the Sarajevo area were transferred from Kula Prison to Pale Gym; at that point Pale Gym already held approximately 100 detainees, including some Serbs and Croats, and was guarded by SJB members in blue uniforms with the Serb flag emblazoned on the shoulder.<sup>7922</sup> Upon arrival, each detainee was given a sandwich and a bottle of water.<sup>7923</sup>

2334. A few days later, a group of about 400 badly beaten Bosnian Muslim men who had previously been detained at Vuk Karadžić School in Bratunac, were brought to Pale Gym in several trucks.<sup>7924</sup> One by one, the detainees were taken off the trucks, registered and placed in the gym.<sup>7925</sup>

2335. As was mentioned earlier, on 22 May, after conducting a military operation in Renovica, Serb Forces detained about 30 Bosnian Muslim men and took them to Pale Gym.<sup>7926</sup>

2336. During the last week of May 1992, Hajrudin Karić was arrested by two policemen, who then took him to Pale Gym.<sup>7927</sup> At the time of Karić's arrival, Pale Gym was guarded by a number of policemen, including Predrag Štrbac, a man with the last name Čvoro, and Nedelko Kovačević.<sup>7928</sup> Upon entering Pale Gym, Karić saw that it was full of Bosnian Muslims, including a woman.<sup>7929</sup>

2337. On 4 June 1992, Azem Omerović and three other men were taken to Pale Gym by Serbs in camouflage uniforms using police cars.<sup>7930</sup> **(#Legal and obligatory#! So what? The police was doing it's own job, and a suspects had to be brought in and questioned. On June 4 there was an ambush in which 45 young soldiers from Pale had been killed, in spite of an agreement on a safe passage!)**

Conditions of detention and treatment of detainees

2338. The detainees were given sufficient water to drink but insufficient food, only receiving sandwiches with a little bologna once a day; they became weak from hunger and often fainted.

<sup>7920</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 24; P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 115 (under seal). P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 10.

<sup>7921</sup> P43 (Witness statements of Mirsad Smajš dated 14 January 1998), e-court p. 10.

<sup>7931</sup> **(#General shortage#! The issue of food is clear, isn't it? There was noo enough food anyway!)** They slept on the floor and they could only use the toilet after having received permission from the guards.<sup>7932</sup> **(What a horror!?! There is nothing more natural than to have a permission to get out to toilets!)**

**2339.** The detainees in Pale Gym were constantly subjected to maltreatment.<sup>7933</sup> **(See under this fn, how this looks like! If Sarac as a very decent official didn't receive any information, that means that the authorities generally didn't know about such an incident, the President in particular. With Hrsum is the same: as a decent man, he said that he couldn't exclude an entry of some individuals prone to committing beatings, but he didn't have any such information! But he didn't confirm that it happened! Therefore, the Chamber rather trusted the #Muslim extremists# that had been brought in, than the Serb professionals! And no defence could do anything if these criteria were implemented! The Chamber "promoted" any hint to a possibility, and further to a probability, than to a fact, in spite of the Defence witnesses rebutting it! But this is not a fair trial!#Possibility-probability-fact#!)** The guards told them that they would be killed unless they were exchanged.<sup>7934</sup> The guards also warned them not to attempt to escape and indicated that guards had been posted near each window.<sup>7935</sup> The detainees were severely beaten with whatever the guards could have put their hands on and had to

<sup>7922</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court pp. 5–6; P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court pp. 9–11; P3205 (Witness statement of KDZ605 dated 22 August 2011) (under seal), paras. 116–117. *See also* Adjudicated Fact 2641. *See* Scheduled Detention Facility C.18.2. The Chamber notes that Jovan Šarac denied that anyone other than the prisoners from Bratunac was detained at Pale Gym. D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 55. The Chamber notes it received reliable evidence to the contrary, that detainees from the Sarajevo area and from within Pale municipality were in fact brought to Pale Gym. *See* paras. 2334, 2337.

<sup>7923</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 6.

<sup>7924</sup> KDZ605, T. 17923 (25 August 2011); P3205 (Witness statement of KDZ605 dated 22 August 2011), paras. 108–109, 115, 122 (under seal); P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 6; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court pp. 10–11; P3208 (List of men taken from Bratunac to Pale); D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 17; D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 41; Jovan Šarac, T. 47148–47149 (14 February 2014). *See also* Adjudicated Fact 2642. Some of the detainees from Bratunac had serious injuries. P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court pp. 10–11; P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 56; P3206 (Video footage re people from Bratunac in Visoko sports hall, with transcript); Zdravko Čvoro, T. 30945–30946 (4 December 2012). The Chamber notes that Jovan Šarac qualified his assertion that the men from Bratunac bore “no visible injuries” by stating that he had not spent much time in Pale Gym. Jovan Šarac, T. 47149 (14 February 2014). *See also* D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 17 (stating that there was “no record or information” that these citizens were mistreated during their stay in Pale); Tomislav Hršum, T. 32939–32941 (30 January 2013) (asserting that the Pale SJB did not investigate whether the detainees from Bratunac had been mistreated prior to their arrival and that they had not been mistreated while in Pale).

<sup>7925</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 113 (under seal). Approximately 100 Serb civilians had gathered near the trucks while the detainees disembarked, and “a few” soldiers wearing camouflage uniforms were also present nearby. P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 115 (under seal). [REDACTED]. *See* Scheduled Detention Facility C.6.2 and Scheduled Incident B.4.1.

<sup>7926</sup> *See* para. 2313.

<sup>7927</sup> Karić did not know the identities of the two officers, but noted that they were wearing regular police uniforms. Karić was later told that he had been detained because his brother-in-law had participated in fighting in Bukvice village. P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 21–23; Hajrudin Karić, T. 15354–15356, 15358–15361, 15363 (23 June 2011).

<sup>7928</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 26–27.

<sup>7929</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 24; Hajrudin Karić, T. 15366–15367 (23 June 2011).

<sup>7930</sup> *See* Adjudicated Fact 2643. *But see* P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 25 (asserting that while he was detained in Pale Gym—that is, between 30 May and 11 July 1992—no more prisoners were brought to the gym). *See also* D4368 (Witness statement of Jovan Šarac dated 10 February 2014), paras. 41, 58 (stating that no additional “POWs” were brought to Pale Gym after the departure of the Bratunac detainees).

<sup>7931</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 121 (under seal); P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 25; Hajrudin Karić, T. 15307–15308 (23 June 2011). *See also* Adjudicated Fact 2644.

<sup>7932</sup> P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 10. *See also* Adjudicated Fact 2644.

<sup>7933</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 6. *See also* Adjudicated Fact 2645. Jovan Šarac stated that he had not received any information about the beatings of the detainees held in Pale Gym. Jovan Šarac, T. 47154–47158 (14 February 2014); D4368 (Witness statement of Jovan Šarac dated 10 February 2014), para. 57. The Chamber notes that even if accepted as reliable, Šarac’s testimony does not necessarily suggest that maltreatment and beatings did not occur at Pale Gym. Hršum stopped short of asserting that no Bosnian Muslims had ever been beaten while in the custody of the Pale SJB, and accepted that the police guards might have allowed entry to the gym by “certain individuals”. Hršum, however, insisted that the police guards did not undertake any “repressive measures” themselves. Tomislav Hršum, T. 32942 (30 January 2013). The Chamber found that Hršum worked for SJB Pale and that SJB Pale was involved in the detention of Bosnian Muslims in Pale Gym. D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), paras. 1, 16; Tomislav Hršum, T. 32939–32942 (30 January 2013). These facts, in addition to Hršum’s general evasiveness and lack of candour as a witness, lead the Chamber to conclude that Hršum had an incentive to distance himself from the events at the Pale Gym. Accordingly, the Chamber places no weight on Hršum’s assertion that the members of the Pale SJB were never involved in beatings of detainees in Pale Gym.

<sup>7934</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), paras. 117–118 (under seal).

<sup>7935</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 118 (under seal).



run the gauntlet when they asked to go to the toilet.<sup>7936</sup> Smajš observed a man in a police uniform use a curved knife to cut off the detainees' hair.<sup>7937</sup> **Was it supported by any other evidence???NO!#**

2340. At one point, a fair-haired man, approximately 40 years old and wearing a police uniform, entered Pale Gym and introduced himself as a police commander from Pale.<sup>7938</sup> He then proceeded to beat the detainees.<sup>7939</sup> At the same time, a soldier entered Pale Gym and announced that everyone would be killed unless the soldier's brother, who had been captured by Bosnian Muslims, was released.<sup>7940</sup> **(All private and all contrary to everything what the President ordered. Even if happened, this was not an official policy! But no document or other testimonies corroborated this!#Contrary to President orders#)**

2341. Sometime after the Bosnian Muslim men from Bratunac had arrived, the guards had a disagreement with "army troops" who were at the door and wanted to enter the gym to beat the detainees.<sup>7941</sup> **(#EXCULPATORY#!)** The guards installed bars on the windows as well as an iron door in order to prevent them from entering the gym.<sup>7942</sup> **(#EXCULPATORY#!)** However, later, during Karić's detention, the police guards allowed paramilitary members, including members of Rajko Kušić's and Srđan Knežević's units, to access Pale Gym multiple times each day and beat the detainees severely with sticks and rifle butts.<sup>7943</sup> **(Karic knew the guys personally and had a personal motives to lie. There is #no evidence# that it ever happened. Kusic was a high sportsman, representing Yugoslavia and winning medals, and he was an example of decency! But the Muslim extremists had been free to lie as much as they wanted! Kusic died in a car accident, otherwise he would testify! However, other detainees after being transferred to Visoko, stated that they hadn't been harassed in Pale! See KW12 testimony, T.44747 – 48** **Q. Thank you. And did you understand this as being pardoned or that you were no longer a suspect?** **A. I believe that I was pardoned because perhaps he had an unclear conscience because he probably realised that I wasn't the one who had shot. Nota bene: a crime required, not religion!** **Q. Thank you. Was your father joined to the people who were transported to Pale?** **A. Yes, he was.** **Q. Thank you. And how were you treated in Pale? Did you have access to water, food, and were you provided with any medical assistance?** **A. As for Pale and our arrival there, I can't say anything bad. I can just say good, that I want to thank all the policemen and the hospital. If these people hadn't jumped immediately and taken me, I would have died.** **Q. You arrived in a bad shape; correct?** **A. I arrived in a bad shape. I was all cut. No one ever put any bandages on me in Bratunac until I arrived up there.** **Q. Were you provided with medical care?** **A. Yes, immediately. The doctors were there and military police and ordinary police, and no one can say to me that anyone was beaten in Pale. We had better security than in Bratunac.)** Members of these paramilitary groups also took detainees out of Pale Gym to be beaten and some of those detainees never returned to the gym.<sup>7944</sup>

<sup>7936</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), paras. 116, 119 (under seal); KDZ605, T. 17924 (25 August 2011); P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 10.

<sup>7937</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court p. 6.

<sup>7938</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 120 (under seal).

<sup>7939</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 120 (under seal).

<sup>7940</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), paras. 120, 123 (under seal).

<sup>7941</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 117 (under seal).

<sup>7942</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 117 (under seal); KDZ605, T. 17924 (25 August 2011).

<sup>7943</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 28–29, 31. On 6 July 1992, a soldier ordered Karić to help another prisoner, Fahrudin Sipović, who had been beaten and lay on the ground with a broken arm and covered in blood, to stand up. As Sipović attempted to stand, the soldier beat him with a piece of wood. P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), para. 36.

<sup>7944</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 29–30, 42–43. On 28 June 1992, Karić was called out of the main gymnasium by two relations of Rajko Kušić, who swore at Karić and beat him with a wooden stick until he fainted. After approximately 10 minutes, another Bosnian Serb, Milimir Tepeš, arrived and said "it's not him". The paramilitaries then threw Karić back in the main gym while badly injured. P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 32–33; Hajrudin Karić, T. 15304–15305, 15367–15368 (23 June 2011), T. 15372 (24 June 2011).

2342. On 15 May 1992, Branko Đerić ordered Sokolac Crisis Staff to provide “three tow trucks with canvas cover” for transportation of detainees from Pale to Visoko; Nedeljko Lakić requested that the Ilijaš Crisis Staff approve and provide passage through Ilijaš municipality for a group of detainees who were at Pale and who were going to be transported to Visoko under the escort of Pale Crisis Staff. **(#Due to Agreements#! The procedure is exactly as it was agreed and signed on 22 May 1992, with escort and notification of the transit municipalities, and reaffirmed on 30 September 92! See P4859:**

(4) The parties will grant the ICRC all the facilities necessary for the implementation of the specific plans of operation and will, in particular, guarantee the security of a transfer on the territory they control, including, if the ICRC so requests, by an armed escort. This is without prejudice to any UNPROFOR escort that might be requested by the ICRC in conformity with UN Security Council Resolution 776.

Lakić also requested that the approval be destroyed the moment the detainees left Ilijaš.<sup>7945</sup> On the morning of 16 or 17 May, the guards told the detainees from Bratunac that they were going to be exchanged, took them out of the gym in groups of ten, tied them together, and forced them to sing Serb songs before loading them onto trucks.<sup>7946</sup> The detainees were then transferred under VRS escort to Visoko where they were exchanged.<sup>7947</sup> **(All together, the detainees from Bratunac spent only a week in the Gym in Pale. Too many events described by the witnesses for only one week?!? No a single corroboration for the alleged “singing” the Serb songs. Since it was in the center of Pale, somebody would have known it, but all the allegation of the kind are a part of “education” of the Muslim witnesses by the Muslim secret services!#Extremists lied#!)**

2343. On 18 May, Smajš and 64 other detainees were also called out of Pale Gym.<sup>7948</sup> This group was placed on a military cargo truck and transported to Hreša to be exchanged.<sup>7949</sup>

2344. On 6 July 1992, approximately five men belonging to Kušić’s unit entered the gym and beat three Bosnian Muslim detainees with wooden sticks and brass knuckles until they were unconscious.<sup>7950</sup> Two of the detainees died about thirty minutes after the end of the beatings, and the third died two days later, without having received any medical care.<sup>7951</sup> **(There was no a single lethal case, nor anybody ever reported this event! But Mr. Smajs was a #known extremist#!)**

2345. On 11 July 1992, Hajrudin Karić and 34 other detainees were transferred, under the escort of reserve police, to Kula Prison.<sup>7952</sup>

## Conclusion

<sup>7945</sup> P1604 (Letter from Nedeljko Lakić to Ilijaš Crisis Staff, 15 May 1992); P2619 (SerBiH order, 15 May 1992). Lakić also requested that the approval be destroyed the moment the detainees left Ilijaš.

<sup>7946</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), para. 122 (under seal); KDZ605, T. 17925 (25 August 2011); P43 (Witness statements of Mirsad Smajš dated 18 December 1993 and 14 January 1998), e-court pp. 6, 11.

<sup>7947</sup> P3205 (Witness statement of KDZ605 dated 22 August 2011), paras. 126–127 (under seal).

<sup>7948</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court pp. 6–7; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 11.

<sup>7949</sup> P43 (Witness statement of Mirsad Smajš dated 18 December 1993), e-court pp. 6–7; P43 (Witness statement of Mirsad Smajš dated 14 January 1998), e-court p. 11. See also Adjudicated Fact 2641.

<sup>7950</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 37–38.

<sup>7951</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 39–41; Hajrudin Karić, T. 15305 (23 June 2011); Sulejman Crnčalo, T. 1227 (15 April 2010); P4416 (Death certificate for Selim Pandžić). See also Adjudicated Fact 2647.

<sup>7952</sup> P2839 (Witness statement of Hajrudin Karić, dated 13 May 2011), paras. 30, 44–45; D2850 (Witness statement of Tomislav Hršum dated 27 January 2013), para. 19 (stating that the persons taken into custody after the operation in Renovica were ultimately transported to Kula Prison). See also Adjudicated Fact 2646. See Scheduled Detention Facility C.18.2.

2347. Based on the above, the Chamber finds that Serb Forces brought to and detained non-Serbs, including at least one woman, at Pale Gym from approximately 10 May to 11 July 1992. The Chamber further finds that the detainees were held in poor conditions. These included lack of food and adequate medical care. The Chamber also finds that detainees were regularly subjected to beatings by Serb Forces at Pale Gym and that at least three detainees died as a result of such beatings.

#### Scheduled Incident D.16

2348. The Indictment refers to the destruction of three mosques, namely the mosques at Prača, Podvitez, and Bogovići, between July and September 1992.<sup>7953</sup>

2349. There were at least three mosques in Pale municipality.<sup>7954</sup> Crnčalo heard that all three mosques were destroyed between 2 July and September 1992.<sup>7955</sup>

2350. According to Riedlmayer, the Podvitez mosque and the Bogovići mosque were “completely destroyed” in “the first year of the war”<sup>7956</sup> and the Prača mosque was “completely destroyed” by mining on 10 October 1992.<sup>7957</sup>

2351. While the Chamber relies on Riedlmayer for the purposes of finding that the mosques in question were destroyed, and determining the nature and extent of the damage to those sites, it does not rely on his evidence in order to determine who was responsible for the destruction as such matters fall outside Riedlmayer’s expertise and are based on statements which he received from, amongst others, the Islamic Community of BiH and informants.

2352. Having received no other evidence concerning Scheduled Incident D.16, the Chamber is not satisfied, beyond reasonable doubt, that Serb Forces destroyed the Prača, Podvitez, and Bogovići mosques, between July and September 1992.

#### Vogošća

#### Charges

2353. Under Count 3, the Prosecution alleges that persecution, a crime against humanity, was committed in Vogošća as part of the objective to permanently remove Bosnian Muslims and/or Bosnian Croats from the Municipalities.<sup>7958</sup> Acts of persecution alleged to have been committed by Serb Forces and Bosnian Serb Political and Governmental Organs in Vogošća include killings related to detention facilities, as well as killings committed during, and deaths resulting from, cruel and inhumane treatment at these detention facilities.<sup>7959</sup> The Prosecution also characterises these killings as extermination, a crime against humanity, under Count 4; murder, a crime against

<sup>7953</sup> Indictment, Scheduled Incident D.16. In its Final Brief, the Prosecution notes that evidence showed that the Prača Mosque was destroyed in October 1992. See Prosecution Final Brief, Appendix B, p. 31, fn. 447.

<sup>7954</sup> Zdravko Čvoro, T. 30958 (5 December 2012).

<sup>7955</sup> P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 79.

<sup>7956</sup> P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), e-court pp. 208–210. See also P4069 (Cultural destruction database), records 209, 211.

<sup>7957</sup> P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), e-court pp. 205–207. See also P4069 (Cultural destruction database), record 212.

<sup>7958</sup> Indictment, paras. 48–49.

<sup>7959</sup> Indictment, para. 60(a)(ii). See Scheduled Incident B.19.1; Scheduled Detention Facilities C.26.1, C.26.3.

humanity, under Count 5; and murder, a violation of the laws or customs of war, under Count 6.<sup>7960</sup>

2354. Other acts of persecution alleged to have been committed in Vogošća by Serb Forces and Bosnian Serb Political and Governmental Organs include: (i) torture, beatings, and physical and psychological abuse during and after the take-over and in scheduled detention facilities as cruel or inhumane treatment;<sup>7961</sup> (ii) rape and other acts of sexual violence, during and after the take-over and in scheduled detention facilities, as cruel and inhumane treatment;<sup>7962</sup> (iii) the establishment and perpetuation of inhumane living conditions in scheduled detention facilities, including the failure to provide adequate accommodation, shelter, food, water, medical care, or hygienic sanitation facilities, as cruel or inhumane treatment;<sup>7963</sup> (iv) forcible transfer or deportation of Bosnian Muslims and Bosnian Croats from their homes;<sup>7964</sup> (v) unlawful detention in scheduled detention facilities;<sup>7965</sup> (vi) forced labour at frontlines and the use of Bosnian Muslims and Bosnian Croats as human shields;<sup>7966</sup> (vii) the wanton destruction of private property, including homes and business premises, and public property, including cultural monuments and sacred sites;<sup>7967</sup> and (viii) the imposition and maintenance of restrictive and discriminatory measures.<sup>7968</sup>

2355. Under Counts 7 and 8, the Prosecution alleges deportation and inhumane acts (forcible transfer), respectively, as crimes against humanity.<sup>7969</sup> In this regard, the Prosecution alleges that by the end of 1992, Serb Forces and Bosnian Serb Political and Governmental Organs forcibly displaced Bosnian Muslims and Bosnian Croats from areas in Vogošća in which they were lawfully present.<sup>7970</sup> It is alleged that from March 1992, restrictive and discriminatory measures, arbitrary arrest and detention, harassment, torture, rape and other acts of sexual violence, killing, destruction of houses, cultural monuments, and sacred sites, as well as the threat of further such acts caused Bosnian Muslims and Bosnian Croats to flee in fear, while others were physically driven out.<sup>7971</sup>

## Lead-up

2356. Vogošća, one of the ten municipalities making up Sarajevo, is located to the north of the city of Sarajevo, between the municipalities of Novi Grad and Ilijaš.<sup>7972</sup> It includes, *inter alia*, the largely Muslim inhabited villages or settlements of Barice, Kiše, Tihovići, Svrake, Hotonj, Kobilja Glava and Ugorsko as well as the mainly Serb inhabited villages of Krivoglavci, Kotorovići, Blagovac, Paljevo Brdo and Semizovac.<sup>7973</sup> According to the 1991 census, Vogošća municipality

<sup>7960</sup> Indictment, para. 63(b).

<sup>7961</sup> Indictment, para. 60(b). See Scheduled Detention Facilities C.26.1, C.26.3.

<sup>7962</sup> Indictment, para. 60(c). See Scheduled Detention Facility C.26.3. The Prosecution does not allege criminal responsibility for rape and other acts of sexual violence at Scheduled Detention Facility C.26.1. Indictment, fn. 5.

<sup>7963</sup> Indictment, para. 60(d). See Scheduled Detention Facilities C.26.1, C.26.3.

<sup>7964</sup> Indictment, para. 60(f).

<sup>7965</sup> Indictment, para. 60(g). See Scheduled Detention Facilities C.26.1, C.26.3.

<sup>7966</sup> Indictment, para. 60(h).

<sup>7967</sup> Indictment, para. 60(j). See Schedule D.21.

<sup>7968</sup> Indictment, para. 60(k). The restrictive and discriminatory measures alleged include the denial of freedom of movement; the removal from positions of authority; the invasion of privacy through arbitrary searches of homes; unlawful arrest and/or the denial of the right to judicial process; and/or the denial of equal access to public services.

<sup>7969</sup> Indictment, para. 68–75.

<sup>7970</sup> Indictment, paras. 69, 72.

<sup>7971</sup> Indictment, para. 71.

<sup>7972</sup> P966 (Map of Sarajevo marked by Robert Donia); P2362 (Map of Vogošća municipality with photographs); P973 (Robert Donia's expert report entitled "Bosnian Serb Leadership and the Siege of Sarajevo, 1990–1995", January 2010), p. 8; Appendix B, Map 1; Robert Donia, T. 3130 (1 June 2010); P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 3. See also Adjudicated Fact 2.

<sup>7973</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 34, 61; KDZ020, T. 12608, 12618 (1 March 2011); D4028 (Article from Naš Glas entitled "Vogošća has a future", 13 June 1992), p. 1; P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 3–4, 99; Eset Muračević, T. 12650, 12672–12673, (1 March 2011); P2402 (Table prepared by Eset Muračević), e-court pp. 1–4; Svetozar Stanić, T. 31678–31679 (18 December 2012); Miladin Trifunović, T. 30393 (15 November 2012); D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 55.



had approximately 24,700 inhabitants, of whom 51% were Bosnian Muslims, 36% were Bosnian Serbs, and 4% were Bosnian Croats.<sup>7974</sup> **(Then it must be 10% of Yugoslavs, i.e. mainly Serbs. It should be noted that even before this war there were settlements that were inhabited “predominantly” by one or the other ethnicity. This was also the same during the Turkish occupation. So, it was very easy to organise a new municipalities by only administrative measures.)**

2357. Vogošća was one of the most industrialised municipalities in the territory of SFRY, hosting several large factories, including the Pretis factory which manufactured artillery and ammunition.<sup>7975</sup> There was also a JNA installation called the Semizovac Barracks, which was used to store weaponry and equipment of the JNA, the Vogošća TO as well as the Ilijaš TO.<sup>7976</sup>

2358. During the 1990 elections, the SDA won 18 seats in the Municipal Assembly, the SDS 15 seats, and other parties secured 18 seats.<sup>7977</sup> Subsequently, the SDA and SDS formed a coalition and divided the positions of authority in Vogošća amongst themselves.<sup>7978</sup> Thus, Bilal Hasanović from the SDA became the President of the Vogošća Municipal Assembly, and Rajko Koprivica, who was the President of the SDS in the municipality, became the President of the Executive Board.<sup>7979</sup> Vehid Hodžić, a Bosnian Muslim, became the Chief of the Vogošća SJB.<sup>7980</sup>

2359. At times, Koprivica and Jovan Tintor, a high-ranking SDS official in Vogošća,<sup>7981</sup> met with Momčilo Krajišnik in Hotonj.<sup>7982</sup> Before the war, the President also visited Vogošća municipality on one or two occasions.<sup>7983</sup>

#### Creation of separate Bosnian Serb institutions

2360. Discussions at the municipal level for the creation of a Serb SJB started in September 1991.<sup>7984</sup> In September or October 1991, there were changes in the personnel structure of the Vogošća SJB; Borislav Maksimović, a Serb, was appointed as Commander, and two high-ranking Serb officials were replaced by a Bosnian Croat and a Bosnian Muslim.<sup>7985</sup> Neither Bosnian Muslims nor Bosnian Serbs in Vogošća welcomed these changes.<sup>7986</sup> Hodžić was warned that the

<sup>7974</sup> P5964 (Census data for BiH by municipality in 1971, 1981, and 1991, April 1995), e-court p. 2; P2402 (Table prepared by Eset Muračević), e-court p. 5; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 55; P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 6; Svetozar Stanić, T. 31678–31679 (18 December 2012). *But see* P4994 (Addendum to Ewa Tabeau’s expert report entitled “Ethnic Composition in Internally Displaced Persons and Refugees from 27 Municipalities of BiH 1991 to 1997”, 3 February 2009), pp. 21, 31, 34, 40, 74, 76, 80 (indicating that in 1991 Vogošća had 19,970 inhabitants of whom, approximately 49% were Bosnian Muslims, 37% were Bosnian Serbs and 4% Bosnian Croats). While the Chamber has found Tabeau’s evidence to be generally reliable, for the purpose of determining the population of Vogošća and the ethnic composition thereof in 1991, it relies on other evidence before it, such as the direct source document, P5964, which contains the raw data from the 1991 census in BiH.

<sup>7975</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 5, 34, 43; Svetozar Stanić, T. 31679 (18 December 2012); P2621 (Order of SerBiH Government, 17 June 1992), p. 1.

<sup>7976</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 34, 39, 44; P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 9; Eset Muračević, T. 12735 (2 March 2011).

<sup>7977</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 6; KDZ020, T. 12470–12471 (25 February 2011).

<sup>7978</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 7.

<sup>7979</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 7–8, 51; KDZ020, T. 12473 (25 February 2011); P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 10; Eset Muračević, T. 12697–12698 (1 March 2011).

<sup>7980</sup> Eset Muračević, T. 12697 (1 March 2011).

<sup>7981</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 10; Eset Muračević, T. 12750–12751 (2 March 2011). *See also* Adjudicated Fact 2593.

<sup>7982</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 83.

<sup>7983</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 83.

<sup>7984</sup> In an intercepted conversation dated 7 September 1991, Tintor told Milan Plakalović that they no longer had a single man in SUP and that a Serb SUP was therefore going to be established. P2347 (Intercept of conversation between Jovan Tintor and Milan Plakalović, 7 September 1991), p. 8.

<sup>7985</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), paras. 23–24 (under seal); KDZ020, T. 12537, 12542 (28 February 2011) (private session).

<sup>7986</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), paras. 25, 27–28, 30–31 (under seal); KDZ020, T. 12539 (28 February 2011) (private session). In an intercepted conversation with Milan Plakalović, Tintor warned that as a result of the dismissals, Vogošća will “flare up [...] on Monday” and that “[a]ll the people will go out here, all of them, ten thousand people, to block all the roads!” P2347 (Intercept of conversation between Jovan Tintor and Milan Plakalović, 7 September 1991), p. 6. On 11 September 1991, during a telephone conversation, Rajko Koprivica and Tintor discussed the outcome of a meeting Koprivica had with Hodžić, Kemo Šabović, the head of the CSB, and Mićo Stanišić with respect to the reinstatement of Serb officers. In the same

staffing situation could result in demonstrations.<sup>7987</sup> As a result, the Vogošća SJB organised reinforcements at the Pretis gate and the Semizovac flyover.<sup>7988</sup>

2361. In early 1992, a Serb Crisis Staff was established and Tintor was appointed as its President.<sup>7989</sup>

2362. In March 1992, the SDS delegates in the Municipal Assembly, led by Koprivica, announced at an assembly session that they were going to organise the Serb Municipality of Vogošća and threatened that those Bosnian Muslims who did not pledge loyalty to this new municipality would be expelled.<sup>7990</sup> **(#Protected lies#! Had it been so, there would be this news in a headlines in media! The “protected witnesses” were free to lie. But, before the war any such statement of a local official would be a big issue in the political life. What could have been said is that the municipal officials with the special authorisation, such as police operatives, could stay in the Serb municipal authorities, provided they accept the law and constitution of the Serb entity. It must be kept in mind that in March 1992 there was finalised the Lisbon Agreement on the transformation of BiH, which envisaged a high autonomies for the three ethnicities. Not to mention that even in 1991, on the Conference in the Hague Mr. Izetbegovic himself committed to the high autonomy for the Serbs and Croats! #All in accord with the ICFY results#! )** Koprivica then stated that “Muslims were simply going to disappear”.<sup>7991</sup> After making this announcement, the SDS delegates walked out of the assembly session.<sup>7992</sup> On 24 March 1992, the Bosnian Serb Assembly unanimously verified the decision to establish the Serb municipality of Vogošća along with 34 other Serb municipalities.<sup>7993</sup> The Serb municipality of Vogošća was proclaimed in March or April 1992.<sup>7994</sup> Svetozar Stanić was appointed as its President and he stayed in that position until November 1992.<sup>7995</sup> Koprivica was appointed as the President of the Serb Municipal Assembly.<sup>7996</sup> **(#The context and time frame# are substantial for an understanding of events. For instance, on 24 March Mr. Izetbegovic on behalf of the SDA and the Muslim community denounced on the already agreed Lisbon Agreement and the Cutileiro’s Plan. So, the deceptive plan of the SDA become visible, and the Serb side continued to realise all what this Plan had envisaged!)**

2363. However, in February 1992, even before the adoption of the above decision, there had already been discussions amongst Serb leaders as to the lay-out of the Serb municipality of

---

conversation, Koprivica implied that he was unable to proceed further without consulting with Momčilo Krajišnik first whereas Tintor replied by saying “[w]e will not go forward until we get a Martić in each municipality.” P2348 (Intercept of conversation between Jovan Tintor and Rajko, 11 September 1991), pp. 2–3. On 12 September 1991, Tintor and Mićo Stanišić discussed the staffing changes that had taken place in Vogošća SJB and Tintor told Mićo Stanišić that the refusal to reinstate Serbs could entail “bloodshed” in Vogošća and that he would raise 10,000 people against “this injustice”. P2219 (Intercept of conversation between Jovan Tintor and Mićo Stanišić, 12 September 1991), p. 4.

<sup>7987</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 33 (under seal); D1107 (Witness statement of KDZ020 dated 16 August 2007), para. 51 (under seal).

<sup>7988</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 33 (under seal); D1107 (Witness statement of KDZ020 dated 16 August 2007), para. 51 (under seal).

<sup>7989</sup> KDZ020, T. 12473 (25 February 2011) (private session); Eset Muračević, T. 12750–12751 (2 March 2011); D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 8; Svetozar Stanić, T. 31672, 31676 (18 December 2012). *See also* Adjudicated Fact 2593. *But see* KDZ020, T. 12491–12492, 12497, 12510, (28 February 2011), 12634–12635 (1 March 2011); P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 45, 92. Later, in June 1992, the Vogošća Crisis Staff was disbanded and replaced by the Vogošća War Presidency, which in turn was superseded by the Vogošća War Commission. D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 10; D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 7; Nikola Poplašen, T. 43583 (15 November 2013). *See* Section II.B.7: Regional and municipal bodies.

<sup>7990</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 59, 63. *See also* Adjudicated Fact 2592.

<sup>7991</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 59 (under seal).

<sup>7992</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 59, 61, 63. *See also* Adjudicated Fact 2592.

<sup>7993</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 23–24.

<sup>7994</sup> D2444 (Witness statement of Miladin Trifunović dated 11 November 2012), para. 5; D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 4; P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 61.

<sup>7995</sup> D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), paras. 5, 11; P2373 (Vogošća Executive Board request to SerBiH Ministry of Finance, 15 July 1992); Svetozar Stanić, T. 31711 (18 December 2012).

<sup>7996</sup> Svetozar Stanić, T. 31677 (18 December 2012); D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 12; Slobodan Avlijaš, T. 35159 (11 March 2013).

Vogošća. For instance, during a telephone conversation with a certain Prodanović, Tintor stated that it “will include everything all the way to Krš” but not Barica or Kobilja Glava.<sup>7997</sup>

**(#EXCULPATORY#!!! Barice and Kobilja Glava were settlements with the Muslim majority, and were envisaged to be ingredients of the Muslim municipality of Vogošća!) On 22 February 1992, the President asked Ljubo Grković, Chef de Cabinet of the SDS Executive Board,<sup>7998</sup> whether the planned Serb municipality of Rajlovac would include the territory of the Serb municipality of Vogošća and was told that Vogošća would be a separate unit.<sup>7999</sup> (As it can be seen from this example, all about forming of the new municipalities was decided on the local level in a manner of democracy, in accord with the #Constitution and laws#!)**

2364. On 31 March 1992, non-Serb members of the police were invited by Mandić to join the newly established the Bosnian Serb MUP but were warned that before any such engagement, they had to declare their loyalty to SerBiH in writing.<sup>8000</sup> **(#EXCULPATORY#!!! The policemen with such an authorities to implement laws and protect the order and Constitution, i.e. all officials that had so high authorisations to arrest, detain, make a criminal reports, and bring somebody to a court, had to accept this new Constitution and laws created on the basis of a new constitutional provisions! Therefore, there was no any ethnic obstacle for the Muslims and Croats (“non-Serb policemen”) to continue to work in the Serb MUP!)** In the Vogošća SJB, all Serb police officers agreed with Mandić’s demand but non-Serbs did not.<sup>8001</sup> Subsequently, a meeting was held and the police officers agreed that until further notice Serbs, Muslims, and Croats would stay at the station and work together “in order to prevent bloodshed”.<sup>8002</sup> **(#EXCULPATORY#!!!)** Despite this agreement, in the Semizovac station, Serb and non-Serb policemen carried out their duties separately, though they did coalesce for joint patrols or when there were anti-crime assignments.<sup>8003</sup> **(#EXCULPATORY#!!!)**

2365. In April 1992, a number of meetings between SDS and SDA representatives were held in Vogošća.<sup>8004</sup> During the meetings, Tintor advanced the thesis that Vogošća was Serb land and therefore had to be governed by Serb authority.<sup>8005</sup> Tintor, Koprivica, Slavko Jovanović, Svetozar Stanić and other local SDS leaders then insisted on dividing Vogošća along ethnic lines.<sup>8006</sup> The division, as envisaged by them, would have left the Serbs with the town centre, all the industry and all the villages and communes except for Gornje, Donje Ugorsko, Kobilja Glava, and Hotonj.<sup>8007</sup> The Bosnian Muslims refused this proposal.<sup>8008</sup> **(#Distorted#! #Two municipalities – peace#! Therefore, it was not the “thesis that Vogošća” ... was Serb land, but that some of the local communes with the vast Serb majority were the Serb land and were included in the Serb Municipality of Vogošća. All other was negotiable between them at the local level, and nobody from the central authorities interfered)**

<sup>7997</sup> P965 (Intercept of conversation between Jovan Tintor and FNU Prodanović, 11 February 1992), p. 5.

<sup>7998</sup> P2579 (Minutes of 7<sup>th</sup> session of SDS Executive Board, 30 December 1991), p. 1.

<sup>7999</sup> P967 (Intercept of conversation between Radovan Karadžić and Ljubo Grković, 22 February 1992). On the creation of the Serb municipality of Rajlovac, see paras. 2172–2173.

<sup>8000</sup> P1116 (Letter from Momčilo Mandić to SRBiH MUP re division of MUP, 31 March 1992); P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 62; KDZ020, T. 12575–12576 (28 February 2011).

<sup>8001</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 62, 64.

<sup>8002</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 64; KDZ020, T. 12472 (25 February 2011).

<sup>8003</sup> KDZ020, T. 12472 (25 February 2011), T. 12573 (28 February 2011).

<sup>8004</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 61, 63; D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 21.

<sup>8005</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 63.

<sup>8006</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 61, 63. See also Adjudicated Fact 2593.

<sup>8007</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 61, 63; KDZ020, T. 12580 (28 February 2011). See also Adjudicated Fact 2593.

<sup>8008</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 61. Svetozar Stanić testified that during these meetings, the Bosnian Serbs proposed to share power with the Bosnian Muslims and that no agreement was reached because the Muslims insisted on their demand for absolute power over the entire territory of Vogošća. See D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 21. The Chamber, however, does not consider his evidence to be reliable in this regard. In reaching this conclusion, the Chamber noted this his evidence was marked by indicators of bias and lack of candour.

## Militarisation

2366. From 1991 to spring 1992, both Bosnian Serbs and Bosnian Muslims engaged in the process of arming and organising themselves in Vogošća.<sup>8009</sup>

2367. On or about 5 January 1992, there was unusual movement around the Semizovac Barracks; trucks driven by Serbs in military uniforms towed artillery pieces from there towards Mt. Paljevo, a location above Krivoglavci, which overlooked the residences of Tintor and Koprivica.<sup>8010</sup> On 7 January 1992, heavy artillery fire was opened from Mt. Paljevo.<sup>8011</sup> **(#JNA competence#! This is pretty unbelievable, and completely impossible, because it was so far before the war, and such an incident with the firing would be known in public throughout the world, and would cause many discussions. Otherwise, the JNA activity was their own matter, what does it have to do with the RS or this President? If the JNA drivers were Serbs, that was because the Muslim and Croat reservists didn't respond to the mobilisation calls!)**

2368. In early March 1992, both Bosnian Muslims and Bosnian Serbs erected barricades in areas where they formed a majority.<sup>8012</sup> **(#In context of killing Serb bridegroom's father#! Vogošća was one of the ten Sarajevo municipalities, and those barricades happened within the dramatic events after killing of the Serb bridegroom's father. So, it shouldn't be presented as if it was something separate!)** After the erection of barricades around Svrake, the JNA began distributing to local Serbs large quantities of weapons, which belonged to the Vogošća TO and had been stored in the Semizovac Barracks.<sup>8013</sup> The JNA also trained local Serbs to use the weapons.<sup>8014</sup> **(#JNA competence, legal and obligatory#! Not "local Serbs", but the JNA reservists who responded to the mobilisation call. The JNA would train the Muslim reservists too, as it happened throughout decades!)** **(This is unbelievable and unacceptable to have any Serb charged for a regular activities of the federal army, let alone to charge the President for that. Let us see what was the Order of the Commander of the 2<sup>nd</sup> Military District, D3679 on 4 April 92:**

5. Nobody may issue TO weapons without a special order and signature by the 2<sup>nd</sup> VO commander, and bear in mind warnings about the seizing of weapons from military depots, and to this end take all measures to prevent such activities in the most vigorous manner.

**#Autonomous JNA activity#! No activity of the JNA was under any influence, let alone control of the President, or any others. The JNA had an equidistance to all the political parties, but being aware that the Serb parties were against the JNA. However, the JNA took care of all the civilians, regardless of ethnicity! See the next para of this exhibit D3679:**

<sup>8009</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 35; P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 9, 11; D2444 (Witness statement of Miladin Trifunović dated 11 November 2012), para. 5; D2540 (Witness statement of Goran Sikiraš dated 2 December 2012), paras. 6, 9; P979 (Report from JNA 2<sup>nd</sup> Military District to JNA General Staff, 20 March 1992), pp. 6, 11 (indicating that by 20 March 1992, in Vogošća municipality, 1,500 men who were not part of the JNA or the TO had been armed by either the JNA or the SDS).

<sup>8010</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 35, 38.

<sup>8011</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 38.

<sup>8012</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 5, 9; Eset Muračević, T. 12689–12690, 12693, 12695, 12703–12705 (1 March 2011); P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 53–54, 84; Berko Zečević, T. 12156–15157 (22 February 2011); D2540 (Witness statement of Goran Sikiraš dated 2 December 2012), para. 6.

<sup>8013</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 9; Eset Muračević, T. 12690 (1 March 2011), T. 12731 (2 March 2011); P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 35, 48, 54. On 3 March 1992, a certain Gvozden told the Accused that the Serbs in Vogošća had mobilised themselves. See P5604 (Intercept of conversation between Gvozden and Radovan Karadžić, 3 March 1992), p. 3. On 30 March 1992, Tintor and a certain Aco discussed the delivery of light weaponry and ammunition. See P5735 (Intercept of conversation between Aco LNU and Jovan Tintor, 30 March 1992), p. 1. On the same day, Tintor indicated that Serbs had obtained a number of artillery pieces. See P5735 (Intercept of conversation between Aco LNU and Jovan Tintor, 30 March 1992), p. 3.

<sup>8014</sup> Eset Muračević, T. 12732 (2 March 2011).



6. In all their activities, JNA units and members must protect and defend endangered citizens from all ethnic groups from the terrorism and attacks of paramilitary formations and the negative consequences arising from the unauthorised decision of the SRBH Presidency.

7. It is especially important to ensure full combat readiness at isolated facilities and their defence by 2000 hrs on 4 April 1992.

the weapons from the Pretis Factory were also brought to the Semizovac Barracks.<sup>8015</sup> On 14 May 1992, the Semizovac Barracks were placed under the command of Vogošća Crisis Staff.<sup>8016</sup>

**(That happened in the eve of the JNA departure from BiH.)**

2369. During the spring of 1992, in the predominantly Muslim village of Svake, the villagers carried out night watches.<sup>8018</sup>

#### Increase in inter-ethnic tensions

2370. From September 1991 onwards, inter-ethnic tensions and criminal acts increased dramatically.<sup>8019</sup> The situation was exacerbated by the arrival of a large group of JNA reservists at the Semizovac Barracks and their involvement in looting and firing of weapons.<sup>8020</sup> Given the dire security situation and the inability of the police forces to maintain order, Bosnian Muslim municipal representatives led discussions for the mobilisation of the Vogošća TO but the Bosnian Serbs opposed any such mobilisation.<sup>8021</sup> On 23 September 1991, Koprivica discussed the issue with the President who made it clear that he fully supported Koprivica's opposition to the mobilisation of the TO.<sup>8022</sup> **(That would be an #illegal mobilisation of the TO#, which was subordinated to the JNA, aimed to confront the JNA as a legal armed force! It approved, there would be a grave crimes committed, and there would be a war much earlier than it was. The JNA was the only legal and legitimate power force, and any TO couldn't be mobilized, even by the BiH Presidency, without or contrary to the JNA orders, if it was present there, see D03679)**

At a session held at 1500 hrs on 4 April 1992, the SRBH /Socialist Republic of BH/ Presidency decided to mobilise the SRBH TO /Territorial Defence/, MUP /Ministry of the Interior/ and BH CZ /BH Civilian Protection/ despite the objection that the Presidency is not competent to mobilise the TO as a component of the OS /Armed Forces/, to which it turned a deaf ear.

**But, what was the actual situation can be seen from the very next paragraph, D03679:**

In view of the overall negative attitude towards the JNA /Yugoslav People's Army/, which was especially displayed at the Presidency session at which the 2<sup>nd</sup> VO /Military District/ commander and SRBH TO commander were present, armed attacks on military facilities, apartments of AVLs /active military personnel/ and GLs /civilian personnel/ and JNA members and retired military personnel are to be expected on the nights of 4/5 and 5/6 April 1992 and during the following days. In

**Could such a situation develop in any democratic country, that a local, o provincial**

<sup>8015</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 9.

<sup>8016</sup> P2364 (Vogošća Crisis Staff Order, 14 May 1992); P2635 (Conclusions of Vogošća's Crisis Staff, 16 May 1992).

<sup>8017</sup> P2364 (Vogošća Crisis Staff Order, 14 May 1992); P2635 (Conclusions of Vogošća's Crisis Staff, 16 May 1992).

<sup>8018</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 12.

<sup>8019</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 47–49; D2444 (Witness statement of Miladin Trifunović dated 11 November 2012), paras. 2–4; D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), paras. 2–3.

<sup>8020</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 47.

<sup>8021</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 48, 51; KDZ020, T. 12549 (28 February 2011), T. 12639 (1 March 2011) (private session).

<sup>8022</sup> P2360 (Intercept of conversation between Radovan Karadžić and Rajko Koprivica, 23 September 1991), pp. 1–2; P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 51.

**government oppose to a presence of the federal army, so far before the independence was proclaimed, in September 1991???)**

**2371.** Sometime between 29 February and 1 March 1992, a Bosnian Muslim family was attacked in the predominantly Serb populated village of Krivoglavci.<sup>8023</sup> On that same day, intense automatic weapon fire was directed at Svrake.<sup>8024</sup> **(The date is very important, since at that time there was the #killing at the Serb wedding ceremony#, and this case influenced everything else in Sarajevo. Why this court doesn't like contexts, time frames and #cause-consequence clarification#?)**

**2372.** In early March 1992, there were further acts of violence, including the destruction of Bosnian Muslim and Bosnian Croat property situated in predominantly Serb villages.<sup>8025</sup> During the same period, Tintor, on behalf of the Vogošća Crisis Staff, sent a dispatch to the Vogošća SJB and Kemo Šabović, prohibiting the SJB from conducting any investigations in Serb villages in connection with the alleged killing of a young Bosnian Muslim by a Serb.<sup>8026</sup> **(#Lies vs. documents#! Why to rely on the witness statement, if this document existed? The OTP witnesses are all-mighty and protected as the white bears. And since the killings weren't charged in the Indictment, why it is in the Judgement? And what all of it has to do with the President? This can only be an argument against civil wars, and a direct perpetrators, not against the President!)**

Take-over

#### Take-over of Vogošća town

**2373.** On 3 April 1992, a group of armed Serbs led by Boro Radić attacked the police station in Vogošća, disarmed the Bosnian Muslim officers, and took away all the weapons there.<sup>8027</sup> Radić and his men then forced everybody out and sprayed the inside of the station with automatic gunfire.<sup>8028</sup>

**2374.** On the day of the attack against the Vogošća SJB, Tintor ordered the deployment of “[a]ll available manpower” at the check-points in Vogošća.<sup>8029</sup> On the same day, Tintor instructed a certain Pero Radović not to react until “an agreement is reached” and to open fire “if anybody enters the police station uninvited”.<sup>8030</sup> Also on 3 April 1992, Momčilo Krajišnik instructed Tintor not to start a war.<sup>8031</sup> **(#EXCULPATORY#!)**

**2375.** On 4 April 1992, Tintor informed Momčilo Krajišnik that Bosnian Muslims from Kobilja Glava were on their way towards Graovište and Žuč.<sup>8032</sup> **(#Contrary to facts#! This is exactly and typically what this Court was doing. This telephone conversation is mentioned here as a Serb feloni. However, Tintor informed Krajišnik that the Muslims from their stronghold**

<sup>8023</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 6.

<sup>8024</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 6.

<sup>8025</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 55, 57; P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 8.

<sup>8026</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 55, 57–58. The Chamber notes that there are no killings charged in Schedule A of the Indictment in relation to Vogošća.

<sup>8027</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), paras. 68–69 (under seal); KDZ020, T. 12471 (25 February 2011), T. 12524 (private session), 12576–12577 (28 February 2011); D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), paras. 15, 18.

<sup>8028</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 68; KDZ020, T. 12524 (28 February 2011) (private session).

<sup>8029</sup> P5737 (Intercept of conversation between Jovan Tintor, Mlado LNU and Pero Radović, 3 April 1992), p. 1.

<sup>8030</sup> P5737 (Intercept of conversation between Jovan Tintor, Mlado LNU and Pero Radović, 3 April 1992), p. 2.

<sup>8031</sup> P5736 (Intercept of conversation between Jovan Tintor and Momčilo Krajišnik, 3 April 1992), p. 3. A few days later, Tintor reported that the Accused had tried to contact him. See P5743 (Intercept of conversation between Jovan Tintor and Danilo Veselinović, 6 April 1992), p. 4.

<sup>8032</sup> P2359 (Intercept of conversation between Jovan Tintor and Momčilo Krajišnik, 4 April 1992), p. 1.

**Kobilja Glava started their campaign against the Serb village Graoviste, and Krajisnik advised Tintor not to panic and to avoid any trouble. See: P02359:**

Tintor Jovan: I hear you've been informed. Rajko has told me about that part. They're getting ready up there. Reportedly, they're on the move already.

Krajišnik Momčilo: Who's on the move?

Tintor Jovan: Well, the Muslims from Kobilja Glava.

Krajišnik Momčilo: Yeah?

Tintor Jovan: They're on their way towards Graovište, towards us um... Žuč and... The situation is tense. I think a conflict will break out up there.

Krajišnik Momčilo: Best man, we need to try everything to calm the situation down.

Tintor Jovan: Yes. Momo Mandić has been on the spot.

Krajišnik Momčilo: That's the most important thing... Finally, the people do need to organise themselves, but in no circumstances should we look for trouble. It is very important to keep peace, you know.

Tintor Jovan: Yes, but they're on the move, best man.

**So, the Serbs were not supposed to react on an obvious jeopardy just in the eve of the war. See further:**

Krajišnik Momčilo: Look, could you check this somehow...

Tintor Jovan: Well, I have just received the information on the movement.

Krajišnik Momčilo: Yeah, 'cause there's panic. You check this. Alright, there may be something going on, but you need to check on this panic. (D

**epicted that way and in this context, this conversation suggested that it had something to do with expelling the Muslims, while the case was all the way around – the #Muslims started their attack # on the Serb village Graoviste. Many Serb civilians had been killed in Graoviste.#Misinterpreted, abused#!)**

On the same day, Koprivica told General Đurđevac that hundreds of Muslim reservists who had fled Ilijaš and the police reserve force had mobilised in order to take over the Vogošća SJB; he then requested intervention by the JNA.<sup>8033</sup> However, Đurđevac rejected Koprivica's request and advised him to "[a]ct according to the instructions on operation in the crisis situation, you have those instructions work".<sup>8034</sup>

**2376.** Between 4 and 17 April 1992, Serb Forces took over major parts of Vogošća municipality.<sup>8035</sup> The Municipality building was surrounded by members of the TO and Tintor raised the Serb flag on top of it.<sup>8036</sup> **(The illegal mobilisation call by the BiH Presidency on 4 April introduced BiH in the civil war, declaring the JNA and the Serbs in BiH as enemies! What is a meaning of this paragraph: whether the Serbs were not entitled to do so, while they had been declared war?)**

**2377.** On or about 18 April 1992, a special unit of the BiH MUP under the command of Dragan Vikić entered a military plant in the Pretis factory and took possession of vehicles and military equipment, including a truckload of shells, and headed to Sarajevo.<sup>8037</sup> The following day at around noon, Safet Hadžić and other members of the Novi Grad TO also went to the Pretis factory to take weapons but were intercepted by members of the Vogošća TO and the JNA.<sup>8038</sup> During the

<sup>8033</sup> D1109 (Intercept of conversation between Rajko Koprivica and Đurđevac, 3 April 1992), p. 2.

<sup>8034</sup> D1109 (Intercept of conversation between Rajko Koprivica and Đurđevac, 3 April 1992), p. 2.

<sup>8035</sup> P5512 (Report of RS MUP regarding Vogošća SJB, 12 November 1992), p. 1.

<sup>8036</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 66. In an interview with journalists from Naš Glas and Serbian Radio, published on 13 July 1992, Koprivica boasted that "we set up a crisis staff and one morning, stormed the Assembly building and took control of it". See D4028 (Article from Naš Glas entitled "Vogošća has a future", 13 June 1992), p. 1.

<sup>8037</sup> KDZ020, T. 12613–12614, 12621 (1 March 2011); D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), paras. 7, 22; Svetozar Stanić, T. 31708, 31714 (18 December 2012); D2681 (Report of Vogošća Municipal Secretariat for National Defence, 18 April 1992); P5720 (Intercept of conversation between Milutin Kukanjac and Radovan Karadžić, 18 April 1992); D2444 (Witness statement of Miladin Trifunović dated 11 November 2012), para. 10; D3068 (Letter from Milutin Kukanjac to Alija Izetbegović, 19 April 1992), e-court p. 1; D3069 (JNA 2<sup>nd</sup> Military District report, 20 April 1992), p. 1; D3065 (Witness statement of Aleksandar Vasiljević dated 26 February 2013), para. 187; P5721 (Intercept of conversation between Rajko Koprivica and Momčilo Mandić, 18 April 1992); P5718 (Intercept of conversation between Milutin Kukanjac and Momčilo Mandić, 18 April 1992), p. 2; P2226 (Intercept of conversation between Momčilo Mandić and Vukota Vuković, 18 April 1992).

<sup>8038</sup> KDZ020, T. 12640–12641 (1 March 2011); D2444 (Witness statement of Miladin Trifunović dated 11 November 2012), para. 10.

ensuing gunfight, Hadžić and four other members of the Novi Grad TO were killed and others were wounded.<sup>8039</sup> In response to the Pretis attacks, Tintor ordered the mobilisation of the Vogošća TO.<sup>8040</sup>

2378. On 18 April 1992, the JNA deployed heavy weapons and tanks inside and around Vogošća town as well as on the main roads.<sup>8041</sup>

2379. Two or three weeks after the take-over of Vogošća, non-Serb policemen moved out and set up separate offices in Donji Hotonj and in Ugorsko, while all Serb reserve staff left the Hotonj station with their weapons and joined the Serb reserve station in Blagovac.<sup>8042</sup> From this point onwards, the Vogošća SJB remained under the control of Bosnian Serb authorities.<sup>8043</sup> **(While the Muslim SJB was under the control of the Muslim police officers, wasn't it? This was appointed through the negotiations on the transformation of the MUP far before the war!)**

#### Take-over of Svrake **(#A Muslim stronghold#!)**

2380. In the evening of 2 May 1992, military formations organised by the SDS, in co-ordination with the JNA, **(All the way around, JNA competence#!)** launched an attack against Svrake from their positions in Krivoglavci, Paljevo, Nebočaj, and the Semizovac Barracks.<sup>8044</sup> During this attack, which lasted two days, one villager was killed, four were wounded, and 36 houses were destroyed.<sup>8045</sup> **(#Abuse of civil settlement#! #militarised stronghold#! #Time frame#! #Context#! The Chamber missed every single point relevant to understand this event! How come this “attack” lasted two days??? If it was just a village, and not an armed stronghold of the Patriotic League and the Green Berets, the “attack” wouldn't last more than two hours! Shouldn't it be of any help to the Chamber to remember that it happened after the known attack of the Green Berets and Patriotic League on the JNA, which was repeated on 3 May, in the very centre of Sarajevo, with a horrible carnage? So, the JNA had been decraled a war by those attacks. In the case of Semizovac Barracks, wherever there was the JNA, up until 20 May, that was their action, and the TO had to follow it! The SDS didn't have any armed group!)**

2381. On 4 May 1992, using a loudspeaker, local Serbs called on the villagers, announcing that nothing would happen to them if they left.<sup>8046</sup> **(#Legal obligation#! An offering to leave, and even removing a civilians from a combat zone was an obligation according to the law!) as it was reiterated in the agreements, no presence of civilians should influence military**

<sup>8039</sup> KDZ020, T. 12621–12622, 12641 (1 March 2011); D3069 (JNA 2nd Military District report, 20 April 1992), p. 1; D3065 (Witness statement of Aleksandar Vasiljević dated 26 February 2013), para. 187; P5714 (Intercept of conversation between Milenko Karišik and unidentified male, 19 April 1992). The Chamber notes that these killings are not charged in either Schedule A or B of the Indictment. *See* fn. 13.

<sup>8040</sup> D2444 (Witness statement of Miladin Trifunović dated 11 November 2012), para. 6; P1505 (SRK Order, 22 May 1992), p. 2; P2624 (Vogošća Crisis Staff Announcement, 11 May 1992), p. 1.

<sup>8041</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 10.

<sup>8042</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 62, 65; KDZ020, T. 12473 (25 February 2011). However, Eset Muračević, the Bosnian Muslim Secretary of the local commune of Svrake until May 1992, testified that it was after an attack on a police patrol in Krivoglavci in early March 1992, that the employees of the Vogošća SJB effectively split on an ethnic basis, with Muslim and Croat policemen setting up a station in Svrake as well as a police check-point on the Sarajevo-Zenica main road. *See* P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 1, 8; Eset Muračević, T. 12649, 12669, 12705 (1 March 2011). The Chamber finds that the evidence of KDZ020, a police officer in Vogošća at the material time, as to the timing of the event carries more weight.

<sup>8043</sup> Mirsad Kučanin, P15 (Transcript from *Prosecutor v. Galić*), T. 4499–4500 (under seal); Mirsad Kučanin, P17 (Transcript from *Prosecutor v. S. Milošević*), T. 28934–28935.

<sup>8044</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 11, 13; Eset Muračević, T. 12687, 12702 (1 March 2011), T. 12736 (2 March 2011). *See also* Adjudicated Fact 2601.

<sup>8045</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 13; Eset Muračević, T. 12740–12741 (2 March 2011). The Chamber notes that this killing is not charged in Schedule A of the Indictment.

<sup>8046</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 15; Eset Muračević, T. 12746 (2 March 2011).



**development, i.e. no a warring side was allowed to hide behind it's own civilians! See: D4710:**

**We agree that all refugees will be permitted to return to the places from which they have been expelled and that civilians who are caught up in or trapped by the military situation, will be given freedom of movement.**

**There were several such agreements which contained a commitment about the return of refugees, all of them signed by the President or his plenipotentiaries, and that is #the only official position#n on this issue. Why would the Chamber consider some jokes told in telephone conversations, or even some parliamentaries disussions, since the only relevant was what the President signed! #Jokes against documents#! )** In accordance with an agreement subsequently reached between local Bosnian Serb and Muslim representatives, most of the Muslim population which numbered about 1,000 left Svrake in order to go to Breza and the surrounding areas via Semizovac.<sup>8047</sup> Despite the agreement, however, one part of the convoy, which consisted of 430 Bosnian Muslims, was stopped in Semizovac by a number of local Serbs in former JNA and camouflage uniforms and eventually taken to the Semizovac Barracks.<sup>8048</sup> **(#JNA property, JNA competence#! If they took them, particularly contrary to the agreement, it must be the JNA, because the local Serbs would not have any competences over the Barracks.)**

#### Developments in Vogošća after the take-over of the municipality

**2382.** After the take-over of Svrake, Serbs Forces continued to expel non-Serbs from their homes throughout the municipality, in particular in Svrake and Bioča.<sup>8049</sup> Non-Serb workers at the Vogošća Medical Centre were suspended from their jobs.<sup>8050</sup> Several Serb paramilitary and volunteer groups, including Šešelj's men headed by Vaske Vidović, a paramilitary group led by Boro Radić,<sup>8051</sup> and the Šoša Detachment under the command of Major Jovo Ostojić<sup>8052</sup> took part in combat activities in Vogošća alongside the Bosnian Serb authorities.<sup>8053</sup> Vogošća municipal authorities allocated resources to paramilitary formations, such as Radić's group, and even remunerated them for their services.<sup>8054</sup> **(#Legal volunteers#! This means that they had been recognized the status of volunteers according to the domestic legislation. At the beginning of the conflict all the volunteers to the JNA were welcome, but later some of them acted independently and came under the Serb authorities persecution.)**

<sup>8047</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 15; Eset Muračević, T. 12714–12715 (1 March 2011), T. 12747 (2 March 2011).

<sup>8048</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 15–16; Eset Muračević, T. 12714–12716, 12722–12723 (1 March 2011), T. 12746–12748 (2 March 2011). *See also* Adjudicated Fact 2601.

<sup>8049</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 14.

<sup>8050</sup> P2635 (Conclusions of Vogošća's Crisis Staff, 16 May 1992).

<sup>8051</sup> Radić had the support of the SDS and he eventually was integrated into the VRS and given a rank. *See* KDZ020, T. 12524 (28 February 2011) (private session); P2366 (List of members of special detachment, 25 May 1992).

<sup>8052</sup> The Šoša Detachment which consisted of individuals from Sombor, Serbia, arrived in late May or early June 1992, and was immediately placed under the command of VRS. *See* D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 14.

<sup>8053</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 72 (under seal); KDZ020, T. 12625–12626 (1 March 2011); P6003 (Article from Naš Glas entitled "Elevation 681 has fallen", 12 August 1992), p. 1.

<sup>8054</sup> P6001 (Request of Vogošća Municipality War Commission, 27 June 1992); P2373 (Vogošća Executive Board request to SerBiH Ministry of Finance, 15 July 1992); P2377 (Vogošća Wartime Commission conclusions, 30 July 1992). *See also* Adjudicated Fact 2597. *But see* Miladin Trifunović, T. 30444 (27 November 2012) (testifying that there were many paramilitary units in Vogošća and that they acted independently); D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 12 (testifying that paramilitary formations refused to be placed under any military command, that they acted independently, and that Vogošća municipal authorities took the necessary measures with a view to removing them from the territory of Vogošća). The Chamber finds that the evidence of Trifunović and Poplašen in this regard to be unreliable and that it was marked by clear indicators of bias and partiality.

2383. In May 1992, Šešelj's men attacked the village of Tihovići and killed about 20 people, including a number of Bosnian Muslim reserve policemen.<sup>8055</sup> **(Obviously, it was an armed skirmish, otherwise there wouldn't be any Muslim reserve policemen! This court is completely neglecting the rights of the local people to defend themselves. Those were a residents in the neighbouring villages, and very rarely some volunteers! As the ordinary peasants or a factory workers, they weren't interested in any skirmishes, because their families had been exposed to an extreme danger. But, if the next village is full of "reserve policemen" which meant – of the secret army soldiers, nobody could order them not to defend and not to take a precautionary measures! This is provided by the domestic legislation, but also the international covenants and documents do not ban a defence! This is unique example of a "take it easy" trials. Nothing is established properly!)**

2384. On 16 May 1992, the Vogošća Crisis Staff concluded that mopping up operations should be conducted in Semizovac and indicated that similar operations were already underway in Svrake.<sup>8056</sup> **(So what? If the Muslims in Semizovac and Svrake decided to wage a war against their Serb neighbours, at that moment there is a military logic stepping up, while the politics is pulling back!#Yet, it was before VRS been formed, and the Crisis Staff was obliged to follow the JNA#)**

2385. Between mid-April and November 1992, police officers engaged in combat operations and many of them also participated in criminal activities.<sup>8057</sup> **(How do we know that? Because the superiors in the same Police investigated and reported. #Next level# acted! Since it was reported by the Serb authorities, it was clear that it wasn't tolerated by the MUP officials!!!) The Minister of Interior Mr. Mico Stanisic had chased up to 6,000 reserve and not-enough-professional policemen from the MUP and sent them to the VRS, i.e. Army, to be deployed along the confrontation lines! This is a huge fact, and #EXCULPATORY# for the entire Serb leadership! Had the Serb side made any Joint Criminal Enterprise as alleged, the Minister of Interior would welcome those incompetent and irresponsible!)**

2386. On 14 November 1992, Momčilo Krajišnik attended the Vogošća Serb Assembly session during which it was stated that the take-over of the municipality had been a success but that the area up to the predominantly Muslim village Kobilja Glava still had to be cleaned up.<sup>8058</sup> **(#Constant Muslim attacks#! There were a constant attacks from Kobilja Glava location, and it would be a legitimate to neutralise those attacks.)**

#### Scheduled Incident D.21

2387. The Indictment refers to the destruction of the Ugorsko mosque as well as the Semizovac Catholic church between April and September 1992.<sup>8059</sup>

<sup>8055</sup> P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 72 (under seal). These killings are not charged in either Schedule A or B of the Indictment.

<sup>8056</sup> P2635 (Conclusions of Vogošća's Crisis Staff, 16 May 1992).

<sup>8057</sup> P5512 (Report of RS MUP regarding Vogošća SJB, 12 November 1992), pp. 2–5. See also Adjudicated Facts 2598, 2599, 2600. **But, this means that it wasn't tolerated by the MUP officials!!! It was reported by the officers of the same police, and it was #commendable and exculpatory#! On the basis of such reports the Minister of Interior (M. Stanisic) had expelled around 6.000 unreliable policemen, redirecting them to the Army!**

<sup>8058</sup> P5511 (Minutes of the 3<sup>rd</sup> meeting of the Vogošća Municipal Assembly, 14 November 1992), pp. 2, 9.

<sup>8059</sup> Indictment, Scheduled Incident D.21. The Indictment initially also referred to the Karauka-Donja mosque under Scheduled Incident D.21. Subsequently, however, the Prosecution indicated that the Karauka-Donja mosque should refer to the Karaula mekteb which was located in Ilijaš Municipality. See Indictment, Scheduled Incident D.21, fn. 21. In its Final Brief, the Prosecution confirmed the exclusion of the Karauka-Donja mosque from the scope of Scheduled Incident D.21. See Prosecution Final Brief, Appendix B, p. 60, fn. 874.

2388. According to Riedlmayer, the Ugorsko mosque in the southern part of Vogošća was “heavily damaged” by Serb shelling on 1 September 1992, and the Catholic church in Semizovac was “completely destroyed” by Serb forces after they took control of the area at the beginning of May 1992.<sup>8060</sup> While the Chamber relies on Riedlmayer for the purposes of finding that the mosque and the church in question were destroyed, and determining the nature and extent of the damage to those sites, it does not rely on his evidence in order to determine who was responsible for the destruction as such matters fall outside Riedlmayer’s expertise and are based on statements which he received from informants.<sup>8061</sup> **(Thanks God for this sensitivity of the Chamber, but the Chamber is right for another, additional reason: the Mosque and the Church had been along the confrontation line, and the circumstances are not clarified. Certainly, the President issued all the needed orders for the protection of those temples!#Contra the President orders#!)**

2389. Having received no other evidence concerning Scheduled Incident D.21, the Chamber is not satisfied, beyond reasonable doubt, that Serb Forces heavily damaged and completely destroyed the Ugorsko mosque and the Catholic church in Semizovac between April and September 1992.

#### Detention facilities in Vogošća

2390. There were several detention facilities in Vogošća, including a World War II era bunker known as “the Bunker” and “Planjo’s House”.<sup>8062</sup>

2391. All detention facilities in Vogošća were run by one reserve police unit under the command of Branko Vlačo.<sup>8063</sup> Vlačo answered to the Crisis Staff and determined who entered or exited the Bunker and Planjo’s House.<sup>8064</sup> Nebojša Špirić was Vlačo’s deputy and was formally appointed as commander of the guards for the Vogošća detention facilities.<sup>8065</sup> Špirić later replaced Vlačo and became the warden of all detention facilities in Vogošća.<sup>8066</sup>

#### Scheduled Detention Facility C.26.3

2392. The Indictment refers to the use of the Bunker in Vogošća as a detention facility at least between May and July 1992.

<sup>8060</sup> P4070 (Attachment to the expert report of András J. Riedlmayer, entitled “Destruction of Cultural Heritage in BiH” prepared for the Karadžić case, formatted records), e-court pp. 323–327; P4071 (Slide images of damaged religious sites in BiH), e-court p. 2; András J. Riedlmayer, T. 22531 (8 December 2011). See also P4069 (Cultural destruction database), records 328–329; P2362 (Map of Vogošća municipality with photographs).

<sup>8061</sup> The Chamber notes that it received evidence as to the destruction of the mosque in Svrake. See P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 58; Eset Muračević, T. 12652 (1 March 2011), T. 12737, 12739 (2 March 2011); P4069 (Cultural destruction database), record 331. However, this evidence is not relevant to Scheduled Incident D.21.

<sup>8062</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 73; P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 17, 19, 21; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8973–8974; D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 12; Slobodan Avlijaš, T. 35141–35142 (11 March 2013); P2362 (Map of Vogošća municipality with photographs).

<sup>8063</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), paras. 73, 76; P2372 (Vogošća municipality list of prisoners, 5 July 1992); P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 19, 47, 73; Eset Muračević, T. 12653 (1 March 2011); P2374 (SerBiH Ministry of Justice decision, 21 July 1992); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 74; Ramiz Mujkić, T. 12384 (24 February 2011); Slobodan Avlijaš, T. 35165 (11 March 2013); P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 24; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court pp. 6–7.

<sup>8064</sup> Slobodan Avlijaš, T. 35198 (11 March 2013); P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 19, Eset Muračević, T. 12653 (1 March 2011).

<sup>8065</sup> P2375 (SerBiH Ministry of Justice decision, 21 July 1992); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 74; Ramiz Mujkić, T. 12384 (24 February 2011); Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10932.

<sup>8066</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 43, 73; P2393 (List of prisoners in KP Dom Butmir, 19 December 1992), p. 3; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 7.

## Establishment and control

2393. The Bunker was a concrete structure of about 36 square metres that had been built during World War II.<sup>8067</sup> It had concrete floors, one door and a small window with metal bars.<sup>8068</sup> It was situated in close proximity to a river and a local restaurant and motel called “Kon Tiki”, also known as “Kod Sonja”.<sup>8069</sup> Kod Sonja served as the headquarters of the Vogošća Crisis Staff.<sup>8070</sup>

2394. On 2 May 1992, Slavko Jovanović, acting on behalf of Tintor, ordered Željka Beganović, the son of the owner of Kod Sonja, to provide suitable premises to the Vogošća SJB and TO for the purpose of questioning detained persons.<sup>8071</sup> Individuals captured during combat in Vogošća, Svrake and Semizovac were transferred to the Bunker.<sup>8072</sup>

2395. There were on average 30 to 70 persons detained in the Bunker.<sup>8073</sup> Initially, four women were held in the Bunker and the adjoining buildings.<sup>8074</sup> Later on, more women were also brought to Kod Sonja.<sup>8075</sup> Individuals in the Bunker were detained upon the orders of the Vogošća Crisis Staff and the VRS.<sup>8076</sup> Vlačo gave specific instructions to Radić to arrest people and bring them in for questioning.<sup>8077</sup>

2396. A guard patrolled at the top of the Bunker and approximately ten guards secured its surroundings.<sup>8078</sup> Some guards at the Bunker and Kod Sonja wore old JNA uniforms,<sup>8079</sup> while soldiers there were seen usually wearing camouflage uniforms and cockades.<sup>8080</sup> Some of them boasted that they were from Serbia or that they were Šešelj’s men.<sup>8081</sup> **(This is for the first time correct, “boasted”! Many boasted and declared themselves as they wanted, in order to impress the environment and get some respect!)**

2397. As found above, on 4 May 1992, after the take-over of Svrake, a large group of Bosnian Muslim villagers was apprehended by Serb Forces and taken to the Semizovac Barracks.<sup>8082</sup> There, the Bosnian Muslim men, women and children were placed in a hangar which had been previously used for storing tanks.<sup>8083</sup> After two days, the women and children were separated

<sup>8067</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 73; P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 21; P2362 (Map of Vogošća municipality with photographs); Eset Muračević, T. 12650 (1 March 2011).

<sup>8068</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 21.

<sup>8069</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 21, 38; Eset Muračević, T. 12650 (1 March 2011); P2353 (Photograph of house); P2354 (Aerial photograph marked by KDZ020); P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 73 (under seal); P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 68; P2327 (Map marked by Ramiz Mujkić); D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 13; Svetozar Stanić, T. 31687, 31721–31722 (18 December 2012); Slobodan Avlijaš, T. 35161 (11 March 2013). The Bunker itself was sometimes called Kon Tiki. See P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 21.

<sup>8070</sup> Svetozar Stanić, T. 31686 (18 December 2012).

<sup>8071</sup> P2398 (Vogošća Municipal Assembly order, 2 May 1992); Eset Muračević, T. 12800 (2 March 2011); Svetozar Stanić, T. 31686, 31721–31722 (18 December 2012). Svetozar Stanić testified that after its requisition, Kod Sonja served as a place where “prisoners of war” were temporarily detained until they could be transferred to Kula for further processing. See D2678 (Witness statement of Svetozar Stanić dated 16 December 2012), para. 13; Svetozar Stanić, T. 31686, 31690, 31723 (18 December 2012).

<sup>8072</sup> D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 12.

<sup>8073</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 23; P2372 (Vogošća municipality list of prisoners, 5 July 1992); P2376 (Vogošća municipality list of prisoners, 26 July 1992).

<sup>8074</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 23, 29.

<sup>8075</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 29.

<sup>8076</sup> Slobodan Avlijaš, T. 35161–35162 (11 March 2013).

<sup>8077</sup> Many detainees told Muračević that they had been arrested by Radić’s unit. See P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 47.

<sup>8078</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 21; Eset Muračević, T. 12766 (2 March 2011).

<sup>8079</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 43.

<sup>8080</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 44; Eset Muračević, T. 12767 (2 March 2011).

<sup>8081</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 44.

<sup>8082</sup> See para. 2381.

<sup>8083</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 15.



from the men and taken back to Svake.<sup>8084</sup> Approximately 150 able-bodied men were taken to a place called “Naka’s Garage” whereas a few individuals, including Muračević, were taken to the Bunker by Predrag Žarković and Nebojša Lazić, a paramilitary from Serbia.<sup>8085</sup> **(#Before VRS, during massacres of the JNA soldiers in Sarajevo# However, it is obvious that the JNA acted in the light of the two massacres of the JNA column in Sarajevo, that happened on 2 and 3 May. Sarajevo was a couple of tens kilometres from Svake, as a matter of fact all of those localities were within the City of Sarajevo. Without these #contexts# nothing could be understood correctly, and the truth will not be seen. However, even Eset Muracevic, otherwise a combatant who admitted that he smuggled grenades from Sarajevo to his village, admitted that only nine people out of several hundreds had been detained, the rest were released immediately after the first checking of involvement! Again, what it has to do with this President, or the Serbs in Bosnia anyway?)**

### Conditions of detention and treatment of detainees

2398. The roof of the Bunker had holes through which rainwater entered.<sup>8086</sup> Inside the Bunker, it was very dark, cold and, wet.<sup>8087</sup> Detainees slept on a dirty concrete floor.<sup>8088</sup> On or about 16 May 1992, the guards brought gym mats but these mats became soaked with rainwater.<sup>8089</sup> All the garbage and leftovers from Kod Sonja were thrown downhill and accumulated around the Bunker.<sup>8090</sup>

2399. Little food was provided to the detainees and the guards decided who received food and who did not.<sup>8091</sup> At times, the food which was intended for the detainees was given to dogs.<sup>8092</sup> The guards sometimes used the same bowls they had used to feed the dogs to distribute food to the detainees.<sup>8093</sup>

2400. During the initial period at the Bunker, the guards took the detainees outside so that they could use the toilet.<sup>8094</sup> As the number of detainees increased later on, however, the guards placed a bucket inside and at times, this bucket was not emptied for days.<sup>8095</sup> The Bunker did not have a water tap and Eset Muračević only managed to wash his face for the first time during his detention in early August.<sup>8096</sup> Slobodan Avlijaš who became a member of the SerBiH Commission for the Inspection of Collection Centres in August 1992,<sup>8097</sup> testified that during an official visit to the Bunker, he observed the detainees’ conditions and found them to be so inhumane that he was left “feeling horror”.<sup>8098</sup> **(#Next level#! Again, a higher official was critical of the conditions, and**

<sup>8084</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 17; Eset Muračević, T. 12723–12724 (1 March 2011), T. 12748 (2 March 2011). *See also* Adjudicated Fact 2601.

<sup>8085</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 17, 20; Eset Muračević, T. 12652 (1 March 2011), T. 12748 (2 March 2011); P2363 (Photograph of garage).

<sup>8086</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 38.

<sup>8087</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 38.

<sup>8088</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 38; Eset Muračević, T. 12753 (2 March 2011).

<sup>8089</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 38.

<sup>8090</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 38.

<sup>8091</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 39.

<sup>8092</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 39.

<sup>8093</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 39.

<sup>8094</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 40.

<sup>8095</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 40.

<sup>8096</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 41.

<sup>8097</sup> D466 (Decision of Government of SerBiH on establishment of Commission for Inspection of Collection Centres and other facilities for prisoners, 9 August 1992), p. 2.

<sup>8098</sup> Slobodan Avlijaš, T. 35158–35161 (11 March 2013).

**had it been a deliberate and planned conduct of the state organs, he wouldn't complain, and there wouldn't be any inspection!)**

2401. The women detained at the Bunker were subjected to sexual abuse at the Bunker, at its surrounding buildings, and at Serb frontline positions.<sup>8099</sup>

2402. During his first day in the Bunker, Muračević was forced to run the gauntlet.<sup>8100</sup> Later that same day, he was taken, blindfolded, to a bridge where he was interrogated, threatened, and beaten by Predrag Jovanović, Lazić, and Žarković.<sup>8101</sup> **(A paramilitaries!)**

2403. In early May 1992, detainees at the Bunker were taken out on a daily basis for interrogation, during the course of which beatings occurred.<sup>8102</sup> Later, interrogations continued but they were not always accompanied by beatings.<sup>8103</sup> Those involved in the interrogations and beatings were guards and two inspectors by the names of Mile Renovica and Slaviša Mišić, as well as Vlačo and Živko Lazarević, a former inspector at the Vogošća SJB.<sup>8104</sup> **(It is hard to believe that Renovica, Misic and Lazarevic, as a high professionals, would be involved in any unlawful activity. All of it is based on the only one witness statement, Eset Muracevic, an extremist who fanatically fought against the Serbs!#Unproven#!)**

2404. From the Bunker, detainees were also brought to the Vogošća SJB for questioning.<sup>8105</sup> Detainees were also taken out of the Bunker to work on trenches and perform other forms of labour.<sup>8106</sup>

2405. The guards threatened the detainees, stole from them, or brought people from the outside to mistreat them in the absence of Vlačo.<sup>8107</sup> **(Sic!!! "in the absence of Vlačo", as a superior, which confirms the fact that the authorities were against any abuse or irregular conditions and conduct towards the detainees!#Next level# )** The guards as well as members of Šešelj's men threw smoke grenades, tear gas grenades and stink bombs into the Bunker in the presence of Vlačo.<sup>8108</sup> **(Since Vlačo couldn't be in Bunker, how Muracevic could have known that Vlačo was around?)**

2406. On one occasion, six members of Šešelj's men, in the presence of Vlačo and other guards, took Ahmet Hido and Hasan Abaz, kicked them, and hit them with their fists and rifle butts.<sup>8109</sup> Afterwards, they forced the two Bosnian Muslim men to have oral sex and sexual intercourse.<sup>8110</sup> The Šešelj's men then forced Hasan Abaz to jump off a three metre high wall with his bare chest first several times.<sup>8111</sup> Abaz sustained severe injuries from these jumps and

<sup>8099</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 29–30; D4002 (Letter from BiH MUP to Vasvija Vidović, 4 July 1995), p. 56.  
<sup>8100</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 25.  
<sup>8101</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 25.  
<sup>8102</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 26–27 (also testifying that during the interrogations, the detainees were accused of organising the resistance in Svrake and of harbouring the intention to create an Islamic state).  
<sup>8103</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 28.  
<sup>8104</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 26–27.  
<sup>8105</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 28; P2344 (Witness statement of KDZ020 dated 17 February 2011), para. 74 (under seal); P2355 (Aerial photograph marked by KDZ020).  
<sup>8106</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 34, 49, 54–57.  
<sup>8107</sup> Eset Muračević, T. 12767–12770 (2 March 2011); P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 33, 44.  
<sup>8108</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 46; Eset Muračević, T. 12767–12768 (2 March 2011).  
<sup>8109</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 45.  
<sup>8110</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 45; Eset Muračević, T. 12787 (2 March 2011).  
<sup>8111</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 45; Eset Muračević, T. 12787 (2 March 2011).

subsequently vomited blood.<sup>8112</sup> Similarly, Nijaz Salkić and Taib Kodžaga were forced to jump off the upper level of the Bunker.<sup>8113</sup>

2407. On 26 May 1992, the detainees were informed that UNPROFOR would visit the Bunker the following day. They were ordered to wash themselves with a hose beside Kod Sonja.<sup>8114</sup> Muračević and four other detainees were selected as spokespersons in case UNPROFOR asked any questions.<sup>8115</sup> The detainees were threatened with severe punishment in the event they complained.<sup>8116</sup> The next day, UNPROFOR personnel came but did not enter the Bunker.<sup>8117</sup>

2408. Around the end of May 1992, Muračević was told that he would be sent back to Svake in order to be killed there by Muslims.<sup>8118</sup> He was then blindfolded and taken to Naka's Garage for one night where he saw 150 individuals, many of them from Svake.<sup>8119</sup>

2409. On 25 May 1992, the Serb municipality of Vogošća Department for Judiciary, Administration and Regulations proposed the exchange of 15 "citizens of Muslim ethnicity" captured in the residential area of Svake for a number of Serbs who had been detained in Visoko.<sup>8120</sup> Pursuant to a decision made by the Head of the Department for Judiciary, on 25 May 1992, with the approval of the Vogošća Crisis Staff, 21 "[c]itizens of Muslim nationality who were captured in fights in Svake" were to be exchanged in Lješevo for three Serbs who were detained in prisons in Visoko municipality.<sup>8121</sup> **(This is a #“cotradictio in adjecto”# – “#citizens captured in fights in Svake#” couldn’t be mere “citizens” but rather combatants, as Muracevic confessed how he was known as a combatant and smuggler of grenades, in arming his village Svake!#Witness, extremist, combatant#!)**

### (c) Conclusion

2410. Based on the foregoing, the Chamber finds that Serb Forces detained non-Serbs from Vogošća and surrounding areas, including civilian males and females, at the Bunker. The Chamber further finds that the detainees were held in poor conditions. These included a lack of adequate food, sanitary facilities and general hygiene. The Chamber also finds that the male detainees were subjected to beatings and forced labour and that both male and female detainees were subjected to acts of sexual violence. **(For those allegations, which sound as unbelievable and instructed by the Muslim secret services, there would be essential any corroboration. Such a bizarre conduct, particularly sexual, couldn’t be kept as a secret, but no a single trace about it in any of the communications! Muracevic shouldn’t be considered as reliable and unbiased witness, because he was a combatant, and had a motive to tell lies. A several of the Prosecution witnesses looks like educated what to tell, and there are always some peculiarities that are difficult to be checked. Since all of those alleged misdeeds had been strictly forbidden by the President, these allegations even if true, could not have been used against the President!)**

### (2) Scheduled Detention Facility C.26.1

<sup>8112</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 45.

<sup>8113</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 45.

<sup>8114</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 31.

<sup>8115</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 32.

<sup>8116</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 32.

<sup>8117</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 33; Eset Muračević, T. 12755–12757 (2 March 2011).

<sup>8118</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 36.

<sup>8119</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 35–36; Eset Muračević, T. 12748–12749 (2 March 2011). The Chamber notes that Naka's Garage is not a scheduled detention facility in the Indictment.

<sup>8120</sup> P2367 (Decision of Vogošća Department for Judiciary, 25 May 1992), p. 1.

<sup>8121</sup> P2356 (Vogošća municipality department for judiciary decision to release prisoners, 25 May 1992).

2411. The Prosecution refers to the use of Planjo's House in Svake as a detention facility from early July 1992 until at least February 1993.<sup>8122</sup>

#### Establishment and control

2412. Planjo's House was situated between Svake and Semizovac, some 200 metres from the Sarajevo-Zenica road.<sup>8123</sup> It had a garage, an attic, and three spacious floors.<sup>8124</sup> Planjo's House was originally a private property owned by two Muslims, Almas Planjo and Miralem Planjo.<sup>8125</sup>

2413. In early July 1992, Avlijaš advised the authorities of the Serb municipality of Vogošća that Planjo's House should replace the Bunker as a detention facility.<sup>8126</sup> According to Avlijaš, Planjo's House was chosen for two reasons: (i) it was further away from the frontlines and could therefore not be shelled by Muslim forces; (ii) it was more suitable to serve as a detention facility and conformed with the President's instructions concerning the treatment of captured persons.<sup>8127</sup> On 8 July 1992, the Municipal Secretariat for Town Planning temporarily turned Planjo's House over to the Ministry of Justice, for the needs of the Prison Department of Vogošća.<sup>8128</sup>

2414. From August 1992, mainly non-Serbs,<sup>8129</sup> including women and children, were detained in Planjo's House.<sup>8130</sup> On 11 August 1992, Vlačo and a few guards transferred Muračević and about 30 of the 40 or so detainees who were left in the Bunker to Planjo's House which was at the time empty.<sup>8131</sup> The detainees were placed in the cellar.<sup>8132</sup> On 17 August 1992, the Ilijaš SJB brought 91 Bosnian Muslims who had been detained in Ilijaš.<sup>8133</sup> On 22 August 1992, Ramiz Mujkić who had been detained in the Rajlovac Barracks, in Novi Grad municipality, was also transferred to Planjo's House.<sup>8134</sup> In late September or October 1992, about 70 Bosnian Muslim men who had been detained in the Hadžići Culture and Sport Centre were transferred to Planjo's house.<sup>8135</sup> Apart from these instances, detainees were brought from other places around the

<sup>8122</sup> Indictment, Scheduled Detention Facility C.26.1. The Indictment originally referred to the period between August 1992 until December 1992. However, by virtue of the Prosecution Rule 73 *bis* Submission, Appendix B, p. 92, this period was extended to be from early July 1992 until at least February 1993.

<sup>8123</sup> P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 73; P2352 (Aerial photograph marked by KDZ020); P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 35; P2327 (Map marked by Ramiz Mujkić); P2362 (Map of Vogošća municipality with photographs); P2328 (Photograph of Planjo's house); P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 124–125.

<sup>8124</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 124–125; P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 70, 72; P2328 (Photograph of Planjo's house); P2343 (Information report of Ramiz Mujkić, 4 July 2004), p. 16; Ramiz Mujkić, T. 12462–12463 (25 February 2011); P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 22.

<sup>8125</sup> P1605 (Decision of Vogošća Municipal Secretariat, 8 July 1992); P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), p. 4; P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 70; Ramiz Mujkić, T. 12383 (24 February 2011).

<sup>8126</sup> D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 13; Slobodan Avlijaš, T. 35142, 35198–35199 (11 March 2013).

<sup>8127</sup> D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 13; Slobodan Avlijaš, T. 35198 (11 March 2013); P1134 (SerBiH Ministry of Defence Instructions on the Treatment of Captured Persons, 13 June 1992).

<sup>8128</sup> P1605 (Decision of Vogošća Municipal Secretariat, 8 July 1992). See also Adjudicated Fact 2650. However, according to Avlijaš, the RS Ministry of Justice was only responsible for the security and well-being of the prisoners whereas the army was in charge of all other matters, including prisoner exchanges and prisoner labour. Slobodan Avlijaš, T. 35165–35166 (11 March 2013).

<sup>8129</sup> One of the male detainees in Planjo's House was a Bosnian Serb but he was promptly transferred to Kula. A Bosnian Serb woman who had been married to a Muslim, and her young son were also detained in Planjo's House. See P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 73; Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10927. See also Adjudicated Fact 2652.

<sup>8130</sup> Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10924, 10926–10927; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 9; P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 81. See also Adjudicated Fact 2652.

<sup>8131</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 63–64.

<sup>8132</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 64.

<sup>8133</sup> P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), p. 4; P46 (Witness statement of Bego Selimović dated 21 June 1997), paras. 20–22; P47 (Statement of Bego Selimović to Ilijaš Municipality Commission for Crime Investigation, 5 April 1993), para. 23; P2379 (Vogošća prison bulletin, 17 August 1992); P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 64. See also Adjudicated Facts 2648, 2649, 2651.

<sup>8134</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 68–69; P2326 (Vogošća municipality prison report re Ramiz Mujkić, 22 August 1992).

<sup>8135</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 123; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 6; P125 (Zijad Okić's statement to BiH authorities, 3 February 1993), p. 2; P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 81; D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 32; P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), e-court p. 28. During a visit to Hadžići Culture and Sport Centre, Avlijaš recommended the transfer of the detainees to Planjo's House because he was afraid that relatives of Bosnian Serbs held by the Muslim side in Tarčin would exact revenge on those detainees. See D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 32; Slobodan Avlijaš, T. 35143–35144 (11 March 2013).



municipality of Vogošća, such as Visoko, Sokolac, Hadžići, Bioča, Doglodi, and Nahorevo.<sup>8136</sup> In December 1992, four girls between the ages of 16 and 22 were brought to Planjo's House.<sup>8137</sup>

**(#Deadly combination#! A Rule 92bis evidence, impossible to check and incorrect to charge this President for such an allegation! No a single trace about it anywhere, except in this one statement of a Serb adversary!)**

2415. From 22 August 1992 until mid October 1992, Planjo's House alone housed between 100 and 150 detainees.<sup>8138</sup> This number later increased to 200.<sup>8139</sup> Women and children were held in separate quarters.<sup>8140</sup>

2416. Armed soldiers and policemen who were dressed in camouflage uniforms guarded Planjo's House at all times.<sup>8141</sup>

2417. Around mid August 1992, Momčilo Mandić and a Serb journalist visited Planjo's House.<sup>8142</sup> When queried by one of the detainees about possible exchanges, Mandić replied that there was no need for any exchanges as the detainees were at their "homes".<sup>8143</sup>

2418. At some point, those detained in Naka's Garage were allowed to return to Svrače under the condition that they (i) report on a daily basis to the Serb authorities in order to be assigned and carry out work and (ii) go back to Planjo's House every night in order to spend the night there.<sup>8144</sup> However, eventually, these individuals were confined to Planjo's House during day-time as well.<sup>8145</sup>

2419. On 23 October 1992, ICRC representatives came to Planjo's House, registered the individuals held there. Some of the detainees were exchanged a few days later.<sup>8146</sup>

(b) Conditions of detention and treatment of detainees

2420. The food served in Planjo's House was of poor quality.<sup>8147</sup> Some detainees slept in the beds that were available, others slept on the floor, and a number slept on the stairs.<sup>8148</sup> Blankets were provided.<sup>8149</sup> Detainees were allowed to use the bathroom, situated in the basement.<sup>8150</sup>

<sup>8136</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 81, 84.

<sup>8137</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 9.

<sup>8138</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 72–73; P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 23; P2357 (List of prisoners in Vogošća prison, 30 August 1992); P2339 (List of prisoners in Vogošća prison, 3 September 1992). *See also* Adjudicated Fact 2653.

<sup>8139</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 81; P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 72.

<sup>8140</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 81; Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10924; P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 23; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 9. *See also* Adjudicated Fact 2652.

<sup>8141</sup> P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 24; Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10928. *See also* Adjudicated Fact 2652.

<sup>8142</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 62.

<sup>8143</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 62.

<sup>8144</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 35, 37; Eset Muračević, T. 12723–12724 (1 March 2011), T. 12748 (2 March 2011); P2368 (Vogošća Crisis Staff Order, 26 May 1992).

<sup>8145</sup> Eset Muračević, T. 12724 (1 March 2011); T. 12748 (2 March 2011).

<sup>8146</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 82.

<sup>8147</sup> P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 25.

<sup>8148</sup> P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 25; P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 124.

<sup>8149</sup> P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 25.

<sup>8150</sup> P2403 (Witness statement of Mehmed Musić dated 28 February 2011), para. 126; P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 25. Trifunović who was the commander of the Vogošća Brigade at the time, testified that the conditions at Planjo's House were generally good, in particular, that the rooms had large windows with good light and heating, and that there were toilets, showers, and a kitchen available to the detainees. D2444 (Witness statement of Miladin Trifunović dated 11 November 2012), para. 1; Miladin Trifunović, T. 30373–30374 (15 November 2012). However, the Chamber

2421. Muračević stated that although the conditions were slightly better in Planjo's House, the treatment was the same as that in the Bunker, if not worse.<sup>8151</sup>

2422. In Planjo's House, some detainees were placed in a small isolation room.<sup>8152</sup> Siniša Đurđić and Nikola Jovanović, Tintor's personal driver, beat and abused the detainees and brought their friends to watch.<sup>8153</sup> After one such beating as a result of which one of the detainees was left unconscious, one of Đurđić's friends drew out his gun and placed it in the mouths of several detainees, threatening to kill everybody.<sup>8154</sup>

2423. One of the guards, Dragan Damjanović, often forced detainees to beat one another with batons.<sup>8155</sup> He also accompanied them to their work duties and physically abused them there.<sup>8156</sup> On one occasion, Damjanović forced Bego Selimović and another man to carry the body of someone who had been killed in the battlefield.<sup>8157</sup> While Selimović and the man were carrying the body, Damjanović repeatedly hit them with a piece of wood, to a point that Selimović's back turned black.<sup>8158</sup>

2424. On 20 August 1992, Muračević and a group of approximately 50 prisoners were taken to Ravne Hill in order to clear a small forest which had been burnt during fighting the day before.<sup>8159</sup> The prisoners spent the entire day working without any food or water. Some fell from exhaustion and were beaten with rifle butts.<sup>8160</sup> On that same day, Muračević injured his hand while working.<sup>8161</sup> Due to lack of adequate medical care, the injury eventually became infected.<sup>8162</sup>

2425. One day, a mentally disabled detainee by the name of Pinjo cursed the Serb guards who then beat him unconscious.<sup>8163</sup> That same afternoon, Vlačo came to Planjo's House and after hearing from the guards about what Pinjo had said, hit him with his pistol, causing him to fall.<sup>8164</sup>

2426. Sometimes during the weekends, intoxicated volunteers from Serbia came to Planjo's House to beat and mistreat the detainees.<sup>8165</sup> These individuals were called "weekend Chetniks" by the prison guards.<sup>8166</sup> On one occasion, one of these "weekend Chetniks" entered Planjo's House and ordered Mirsad Šehić to eat cigarette butts.<sup>8167</sup> Šehić proceeded to chew the cigarette butts but when he proved unable to swallow them, he was ordered to perform oral sex with another

---

rejects Trifunović's assertions in light of his lack of forthrightness as a witness and because of the consistent and reliable evidence which indicates that contrary to Trifunović's claim, the conditions at Planjo's House were poor.

<sup>8151</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 65.

<sup>8152</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 66.

<sup>8153</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 66, 68. Mujkić testified that the guards did not abuse the detainees. Ramiz Mujkić, T. 12386 (24 February 2011). The Chamber, however, does not find this part of Mujkić's testimony to be reliable and notes that Mujkić contradicted himself on this point on two occasions. In his statement, Mujkić stated that a mentally disabled individual was beaten unconscious by the guards and that a professor by the name of Zahid Baručija was mistreated by a guard who claimed to have been Baručija's former student. See P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 75.

<sup>8154</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 66.

<sup>8155</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 87; Damjanović sometimes wore a black uniform and other times he wore a camouflage uniform. He sometimes wore a black hat with a cockade. Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10931.

<sup>8156</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 87; Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10930–10931.

<sup>8157</sup> P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 28.

<sup>8158</sup> P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 28.

<sup>8159</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 71–72; Eset Muračević, T. 12764 (2 March 2011).

<sup>8160</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 71; Eset Muračević, T. 12764 (2 March 2011).

<sup>8161</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 71; Eset Muračević, T. 12764–12765 (2 March 2011).

<sup>8162</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 71; Eset Muračević, T. 12765 (2 March 2011).

<sup>8163</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 75; Ramiz Mujkić, T. 12384–12385 (24 February 2011).

<sup>8164</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 75; Ramiz Mujkić, T. 12385 (24 February 2011).

<sup>8165</sup> Ramiz Mujkić, T. 12385 (24 February 2011). See also Adjudicated Fact 2654.

<sup>8166</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 80; Ramiz Mujkić, T. 12385 (24 February 2011).

<sup>8167</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 80.

man in front of his own father.<sup>8168</sup> According to Mujkić, in another instance, another “weekend Chetnik” forced a young detainee in Planjo’s House to climb up a fence from the balcony and dive onto the ground, head first.<sup>8169</sup> **(#Adversaries, free to lie#! All of this peculiar and disgusting things seem as instructed. If anything like that really happened, there would be some knowledge about it, there would be rumors, braggings, condemnation, and couldn’t be hidden. But, how the President could be responsible for such a crimes, taking into account his strict ban of anything like that?).**

2427. On 18 June 1992, a compulsory work obligation was introduced for all citizens in Vogošća.<sup>8170</sup> **(According to the #law of Defence#, all the citizens are either to have a military compulsory obligation, or to have a working obligation! Since the “non-Serbs” hadn’t been drafted for the military service, they had to work! Many Serbs envied them for that, because the working obligation was much easier and safer!)** On 7 August 1992, Poplašen requested the approval of the SerBiH Ministry of Justice for “occasional use of detainees for construction and other work”.<sup>8171</sup> Three days, later, Mandić gave Poplašen approval.<sup>8172</sup>

2428. From late August until late January 1993, Serb Forces took non-Serb detainees from Planjo’s House to the frontlines and forced them to construct bunkers for Serb soldiers, dig trenches, carry ammunition, cut wood, search for land mines, carry dead bodies, dig graves, or serve as human shields.<sup>8173</sup> The detainees who worked received more food and cigarettes from the guards.<sup>8174</sup> Dušan Arnaut and a man with the last name Milošević, who were both soldiers, drove the detainees at Planjo’s House to work and guarded them while they worked.<sup>8175</sup> At times, Damjanović also took the detainees to work.<sup>8176</sup>

2429. On 16 July 1992, the War Commission of the Serb municipality of Vogošća ordered the exchange of a Bosnian Muslim “prisoner of war” for a member of the Koševo Brigade held by the Muslim side.<sup>8177</sup> On 29 July 1992, the War Commission ordered the release of two Muslim

<sup>8168</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 80. *See also* Adjudicated Fact 2654.

<sup>8169</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 81; Ramiz Mujkić, T. 12411–12412 (25 February 2011).

<sup>8170</sup> D4031 (Decision of Vogošća War Commission, 18 June 1992), p. 1; D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 24. According to a decision adopted by the Vogošća War Commission on 23 June 1992, individuals who carried out their compulsory work obligation were to be remunerated. *See* P2370 (Vogošća Wartime Commissariat Decision, 23 June 1992).

<sup>8171</sup> P1606 (Request from Vogošća Municipality to Ministry of Justice of SerBiH, 6 August 1992).

<sup>8172</sup> P1142 (Letter from Ministry of Justice of SerBiH to Vogošća War Presidency, 10 August 1992).

<sup>8173</sup> P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court pp. 6–7; P125 (Zijad Okić’s statement to BiH authorities, 3 February 1993), p. 3; P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 69, 71–72, 74–75, 77, 79, 87; Eset Muračević, T. 12763–12765 (2 March 2011); P2403 (Witness statement of Mehmed Musić dated 28 February 2011), paras. 127, 129; P45 (Vogošća prison report, 29 August 1992); P5999 (Order of Vogošća Brigade, 18 October 1992); P6000 (Order of Vogošća Brigade, 22 September 1992); P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), pp. 4–6; Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10929–10931; P46 (Witness statement of Bego Selimović dated 21 June 1997), paras. 25–30, 34–35, 37–38; P47 (Statement of Bego Selimović to Ilijaš Municipality Commission for Crime Investigation, 5 April 1993), para. 24; P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), paras. 76–79; P2381 (Vogošća prison report, 26 August 1992); P2382 (Vogošća prison report, 1 September 1992); P2338 (Request of Rajlovac 1<sup>st</sup> Infantry Brigade, 24 August 1992); P2395 (Request of Rajlovac Light Infantry Brigade re prisoners, 26 December 1992); P2392 (Semizovac Battalion request re prisoners, 25 November 1992); P2386 (Ilijaš police station request re prisoners, 11 September 1992); P2384 (Vogošća SJB request re prisoners, 1 September 1992); P2383 (Semizovac Battalion request re prisoners, 12 September 1992); P2345 (Witness statement of KDZ020 dated 17 February 2011), para. 77; P2390 (Vogošća War Commission order, 6 November 1992); P2397 (List of people arrested in Vogošća during 1992–1995), p. 3. *See also* Adjudicated Fact 2655. *But see* Trifunović who testified that the detainees in Planjo’s House were not used as human shields or trench diggers at the frontlines and that their task was merely to “fortify the lines”. Trifunović also asserted that the detainees who were taken on compulsory work assignments were in no danger because VRS was always there with them. Miladin Trifunović, T. 30398, 30400, 30405–30407, 30412 (15 November 2012). The Chamber, however, does not find this evidence to be reliable for the following reasons. First, the Chamber found that Trifunović’s testimony to be marked by indicators of lack of forthrightness. Second, the Chamber is not convinced that the presence of the VRS alongside the detainees at the frontlines would have assured the latter’s safety. On the contrary, the Chamber is of the view that such presence would have further exacerbated the extremely precarious situation in which the detainees were already forced into by Serb Forces. Third, the Chamber received and found to be reliable the detailed evidence of a number of former detainees who personally experienced being forced to serve as human shields and who observed others get injured or killed while doing the same thing.

<sup>8174</sup> Eset Muračević, T. 12763–12764 (2 March 2011); P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), p. 4.

<sup>8175</sup> Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10930; P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 26; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 6.

<sup>8176</sup> Bego Selimović, P44 (Transcript from *Prosecutor v. Krajišnik*), T. 10930–10931; P46 (Witness statement of Bego Selimović dated 21 June 1997), para. 26; P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 8.

<sup>8177</sup> P6058 (Order of Vogošća War Staff, 16 July 1992).

“prisoners of war”.<sup>8178</sup> In mid-August 1992, Mirko Krajišnik and a Bosnian Muslim negotiated the exchange of several other individuals.<sup>8179</sup> On 25 October 1992, 53 detainees, including Ramiz Mujkić and Mustafa Fazlić, were exchanged and later crossed into BiH-controlled territory.<sup>8180</sup> On 6 November 1992, the War Presidency of the Serb municipality of Vogošća ordered that 14 Bosnian Muslims be exchanged with 14 Serbs.<sup>8181</sup> On 25 December 1992, Špirić handed over 18 Bosnian Muslims from the detention facilities in Vogošća to Hadžići SJB officials so that they could be exchanged.<sup>8182</sup>

### (c) Conclusion

2430. Based on the foregoing, the Chamber finds that Serb Forces used Planjo’s House as a detention facility at least from August 1992 until at least February 1993. **(#Not unlawful!)** The Chamber further finds that the detainees were held in poor conditions. **(#General shortage#! Not deliberately, the country under the sanctions!)** These included a lack of adequate food, sanitary facilities, general hygiene and medical care. The Chamber also finds that non-Serbs, including women and children, were detained in Planjo’s House and that the guards there routinely subjected the male detainees to beatings and maltreatment, including acts of a sexual nature. Furthermore, the Chamber finds that Serb Forces routinely took non-Serb males who were detained in Planjo’s House in Svrake to the frontlines and forced them to carry out labour or to serve as human shields. **(All about abuses is not properly proven, neither corroborated by any document, and since event those allegation pertained to the misdeeds that the President strictly forbade, the President shouldn’t be even mentioned in connection with it!#Contra Presidential orders#!)**

### (d) Scheduled Incident B.19.1

2431. The indictment alleges the killing of “a number of detainees” who were taken out from Planjo’s House in Svrake between August and September 1992 in order to carry out forced labour and to serve as human shields.<sup>8183</sup>

2432. On 29 August 1992, Vlačo reported that eight detainees were taken to work at Žuč and that one of them was “wounded by an enemy sniper while working”.<sup>8184</sup> In the second half of September 1992, pursuant to an order issued by Trifunović, 50 detainees, including Mustafa Fazlić and Bego Selimović, were selected by Vlačo, divided in groups, and taken to Žuč in order to look for mines, dig trenches and serve as human shields.<sup>8185</sup> **(#Absurdity#! Allegations about “human shields” is senseless, since there was neither advancement, nor retreat. It was a static trench fight, and a human shield couldn’t be useful in any sense!)** Trifunović ordered that on 26 September 1992, 30 detainees be transported to Žuč by military vehicles in order to carry out construction work and be given food by the Vogošća Brigade Command.<sup>8186</sup> Near the end of September, detainees were again taken to Žuč and at one point ordered to walk close by a Serb tank that was, together with a number Serb infantry troops, engaged in combat activities. As a

<sup>8178</sup> P6059 (Order of Vogošća War Commission, 29 July 1992).

<sup>8179</sup> P5652 (Intercept of conversation between Stojko and Mirko Krajišnik, 12 August 1992).

<sup>8180</sup> P2314 (Witness statement of Ramiz Mujkić dated 4 February 2011), para. 82; P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), p. 6.

<sup>8181</sup> P2391 (Vogošća War Presidency order, 6 November 1992).

<sup>8182</sup> P2394 (List of prisoners in KP Dom Butmir to be exchanged, 25 December 1992).

<sup>8183</sup> Indictment, Scheduled Incident B.19.1. The Indictment originally referred to the period between 30 May and December 1992 as the time frame for Scheduled Incident B.19.1. However, as per the Prosecution Rule 73 bis Submission, Appendix B, p. 92, this time frame was reduced to August and September 1992.

<sup>8184</sup> P45 (Vogošća prison report, 29 August 1992).

<sup>8185</sup> P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), pp. 4–5; P46 (Witness statement of Bego Selimović dated 21 June 1997), paras. 28–29; P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 74–75; P2385 (Vogošća Brigade request re prisoners, 17 September 1992); P1144 (Vogošća municipality prison department bulletin re use of prisoners for manual labour, 19 September 1992).

<sup>8186</sup> P6000 (Order of Vogošća Brigade, 22 September 1992).



result, a number of detainees were seriously wounded.<sup>8187</sup> At one point, the tank lost control and slipped down a hill near the Bosnian Muslim positions.<sup>8188</sup> Some of the remaining detainees were made to retrieve the ammunition from the tank.<sup>8189</sup> During this operation, several detainees were killed by Muslim fire.<sup>8190</sup> **(#No evidence, which must have been#! There is no a single sign in the military documentation of the SRK about it, which must have been if happened! Anyway, the President issued all the necessary orders forbidding any declination from the international norms of humanitarian law, and since he never received any evidence about this alleged incidents, he can not be liable even if it happened. How this matter is in other countries: are presidents and other high officials charged for irregularities that happened #against their orders#?)**

2433. At least 16 non-Serbs were killed at Žuč and other locations while carrying out work or serving as human shields during August and September 1992.<sup>8191</sup>

2434. Based on the foregoing, the Chamber finds that as a result of the detainees in Planjo's House being forced by Serb Forces to carry out labour at the frontlines or to serve as human shields, at least 16 detainees were killed and a number were wounded during August and September 1992.

(G) Movement of the population from Vogošća and appropriation of property

2435. According to Muračević, between May 1992 and mid-June 1993, approximately 13,000 individuals, of whom the greater majority were Bosnian Muslims, left the Serb-controlled parts of the municipality of Vogošća.<sup>8192</sup> Muračević further stated that almost all the Bosnian Muslim inhabitants of Svake and Tihovići left during the same period.<sup>8193</sup> On 31 May 1993, the Executive Board of the Serb municipality of Vogošća established the municipal commission for the census of the population.<sup>8194</sup> According to the census that was subsequently conducted, the villages of Svake had not a single Muslim resident, the village of Hotonj had one, whereas Semizovac had 16.<sup>8195</sup> The same census indicates that the population of the 14 villages that were surveyed in the municipality of Vogošća was 93.5% Bosnian Serb, 1.8% Bosnian Muslim, and 2.6% Bosnian Croat.<sup>8196</sup> **(#Both populations left#! As Mr. Muracevic said, " the Muslims left" the Serb parts of the Vogosca municipality – as well as the Serbs left the Muslim parts**

<sup>8187</sup> P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), p. 5.

<sup>8188</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 67; P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), pp. 5–6.

<sup>8189</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 67; P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), p. 6.

<sup>8190</sup> P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 67.

<sup>8191</sup> P1144 (Vogošća municipality prison department bulletin re use of prisoners for manual labour, 19 September 1992); P2387 (Vogošća prison bulletin, 21 September 1992), P2388 (Vogošća prison bulletin, 24 September 1992), P47 (Statement of Bego Selimović to Ilijaš Municipality Commission for Crime Investigation, 5 April 1993), paras. 24–27; P42 (Witness statement of Mustafa Fazlić dated 22 June 1997), p. 5; P2361 (Witness statement of Eset Muračević dated 24 February 2011), paras. 67, 74–75. See also Miladin Trifunović, T. 30404 (15 November 2012). The Chamber heard additional evidence on incidents which occurred after September 1992 and which involved the use of human shields as well as forced labour and resulted in casualties. See P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 7, P46 (Witness statement of Bego Selimović dated 21 June 1997), paras. 34–35, 38, P124 (Witness statement of Zijad Okić dated 24 June 1997), e-court p. 9. The Chamber notes, however, that these incidents are not charged in the Indictment. The list of the killed and missing civilians in Vogošća, prepared by Muračević, refers to 10 individuals who died while performing forced labour or serving as human shields during September 1992. These individuals are Enver Činara, Azem Durmić, Nail Durmić, Bajro Holujić, Bajro Huić, Safet Kruezi, Hamid Rizvo, Hasan Rizvo, Nermin Skando and Avdo Tirić. P2397 (List of people arrested in Vogošća during 1992–1995), pp. 5–6, 10, 14, 21, 23, 25. By contrast, Amor Mašović refers to 16 individuals, namely Azim Čović, Bajram Salkić, Avdo Tirić, Azem Durmić, Bajro Huić, Džmail Šehić, Enver Činara, Ferid Šehić, Hamid Rizvo, Mehmed Šehić, Nail Durmić, Nermin Skando, Nusret Selimović, Ramiz Handžić, Rasim Avdukić and Safet Kruezi, as victims of Scheduled Incident B19.1. P4853 (Updated Table 2 to the Report of Amor Mašović), pp. 97–98. Having considered these inconsistencies, the Chamber does not consider them to be of relevance, as it is satisfied, that a number of men indeed died in Scheduled Incident B.19.1. Furthermore, the Chamber notes that there are some discrepancies in evidence as regards the names of some of the victims of Scheduled Incident B.19.1, but it considers these inconsistencies to be minor. Accordingly, the Chamber concludes that these are in fact the same individuals.

<sup>8192</sup> Eset Muračević, T. 12676–12678 (1 March 2011); P2402 (Table prepared by Eset Muračević), pp. 1–2.

<sup>8193</sup> Eset Muračević, T. 12677–12678 (1 March 2011).

<sup>8194</sup> P2400 (Vogošća Executive Board decision, 31 May 1993).

<sup>8195</sup> P2401 (Results of 1993 census re Vogošća), pp. 1–2; Eset Muračević, T. 12812 (2 March 2011).

<sup>8196</sup> P2401 (Results of 1993 census re Vogošća), p. 3.

of Vogosca. If there hadn't been a war, there would be formed two, or even three municipalities, each for one community, but the Muslim side was rather for a war than for a peaceful settlement. What is the President's liability for that?#Two municipalities – peace#)

2436. Bosnian Muslims leaving Vogošća were required to obtain certificates of departure and were forced to either sign their property over to the municipal authorities or exchange it with Serb property in other municipalities in BiH.<sup>8197</sup> In an interview, published on 13 July 1992, Koprivica admitted that the distribution to Serb refugees of empty houses in the municipality of Vogošća had not been carried out appropriately and implied that there had been various cases where individuals had simply occupied houses without any form of registration whatsoever.<sup>8198</sup> (#EXCULPATORY!!!! That is why it was necessary to register the abandoned property, to be able to control it's use, and to oblige the temporary users to preserve it and return it in the same condition!)

2437. By reference to the evidence of Nikola Poplašen, the President argues that (i) the intention behind the regulation requiring the departing non-Serbs to sign documents transferring ownership of property to the Bosnian Serb authorities was to preserve it and to prevent its misuse by organised armed groups,<sup>8199</sup> (This is a #grave distortion# of facts, since there never happened any "transfer of ownership" whatsoever, throughout the war and in any part of the Republic of Srpska! Even in the President's document it was written that both, refugees and abandoned property are the war features, and thus temporary! See D101, see also D111,

It has become common for local people to move into empty flats instead of refugees, and they sometimes even retain some kind of "right" to several flats.

The occurrence of abandoned flats is a war issue, and so are the refugees. This means that both occurrences are temporary.

Please strictly observe the following

#### INSTRUCTIONS

1. Temporarily abandoned flats can be given for temporary use to refugees only, not to local people.
2. Accurate records are to be kept on both the temporarily abandoned flats and the refugees. The temporarily abandoned flats can be given for use by a commission only, which issues the decision on the temporary use.
3. Any abuse, nepotism and failure to observe these instructions/ entails not only political responsibility, but also criminal prosecution/.

The document was issued on 23 August 1992, and from it there is visible information about abuse of the abandoned property, as well as that abandoned property is abandoned only temporarily!) (ii) the enactment of this regulation in itself suggests that there were no expulsions, because non-Serbs could otherwise not leave the municipality,<sup>8200</sup> and (iii) non-Serbs relocated on their own accord to the areas where they were in the majority and where they thought they would be safer.<sup>8201</sup> The Chamber rejects these arguments. Poplašen himself conceded that the regulation did not provide for the return of ownership rights to the original owners and that it had to be annulled before such restoration could take place.<sup>8202</sup> (This is an #invalid finding#: the matter is #regulated by the law#, not by any regulation on how to handle abandoned property, since the regulation had a limited value, and was far below the law!) Furthermore, it is clear from the evidence before the Chamber that the main purpose of the regulation was to facilitate the use

<sup>8197</sup> P2365 (Vogošća Crisis Staff Order, 20 May 1992); P2361 (Witness statement of Eset Muračević dated 24 February 2011), para. 88.

<sup>8198</sup> D4028 (Article from Naš Glas entitled "Vogošća has a future", 13 June 1992), p. 2.

<sup>8199</sup> Defence Final Brief, para. 1754 (referring to D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 14). In the same vein, the Accused asserts that the regulation created an inventory of all property which subsequently helped "immensely" in returning them to their rightful owners upon their return to Vogošća. Defence Final Brief, paras. 1747, 1754. The Chamber is unable to assign any weight to this assertion as there is no evidence in support of it.

<sup>8200</sup> Defence Final Brief, para. 1754.

<sup>8201</sup> Defence Final Brief, para. 1745 (referring to D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 4).

<sup>8202</sup> See D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 14.

of the vacant property in question by Serbs who had just arrived in the municipality. In turn, this ensured that those non-Serbs who left Vogošća, due to the circumstances there, would not return. **(This is a flagrant “reading in” and #distortion of facts#, because the abandoned property could in no way belong to any refugee, as it is evident from the after-the-war development, which had shown no example of “not return” on that basis! Such a construction by the Chamber is not acceptable, and must be reconsidered!)**

2438. In light of the foregoing, and considering the surrounding circumstances in the municipality, the Chamber finds that the non-Serb population from the Serb-controlled parts of Vogošća was forced to leave. **(A completely unfounded “finding” even according to the Chamber’s formulations and wordings!)**

## 2. Legal findings on crimes

### a. Chapeau requirements for Articles 3 and 5 of the Statute

2439. In the Municipalities component of the case, in addition to a count of genocide under Article 4 of the Statute, the President is charged with a count of violations of the laws or customs of war under Article 3 of the Statute, namely murder, as well as with five counts of crimes against humanity under Article 5 of the Statute, namely persecution, murder, extermination, deportation, and forcible transfer as an inhumane act.<sup>8203</sup> The Prosecution alleges that there was a state of armed conflict at all times relevant to the Indictment.<sup>8204</sup> **(This assertion also couldn’t survive a criticism in many municipalities. The war was between the ethnic communities, Serbs, Croats and Muslims, all against each other. The communities had been established their respective territories, a future constituent units, agreed upon before the war. So, there was a “state of armed conflict” between these territories. What happened within those territories was not “a state of armed conflict”, it was a terrorism! An armed conflict has it’s criteria, and a sides to the conflict have their armies, declared, marked by amblems, with a structured units and known commands. The units are composed of soldiers. This was a civil war, and once the armies separated and declared their territories, amblems and commands, the rest were nothing but terrorists, who looked like civilians and fought like combatants!)** It further alleges that all acts and omissions charged as crimes against humanity, except those that formed part of the sniping and shelling campaign in Sarajevo, were part of a widespread or systematic attack directed against the Bosnian Muslim and Bosnian Croat civilian populations of BiH.<sup>8205</sup>

### Article 3 of the Statute

2440. **Based on the evidence set out in detail above regarding the events related to this case, the Chamber finds that there was an armed conflict in BiH throughout the period relevant to the crimes alleged in the Indictment. At the latest, the armed conflict in BiH started in early April 1992. In the wake of the referendum on the independence of BiH on 29 February and 1 March 1992, (#Basically incorrect#! The war abrupted because the Muslim side reneged on the Lisbon Agreement, intending to deceive the Srb side and started the war! In spite of the fact that referendum had been held on 29 Februari and 1 March, in spite of the killing on the Serb wedding on 1 March and the crisis about barricades, the Lisbon Conference continued and resulted in an accord about the internal decentralisation of BiH on 18 March! In spite of the fact that the #Referendum was illegal# and failed, the Serb side remained conciliatory and ready for compromises! Neither the Prosecution, nor the Chamber, nor even the UN,**

<sup>8203</sup> See para. 5.

<sup>8204</sup> Indictment, para. 89.

<sup>8205</sup> Indictment, para. 88.

considered whether the Referendum was legal, and whether the results enabled the proclamation of independence. All the violence of the Constitution, the one of BiH as well as the Federal, didn't attract any attention.) armed clashes between Serb Forces on the one hand and Bosnian Muslim and/or Bosnian Croat forces on the other ensued.<sup>8206</sup> (The Chamber erred extremely when accepted the Prosecution's claim that there were a #“Serb Forces” that comprised all and every Serb# involved in the conflict. However, even if so, the Chamber would have to exclude from the charges against the President and all the leaders of Serbs in Bosnia everything that happened before 20 May 1992, because to that date there was the JNA as superpositioned armed force over all other groups. Further, the President and his associates, at least Prime Minister Branko Djeric, Minister for Interior Mico Stanisic, and once he was nominated as a Commander of the Main Headquarter of the VRS, General Mladic issued all the necessary orders to protect the humanitarian law, banning all the violations of it, banning all the paramilitary groups, and the President publicly disowned all the independent armed groups and ordered their arrest. No court all over the world should stretch any liability on any of those officials, #no liability#!) These armed clashes intensified and in early April 1992, municipalities starting with those in Eastern BiH were taken over by Serb Forces.<sup>8207</sup> (These “armed clashes” didn't intensify in early April, it started in early April, and before the April 92 there was a terror against the Serb civilians: in Kupres, in the Neretva River Valley, in Bosanski Brod and the nearby village Sijekovac, and in Bijeljina as of 31 March to 3 April 92. There is no reasonable possibility to deny this concept! #Muslims started war, Serbs first victims#!)

2441. For murder charged under Article 3 of the Statute, the Chamber has examined whether it was closely related to the armed conflict and made such findings where relevant in this Judgement.<sup>8208</sup> (The Chamber erred in estimating all the events and incidents the same way. However, the clashes between the armies is one, and the terrorist activities far from the confrontation lines is another matter!# Terrorists are different#! )

2442. In relation to the four so called “*Tadić* Conditions”, the Chamber refers to the applicable law sections of this Judgement, which expanded on the legal basis for each of the crimes charged in the Indictment under Article 3 of the Statute.<sup>8209</sup> In relation to murder, the prohibition stems from Common Article 3 which is deemed to be part of customary international law.<sup>8210</sup> Further, the Appeals Chamber has confirmed that violations of the provisions of Common Article 3 entail individual criminal responsibility.<sup>8211</sup> The Chamber is therefore satisfied that the four *Tadić* Conditions are met, and consequently that the chapeau requirements for Article 3 of the Statute are fulfilled, in relation to murder. (#Satisfactory absurdity#! Sure, the Chamber “satisfied” itself, who would prevent them to do that? But this paragraph of the Judgement is the source of many irregularities, and it is a “novum sui generis” in the legal practice! No “tadic, or other conditions” should enable sentencing a completely innocent people, so far from any crime, majority of which had been committed hidden from the very same persons that are “found” guilty! So many “partial” solutions, so many discriminatory menus and possibilities to choose what “satisfies” the Prosecution-Chamber alliance. There is a substantial question unanswered: could it be exercised in the democratic countries that support this court – as it was exercised in this court?)

<sup>8206</sup> See paras. 609, 952, 958, 1242, 1500, 2258, 2306–2308, 2368–2369, 2373.

<sup>8207</sup> See paras. 610–614, 711–714, 850–859, 1113–1115, 1248–1251, 1501, 2373, 1592–1593, 1939–1941.

<sup>8208</sup> See para. 2455. The Chamber notes that in relation to the Municipalities component, murder is the only charged violation of the laws or customs of war pursuant to Article 3 of the Statute.

<sup>8209</sup> See Section III.A.1: Article 3 of the Statute of the Tribunal.

<sup>8210</sup> *Čelebići* Appeal Judgement, para. 143.

<sup>8211</sup> *Čelebići* Appeal Judgement, paras. 167, 170, 173–174 (holding at para. 173: “It is universally acknowledged that the acts enumerated in common Article 3 are wrongful and shock the conscience of civilised people, and thus are, in the language of Article 15(2) of the ICCPR, ‘criminal according to the general principles of law recognised by civilised nations’.”).



ii. Article 5 of the Statute

2443. As found above, there was an armed conflict in BiH throughout the period of the Indictment. **(It was “found above” by the chambers of this court #contrary to any logics and any jurisprudence#! There was no any conflict deep in the territories of the constituent units, there was a rebellion after rebellion and other subversive activities and terrorist attacks, first on the JNA and the Serbs generally, then against both, the Army of Republic of Srpska, and civilians. Nowhere in the world it could be considered as an armed conflict *stricto sensu*.)** The evidence admitted at trial and explained in detail in the relevant factual sections of this Judgement, demonstrates that there also existed a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH at all times relevant to the crimes charged in the Indictment. **(This sounds as a mere insult of the Serbian people and the Serb victims. And this was possible because the Tribunal prevented “the whole truth” to come out.**

**First, the #Serbs didn’t want the war#, and didn’t need it, because they had their sovereign territory and legitimate authorities;**

**second, Bosnia didn’t exist as a whole at the moment it was recognised. The Republic of Srpska declared the independence in the eve of the international recognition of BiH, with the same, or even more rights as Bosnia declared independence from Yugoslavia;**

**third, the Republic of Srpska followed the conclusions of the ICFY in the Hague in 1991 and commitments that Mr. Alija Izetbegovic have given pertaining to the future structure of BiH, as well as the results of this Conference in Lisbon;**

**fourth, the Serbs didn’t cause the war, and didn’t initiate it, because the Serbs didn’t want any other ethnic territory except a main part of the Serb territory;**

**fifth, there was no any need for a war to achieve the Serb rights and legitimate objectives, while those who wanted to deny it to the Serbs – needed a war.)** The attack took many forms, as shown below in relation to each of the relevant components of the case. As reflected below, the Chamber is also satisfied that the crimes upon which the Chamber has entered findings formed part of that attack and that the perpetrators knew of the attack and that the crimes were part of it.<sup>8212</sup> **(It is impossible to understand and explain how the Tribunal could have been deaf and blind for an obvious and proven fact that there was no a single Serb attack which wasn’t a response to the Muslim-Croat attack, and that the individuals and whole settlements that didn’t act against the RS – didn’t have any problem to the end of the war, as could be seen in D2424, and P3788 and other documents!)**

2444. In the Municipalities, at the time relevant to the Indictment, the Bosnian Muslim and Bosnian Croat civilian populations were the subject of a widespread and systematic campaign of violence, including through acts of murder, and forcible displacement.<sup>8213</sup> **(#Wrong, fake and uncorroborated# by any evidence! Why some of the Muslims-Croats had troubles, while others didn’t? because those who had the troubles with the legal structures of the RS attacket the RS prior to any trouble. There were several incidents committed by a criminal individuals, but far from any official structure, and hidden from the authorities!)** The acts of violence and crimes committed against the Bosnian Muslim and Croat populations included killings, cruel and inhumane treatment such as torture and rape, the establishment and perpetuation

<sup>8212</sup> See paras. 2456, 2463, 2481–2482, 2517, 2521, 2529, 2537, 2546, 2558, 2569.

<sup>8213</sup> See Sections IV.A.2.b.i: Legal findings on crimes (Murder: Counts 5 and 6), IV.A.2.b.iii: Legal findings on crimes (Deportation and inhumane acts (forcible transfer): Counts 7 and 8).

of inhumane living conditions, unlawful detention, forced labour at the frontlines and the use of human shields, plunder of property, wanton destruction of private and public property, as well as the imposition of restrictive and discriminatory measures.<sup>8214</sup> While the Chamber finds differences in each of the Municipalities, it is satisfied that there was a generally similar pattern of co-ordinated violence during and after the take-over of these Municipalities and in detention facilities throughout. Indeed, in twenty municipalities in Eastern BiH, the ARK, and the Sarajevo area, and in detention facilities therein, Serb Forces committed acts of murder, persecution, and forcible displacement, which resulted in a vast number of Bosnian Muslim and Bosnian Croat victims. The Chamber is therefore satisfied that this demonstrates the systematic and widespread nature of the attack.

2445. The Chamber is therefore satisfied that the chapeau requirements for the crimes charged under Article 5 of the Statute are met.

### c. Crimes

#### 1. Murder: Counts 5 and 6

##### A. Killing incidents

2446. The Chamber recalls its factual findings in Section IV.A.1 above, that a large number of Bosnian Muslims and Bosnian Croats were killed by Serb Forces during and after the take-over<sup>8215</sup> of Bijeljina,<sup>8216</sup> Bratunac,<sup>8217</sup> Foča,<sup>8218</sup> Ključ,<sup>8219</sup> Novi Grad,<sup>8220</sup> Prijedor,<sup>8221</sup> Sanski Most,<sup>8222</sup> Sokolac,<sup>8223</sup> Višegrad,<sup>8224</sup> Vlasenica,<sup>8225</sup> and Zvornik.<sup>8226</sup> **(There was no any “take-over”, except the Serb side took control over the Serb parts of these municipalities, formed their own municipalities, and offered the same to the Muslim side! #No “take-over” happened#! #Two municipalities – peace#!)**

<sup>8214</sup> See Section IV.A.2.b.iv: Legal findings on crimes (Persecution: Count 3).

<sup>8215</sup> The Chamber recalls that it did not enter factual findings with respect to killings committed by Serb Forces during and after the take-over of Banja Luka, Bosanki Novi, Brčko, Hadžići, Ilidža, Novo Sarajevo, Pale, Rogatica, and Vogošća as there were no Schedule A killing incidents charged with respect to these municipalities.

<sup>8216</sup> The killing of at least 45 civilians in the town of Bijeljina: Scheduled Incident A.1.1.

<sup>8217</sup> The killing of at least four people in the village of Hranča and the killing of at least 65 Bosnian Muslims in the village of Glogova: Scheduled Incidents A.3.1, A.3.2. The Chamber recalls that it did not have sufficient evidence to make a finding beyond reasonable doubt as to the circumstances surrounding the death of some Bosnian Muslims killed in Hranča in the municipality of Bratunac.

<sup>8218</sup> The killing of a number of civilians from the village of Jeleč and the killing of at least seven Bosnian Muslim civilians from the village of Mješaja/ Trošanji: Scheduled Incidents A.5.2, A.5.4. The Chamber recalls that it did not have sufficient evidence to make a finding beyond reasonable doubt as to the circumstances surrounding the death of three individuals during the initial attack on Mješaja/Trošanji in the municipality of Foča.

<sup>8219</sup> The killing of at least three civilians in the village of Pudin Han, the killing of 52 Bosnian Muslims in Prhovo; and the killing of approximately 200 Bosnian Muslims in Biljani: Scheduled Incidents A.7.1, A.7.2, A.7.3.

<sup>8220</sup> The killing of 15 Bosnian Muslim men following the attack on Ahatovići: Scheduled Incident A.9.1.

<sup>8221</sup> The killing of 80 Bosnian Muslims in Kozarac, the killing of at least six Bosnian Muslims in Hambarine and Ljubija, the killing of at least nine Bosnian Muslim men and women in Kamičani, at least eight Bosnian Muslim men in Jaskići, the killing of a number of Bosnian Muslims and Bosnian Croats in the Brdo area, the killing of at least 300 non-Serbs in Biščani and surrounding hamlets, the killing of about 50 persons at a mine in Kipe, and the killing of at least 68 people in the village of Briševo: Scheduled Incidents A.10.1, A.10.2, A.10.3, A.10.4, A.10.5, A.10.6, A.10.7, A.10.9.

<sup>8222</sup> The killing of approximately 20 men between Begići and Vrhpolje Bridge, the killing of a number of people in Hrustovo village, the killing of approximately 18 men from Kenjari in the hamlet of Blaževići, the killing of approximately 14 people from the hamlet of Budim in Lukavice village, and the killing of nine men near the village of Škrlejevita: Scheduled Incidents A.12.1, A.12.2, A.12.3, A.12.4, A.12.5.

<sup>8223</sup> The killing of approximately 40 Bosnian Muslim men in the village of Novoseoci: Scheduled Incident A.13.1.

<sup>8224</sup> The killing of approximately 45 Bosnian Muslim civilians near Paklenik, close to the village of Kalimanići in Sokolac municipality: Scheduled Incident A.14.2. While the killing incident charged in Scheduled Incident A.14.2 occurred in Sokolac, for ease of reference and as charged in paragraph 48 of the Indictment, the Chamber herein includes it under Višegrad since it occurred after the take-over of Višegrad and relates to Bosnian Muslims taken from this municipality.

<sup>8225</sup> The killing of at least 20 Bosnian Muslim men in the village of Drum and the killing of at least 60 people including women and children in the village of Zaklopača: Scheduled Incidents A.15.1, A.15.2.

<sup>8226</sup> The killing of at least 15 people in the town of Zvornik and the killing of a large number of Bosnian Muslim men at Gero's slaughterhouse: Scheduled Incidents A.16.1, A.16.3.

2447. The Chamber also recalls its findings in section IV.A.1 above, that many Bosnian Muslims and Bosnian Croats were killed by Serb Forces while detained at detention facilities<sup>8227</sup> in Banja Luka,<sup>8228</sup> Bijeljina,<sup>8229</sup> Bratunac,<sup>8230</sup> Brčko,<sup>8231</sup> Foča,<sup>8232</sup> Ilidža,<sup>8233</sup> Ključ,<sup>8234</sup> Novi Grad,<sup>8235</sup> Pale,<sup>8236</sup> Prijedor,<sup>8237</sup> Rogatica,<sup>8238</sup> Sanski Most,<sup>8239</sup> Vlasenica,<sup>8240</sup> Vogošća,<sup>8241</sup> and Zvornik.<sup>8242</sup>

2448. The Chamber further recalls its findings in section IV.A.1 above, that some Bosnian Muslims and Bosnian Croats died as a result of cruel and inhumane treatment by Serb Forces at detention facilities in Banja Luka,<sup>8243</sup> Bijeljina,<sup>8244</sup> Bratunac,<sup>8245</sup> Foča,<sup>8246</sup> Prijedor,<sup>8247</sup> Rogatica,<sup>8248</sup> Sanski Most,<sup>8249</sup> and Zvornik.<sup>8250</sup>

## Intent of perpetrators

2449. The Chamber recalls its findings that the death of the victims for each of the incidents identified above was a result of the acts of Serb Forces. The Chamber finds that the perpetrators of each of these incidents acted with the intent to kill the victims or at least wilfully caused serious

- 
- <sup>8227</sup> The Chamber recalls that it did not enter factual findings with respect to killings of Bosnian Muslims and Bosnian Croats while detained at detention facilities in Bosanki Novi, Hadžići, Sokolac, and Višegrad as there were no Schedule B killing incidents charged with respect to these municipalities.
- <sup>8228</sup> The killing of six Bosnian Muslim men in front of the gates of Manjača, the suffocation of 20 detainees during transportation to Manjača, Banja Luka, the killing of eight or nine Bosnian Muslims and Bosnian Croats on their arrival at Manjača, and the killing of at least 15 Bosnian Muslim men detained at Manjača: Scheduled Incidents B.1.1, B.1.2, B.1.3, B.1.4.
- <sup>8229</sup> The killing of at least six Bosnian Muslim men at Batković camp: Scheduled Incident B.2.1.
- <sup>8230</sup> The killing of at least 50 detainees at the Vuk Karadžić School: Scheduled Incident B.4.1.
- <sup>8231</sup> The killing of a large number of non-Serb men at the Luka Camp: Scheduled Incident B.5.1.
- <sup>8232</sup> The killing of over 200 detainees at KP Dom Foča: Scheduled Incident B.8.1.
- <sup>8233</sup> The beating to death of two detainees at Kula Prison and the killing of at least three detainees from Kula Prison while performing forced labour: Scheduled Incidents B.13.1, B.13.2. The Chamber notes that the Indictment originally included Kula Prison as being located in Novo Sarajevo municipality; however it was subsequently corrected to include Kula Prison as falling within Ilidža municipality. See fn. 7285. The killing incidents related to this detention facility are therefore considered under Ilidža.
- <sup>8234</sup> The killing of 77 Bosnian Muslim men at Velagići School: Scheduled Incident B.10.1.
- <sup>8235</sup> The killing of 11 Bosnian Muslim detainees who were being held at the cisterns in the Rajlovac barracks and the killing of 47 Bosnian Muslim detainees who had been taken away from Rajlovac by bus: Scheduled Incidents B.12.1, B.12.2.
- <sup>8236</sup> The killing of at least three detainees who died as a result of beatings at Pale Gym: Scheduled Incident B.14.1.
- <sup>8237</sup> The killing of at least 190 persons in Room 3 at Keraterm camp; the killing of a large number of non-Serbs at Omarska or after they were taken from Omarska; the killing of at least 120 persons taken from Omarska in the area of Hrastova Glavica; the killing of at least 150 persons from the Brdo region who were detained at Omarska; the killing of a number of non-Serbs after they were taken from Trnopolje; the killing of approximately 200 men at Korićanske Stijene; and the killing of at least 15 detainees at Ljubija Football Stadium: Scheduled Incidents B.15.1, B.15.2, B.15.3, B.15.4, B.15.5, B.15.6, A.10.8.
- <sup>8238</sup> The killing of a number of men taken from the Veljko Vlahović Secondary School and the killing of 24 Bosnian Muslims who had been taken from Rasadnik: Scheduled Incidents B.16.1, B.16.2.
- <sup>8239</sup> The killing of approximately 17 men taken from the Betonirka Factory Garage: Scheduled Incident B.17.1.
- <sup>8240</sup> The killing of nine men from Sušica camp in June and July 1992; the killing of approximately 140 detainees taken from Sušica camp on or about 30 September 1992; the killing of a Bosnian Muslim man at the Vlasenica SJB building; and the killing of approximately 29 Bosnian Muslim men near Nova Kasaba who were taken from Vlasenica: Scheduled Incidents B.18.1, B.18.2, B.18.3, B.18.4. The Chamber notes that with respect to its finding that 29 Bosnian Muslim men were killed near Nova Kasaba, it is charged in the Indictment as a killing related to a detention facility: Scheduled Incident B.18.4. While the Prosecution filed a notice of withdrawal with respect to the relevant detention facility (Scheduled Detention Facility C.25.4), the Chamber has considered these killings as a Schedule B incident as charged in the Indictment.
- <sup>8241</sup> The killing of at least 16 detainees taken from Planjo's House in Svrake and killed while carrying out work on the front-lines or while being used as human shields: Scheduled Incident B.19.1.
- <sup>8242</sup> The killing of approximately 88 men at Drinjača; the killing of at least 60 men at Čelopek Dom Kulture; the killing of approximately 160 men at the Karakaj Technical School; and the killing of at least two men at the Ekonomija Farm: Scheduled Incidents B.20.1, B.20.2, B.20.3, B.20.4.
- <sup>8243</sup> The Chamber found that one elderly detainee died during transportation to Manjača due to intense heat: Scheduled Detention Facility C.1.2.
- <sup>8244</sup> The Chamber found that some detainees from the Batković camp died from starvation, exhaustion or while being forced to work on the front-lines: Scheduled Detention Facility C.2.1.
- <sup>8245</sup> The Chamber found that one detainee died of suffocation after Serb Forces piled detainees on top of each other: Scheduled Detention Facility C.6.2.
- <sup>8246</sup> The Chamber found that at least one detainee died as a result of poor medical care: Scheduled Detention Facility C.10.1.
- <sup>8247</sup> The Chamber found that at least one detainee died as a result of beatings: Scheduled Detention Facility C.20.3. The Chamber also found that at least two men died of suffocation after being crammed into a garage for several days: Scheduled Detention Facility C.20.2.
- <sup>8248</sup> The Chamber found that some detainees died following beatings: Scheduled Detention Facility C.21.3.
- <sup>8249</sup> The Chamber found that one detainee died as a result of a beating: Scheduled Detention Facility C.22.4.
- <sup>8250</sup> The Chamber found that approximately 20 detainees died from suffocation after being held in cramped conditions: Scheduled Detention Facility, C.27.2. The Chamber found that one detainee died following a severe beating: Scheduled Detention Facility C.27.6.

bodily harm, which they should reasonably have known might lead to death. **(There were a very few that lost their lives! Many of them had been counted in twice or many times! The Tribunal didn't establish anything essential, particularly the number of victims and the way they died! If it was the Serb intention, why so many times the Serb superiors prevented crimes, disbanded and arrested members of disobedient and incompetent units, so many times rectified a misdemeanors of subordinates, reported every single known crime, and have undertaken many other measures to secure the law and order???#Conduct of the Serb officials proper#!)**

2450. In reaching that conclusion, the Chamber had regard to the circumstances and the manner in which the victims were killed. With respect to the Schedule A killing incidents, the Chamber found that many of the victims were deliberately shot.<sup>8251</sup> In other incidents, while the Chamber did not have evidence that the victims were deliberately shot, the Chamber did find that they were killed during or after the take-over of towns or villages by Serb Forces<sup>8252</sup> and is satisfied considering the surrounding circumstances that these killings were deliberate.<sup>8253</sup> **(#All the way around#! The Serbs controlled only the Serb parts, and for that they didn't need any fighting. On the contrary, the entire war and everything that happened during it – was a result of the Muslim attempts to prevent the Serbs in achieving their rights for decentralisation, as agreed on the Conference in the Hague, London, Brussels and Lisbon! Nobody could contest these true facts!)**

2451. With respect to killings in scheduled detention facilities under Schedule B of the Indictment, the Chamber found that the victims (i) were shot by Serb Forces during their detention;<sup>8254</sup> (ii) died as a result of severe beatings by Serb Forces during their detention;<sup>8255</sup> or (iii) were taken away from the detention facilities by Serb Forces and killed.<sup>8256</sup>

2452. The Chamber recalls its finding that in Vogošća and Ilidža a number of detainees were taken from their place of detention by Serb Forces and killed while carrying out work on the front-lines or while being used as human shields.<sup>8257</sup> The victims died as a result of the actions of Serb Forces who used them for work on the front-lines or as human shields. In using the victims for work on the front-lines or as human shields, the members of the Serb Forces deliberately took the risk that they would be killed. The Chamber finds that in using them as human shields or in forcing them to work on the frontlines, the perpetrators wilfully caused the victims serious bodily harm, which they should reasonably have known might lead to death.

2453. With respect to victims who died as a result of cruel and inhumane treatment at detention facilities, the Chamber found that the victims died in circumstances which showed an intent by the perpetrators to kill or at least wilfully cause them serious bodily harm, which they should reasonably have known might lead to death.<sup>8258</sup> For example the Chamber found that the detainees were severely beaten<sup>8259</sup> *inter alia* with chains and metal rods.<sup>8260</sup> Others were subjected

<sup>8251</sup> Scheduled Incidents A.1.1, A.3.1, A.7.2, A.7.3, A.9.1, A.13.1, A.14.2, A.15.1, A.15.2, A.16.1, A.16.3, A.12.1, A.12.2, A.12.3, A.12.4, A.12.5, B.17.1 (includes victims whose throats were slit), A.10.1, A.10.2, A.10.3, A.10.4, A.10.5, A.10.6, A.10.7, A.10.8, A.10.9.

<sup>8252</sup> Scheduled Incidents A.5.2, A.5.4, A.12.3.

<sup>8253</sup> For example with respect to the three civilians killed as a result of the shelling by Serb Forces in Pudín Han, Ključ municipality, the Chamber found that the mosque was blown up and levelled and that upon his return, KDZ024 found everything in the village burned, destroyed, and in ruins: Scheduled Incident A.7.1. On this basis the Chamber finds beyond reasonable doubt that the shelling was carried out with the intent to cause serious bodily harm which the perpetrators should reasonably have known might lead to the death of civilians.

<sup>8254</sup> Scheduled Incidents B.2.1, B.4.1, B.5.1, B.10.1, B.12.1, B.15.1, B.15.4, B.15.5, B.16.2, B.18.1, B.18.3, B.20.1, B.20.2, B.20.3, B.20.4.

<sup>8255</sup> Scheduled Incidents B.2.1, B.4.1, B.8.1, B.12.1, B.15.2, B.15.5, B.18.1, B.1.4, B.12.1, B.13.1. The Indictment refers to a separate category of killings committed during, and deaths resulting from, cruel and inhumane treatment and detention facilities. Indictment, para. 60(a)(ii). However, the Chamber notes that some of the Schedule B killing incidents pertain to deaths resulting from such cruel and inhumane treatment.

<sup>8256</sup> Scheduled Incidents B.8.1, B.12.1, B.12.2, B.15.2, B.15.3, B.15.6, B.16.1, B.18.2, B.1.1, B.1.3, B.17.1.

<sup>8257</sup> Scheduled Incidents B.19.1, B.13.3.

<sup>8258</sup> See para. 2448.

<sup>8259</sup> Scheduled Detention Facility C.27.6.



to such conditions that they died from starvation, exhaustion,<sup>8261</sup> lack of medical care,<sup>8262</sup> intense heat,<sup>8263</sup> or suffocation.<sup>8264</sup>

#### Status of victims

2454. The Chamber also finds that the victims of each of these incidents were civilians<sup>8265</sup> or had been rendered *hors de combat* at the time of their killing. Many of the victims were executed or killed after being captured by Serb Forces;<sup>8266</sup> some were killed while trying to escape from Serb Forces<sup>8267</sup> while others were killed after being detained by Serb Forces in scheduled detention facilities.<sup>8268</sup> **(Escaping prisoners of war are a combat casualties. Did the Chamber establish – was there any combat casualties, and how many! The Muslim side waged three wars: a permanent against the Serbs, and for a considerable portion of time against the Croats, and against the secular Muslims (Fikret Abdic) - #No Muslim combat casualties counted#!)**

#### Conclusion

2455. The Chamber has found that there was an armed conflict in BiH throughout the period relevant to the Indictment. As demonstrated by the Chamber's factual findings explained above, the Chamber finds that the killings referred to in this section were closely related to that armed conflict and thus constitute murder as violation of the laws or customs of war. **(In many of these "Municipalities" it happened far from any conflict and front-line, and it wasn't a conflict between the two Armies. It had been a #conflict of terrorists and Police or Military# deep in the Serb territory!)**

2456. The Chamber has also found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. The Chamber finds that the killings referred to above were part of this widespread and systematic attack and the perpetrators of these killings knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims of these killings, which correspond with the scope of the widespread and systematic attack, as well as the magnitude and systematic nature of the attack on the Bosnian Muslim and Croat civilian populations of BiH. The Chamber therefore finds that these killings constitute murder as a crime against humanity.

#### ii. Extermination: Count 4

2457. The Chamber has also had regard to each of the killing incidents identified above to determine whether they amount to extermination. While the Chamber recalls that there is no minimum threshold of victims for the purposes of extermination, it still has to be satisfied that the

<sup>8260</sup> Scheduled Detention Facility C.20.3.

<sup>8261</sup> Scheduled Detention Facility C.2.1.

<sup>8262</sup> Scheduled Detention Facility C.10.1.

<sup>8263</sup> Scheduled Detention Facility C.1.2.

<sup>8264</sup> Scheduled Detention Facilities C.6.2, C.20.2, C.27.6. *See also* Scheduled Incident B.1.2.

<sup>8265</sup> Scheduled Incidents A.1.1, A.3.2, A.7.1, A.13.1, A.14.2, A.15.2, A.7.1, A.12.2, A.12.4, A.10.1, A.10.3, A.10.4, A.10.5, A.10.6, B.15.3.

<sup>8266</sup> Scheduled Incidents A.3.1, A.3.2, A.5.4, A.7.2, A.7.3, A.9.1, A.15.1, A.15.2, A.16.1, A.16.3, A.12.1, A.12.3, A.12.5, A.10.5, A.10.6.

<sup>8267</sup> Scheduled Incidents A.5.2, A.15.2, A.12.2, A.12.3, A.10.3, A.10.2, A.10.7.

<sup>8268</sup> Scheduled Incidents B.2.1, B.4.1, B.5.1, B.8.1, B.10.1, B.12.1, B.12.2, B.15.1, B.15.2, B.15.3, B.15.4, B.15.5, B.15.6, A.10.8, B.16.1, B.16.2, B.18.1, B.18.2, B.18.3, B.20.1 B.20.2, B.20.3, B.20.4, B.1.1, B.1.2, B.1.3, B.1.4, B.13.1.

killings occurred on a mass scale and needs to conduct a case-by-case assessment in that regard.<sup>8269</sup>

2458. As previously noted, extermination may be established based on the accumulation of separate incidents.<sup>8270</sup> However, it has been found that “as a general matter, the element of killing on a large scale cannot be satisfied by a collective consideration of distinct events committed in different prefectures, in different circumstances, by different perpetrators, and over an extended period of time”.<sup>8271</sup>

2459. In this case, the Chamber noted that a large number of killing incidents charged in the Indictment with respect to the Municipalities were committed in different locations, in different circumstances, and by different perpetrators over an extended period of time. Having considered these factors, where the Chamber found that the incidents in question were distinct, the Chamber assessed on a case-by-case basis whether each incident amounts to a mass scale killing for the purposes of the *actus reus* of extermination. In making that assessment, the Chamber has had regard to the scale of each of the killing incidents and the circumstances in which the killings occurred. The Chamber has done so where the circumstances indicated that the killings were committed in geographically proximate locations, in similar circumstances, over a relatively short period of time and were thus considered to be part of the same operation.

2460. On this basis, the Chamber finds that the element of killing on a mass scale is established with respect to each of the following incidents which occurred during and after the take-over of the Municipalities: (i) the killing of at least 45 civilians in the town of Bijeljina;<sup>8272</sup> **(Nine Serbs, many Albanian mercenaries, and less than 27 Muslims! And the #Muslims attacket Bijeljina#, not vice versa!)** (ii) the killing of at least 65 Bosnian Muslims in the village of Glogova in Bratunac;<sup>8273</sup> **(Glogova, a #Muslim stronghold#, which initiated all the subsequent events!)** (iii) the killing of 52 Bosnian Muslims in Prhovo in Ključ;<sup>8274</sup> (iv) the killing of approximately 200 Bosnian Muslims in Biljani in Ključ;<sup>8275</sup> (v) the killing of 80 Bosnian Muslims in Kozarac in Prijedor;<sup>8276</sup> **(Kozarac, a very known and extremely militarized #Muslim stronghold#! All the victims were combat victims!)** (vi) the killing of at least 300 non-Serbs in the village of Bišćani and surrounding hamlets in Prijedor;<sup>8277</sup> (vii) the killing of about 50 persons at a mine in Kipe in Prijedor;<sup>8278</sup> (viii) the killing of at least 68 people in the village of Briševo in Prijedor;<sup>8279</sup> (ix) the killing of approximately 40 Bosnian Muslim men in the village of Novoseoci in Sokolac;<sup>8280</sup> (x) the killing of approximately 45 Bosnian Muslim civilians near Paklenik after being taken from Višegrad;<sup>8281</sup> (xi) the killing of at least 60 people, including women and children, in the village of Zaklopača in Vlasenica;<sup>8282</sup> and (xii) the killing of a large number of Bosnian Muslim men at Gero's slaughterhouse in Zvornik.<sup>8283</sup> **(All of the named incidents had been initiated by the #Muslim attacks# - and nothing similar happened in two third of the Serb municipalities!)**

<sup>8269</sup> See Section III.A.2.c: Extermination as a crime against humanity.

<sup>8270</sup> See Section III.A.2.c: Extermination as a crime against humanity.

<sup>8271</sup> See Section III.A.2.c: Extermination as a crime against humanity.

<sup>8272</sup> Scheduled Incident A.1.1.

<sup>8273</sup> Scheduled Incident A.3.2.

<sup>8274</sup> Scheduled Incident A.7.2.

<sup>8275</sup> Scheduled Incident A.7.3.

<sup>8276</sup> Scheduled Incident A.10.1.

<sup>8277</sup> Scheduled Incident A.10.6.

<sup>8278</sup> Scheduled Incident A.10.7.

<sup>8279</sup> Scheduled Incident A.10.9.

<sup>8280</sup> Scheduled Incident A.13.1.

<sup>8281</sup> Scheduled Incident A.14.2.

<sup>8282</sup> Scheduled Incident A.15.2.

<sup>8283</sup> Scheduled Incident A.16.3.

2461. Similarly, the Chamber finds that the element of killing on a mass scale is established with respect to each of the following incidents which occurred in charged detention facilities: (i) the killing of at least 50 detainees at the Vuk Karadžić School in Bratunac;<sup>8284</sup> (ii) the killing of a large number of non-Serb men at the Luka Camp in Brčko;<sup>8285</sup> (iii) the killing of over 200 detainees at KP Dom Foča;<sup>8286</sup> (iv) the killing of 77 Bosnian Muslim men at Velagići School in Ključ;<sup>8287</sup> (v) the killing of 47 Bosnian Muslim detainees who had been taken away from Rajlovac in Novi Grad;<sup>8288</sup> (vi) the killing of at least 190 persons in Room 3 at Keraterm camp in Prijedor;<sup>8289</sup> (vii) the killing of a large number of non-Serbs at Omarska or after they were taken from Omarska in Prijedor;<sup>8290</sup> (viii) the killing of at least 120 persons taken from Omarska in the area of Hrastova Glavica in Prijedor;<sup>8291</sup> (ix) the killing of at least 150 persons from the Brdo region who were detained at Omarska in Prijedor;<sup>8292</sup> (x) the killing of approximately 200 non-Serb men at Korićanske Stijene including men taken from Trnopolje in Prijedor;<sup>8293</sup> (xi) the killing of approximately 140 detainees taken from Sušica camp in Vlasenica;<sup>8294</sup> (xii) the killing of approximately 88 men at Drinjača in Zvornik;<sup>8295</sup> (xiii) the killing of at least 60 men at Čelopek Dom Kulture in Zvornik;<sup>8296</sup> and (xiv) the killing of approximately 160 men at the Karakaj Technical School in Zvornik.<sup>8297</sup>

2462. The Chamber recalls its finding that the perpetrators of each of the killing incidents identified above acted with the intent to kill the victims or at least wilfully caused serious bodily harm, which they should reasonably have known might lead to death. Having regard to the scale of the killings, the Chamber further finds that with respect to the killing incidents above, the perpetrators had intent to kill on a mass scale.

2463. The Chamber found there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. The Chamber finds that the killings above were part of this widespread and systematic attack and the perpetrators of these killings knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims of these killings, which correspond with the scope of the widespread and systematic attack. Further, given the magnitude and systematic nature of the attack on the Bosnian Muslim and Croat civilian populations of BiH, the Chamber further finds that the perpetrators knew of the attack and that the crimes were part of it. The Chamber therefore finds that these killings constitute extermination as a crime against humanity.<sup>8298</sup>

<sup>8284</sup> Scheduled Incident B.4.1.

<sup>8285</sup> Scheduled Incident B.5.1.

<sup>8286</sup> Scheduled Incident B.8.1.

<sup>8287</sup> Scheduled Incident B.10.1.

<sup>8288</sup> Scheduled Incident B.12.2.

<sup>8289</sup> Scheduled Incident B.15.1.

<sup>8290</sup> Scheduled Incident B.15.2.

<sup>8291</sup> Scheduled Incident B.15.3.

<sup>8292</sup> Scheduled Incident B.15.4.

<sup>8293</sup> Scheduled Incident B.15.6.

<sup>8294</sup> Scheduled Incident B.18.2.

<sup>8295</sup> Scheduled Incident B.20.1.

<sup>8296</sup> Scheduled Incident B.20.2.

<sup>8297</sup> Scheduled Incident B.20.3.

<sup>8298</sup> For the remaining killing incidents the Chamber was not satisfied that the element of killing on a mass scale was established. The Chamber also found that these remaining incidents were distinct and that it was impermissible to aggregate them for the purposes of assessing the mass scale element of the killings for the *actus reus* of extermination.

2464. The Chamber will deal with the issue of cumulative convictions later in this Judgement and the impermissibility of entering convictions for both extermination and murder under Article 5 of the Statute where the elements of both crimes have been established.<sup>8299</sup>

**(All and everything in this chapter, since Chapeau requirements for Articles 3 and 5 of the Statute is wrong and invalid, all allegedly “established is fake, unfounded and represent the essence of the wrong concept that was implemented throughout all the cases before this Tribunal! A true and impartial experts would establish it immediately!)**

iii. Deportation and inhumane acts (forcible transfer): Counts 7 and 8

(A) *Actus reus*

(1) Movement of population

2465. The Chamber recalls its findings in Section IV.A.1 of this Judgement that a large number of Bosnian Muslims and Bosnian Croats in the Municipalities<sup>8300</sup> were displaced. Bosnian Muslims and Bosnian Croats in Bijeljina,<sup>8301</sup> Bratunac,<sup>8302</sup> Foča,<sup>8303</sup> Pale,<sup>8304</sup> Prijedor,<sup>8305</sup> Rogatica,<sup>8306</sup> Sanski Most,<sup>8307</sup> Sokolac,<sup>8308</sup> Vlasenica,<sup>8309</sup> Zvornik,<sup>8310</sup> Bosanski Novi,<sup>8311</sup> Ilidža,<sup>8312</sup> Novi Grad,<sup>8313</sup> Novo, Sarajevo,<sup>8314</sup> Ključ,<sup>8315</sup> Hadžići,<sup>8316</sup> and Vogošća<sup>8317</sup> were displaced from their homes, villages and towns in which they were lawfully present to other locations in BiH. The locations to which they moved were mostly under Bosnian Muslim control including Tuzla, Konjević Polje, Srebrenica, Goražde, Visoko, Zenica, and areas of Sarajevo. In the case of Bijeljina, the Chamber found that Bosnian Muslims were transferred to “no-man’s land” before being able to cross to Bosnian Muslim controlled territory.<sup>8318</sup> With respect to these incidents the Chamber finds that Bosnian Muslims and Bosnian Croats were displaced within the national boundaries of BiH.

<sup>8299</sup> See Section IV.F.

<sup>8300</sup> The Prosecution does not allege criminal responsibility for forcible transfer or deportation in Banja Luka, Brčko and Višegrad as an underlying act of persecution under Count 3 of the Indictment. Indictment, fn. 6. The Chamber notes that in fn. 13 of the Indictment, the Prosecution only states that with regard to deportation as a crime against humanity under Count 7 of the Indictment, it does not allege criminal responsibility for Višegrad. However, the Chamber has interpreted this restrictively in light of fn. 6 of the Indictment in favour of the Accused and will not make findings with respect to forcible transfer or deportation in Banja Luka, Brčko, and Višegrad under Counts 3, 7, or 8.

<sup>8301</sup> See Section IV.A.1.a.i.H: Movement of the population from Bijeljina.

<sup>8302</sup> See Section IV.A.1.a.ii.I: Movement of the population from Bratunac.

<sup>8303</sup> See Section IV.A.1.a.iv.G: Movement of the population from Foča.

<sup>8304</sup> See Section IV.A.1.c.v.E: Movement of the population from Pale and appropriation of property.

<sup>8305</sup> See Section IV.A.1.b.i.D.7: Movement of the population from Prijedor and appropriation of property.

<sup>8306</sup> See Section IV.A.1.a.v.H: Movement of the population from Rogatica.

<sup>8307</sup> See Section IV.A.1.b.i.E.7: Movement of the population from Sanski Most and appropriation of property.

<sup>8308</sup> See Section IV.A.1.a.vi.E: Movement of the population from Sokolac.

<sup>8309</sup> See Section IV.A.1.a.viii.F: Movement of the population from Vlasenica and appropriation of property.

<sup>8310</sup> See Section IV.A.1.a.ix.H: Movement of the population from Zvornik.

<sup>8311</sup> See Section IV.A.1.b.i.B.5: Movement of the population within and from Bosanski Novi.

<sup>8312</sup> See Section IV.A.1.c.ii.E: Movement of the population from Ilidža.

<sup>8313</sup> See Section IV.A.1.c.iii.H: Movement of the population from Novi Grad.

<sup>8314</sup> See Section IV.A.1.c.iv.E: Movement of the population from Novo Sarajevo and appropriation of property.

<sup>8315</sup> See Section IV.A.1.b.i.C.8: Movement of the population from Ključ.

<sup>8316</sup> See Section IV.A.1.c.i.E: Movement of the population from Hadžići and appropriation of property.

<sup>8317</sup> See Section IV.A.1.c.vi.G: Movement of the population from Vogošća and appropriation of property.

<sup>8318</sup> See para. 673.



2466. The Chamber also found that Bosnian Muslims in Bijeljina, Zvornik and Bosanski Novi were displaced from their homes, villages and towns in which they were lawfully present to Serbia or Croatia.<sup>8319</sup> In addition, the Chamber found that following the attack on Zvornik in April 1992 by Serb Forces, thousands of Bosnian Muslims fled to Mali Zvornik in Serbia.<sup>8320</sup> The Chamber also found that some Bosnian Muslims from Foča were transferred to Montenegro.<sup>8321</sup> The Chamber also recalls that Bosnian Muslim and Bosnian Croat detainees from Prijedor were transferred in convoys to locations in Croatia.<sup>8322</sup> With respect to these incidents the Chamber finds that Bosnian Muslims and Bosnian Croats were displaced across a *de jure* or *de facto* border between states.

2464. The Chamber recalls that the scale and extent of the expulsions and movement of civilians from the Municipalities resulted in the displacement of a vast number of Bosnian Muslims and Bosnian Croats.<sup>8323</sup>

## (2) Forcible nature of movement

2465. The Chamber finds that the Bosnian Muslims and Bosnian Croats referred to above were forcibly displaced. In reaching that conclusion, the Chamber had regard to the surrounding circumstances in the Municipalities and found that the Bosnian Muslims and Bosnian Croats were displaced as a result of physical force,<sup>8324</sup> **(This kind of displacement never happened, as far as it concerns with the official authorities. It is well documented that the persons wanting to leave some territory asked to be put on the list, submitted many papers about fulfilment of their obligations, payed taxes, electricity, housing and other papers, in some municipalities up to 15 dokumenta, and payed the transportation expenses, and even to bribe clerks to be put on the list. The #President issued all the necessary orders# for the respect of the human rights! This truth will never disappear!)** threat of force,<sup>8325</sup> **(“Threats of force” had never been implemented by the official authorities, but some threats and unease could have been caused by the bitter Serb refugees that escaped from the Muslim-Croat areas!)** or coercion.<sup>8326</sup> **(There could have been such an atmosphere created through the actions against the armed groups in some areas, municipalities, towns or villages. But, an intimidation had never been imposed by the authorities out of the actions of disarmament. A mere actions of disarmament, and in particular a search for perpetrators of criminal acts or attacks on the Army, police or civilians, by itself couldn’t be pleasant to anybody! But this was not caused deliberately, nor within any policy. Particularly the President had nothing to do with this,**

<sup>8319</sup> See paras. 673, 1360, 1458.

<sup>8320</sup> See para. 1250.

<sup>8321</sup> See para. 933.

<sup>8322</sup> See para. 1852.

<sup>8323</sup> See paras. 678 (the Chamber found that when the Dayton Accords were signed only 500 to 1,000 Bosnian Muslims remained in Bijeljina from the original 17,000); 788 (the Chamber found that with the exception of a few individuals there were no Bosnian Muslims left in Bratunac by June 1992); 933 (the Chamber found that by mid-August 1992 there were almost no Bosnian Muslims in Foča); 1040 (the Chamber found that by August 1995 there were almost no Bosnian Muslims in Rogatica); 1072 (the Chamber found that by the end of 1992 there were as few as 30 to 40 Bosnian Muslim families remaining in Sokolac); 1220 (the Chamber found that in June 1992 there were approximately 150 Bosnian Muslims in Vlasenica who had not been detained and very few non-Serbs remained by October 1992); 1365 (the Chamber found that by the end of June 1992 very few Bosnian Muslims remained in the town of Zvornik); 1471 (the Chamber found that by the end of 1992 the majority of Bosnian Muslims had left Bosanski Novi); 1567 (the Chamber found that by 1995 only 1,200 of the 17,000 Bosnian Muslims remained in Ključ); 2435 (the Chamber found that by May 1993 only 1.8 per cent of 14 villages in Vogošća were Bosnian Muslim); 2329 (the Chamber found that during the war only a small number of Bosnian Muslims remained in Pale).

<sup>8324</sup> See Sections IV.A.1.a.i.H: Movement of the population from Bijeljina; IV.A.1.a.ii.I: Movement of the population from Bratunac; IV.A.1.a.v.H: Movement of the population from Rogatica; IV.A.1.a.viii.F: Movement of the population from Vlasenica and appropriation of property; IV.A.1.a.ix.H: Movement of the population from Zvornik; IV.A.1.c.iv.E: Movement of the population from Novo Sarajevo and appropriation of property; IV.A.1.c.iii.H: Movement of the population from Novi Grad; IV.A.1.b.i.E.7: Movement of the population from Sanski Most and appropriation of property; IV.A.1.b.i.d.7: Movement of the population from Prijedor and appropriation of property.

<sup>8325</sup> See, e.g., Sections IV.A.1.a.ii.I: Movement of the population from Bratunac; IV.A.1.a.v.H: Movement of the population from Rogatica; IV.A.1.a.ix.H: Movement of the population from Zvornik; IV.A.1.c.iv.E: Movement of the population from Novo Sarajevo and appropriation of property.

<sup>8326</sup> See, e.g., Sections IV.A.1.a.i.H: Movement of the population from Bijeljina; IV.A.1.a.ii.I: Movement of the population from Bratunac; IV.A.1.a.viii.F: Movement of the population from Vlasenica and appropriation of property; IV.A.1.b.i.E.7: Movement of the population from Sanski Most and appropriation of property.

since his orders were clear and strict against any abuse of means or situations!) Others fled out of fear.<sup>8327</sup> (That was almost the only reason, certainly more that 90% of the displaced went for that reason, paying to intermediaries to convey them over the confrontation line. A liability is on the civil war, not on the authorities! How anyone could connect the President with any of those events, since he was too far from the terrain, so often out of the country for conferences, and without any insight in the local developments? The first UN documents indicated that the civilians escaped from combats, see#@ #) This fear was caused by ongoing violence and various crimes committed against non-Serbs including *inter alia*, killings, cruel and inhumane treatment, unlawful detention, rape and other acts of sexual violence, discriminatory measures, and wanton destruction of villages, houses and cultural monuments.<sup>8328</sup> (Why it happened exclusively within the attacks caused by the Muslim extremists, and only in the municipalities, villages and other settlements where there was an attack of the Muslim forces? Why, for instance in Sanski Most, that happened only in several out of tens of the non-Serb villages? The horror of the civil war was present everywhere, but depended exclusively of the Muslim conduct. The war started in different times in different municipalities, and it never happened because of the Serbs, but always because of the Muslim-Croat alliance! Whoever is interested in the truth, will easily find a plethora of evidence within the file of this case!)

2466. Bosnian Muslims were often given limited time to leave their homes before being loaded onto trucks, buses or trains and transported out of the Municipalities.<sup>8329</sup> (This is a negligence of the facts that it was only for those who were waiting for the transport, and when the buses had been secured, the people had been notified that the boarding will be in two hours or so. There had been examples that some villagers never came to the appointed buses, like in Kotor Varos, and the authorities returned the money to them, see: @ ) Some Bosnian Muslims and Bosnian Croats, when expelled, were forced to sign statements which left their property to the Bosnian Serb authorities.<sup>8330</sup> In some cases they had to sign statements saying that they were leaving a particular area and would never return again.<sup>8331</sup> The Chamber also recalls its finding that in Vlasenica for example, some Bosnian Muslim women were forced to sign documents saying they were leaving the municipality of their own free will and those who refused to sign were subjected to threats to their lives and security.<sup>8332</sup> (This endless lies were possible because of the endless and uncritical trust that the Chamber had in many Muslim witnesses, who were prepared to lie. The Chamber already confirmed that the change of the ownership never happened in the entire Republic of Srpska. Particularly this allegation is senseless, and even more senseless in charges against this President, because he issued many orders against any violation of the humanitarian law, and specially annihilated any possible document, if issued, of that kind, see: D101 of 19 August 1992 #No Appropriation happened#! :

Pursuant to our document of 13 June 1992 concerning the observation of international standards in war, I hereby re-issue the following  
ORDER:

<sup>8327</sup> See Sections IV.A.1.a.i.H: Movement of the population from Bijeljina; IV.A.1.a.ii.I: Movement of the population from Bratunac; IV.A.1.a.v.H: IV.A.1.a.iv.G: Movement of the population from Foča; Movement of the population from Rogatica; IV.A.1.a.viii.F: Movement of the population from Vlasenica and appropriation of property.

<sup>8328</sup> The Chamber found in this section of the Judgement numerous examples of such acts directed against Bosnian Muslims and Bosnian Croats in the Municipalities.

<sup>8329</sup> See paras. 672, 732, 931, 1035, 1060, 1072, 1144–1145, 1267, 1271, 1462, 2320.

<sup>8330</sup> See paras. 675, 929, 1093, 1216–1217, 1266, 1467, 1561, 1566, 2033, 2319, 2322, 2436–2438. See also para. 2057.

<sup>8331</sup> See para. 730.

<sup>8332</sup> See paras. 1186, 1217.

3. Forcible resettlement and other illegal measures against the civilian population should be prevented, and any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void;

The

**proper translation should be I order.... “[a]gainst the civilian population are to be prevented” with the stress on an imperative nature of this order! How any mentioning of this President in connection to this issue has any sense?)**

2467. In many cases Bosnian Muslims and Bosnian Croats were forced to leave following attacks against their villages or after the take-over of towns by Serb Forces.<sup>8333</sup> In other cases, Bosnian Muslims and Bosnian Croats were first arrested, and detained in detention facilities before being transported out of the municipality.<sup>8334</sup> While the transfers of some detainees out of detention facilities were described as “exchanges”, the Chamber finds that given that these “exchanges” were predominantly in relation to unlawfully detained civilians, they also amount to forced displacement.<sup>8335</sup> **(#Fights initiated by Muslim terrorists#! This kind of presentation neglects the essence: there had been fights, but initiated by the Muslim terrorists and extremists, and they never moved their civilians out of the combat zones, which was their obligation. The Prosecution had never proven that the Serbs attacked any settled place if there was no a strong Muslim armed group which attacked the Serb civilians or the Army-police units! Never!!! As the D2424 described it in Grbavica – Sarajevo, or Edward Vulliamy for Prijedor, P3788, describing the whole settlements of the non-Serbs where the inhabitants never had any problem because of a peaceful attitude towards the Republic of Srpska! How this in unjust and unfair to accuse only one side, could be depicted only by comparison of the acts against the Serbs in the Muslim/Croat territories with the acts of the Serbs against the non-Serbs. For instance, there are many settlements with the Muslim or Croat majority that had never been touched, and it depended on their conduct, such as Bosanski Dubovac, Bosanski Kobas, Brezovo polje (partly) Janja near Bijeljina (partly) Baljvine in M. Grad and others@@@)**

2468. The Chamber recalls its findings that in some Municipalities Bosnian Muslims may have requested assistance or permission to leave, and in some cases they paid exorbitant fees to do so. However, these departures were not voluntary and occurred under circumstances in which they had no real choice but to leave.<sup>8336</sup> **(But this circumstances hadn’t been created by the Serbs, but by the inter-ethnic and inter-religious civil war!)** Even when Bosnian Muslim leaders or other non-governmental organisations were involved in trying to evacuate Bosnian Muslims, this occurred in an environment of fear and threats which does not suggest that the population left voluntarily.<sup>8337</sup> **(The Chamber misses the essential fact: by whom or by what they had been threatened? It was never any official institution, but the civil war itself!!!)** The Chamber finds that even though non-governmental organisations may have been involved in facilitating some of these displacements, this does not render lawful what were otherwise unlawful transfers. The Chamber found that in other municipalities while the Bosnian Serb authorities referred to movement of the population as “voluntary departure”, in reality civilians were fleeing out of fear for their lives; this occurred in intimidating and violent circumstances which negated any suggestion of voluntariness in their departures.<sup>8338</sup> **(Even more unlawful would be to prevent anyone to leave, and to deny the freedom of movement. Such an agreements had been signed**

<sup>8333</sup> See paras. 728–732, 747, 858, 929, 972, 977, 1035, 1056, 1060, 1072, 1134, 1139, 1144–1145, 1151, 1216, 1219, 1250, 1260–1261, 1273, 1449, 1456, 1462–1463, 2089, 2313.

<sup>8334</sup> See paras. 762–764, 888, 1152, 1186, 1202, 1479, 1850–1852, 1902, 2115, 2343–2344, 2161.

<sup>8335</sup> For the Chamber’s findings with respect to unlawful detention, see Section IV.A.2.b.iv.D: Legal findings on crimes (Unlawful detention).

<sup>8336</sup> See paras. 673, 786, 931, 1215, 1222, 1362, 1459–1460, 1561, 1563, 1565–1566, 2039, 2318, 2320, 2331, 2288. See also para. 2058.

<sup>8337</sup> See paras. 1110, 1215, 1467–1469.

<sup>8338</sup> See paras. 1219, 1268.

by the side to the conflict many times, all of them forbidding the forceful transfer and forceful containment of civilians! The Chamber regularly misses to name the responsible, either person, or institution, or a situation of the civil war as itself, and for everything that usually happens in a civil war does charge the President and his associates, who in no way could influence the development! Is that a fair trial? #No liability established#!)

2469. In addition the Chamber recalls its finding that even in municipalities where Bosnian Serb authorities did invite citizens to return, the number of those who returned was extremely limited, and the pattern of mistreatment, intimidation and expulsions continued.<sup>8339</sup> (By what, or by whom? This kind of “objectivisation” something that must be a subjective liability is unbearable in any justice system! The best example is the premature return of the Muslims in Bijeljina, when they had been invited by the President and the Prime Minister of Yugoslavia Mr. Panic. The general situation deteriorated immediately, see@ ) In Vlasenica for example, Bosnian Muslims when they returned to their villages found that their homes had been burnt down.<sup>8340</sup> (#Military events#! Because there were a fierce fights, while the homes had been used as fortified military objects!) In another incident the Chamber found that Serb Forces turned away Bosnian Muslims who tried to return after fleeing their village in Zvornik.<sup>8341</sup> (This is also wrong and fake, because there is a document of the Muslim provenance, calling the Muslims not to return to the town, but to go to the terrain and join the Patriotic League! See:D1622, p.1:

Muslims, raise to arms, go to the woods or free territory, join the Territorial Defence of the municipality. Do not go back to the town or villages, do not go to work, exercise civil disobedience and paralyze economic and other activities which would give the legitimacy and the material basics for warfare to the newly establish occupying authority.

(#Muslim authorities forbade return#! Having this document, issued by the Muslim authorities of Zvornik on 8 May 1992, how was it possible to have this “finding” above?)

2470. The Chamber finds that there is no indication that the forcible displacement of the Bosnian Muslim and Bosnian Croat population was carried out on any grounds permitted under international law. (Neither the Chamber established beyond reasonable doubt that there was any forcible displacement of population whatsoever! There is an overwhelming evidence that the civilians, for whatever reasons, requested and demanded to be transferred to the Muslim controlled territory, or to the third or neighbouring countries, as it was written in many agreements signed under the auspice of the ICRC, UNHCR or other mediators. See: D4710 p.1

We agree that all refugees will be permitted to return to the places from which they have been expelled and that civilians who are caught up in or trapped by the military situation, will be given freedom of movement.

D4710, p. 2

The Security Council welcomes the agreement between the parties in Bosnia and Herzegovina, signed at London on 17 July 1992 within the framework of the Conference on Yugoslavia (S/24305).

The Council welcomes the provisions in the agreement concerning the return of all refugees and freedom of movement for civilians caught up in or trapped by the military situation. It also welcomes the efforts being made to mobilize international

p. 3

<sup>8339</sup> See paras. 677, 720–721, 788–789, 1214.

<sup>8340</sup> See para. 1219.

<sup>8341</sup> See para. 1269.



The Council stresses the need for full compliance with all the requirements of the relevant resolutions of the Council towards which the agreement reached in London on 17 July 1992 is an important step. It reaffirms its decision to remain actively seized of the matter and to consider immediately, whenever necessary, further steps to achieve a peaceful solution in conformity with those resolutions.

**(#No “permanent removal” possible#! #No “Joint Criminal Enterprise” possible#! This document rebuts the very foundation of the Joins Criminal Enterprise! After such a commitment, nobody was entitled to “find” the alleged “permanent removal” of the population. Nobody could be proud of the conditions which made the population to ask to leave, but the responsibility for civil war lies on somebody else, not on the Serb authorities! There are other documents, signed in 1992, beginning with the 12 April Sarajevo Agreement, through the 22 May Agreement, a 17 July Agreement, a 27 August Agreement, 30 September, 1 October Agreement, all of them regulatin the right of population to be transferred out of combat zones, with the right to returne preserved! Are the UN documents matter before the UN Court?)**

ii. *Mens rea*

2471. With respect to the incidents in paragraph 2465, the Chamber finds that members of the Serb Forces and Bosnian Serb Political and Governmental Organs intended to forcibly displace the population within a national border. In relation to the incidents in paragraph 2466, the Chamber finds that members of the Serb Forces and Bosnian Serb Political and Governmental Organs intended to forcibly displace the population across a *de jure* or *de facto* border. **(Even such an invalid finding, unfounded in evidence and completely fake, doesn't fit into the Prosecution's allegation about the JCE and alleged “permanent removal” of the non-Serb population out of the Serb territories! The mentioned paragraph is not by itself any evidence, it is only numbering od the municipalities allegedly cleansed by the “Serb Forces”....@)**

2472. In reaching that conclusion, the Chamber had regard to the involvement of Serb Forces and Bosnian Serb Political and Governmental Organs in the systematic movement of Bosnian Muslims and Bosnian Croats from the Municipalities. The Chamber also considered the similar pattern in which Bosnian Muslims and Bosnian Croats were forcibly displaced and the involvement of Serb Forces and Bosnian Serb Political and Governmental Organs in creating an environment of fear in which Bosnian Muslims and Bosnian Croats had no choice but to leave the Municipalities. **(This is highly incorrect and unacceptable to allocate the inevitable atmosphere of a civil war to the willing conduct of the Serb side, which was only about 32% of the BiH population! Who was in fear, and who had a reason to fear? This is flagrant violation of a common sense, to charge the side which wanted “to avoid the at all costs”, see D1833, Cutileiro talks. Dr. Radovan Karadzic, the leader of the Serbs, was also positively inclined towards these talks. He wanted to avoid a war at all costs in Bosnia-Herzegovina, Secretary Vance for trying to exploit the war anf the fear for it's objectives. If it was so, why it didn't happen in all the municipalities with the Serb majority? Or, why it didn't happen at once, after the war broke out, on 6 April 1992? Why the Serb side proposed Bosnia to be like Switzerland? Why the Serbs proposed to the Muslims and Croats to form their own municipalities within the Republic of Srpska? No a reasonable courth could answer to these questions otherwise but as the Defense answers it!#Bosnia like Switzerland#! #Two municipalities – peace#!)** As found above, this environment of fear was caused by ongoing violence, killings, cruel and inhumane treatment, unlawful detention, rape and other acts of sexual violence, discriminatory measures, and wanton destruction of villages, houses, and cultural monuments. In many cases the population fled following attacks against their villages and homes by Serb Forces. The Chamber

finds beyond reasonable doubt that these circumstances demonstrate the requisite intent to forcibly displace the population. **(This is equally wrong as all other findings in this Tribunal! Why? Because it is evident that the #Serbs never initiated# any of the armed skirmishes that appeared in the different municipalities in a different times. There is no example that any of those felonies numbered in this paragraph, “ongoing violence, killings, cruel and inhumane treatment, unlawful detention, rape and other aongoing violence, killings, cruel and inhumane treatment, unlawful detention, rape and other acts of sexual violence, discriminatory measures, and wanton destruction of villages, houses, and cultural monumentscts of sexual violence, discriminatory measures, and wanton destruction of villages, houses, and cultural monuments” ever happened without prior terrorist attacks of the Muslim or Croat forces, which thus inflamed the said municipality! There was no a single example that any settlement had been attacked without a military necessity, while there are many examples of the avoiding a skirmish once the said settlement handed over their weapons, or declared that will not fight. All of it is well documented in evidence in this case! If there is any opposition to this characterisation as a terrorist, it is the simpliest to see what is the #formulation of terrorism#, for instance in Encyclopaedia Britannica: Although conventional military forces invariably engage in psychological warfare against the enemy, their principal means of victory is strength of arms. Similarly, guerrilla forces, which often rely on acts of terror and other forms of propaganda, aim at military victory and occasionally succeed (e.g., the Viet Cong in Vietnam and the Khmer Rouge in Cambodia). Terrorism proper is thus the systematic use of violence to generate fear, and thereby to achieve political goals, when direct military victory is not possible. This has led some social scientists to refer to guerrilla warfare as the “weapon of the weak” and terrorism as the “weapon of the weakest. [...] Some definitions treat all acts of terrorism, regardless of their political motivations, as simple criminal activity. For example, in the United States the standard definition used by the Federal Bureau of Investigation (FBI) describes terrorism as “the unlawful use of force and violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives.” How else to qualify the attacks deep into the Serbian territory by the Muslim groups of armed extremists without any military prerequisites to be an army, without formed units, without uniforms and amblems, without known commanders, ready to hide at homes and get out now and then to kill, intimidate and even try to take over the power? #Terrorists by definition#!)**

2473. In addition, the Chamber was able to infer intent from a number of explicit examples. In this regard the Chamber also recalls its finding that during attacks on Bosnian Muslim villages in Bratunac for example, members of Serb Forces said “this is a Serb country” and the Bosnian Muslims should be expelled.<sup>8342</sup> **(Let us here see this para 744, which was the basis for such a finding: 744. En route, the soldiers provoked the Bosnian Muslims by saying that “this is a Serb country” and that they “should be expelled”. The men were lined up against the wall of the supermarket and ordered to put their hands up and stand in that position for half-an-hour. Many Bosnian Serb soldiers were gathered in the area near the supermarket. These soldiers were not regular JNA soldiers but included local Bosnian Serbs. There was also a tank with JNA markings and an APC in the centre of Glogova. (What does it mean, to found such a mean “finding” only on a #testimony of a Muslim extremist#, who fought against the Serbs and had lost? What significance may have anything that the soldiers could have said, if any at all? How this may be the President’s liability? Did these soldiers participate in the process of creation of the policy of Serbs in Bosnia? Why to “infer” anything if on the same subject there is so many #contemporaneous evidence#? Just look at the P941, from 26 August 1992:**

8342

See para. 744.

2. Secretary Vance asked which areas Dr Karadzic considered to be Serbian land. Dr Karadzic said it was difficult to discuss which areas could be handed back. To do so would frighten the Serbian people in these places. He was willing to talk about giving back territory as part of an overall agreement. But any such agreement would also have to protect Serbian property rights in Muslim and Croat areas. Dr. Koljevic said it was clearly in the interests of the Serbs to return land in exchange for full political autonomy. Dr Karadzic said that the precise amount of land that may be returned had not been decided. But the total would be substantial. As far as Sarajevo was concerned, he favoured using the administration of Brussels as a model. The Serbian municipalities would be part of the Serbian constituent unit. Secretary Vance asked how this apparent will to talk about constituent units was compatible with ethnic cleansing. Dr Karadzic said that all sides had practised cleansing over many years. It was imperative for the overall agreement to allow all refugees to return.

**this is a commitment of the most competent Serb leader, and how any nasty remarks of the bypassing soldiers could be taken to rebut this official standpoint? The President was sufficiently honest to notice that "all sides practised cleansing over many years" but didn't accuse anyone, because the war circumstances brought about the horrifying atmosphere. See P2953 of 18 August 92:**

Mr Mendiluce said it was not only the Serbs who are violating international law. The UNHCR was also documenting "violations of the rights of Serbs in other regions" controlled by Croats and Muslims. "There are already 100,000 displaced Serbs from those regions," he said.

**Or para 5 of the same P941 exhibit:**

Secretary Vance asked about Gorazde and Tuzla. Dr Karadzic said that in Gorazde the Muslims were still holding Serbian hostages. In Tuzla 30,000-40,000 Serbs had been held hostage. They should be allowed to move temporarily. This was not another form of ethnic cleansing. Once a settlement had been agreed they could return. Secretary Vance said it was important to avoid damaging the chemical plant in the town. That could cause a catastrophe. Dr Karadzic said that he had issued instructions to stop his forces from harassing those Muslims and Croats who were "willing" to leave Serbian areas from signing papers to that effect. He confirmed that any such papers would have no validity in the light of a final settlement.

**This official position of the Serb side was not questioned by the Serb Assembly, or public! It was clear that the final arrangement is going to look as the President envisaged and accepted, or even proposed! And this is the only relevant position, not jokes, or nasty remarks of ordinary soldiers! #Jokes vs. documents#!** The Chamber also recalls its finding that Bosnian Muslims were told that they would have to go to Tuzla because Bosnian Serbs were going to live in Bratunac.<sup>8343</sup> In Pale, Bosnian Muslims were told it was better to go "voluntarily" to areas where they were a majority than to be "chase[d] through the woods" later.<sup>8344</sup> **(This is also #not founded, and was rebute#d by the witness from the Pale authorities, who anyway was very critical about the abilities of police, but as other defense witnesses, it was rejected. What some paramilitaries or refugees from other areas may have advised to the Muslims is not under any control of the local authorities, let alone the President, who was physically and functionally too remote from such a business.)**

2474. Bosnian Muslims in Rogatica were also threatened and warned about the forthcoming "cleansing" and were told they would be allowed to leave to Visoko and Zenica because this was where Bosnian Muslims were "supposed to live".<sup>8345</sup> **(#Protected lies#! This is as senseless as everything based upon a solitary statement, particularly of those protected witnesses. Who was authorised to say that the Muslims were supposed to live in Visoko? A bypassing civilian, or soldier? This was not decided by such a people, even if they said it. The relevant documents and commitments are signed by the highest officials, under the auspice of the UN**

<sup>8343</sup> See para. 769.

<sup>8344</sup> See para. 2316.

<sup>8345</sup> See para. 1035.

agencies and ICRC, and that is the only what counts! Rogatica is particularly illustrative, because of the pattern of a new arrangements proposed by the Serbs in order to enable the BiH independence. This is the system of forming two or more municipalities within one existing. #Two municipalities – peace#! In Rogatica there were negotiations, but were interrupted by the Muslim killing of a Serb policemen on 20 May 92. If the Serbs had premeditated, let alone decided to expel the Muslims from Rogatica, why they waited for six weeks after the war broke out in Sarajevo? No reasonable chamber would be able to defend such a findings in this Judgment, and that is why all of it looks to the Serbs like an assault!)

In Vlasenica, members of Serb Forces were instructed to “cleanse” specific areas of Bosnian Muslims and that the “territory had to be 100 percent clean and that none of the Muslims should remain in the area”.<sup>8346</sup> (Here is another #forgery#, #protected guilt plea lies#!: a protected witness with the guilt plea agreement testified something that he couldn’t know, but needed to please the Prosecution and preserve his agreement. But, even if he didn’t lie, let us see how the Chamber interpreted this in the quoted paragraph 1128: *1128. The Special Police Platoon first took-over “several villages” on the road from Vlasenica to Milići. Kraljević received orders for operations against Bosnian Muslim villages from Radenko Stanić. The aim was to “cleanse” the area of Bosnian Muslims and Kraljević instructed the Special Police Platoon that the “territory had to be 100 percent clean and that none of the Muslims should remain in the area”. In which area??? It is very easy to see that it was not any political, but strictly military order, #military necessity#, because it didn’t pertain to the “area” or “territory” but to the strip along the communication between Vlasenica and Milici, the only communication for the Army and economy. The Chamber didn’t allow the Defence to depict the context: a few days before the inhabitants-terrorists attacked two lorries transporting boxite from the nearby mine to Zvornik, killed the drivers, civilians, and ruined the lorries, which is well documented and known. No army all over the world would tolerate such a conduct deep within its territory!* In Zvornik, the Chamber recalls its finding that Bosnian Serb authorities met to discuss the removal of Bosnian Muslims and that the Zvornik TO was ordered to organise and co-ordinate the movement out of the Bosnian Muslim population.<sup>8347</sup> (Let us see how this assertion or “finding” is based in para 1363 of the Judgment: *1363. In late May 1992, Bosnian Muslim representatives met with local Serbs, including a member of the Interim Government to discuss the removal of Bosnian Muslims from the municipality. On or about 28 May 1992, the commander of the VRS 1st Birač Brigade, Svetozar Andrić, ordered the Zvornik TO to organise and co-ordinate the movement out of the Bosnian Muslim population, with only women and children to be moved out and men fit for military service placed in camps for exchange. So, the Bosnian Muslim representatives came to the Serbs not to ask to stay, but to ask to have their compatriots removed from (the Serb part of) municipality. Having in mind the Appeal of the authorities of the Muslim municipality of Zvornik of 8 May 92, D1622,p.1*

Muslims, raise to arms, go to the woods or free territory, join the Territorial Defence of the municipality. Do not go back to the town or villages, do not go to work, exercise civil disobedience and paralyze economic and other activities which would give the legitimacy and the material basics for warfare to the newly establish occupying authority.

it is clear that they wanted their population to cross to their part of municipality. The Chamber neglected the fact that the Serbs controlled only some 30 – 35% of the municipal territory, the rest remained in the Muslim control to this days, as a separate municipality! #Muslim demanded to leave#!)

<sup>8346</sup> See para. 1128.

<sup>8347</sup> See para. 1363.



2475. The Chamber found for example in Bijeljina, that there was a plan for the organised expulsion of Bosnian Muslims.<sup>8348</sup> **(All of it was fully commented there, in the paras 671 and 672, and it is #all wrong and unfounded#. The main witness upon whom the Prosecution-Chamber relied, confessed that he didn't know for any of the plethora of the President's documents in his fight against crimes an irregularities! So, everything that M. Davidovic said before getting acquainted with the President orders in invalid! )** This involved multiple phases which created an atmosphere of fear, hardship, intimidation and humiliation where a large number of Bosnian Muslims were expelled or fled the municipality out of fear.<sup>8349</sup> **(None of them "expelled" – and if it was so, after the war there would be a number of litigations before the Bosnian courts. Those who were indicted, hadn't been found guilty. For the second part of this sentence: "[o]r fled the municipality out of fear" should be the only one, but the President was not responsible either for the civil war, or for the conduct of intimidators who didn't act on behalf of the authorities!)** In Rogatica the Bosnian Serb authorities were involved in the organised displacement of the Bosnian Muslim population and maintained lists of Bosnian Muslims who had been sent away from the municipality.<sup>8350</sup> **(There were at least five Muslim villages in the municipalities Rogatica, (one of these villages was Vragolovi, mentioned in para 1035 of the Judgment) in which the population handed over the weapons and lived freely until almost the end of the war, and in one of them (Vragolovi) some Muslims from the town had found the shelter before proceeding further. #Disarmed villages safe#!)** In Pale, Bosnian Serb authorities convened meetings to discuss and take a position on the departure of non-Serbs from the municipality. They informed Bijljana Plavšić that there had been "forced and wilful" efforts to move Bosnian Muslims out of the municipality.<sup>8351</sup> **(Certainly, this was not done by the authorities, because the authorities informed the member of Presidency, Ms. Plavsic. As it is evident and corroborated by many documents, the influx of Serb refugees from the Muslim areas brought some tensions, and possibly pressure, but the authorities opposed it. Otherwise, the Court wouldn't know it, but the was majority of the charges against the President and other Serbs originate from the official documents that reported about the effort done against crimes. This should rather be #EXCULPATORY#! #Officials proper attitude#!)**

2476. The intent to forcibly displace the population was also demonstrated by statements from Bosnian Serb leaders that for example in Foča, not a single Bosnian Muslim was in Foča and that there was "only one people" living in the municipality and "one religion" being practised there.<sup>8352</sup> With respect to Zvornik, the Drina Corps reported that "Turks made up 60% of the municipality's population and it has now been cleansed and replaced with an ethnically pure Serb population".<sup>8353</sup> **(All of it is commented in the said paragraph 1365. Speaking about Zvornik, Vlasenica, Foca, Gorazde, Bratunac, Ilidza, Vogosca, and many other municipalities it must be kept in mind that the Serbs controlled only a part, always less that 50% of the municipal territory. So, there was no a complete "take-over" of municipalities, if there was a critical number of the Muslim settlements! #Serb parts only#!)**

### (C) Conclusion

2480. With respect to the incidents above, which relate to forcible displacement within national boundaries, the Chamber finds that those who were displaced left their homes, belongings and

<sup>8348</sup> See paras. 671–672.

<sup>8349</sup> See paras. 670–673.

<sup>8350</sup> See para. 1036.

<sup>8351</sup> See para. 2324.

<sup>8352</sup> See para. 933.

<sup>8353</sup> See para. 1365.

livelihoods, without any guarantee concerning the possibility to return in the future and this caused the victims serious mental suffering or injury. **(This is incorrect, since the UN and other mediators in the Conference (ICFY) #guaranteed return# for everyone, and property rights, and the President signed all of the agreements pertaining to the subject. The guarantees had been general and on the level of the entire country, and nobody ever proposed to issue such guarantees individually!)** These acts were committed with the intent to inflict serious mental suffering, or with knowledge that these acts were likely to cause such suffering. These acts are of similar seriousness to deportation which is listed under Article 5(d) of the Statute. The Chamber therefore finds that these acts are sufficiently serious to amount to “other inhumane acts” pursuant to Article 5(i) of the Statute.

2481. The Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. **(Absolutely unfounded and fake! There were many areast without any attack, and even where there was combats, it had never been against the civilians, and it was always initiated by the Muslim/Croats irregular forces! #Never against civilians! No evidence to the opposite direction#!)** The Chamber finds that these acts of deportation and forcible transfer were part of this widespread and systematic attack and the perpetrators of these acts knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims of these killings, which correspond with the scope of the widespread and systematic attack, as well as the magnitude and systematic nature of the attack on the Bosnian Muslim and Croat civilian populations of BiH. The Chamber therefore finds that these incidents constitute deportation and other inhumane acts (forcible transfer) as crimes against humanity.

b. *Persecution: Count 3*

i. Killings

2482. The Chamber refers to its legal findings which address murder as a crime against humanity and a violation of the laws or customs of war charged under Counts 5 and 6 of the Indictment, respectively. The Chamber found above that many Bosnian Muslims and Bosnian Croats (i) were killed by Serb Forces during and after the take-over of the Municipalities; **(#No “take-overs#! The very foundation called “take-over” of the Municipalities hadn’t been proven, because all the time the Serbs controlled only their parts of municipalities, forming their own administration and offering to the other side to form their municipality with police and all other organs. In the municipalities where there was no preconditions to form the Muslim or Croat municipalities, i.e. the municipalities with a vast majority of the Serbs, also there was no any “take-over” because the authorities that had been elected in 1990 continued to exercise their duties until the next elections in 1996. But, the Chamber and Prosecution still like their construct calls “take-over” which never happened! What is needed to have this obvious and undoubtable fact recognised?)** (ii) were killed by Serb Forces while detained at multiple detention facilities in the Municipalities; **(Unfortunately, there had been some killings, but all together no more than 1 % to 2%, but there had never been established that it was done by the “Serb Forces”, but only by individuals who intruded the detentions, and committed crime clandestinely and in the absence of superiors. There is a plethora of evidence to that, and none to the opposite direction! #No official liability#!)** or (iii) died during and as a result of cruel and inhumane treatment by Serb Forces at a number of detention facilities in the Municipalities. The Chamber also found that the perpetrators of each of these incidents acted with the intent to kill the victims or at least wilfully caused serious bodily harm, which they should reasonably have known might lead to death. **(Is this “second degree murder” equalised with murder? How this is in the other countries?)** The Chamber further found that the victims

of each of these incidents were civilians or had been rendered *hors de combat* at the time of their killing. **(That would be correct if the real “Serb Forces” acted, but it never happened, but some #individuals committed crimes# out of any line of command, and these crimes can not be considered as a part of the system action!)**

2483. The Chamber also finds that the perpetrators of the killings mentioned above intentionally targeted their victims solely on the basis of their identity as Bosnian Muslims or Bosnian Croats; these killings were carried out on discriminatory grounds. In reaching that conclusion, the Chamber also had regard to the insults, taunts and threats directed at the victims by Serb Forces on the basis of their identity as Bosnian Muslims or Bosnian Croats.<sup>8354</sup> **(This is also an exaggerated qualification! That was a civil war with elements of a religious war, and the Serbs had been attacked, persecuted, killed or expelled only for being Serbs, and a revengeful sentiment comprised this general antagonism, with a very rare personal acquaintance and #reasons for revenge!#)** As found earlier, these killings were part of a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH and the perpetrators knew of the attack and that their crimes were part of it. **(The evidence, a big amount of it, doesn’t corroborate this assertion-finding. Otherwise, how to explain that #many Muslims and Croats didn’t have any troubles#? Why many of them remained living in the Serb areas to the end of the war, while some felt a fear and insecurity, or came under a suspicion for crimes and therefore were questioned? In the Ahmet Zulfikarpagic testimony it was established that his father and two brothers didn’t have any trouble with the Serb authorities, while he did have. Even he confessed that he possessed a machine-gun, while denied 40 kg of explosives, which had been founded in his possession. So, the Prosecution summoned to testimony these kind of Muslims for whose interrogation there was a military or security reason, and the Chamber generalise “their case” as if all the Muslims had been mistreated! The mere affiliation to ethnicity or religion HAD NEVER BEEN DECISIVE IN TREATING THE CITIZENS BY THE AUTHORITIES! #Regardless of ethnicity or religion#!)**

2484. Therefore the Chamber finds that these killings constitute persecution as a crime against humanity. **(But, none of it could be connected with the official authorities, or with the President! This kind of judging opposes to everything the human kind had achieved to the days!#No official liability#!)**

(B) Cruel and/or inhumane treatment

(1) Torture, beatings, physical and psychological abuse

2485. The Chamber refers to its factual findings in Section IV.A.1 with respect to acts carried out by members of Serb Forces in the Municipalities. These factual findings demonstrate an egregious level of mistreatment suffered by Bosnian Muslims and Bosnian Croats throughout the Municipalities while in detention or during and after the take-over of the Municipalities. **(This is well commented there, and is not founded, and particularly couldn’t be allocated to the authorities!)**

2486. For example, the Chamber found that detainees were cut or stabbed with knives.<sup>8355</sup> Some detainees had crosses carved with knives on their body including on their face, arm, and chest.<sup>8356</sup> One detainee alone had 30 crosses carved onto his body with a hunting knife.<sup>8357</sup> In one incident a

<sup>8354</sup> See, e.g., 743, 806, 873, 1019, 1151, 1314, 1552, 1625, 1702, 1722, 1763, 1869, 1875.

<sup>8355</sup> See Scheduled Detention Facilities C.10.1, C.6.1, C.6.2, C.21.2, C.25.1, C.27.1, C.27.4, C.27.5, C.20.2, C.20.4, C.1.2.

<sup>8356</sup> See Scheduled Detention Facilities C.7.2, C.6.2, C.21.3, C.20.2.

<sup>8357</sup> See Scheduled Detention Facility C.21.3.

detainee had salt rubbed into his wounds after being cut.<sup>8358</sup> In another incident a knife was used to carve out a detainee's tattoo which depicted a crescent and star.<sup>8359</sup> In another detention facility, detainees were forced to eat body parts which had been severed from other detainees.<sup>8360</sup> **(This is well commented there, and is not founded, and particularly couldn't be allocated to the authorities! In no way it can be associated with the President, not even his knowledge about such a cases, which may have happened as a solitary cases. If it was the case with the carving crosses and other cutting by knife, there would be documents about it, photos and descriptions, but it originates only from some testimonies of the Muslim extremists, who were facilitated an opportunity to continue their war against the Serbs in this Court!)**

2487. The Chamber also recalls its finding that detainees were severely beaten and mistreated during interrogations.<sup>8361</sup> Some detainees were questioned about military operations and security issues and mistreated at the same time.<sup>8362</sup> They had their arms and legs tied and were beaten over an extended period of time.<sup>8363</sup> Detainees were tied with chains and belts and some were beaten for several hours including on the soles of their feet with a bat,<sup>8364</sup> while others were physically mistreated with pliers during questioning.<sup>8365</sup> In another incident, a boy was tied to a fence and beaten with a rope.<sup>8366</sup> Some detainees were also forced to lie on the ground where they were severely beaten and told to confess about their involvement with Bosnian Muslim forces.<sup>8367</sup> At another detention facility, a guard repeatedly beat a detainee after he could not answer questions; the detainee fell to the ground and the guard then jumped on him until the detainee lost consciousness and was revived with water poured on him.<sup>8368</sup> Detainees were also threatened or beaten before being forced to sign statements regarding their involvement in certain activities.<sup>8369</sup> **(The interrogations had been conducted by the highest professionals, the most competent and the most responsible. But the very fact that there was interrogations on the subject of military operations and security issues denied the allegations that there had been detention of civilians! Why would the authorities spend and waste resources on investigations of civilians about a military and security issues?#No civilians detained. Why civilians would be interrogated?#)**

2488. In detention facilities, some detainees were forced to kneel on the floor, they had knives, bayonets, or guns put in their mouths as a scare tactic;<sup>8370</sup> others were ordered to lie on the ground and then a guard jumped on them.<sup>8371</sup> In one incident a detainee was forced to lick his own blood off the floor after being severely beaten.<sup>8372</sup> Detainees were ordered to bend forward against a wall and kicked until there was a stream of blood running along the wall; their fingers were then stepped on as they were instructed to position them on top of the wall.<sup>8373</sup> Members of the Serb

<sup>8358</sup> See Scheduled Detention Facility C.25.1.

<sup>8359</sup> See Scheduled Detention Facility C.27.4.

<sup>8360</sup> See Scheduled Detention Facility C.27.1.

<sup>8361</sup> See Scheduled Detention Facilities C.10.1, C.21.3, C.25.1, C.25.2, C.25.3, C.27.3, C.27.6, C.15.1, C.15.2, C.26.3, C.20.3, C.20.2, C.20.7, C.20.4, C.1.2, C.17.1, C.22.1, C.22.2.

<sup>8362</sup> See Scheduled Detention Facilities C.25.3, C.20.3.

<sup>8363</sup> See Scheduled Detention Facilities C.25.1, C.27.6, C.15.2, C.20.5.

<sup>8364</sup> See Scheduled Detention Facility C.10.1.

<sup>8365</sup> See Scheduled Detention Facility C.21.1.

<sup>8366</sup> See Scheduled Detention Facility C.10.6.

<sup>8367</sup> See Scheduled Detention Facility C.20.3.

<sup>8368</sup> See Scheduled Detention Facility C.21.3.

<sup>8369</sup> See Scheduled Detention Facilities C.21.3, C.15.2, C.20.2.

<sup>8370</sup> See Scheduled Detention Facilities C.25.3, C.15.3, C.26.1.

<sup>8371</sup> See Scheduled Detention Facility C.21.3.

<sup>8372</sup> See Scheduled Detention Facility C.15.2.

<sup>8373</sup> See Scheduled Detention Facility C.20.6.



Forces also threw smoke grenades, tear gas grenades, and stink bombs into areas where the detainees were held.<sup>8374</sup>

2489. Other incidents of mistreatment included detainees being forced to swallow bullets,<sup>8375</sup> hair which had been pulled from their armpits,<sup>8376</sup> cigarettes,<sup>8377</sup> broken glass,<sup>8378</sup> and motor oil.<sup>8379</sup> Detainees were also burnt with lit cigarettes<sup>8380</sup> and had their teeth pulled out.<sup>8381</sup> Other detainees were ordered to sit for 40 hours in water, with their hands behind their heads and legs spread on the ground, as they were kicked and beaten.<sup>8382</sup> Detainees were also forced to stand up for several hours which in one incident caused the weaker detainees to faint and fall to the ground.<sup>8383</sup> The Chamber also recalls an incident where detainees were packed on top of each other in lavatories and forced to lie in the midst of excrement.<sup>8384</sup>

2490. In another incident a prominent Bosnian Muslim detainee was thrown down the stairs and had to be carried out of the detention facility unconscious.<sup>8385</sup> Some detainees were forced to jump, sometimes head first or chest first, from high points, and, as a result they sustained severe injuries.<sup>8386</sup> In another incident, detainees were thrown into a fire made of rubber tires.<sup>8387</sup>

**(#Deadly combination#! Fairy tales of the Muslim extremists#)**

2491. Detainees were punched, kicked, and beaten often severely with whatever device could be found, including chains, batons, bats, clubs, rifle butts, machine guns, heavy wooden sticks, iron tubes, steel rods, wooden planks, poles, thick plastic pipes, cables, rubber hoses, stakes, chair legs, and brass knuckles.<sup>8388</sup> Some of these beatings occurred while detainees were forced to run a gauntlet.<sup>8389</sup> Detainees were sometimes taken out of the detention facilities and beaten.<sup>8390</sup> Some detainees were also forced to beat or fight each other,<sup>8391</sup> while others were severely beaten if they did not say what they were instructed to say to ICRC representatives.<sup>8392</sup> **(All uncorroborated by any document, all founded on the testimonies of a very carefully selected #witnesses, a Muslim extremists#, who were prepared by the secret service, which tried to persuade some witnesses that they suffered on another place in another circumstances, see @ @ @)**

2492. Detainees were also beaten when they were given permission to use the toilet or get water,<sup>8393</sup> or while receiving food.<sup>8394</sup> Some detainees were beaten when forced to carry dead bodies,<sup>8395</sup> while others were beaten for any attempts they made to improve the conditions of their

<sup>8374</sup> See Scheduled Detention Facilities C.26.3, C.20.3, C.27.3, C.17.1.

<sup>8375</sup> See Scheduled Detention Facilities C.21.2, C.21.3.

<sup>8376</sup> See Scheduled Detention Facility C.21.3.

<sup>8377</sup> See Scheduled Detention Facilities C.21.3, C.26.1.

<sup>8378</sup> See Scheduled Detention Facility C.27.3.

<sup>8379</sup> See Scheduled Detention Facility C.20.2.

<sup>8380</sup> See Scheduled Detention Facilities C.21.3, C.11.2, C.18.1.

<sup>8381</sup> See Scheduled Detention Facility C.21.3.

<sup>8382</sup> See Scheduled Detention Facility C.25.3.

<sup>8383</sup> See Scheduled Detention Facilities C.1.2, C.27.4, C.17.1.

<sup>8384</sup> See Scheduled Detention Facility C.20.2.

<sup>8385</sup> See Scheduled Detention Facility C.15.1.

<sup>8386</sup> See Scheduled Detention Facilities C.26.1, C.26.3.

<sup>8387</sup> See Scheduled Detention Facility C.20.2.

<sup>8388</sup> See Scheduled Detention Facilities C.2.1, C.7.2, C.10.1, C.6.1, C.6.2, C.21.3, C.25.1, C.25.2, C.25.3, C.27.2, C.27.4, C.27.5, C.27.6, C.27.7, C.11.2, C.15.1, C.15.2, C.26.1, C.26.3, C.20.3, C.20.2 (the Chamber found that in some cases there were nails embedded in the implements so that the skin of the detainees would be pierced), C.20.1, C.20.5, C.20.6, C.20.4, C.19.2, C.1.2, C.17.1, C.22.1, C.22.3, C.22.4, C.22.5. See also Scheduled Detention Facility C.18.1.

<sup>8389</sup> See Scheduled Detention Facilities C.20.1, C.20.6, C.19.2, C.1.2, C.18.1, C.17.1.

<sup>8390</sup> See Scheduled Detention Facilities C.10.1, C.21.2, C.21.3, C.23.2, C.23.1, C.25.3, C.27.4, C.4.1, C.17.1.

<sup>8391</sup> See Scheduled Detention Facilities C.2.1, C.7.2, C.21.3, C.27.1, C.27.4, C.27.6, C.11.2, C.15.2, C.26.1, C.20.3, C.20.2, C.20.4, C.22.1.

<sup>8392</sup> See Scheduled Detention Facilities C.2.1, C.21.3.

<sup>8393</sup> See Scheduled Detention Facilities C.7.2, C.25.1, C.25.2, C.20.2, C.20.1, C.18.1.

<sup>8394</sup> See Scheduled Detention Facilities C.10.1, C.20.2, C.20.3.

<sup>8395</sup> See Scheduled Detention Facility C.7.2.

detention.<sup>8396</sup> Other detainees were severely beaten on arrival at detention facilities and when they were searched for valuables.<sup>8397</sup>

2493. Detainees were also subject to verbal and mental abuse, intimidation, and threats, including threats that they would be killed.<sup>8398</sup> In addition, detainees were in constant fear as they were involved in moving dead bodies or could hear the screams of other detainees being beaten and physically abused during the night.<sup>8399</sup> Some detainees were also forced to carry and bury dead bodies, clean toilets with their bare hands, clean traces of blood of detainees who had been beaten or killed, and were also taken to loot or clean Bosnian Muslim houses in the town for the use of Bosnian Serb families.<sup>8400</sup>

2494. Some detainees were singled out for severe beatings in front of other detainees as an example of what could happen to them.<sup>8401</sup> Detainees were also taunted when forced to carry dead bodies.<sup>8402</sup> Detainees were subjected to humiliation; this included being forced to (i) make the “Serb three-finger sign”,<sup>8403</sup> (ii) make the sign of the cross,<sup>8404</sup> (iii) walk or kneel with their heads bowed,<sup>8405</sup> (iv) eat carbonised bread without dropping anything,<sup>8406</sup> and (v) graze grass like animals at gun point.<sup>8407</sup> Some detainees were spat at and verbally degraded.<sup>8408</sup> In one case a Bosnian Muslim priest was targeted for humiliation; he was forced to drink beer, make the “Serb three-finger sign”, and sing “Chetnik” songs.<sup>8409</sup> Some Bosnian Muslim detainees were also forced to sign papers saying that they had “voluntarily joined the Serbian Orthodox religion”.<sup>8410</sup> **(#This never happened#! If did, there would be so many publicity, because this is the most sensitive issue in Bosnia, since the current Muslims had been forcefully converted into Islam, and during the WWII there was a forceful conversion of the Serbs to the Chatolic religion. If there was a single one case, there would be a lot of evidence, while there was no any “paper” or document, or media report! This court had been very easy to lie and number many crimes from the list of war crimes, although it never happened! Even president mentioned in an intern conversation that some Muslims asked to be returned in their previous religion, but the President advised not to do it ever!)** The Chamber also found that Serb nationalist songs were played loudly and continuously in a detention facility.<sup>8411</sup> In Pale, the Chamber found that detainees had their hair forcibly cut with a knife.<sup>8412</sup> In another incident detainees in Novi Grad were forced to lie on the ground, beaten, and then subject to attacks by dogs.<sup>8413</sup>

<sup>8396</sup> See Scheduled Detention Facilities C.10.1, C.1.2.

<sup>8397</sup> See Scheduled Detention Facilities C.1.2, C.18.1. See also See Scheduled Detention Facility C.18.2.

<sup>8398</sup> See Scheduled Detention Facilities C.7.2, C.10.6, C.10.5, C.10.7, C.10.2, C.6.1, C.6.2, C.21.1, C.21.3, C.25.2, C.27.1 (the Chamber found that detainees were forced to beat each other with the promise that the one who won would not be killed), C.27.4, C.27.5, C.27.6, C.15.3, C.15.2, C.26.3, C.26.1, C.4.1, C.20.2, C.20.1, C.20.4, C.19.2. See also paras. 2093, 2264.

<sup>8399</sup> See Scheduled Detention Facilities C.20.2, C.10.1. See also Scheduled Detention Facility C.21.3.

<sup>8400</sup> See Scheduled Detention Facilities C.7.2, C.21.3, C.25.3, C.20.2, C.20.4, C.27.4. The Chamber also found that other detainees were forced to work at Ekonomija farm but has insufficient evidence as to the nature of the work to determine whether it amounted to a denial of or infringement upon a fundamental right to reach the level of gravity of other Article 5 crimes. See Scheduled Detention Facility C.27.6.

<sup>8401</sup> See Scheduled Detention Facilities C.7.2, C.26.1, C.15.2.

<sup>8402</sup> See Scheduled Detention Facility C.7.2.

<sup>8403</sup> See Scheduled Detention Facilities C.2.1, C.6.2, C.27.6, C.15.2, C.20.2, C.20.1.

<sup>8404</sup> See Scheduled Detention Facilities C.27.4, C.18.1.

<sup>8405</sup> See Scheduled Detention Facilities C.2.1, C.1.2.

<sup>8406</sup> See Scheduled Detention Facility C.27.4.

<sup>8407</sup> See Scheduled Detention Facility C.4.1.

<sup>8408</sup> See Scheduled Detention Facility C.15.2.

<sup>8409</sup> See Scheduled Detention Facility C.6.2.

<sup>8410</sup> See Scheduled Detention Facility C.21.1.

<sup>8411</sup> See Scheduled Detention Facility C.20.2.

<sup>8412</sup> See Scheduled Detention Facility C.19.2.

<sup>8413</sup> See Scheduled Detention Facility C.17.1.

2495. The Chamber also recalls its findings that Bosnian Muslims were beaten or abused during or after attacks on villages<sup>8414</sup> or during and after their arrest.<sup>8415</sup> Some Bosnian Muslim patients were also severely kicked and beaten in hospitals when it was discovered that they were Bosnian Muslims.<sup>8416</sup>

**(Since there was no a single “attack on village” but exclusively on a groups of armed people, there may have happened some individual acts of violence against those who caused fighting and casualties on the Serb side. But, the President repeatedly ordered the respect of the humanitarian laws and forbade any abuse of the captured combatants, or civilians! If there was some cases of abuse, it must be seen as a revengeful conduct of the locals against their local neighbours who dared to kill the people for nothing! Still it was a crime, but the state organs, and the President in particular has nothing to do with it, and shouldn’t even been mentioned, let alone incited and sentenced!#President ordered properly#! )**

2496. The Chamber also recalls its finding that prominent Bosnian Muslims and Bosnian Croats, including professionals and leaders, were targeted, taken away, detained, and subjected to intimidation and beatings.<sup>8417</sup>

**(It is commented there, in the respective paragraphs, but to remind ourselves, those “prominent” professionals and leaders had been a very known extremists, listed in all the intelligence reports before the war, as the instillers, ideologists or financist of the armed rebellion and further terrorist activities deep in the Serb territories!)**

The Chamber also found that members of Serb Forces mistreated and intimidated Bosnian Muslims by making derogatory remarks, by shooting at their homes and mosques, and by stopping, beating, and mistreating Bosnian Muslims at check-points and barricades.<sup>8418</sup>

2497. The Chamber recalls its finding that many detainees had visible wounds and bruises following this mistreatment and some were unable to walk or talk for days.<sup>8419</sup> Some detainees were subjected to multiple beatings on a daily basis.<sup>8420</sup> Injuries included broken and fractured bones, bleeding, severe bruises, swelling, and knocked-out teeth.<sup>8421</sup> In one case a detainee began to urinate blood after being beaten severely,<sup>8422</sup> and others had their eyes knocked out or were blinded.<sup>8423</sup> Some detainees were beaten severely until they lost consciousness.<sup>8424</sup> The Chamber also found that detainees continued to suffer ongoing physical and psychological effects.<sup>8425</sup>

2498. Having considered these incidents, the Chamber finds that Bosnian Muslims and Bosnian Croats were subjected to intentional acts which caused severe physical and mental pain or suffering. These acts were intentionally carried out by members of Serb Forces and were aimed at (i) obtaining information or a confession; (ii) punishing, intimidating, or coercing the victim or a third person, or (iii) discriminating against the victim or a third person. The Chamber therefore finds that acts of torture were carried out against Bosnian Muslims and Bosnian Croats in the Municipalities.

<sup>8414</sup> See paras. 861, 873, 1264, 1266. The Chamber recalls its finding that following the attack on Mješaja/Trošan by Serb Forces, Bosnian Muslim villagers were kicked and hit with rifle butts and tree branches, and in one case a Bosnian Muslim lost an eye. See para. 1139.

<sup>8415</sup> See paras. 862, 876–877, 970, 985, 1126, 1134, 1155–1156, 1464, 2093; Scheduled Detention Facilities C.27.2, C.27.6, C.20.6.

<sup>8416</sup> See para. 863; Scheduled Detention Facility C.20.4.

<sup>8417</sup> See paras. 723, 729, 766, 1119, 1162; Scheduled Detention Facilities C.20.2, C.20.1.

<sup>8418</sup> See paras. 950, 952, 970, 1048, 1102, 1119, 1242, 1262, 1266, 1276, 1282, 1493, 1500.

<sup>8419</sup> See Scheduled Detention Facilities C.10.1, C.21.3, C.20.2, C.20.1.

<sup>8420</sup> See Scheduled Detention Facilities C.2.1, C.19.2.

<sup>8421</sup> See Scheduled Detention Facilities C.21.3, C.25.3, C.27.3, C.27.4, C.27.6, C.15.1, C.15.2, C.26.1, C.20.3, C.20.2, C.20.1, C.20.5, C.20.6, C.20.7, C.20.4, C.17.1, C.22.1.

<sup>8422</sup> See Scheduled Detention Facility C.25.3.

<sup>8423</sup> See Scheduled Detention Facilities C.27.3, C.4.1.

<sup>8424</sup> See Scheduled Detention Facilities C.6.2, C.25.3, C.27.3, C.27.4, C.27.6, C.15.1, C.26.1, C.20.1, C.20.6.

<sup>8425</sup> See Scheduled Detention Facilities C.10.1, C.2.1, C.15.1.

2499. In addition, these incidents establish that Bosnian Muslims and Bosnian Croats were also subjected to deliberate beatings, physical and psychological abuse, including harassment, constant humiliation, and degradation. The Chamber finds that these beatings and abuse caused serious mental or physical suffering or injury or constituted a serious attack on human dignity and amounted to a denial of or infringement upon a fundamental right. The Chamber therefore finds that these acts of beatings, physical and psychological abuse are of equal gravity to the other crimes listed under Article 5 of the Statute.

(2) Rape and other acts of sexual violence<sup>84268432</sup>

2500. The Chamber found in Section IV.A.1 above that Serb Forces committed rape against Bosnian Muslim and Bosnian Croat women and men in Bijeljina,<sup>8427</sup> Brčko,<sup>8428</sup> Foča,<sup>8429</sup> Novo Sarajevo,<sup>8430</sup> Prijedor,<sup>8431</sup> Rogatica,<sup>8432</sup> Vlasenica,<sup>8433</sup> Vogošća,<sup>8434</sup> and Zvornik.<sup>8435</sup> Some Bosnian Muslim women and girls were raped on multiple occasions, sometimes on a continuous basis by members of Serb Forces while in detention facilities.<sup>8436</sup> **(There no a trustful evidence that there was rapes more than it happens during the peace times. We remember how the international media and humanitarian organisations claimed that already in the first several months of war the Serb soldiers raped up to 80,000 women. After all the investigations, there was no more than dozen of cases, which would be a rate of this felony during four peaceful years! #No rapes#!)**

2501. In one case a woman was raped approximately 150 times during her detention.<sup>8437</sup> There were incidents where Bosnian Muslim women who had been detained were taken out of the facilities and raped by Serb Forces; in some incidents the rape was accompanied by additional threats or use of violence and sometimes involved gang rape.<sup>8438</sup> Some Bosnian Muslim women were moved to houses and apartments where they were raped on some occasions in front of each other.<sup>8439</sup> Other incidents included women being raped and further humiliated publicly by members of Serb Forces in villages which had been taken-over.<sup>8440</sup> The Chamber also found that some Bosnian Muslim male detainees, including a 13-year-old boy, were also raped by Serb Forces who used police truncheons and similar objects.<sup>8441</sup> **(#No rapes, all lies#! Since the Muslims and Serbs in the “municipal armie units” knew each other very well, there would be many litigations after the war, nobody could prevent the lawyers to represent the Muslim women before courts, but that didn’t happen!)**

2502. In one incident Bosnian Muslim detainees were ordered to get down on all fours, a pointed stake was introduced into their anuses causing them to scream in pain; they were then ordered to

---

<sup>8426</sup> The Prosecution does not allege criminal responsibility for rape and other acts of sexual violence in Banja Luka, Bosanski Novi, Bratunac, Pale, and Višegrad. Indictment, fn. 5.

<sup>8427</sup> See para. 631 ; Scheduled Detention Facility C.2.1.

<sup>8428</sup> See Scheduled Detention Facility C.7.2.

<sup>8429</sup> See Scheduled Detention Facilities C.10.4, C.10.5, C.10.2.

<sup>8430</sup> See paras. 2270–2271, 2274.

<sup>8431</sup> See Scheduled Detention Facilities C.20.3, C.20.2, C.20.4.

<sup>8432</sup> See Scheduled Detention Facility C.21.3.

<sup>8433</sup> See Scheduled Detention Facility C.25.3.

<sup>8434</sup> See Scheduled Detention Facility C.26.3.

<sup>8435</sup> See Scheduled Detention Facility C.27.6.

<sup>8436</sup> See Scheduled Detention Facilities C.7.2, C.10.4, C.10.2, C.21.1, C.21.3, C.20.3, C.20.2, C.20.4.

<sup>8437</sup> See Scheduled Detention Facilities C.10.5, C.10.7.

<sup>8438</sup> See Scheduled Detention Facilities C.7.2, C.10.5, C.10.2, C.21.1. See also Scheduled Detention Facilities C.20.3 (the Chamber found that a Bosnian Muslim woman was found in a pool of blood after being raped), C.20.2, C.20.4.

<sup>8439</sup> See Scheduled Detention Facilities C.10.2, C.21.1.

<sup>8440</sup> See paras. 631, 1269.

<sup>8441</sup> See Scheduled Detention Facility C.21.1.



wipe the blood with their clothes.<sup>8442</sup> In other incidents detainees were forced to have oral and sexual intercourse with each other, sometimes in front of other detainees.<sup>8443</sup>

2503. Other acts of sexual violence included male and female detainees who were ordered to undress, dance, and perform sexual acts in front of Bosnian Serb soldiers.<sup>8444</sup> In other incidents detainees were forced to remove their underwear and bite or suck each others' penises while soldiers stood by and laughed.<sup>8445</sup> In another incident detainees were forced to lick the buttocks of a Bosnian Serb woman, who threatened to slit their throats if they did not comply.<sup>8446</sup> A female detainee had her breast exposed while a guard went over it with a knife and the other guards watched and laughed.<sup>8447</sup> **(Why the Muslim "victims" didn't sue the "perpetrators" after the war?)**

2504. The Chamber finds that each of these acts of rape and other acts of sexual violence were committed by members of Serb Forces without the consent of the victims, that the perpetrators intentionally committed these acts, and that the perpetrators were aware that the victims did not consent to such acts. In reaching that conclusion the Chamber has had regard to the circumstances in which they occurred and the horrific nature of the acts themselves. This includes the fact that the victims were often detained and subjected to threats of or actual violence and humiliation. **(A Muslim high official Silajdzic claimed that there was, in the first year of war, 80,000 raped women, and 300,000 Muslim casualties! The Chamber still keeps it as a "fact"!)**

2505. With respect to the other acts of sexual violence referred to above, the Chamber finds that they involved serious abuses of a sexual nature which were inflicted upon the integrity of the victims by means of coercion, threat of force, or intimidation in a way that caused the utmost humiliation and degradation to the dignity of the victims. The Chamber finds that these acts of sexual violence amounted to denial of or infringement upon a fundamental right and were of equal gravity to the other crimes listed under Article 5 of the Statute.

2506. The Chamber therefore finds that Bosnian Muslim women, men, girls, and boys were subject to rape and other acts of sexual violence. **(And this is a specific contribution of the United Nations and this UN Court to the future hatred among those communities, since only rape people knew the truth! A high responsibility for this kind of forgery is on the UN! The only remedy would be a real and impartial investigation)**

### (3) Establishment and perpetuation of inhumane living conditions

2507. The Chamber found in Section IV.A.1 above that Bosnian Muslims and Bosnian Croats were detained in multiple detention facilities. The Chamber recalls its findings that the detainees were held in terrible living conditions characterised by severe over-crowding;<sup>8448</sup> poor sleeping conditions, including insufficient bedding and blankets;<sup>8449</sup> insufficient or no heating;<sup>8450</sup> lack of ventilation and light; stifling heat;<sup>8451</sup> poor sanitation and hygiene, including inadequate washing

<sup>8442</sup> See Scheduled Detention Facility C.27.6.

<sup>8443</sup> See Scheduled Detention Facilities C.2.1, C.26.3, C.26.1, C.20.2.

<sup>8444</sup> See Scheduled Detention Facility C.21.3.

<sup>8445</sup> See Scheduled Detention Facilities C.27.6, C.11.2.

<sup>8446</sup> See Scheduled Detention Facility C.11.2.

<sup>8447</sup> See Scheduled Detention Facility C.20.2.

<sup>8448</sup> See Scheduled Detention Facilities C.2.1, C.7.2, C.10.1, C.25.1, C.25.2, C.27.2, C.15.3, C.4.1, C.20.3, C.20.2, C.20.5, C.20.4 (the Chamber found that due to the lack of space detainees were forced to sleep outdoors in makeshift shelters), C.18.1, C.18.2, C.22.1, C.22.2, C.22.3.

<sup>8449</sup> See Scheduled Detention Facilities C.10.1, C.21.1, C.25.1, C.25.2, C.25.3, C.11.2, C.26.3, C.26.1, C.4.1, C.20.3, C.19.2, C.1.2, C.22.1, C.22.2, C.22.3, C.22.4.

<sup>8450</sup> See Scheduled Detention Facilities C.10.1, C.18.2. The Chamber found that this was done deliberately, with no heaters in the rooms, windowpanes left broken, and clothes used to combat the cold confiscated from the detainees. See Scheduled Detention Facility C.25.3.

<sup>8451</sup> See Scheduled Detention Facilities C.20.3, C.20.2, C.20.1, C.20.5, C.20.4, C.1.2, C.22.1, C.22.2, C.22.3.

and toilet facilities;<sup>8452</sup> the provision of inadequate food and in some cases rotten food;<sup>8453</sup> insufficient or restricted access to water;<sup>8454</sup> and inadequate or non-existent medical care.<sup>8455</sup>

2508. At some detention facilities, the detainees were held in dark, cold, and wet conditions due to leaking roofs.<sup>8456</sup> In one of these facilities, food was distributed in bowls which had been used to feed dogs and in some cases the detainees' food was given to the dogs.<sup>8457</sup> The Chamber also recalls its finding that in some detention facilities, there was a terrible stench due to the inadequate and leaking toilet facilities and that at night detainees were forced to use a pot and when this filled, they relieved themselves in their pants or in their rooms.<sup>8458</sup>

2509. In some cases detainees experienced extreme weight loss, malnutrition, and a deterioration of their health during their detention as a result of the lack of food and medical attention.<sup>8459</sup> The poor hygienic conditions also resulted in a major problem with lice, skin diseases, and dysentery at some facilities.<sup>8460</sup> The Chamber also found that the living conditions in some detention facilities caused lasting physical and psychological problems for some detainees.<sup>8461</sup> The Chamber also refers to its findings in Section IV.A.2.b.i regarding the detainees who died as a result of the conditions of detention.

2510. While the Chamber did find that the conditions improved in some facilities with time, this does not detract from the fact that prior to these modest improvements conditions were deplorable in the overwhelming majority of detention facilities referred to in the Indictment.<sup>8462</sup> The Chamber also notes in this regard its findings that Bosnian Serb authorities and officials attempted to cover up and prevent the leakage of information regarding the conditions of detention and the condition of detainees.<sup>8463</sup> These attempts included hiding detainees before the arrival of international representatives and threatening detainees with severe punishment if they complained about conditions and treatment.<sup>8464</sup>

2511. Having considered these factors the Chamber finds that members of the Bosnian Serb Political and Governmental Organs and Serb Forces deliberately established and perpetuated inhumane living conditions at a number of detention facilities in the Municipalities.<sup>8465</sup> Having considered the extent and the deplorable nature of these inhumane conditions in so many detention facilities, and the grave consequences for those detained, the Chamber concludes that these acts amount to a denial of or infringement upon a fundamental right and reach the level of seriousness of other crimes listed under Article 5 of the Statute.

<sup>8452</sup> See Scheduled Detention Facilities C.2.1, C.10.1, C.10.5, C.10.7, C.21.1, C.21.3, C.23.1, C.25.3, C.11.2, C.26.3 (the Chamber found that detainees were held in a location where garbage was disposed of and accumulated), C.26.1, C.4.1, C.20.3, C.20.2, C.20.1, C.20.4, C.19.2, C.1.2, C.18.2, C.22.1, C.22.2, C.22.4.

<sup>8453</sup> See Scheduled Detention Facilities C.2.1, C.10.1, C.10.5, C.10.7, C.6.2, C.21.1, C.23.1, C.25.1, C.25.3, C.27.2, C.11.2, C.11.1, C.26.3, C.26.1, C.4.1, C.20.3, C.20.2, C.20.5, C.20.4, C.19.2, C.1.2, C.17.1, C.18.2, C.22.1, C.22.2, C.22.3, C.22.4.

<sup>8454</sup> See Scheduled Detention Facilities C.21.3, C.25.3, C.11.1, C.4.1, C.20.2 (the Chamber found that detainees were denied water for long periods and when it was provided it was not potable which caused intestinal problems), C.20.5 (the Chamber found that detainees had to "earn" drinking water by singing songs about Greater Serbia), C.20.4, C.1.2, C.18.1, C.17.1, C.22.1, C.22.2, C.22.5.

<sup>8455</sup> See Scheduled Detention Facilities C.21.1, C.10.1, C.25.1, C.25.2, C.25.3, C.26.1, C.4.1, C.20.3, C.20.2, C.20.7, C.20.4, C.19.2, C.1.2, C.22.2, C.22.3.

<sup>8456</sup> See Scheduled Detention Facilities C.26.3, C.1.2, C.17.1.

<sup>8457</sup> See Scheduled Detention Facility C.26.3.

<sup>8458</sup> See Scheduled Detention Facilities C.25.3, C.20.2, C.20.3.

<sup>8459</sup> See Scheduled Detention Facilities C.2.1, C.10.1 (finding that some detainees suffered multiple bouts of pneumonia due to the conditions in the facility), C.26.1, C.4.1, C.20.3, C.20.2. See also Scheduled Detention Facilities C.19.2, C.1.2.

<sup>8460</sup> See Scheduled Detention Facilities C.10.1, C.20.3, C.20.2, C.20.4, C.1.2, C.18.2.

<sup>8461</sup> See Scheduled Detention Facility C.10.1.

<sup>8462</sup> See Scheduled Detention Facility C.25.3.

<sup>8463</sup> See paras. 1198, 1200. See also para. 2150.

<sup>8464</sup> See Scheduled Detention Facilities C.25.3, C.26.3. See also Scheduled Detention Facilities C.4.1, C.20.2.

<sup>8465</sup> The Chamber recalls that it did not have sufficient evidence to make a finding as to the conditions of detention at the TO military warehouses at Livade in Foča. See Scheduled Detention Facility C.10.6.

(4) Conclusion on cruel and inhumane treatment

2512. As found above, Bosnian Muslims and Bosnian Croats in the Municipalities were subjected to (i) torture, beatings, and physical and psychological abuse; (ii) rape and other acts of sexual violence; and (iii) inhumane living conditions. These acts and/or omissions resulted in serious mental or physical suffering or injury for the victims; this amounts to a serious attack on human dignity. The perpetrators of these acts or omissions were members of Serb Forces. The Chamber finds that the perpetrators committed these acts or omissions (i) with intent to cause serious mental or physical suffering or injury; (ii) with intent to cause a serious attack on human dignity; or (iii) with knowledge that serious mental or physical suffering or injury or a serious attack on human dignity was a probable consequence of these acts or omissions.

2513. In addition, the Chamber finds that the perpetrators of these acts or omissions chose their victims on the basis of their identity as Bosnian Muslims or Bosnian Croats. The Chamber finds that these acts or omissions discriminated in fact and denied or infringed on fundamental rights. The Chamber also finds that these acts or omissions were carried out deliberately with the intent to discriminate on the basis of the identity of the victims as Bosnian Muslims or Bosnian Croats.<sup>8466</sup> In reaching that conclusion, the Chamber infers intent from the fact that those targeted by these acts of cruel and inhumane treatment were almost exclusively Bosnian Muslims or Bosnian Croats. In addition, the Chamber also had regard to the insults, taunts, and threats directed at the victims on the basis of their identity as Bosnian Muslims or Bosnian Croats, which expressly demonstrated this discriminatory intent.

2514. Examples of such insults and taunts which the Chamber found were connected to these acts of cruel and inhumane treatment include the following. Detainees who were subject to beatings or mistreatment were called “balijas” and a “Turkish gang, a fictitious people, a non-existent people” and told that they would all be killed or exterminated.<sup>8467</sup> Other detainees were subject to similar ethnic slurs during the beating and mistreatment.<sup>8468</sup> In one incident a detainee was forced to run around the detention facility and swear at the detainees’ “balija mother”.<sup>8469</sup> Some detainees were called “Ustasha” before or during their mistreatment.<sup>8470</sup> Detainees were also forced to sing “Chetnik” songs<sup>8471</sup> and to make the “Serb three-finger sign”.<sup>8472</sup> Detainees were also taunted with political comments such as “You wanted a state: here is a state for you”, “where is now your Alija to save you?”, and “Where is Naser, your liberator?”.<sup>8473</sup> Bosnian Muslims were told “there would be no balija state soon” and they were “finished”.<sup>8474</sup> The Chamber recalls that it found that during one rape, a Bosnian Muslim woman was told that “Muslim women should give birth to Serb children”, and the perpetrator also said that Muslims were not human beings.<sup>8475</sup> The discriminatory nature of the conditions of detention was shown, for example, by the finding that in facilities where some Bosnian Serb detainees were also held, they received better food and did not suffer the extreme weight loss of non-Serb detainees.<sup>8476</sup>

<sup>8466</sup> The Chamber considers that discrimination on the grounds of the identity of the victims as Bosnian Muslims or Bosnian Croats falls within the prohibited grounds of discrimination under Article 5(h) of the Statute.

<sup>8467</sup> See para. 806.

<sup>8468</sup> See paras. 862, 1013, 1196, 1306, 1477, 1532, 1536, 1745, 1764, 1826, 2021, 2093, 2105, 2198, 2277–2278.

<sup>8469</sup> See para. 2105.

<sup>8470</sup> See paras. 776, 873, 1763.

<sup>8471</sup> See Scheduled Detention Facilities C.7.2, C.6.2, C.27.4, C.27.5, C.20.2, C.1.2, C.18.1.

<sup>8472</sup> See Scheduled Detention Facilities C.2.1, C.6.2.

<sup>8473</sup> See para. 2514.

<sup>8474</sup> See para. 2093.

<sup>8475</sup> See para. 1830.

<sup>8476</sup> See paras. 893–894.

2515. In finding discriminatory intent for these acts of cruel and inhumane treatment, the Chamber also had regard to the surrounding circumstances in the Municipalities in the lead-up to, during, and after the take-over of the Municipalities including specific statements directed against the Bosnian Muslim population. In Foča for example, Bosnian Serb leaders made radio announcements that it was no longer possible for Bosnian Serbs to live with their Bosnian Muslim neighbours, that they could not be woken every morning by the hodza from the mosque, and that the “the time had come for the Serbs to settle accounts with the balijas once and for all, and that the Serbs would no longer allow their ribs to be broken. They will no longer allow their children to be circumcised”.<sup>8477</sup> Similar radio broadcasts were made in Prijedor which referred to the destruction of the “balijas” and their property and mosques.<sup>8478</sup>

2516. In addition, the Chamber found in Bratunac, for instance, that in the lead-up to the conflict, SDS members wrote slogans on street and traffic signs as well as on public and private property, which were derogatory towards Bosnian Muslims, including messages to the effect: “Muslims, Balijas, Turks move out, you’re going to be slaughtered”.<sup>8479</sup> In Vlasenica, Bosnian Serb leaders declared that when BiH “was proclaimed a sovereign state, we will draw up our borders in blood”.<sup>8480</sup> Similarly in Vlasenica, graffiti was written on the houses of prominent Bosnian Muslims saying “Ustasha”, “Muslims out”, “We will slaughter”, “Out”, and “This is Serb, this is Serbia”.<sup>8481</sup> Bosnian Serb leaders in Vogošća said that “Muslims were simply going to disappear”.<sup>8482</sup> **(No serious chamber would pay any attention to what individuals wrote on graffits, or said bypassing! It is well known that both Bratunac aand Vlasenica had concluded an agreement on forming two municipalities, which would guarantee an autonomy from each other, and nobody would be able to harras the other side. It is also established that the Muslim population in Bratunac and Vlasenica, after giving up the agreement, demanded to be escorted to the Muslim-controlled territory, and soon after that, many Muslim officials did the same! All of it is well documented! Also, it is documented that the Serb leaders from Vlasenica went to Tuzla, to persuade the Muslim citizens to return! But, none of this is of any interest for the Chamber!!!)**

2517. Further, the Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. The Chamber finds that the acts or omissions referred to above were part of this widespread and systematic attack and the perpetrators knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims, which correspond with the scope of the widespread and systematic attack, as well as the magnitude and systematic nature of the attack on the Bosnian Muslim and Croat civilian populations of BiH. **(But, the two questions, if answered, ruin the entire construction explicated in this paragraph! First: #why it didn’t happen in the two third of the Serb municipalities#? Second: why in the one third of municipalities with these dramatic developments, there was never any “Serb attacks” prior to the Muslim terrorist actions? These periods without any skirmish lasted up to 7 and 8 weeks, and depended exclusively on the Muslim terrorist actions!)**

2518. The Chamber therefore finds that these incidents of cruel and inhumane treatment constitute acts of persecution as a crime against humanity.

<sup>8477</sup> See para. 852.

<sup>8478</sup> See paras. 1604, 1606, 1609. See also para. 688.

<sup>8479</sup> See para. 688. See also para. 2184.

<sup>8480</sup> See para. 1101.

<sup>8481</sup> See para. 1119.

<sup>8482</sup> See para. 2362.



## (C) Forcible transfer and deportation

2519. The Chamber found above that deportation and inhumane acts (forcible transfer) were committed and these constituted crimes against humanity as charged under Counts 7 and 8 of the Indictment.

2520. The Chamber also finds that the perpetrators of these acts of forcible transfer and deportation chose their victims on the basis of their identity as Bosnian Muslims or Bosnian Croats. These acts were carried out on discriminatory grounds and with discriminatory intent. In reaching that conclusion, the Chamber recalled its finding that Bosnian Muslims who were removed from their villages were subjected to a “barrage of insults” with respect to their “Muslim ethnicity”.<sup>8483</sup> Similarly during expulsions in Novo Sarajevo Serb Forces made statements such as “all Ustašas and Balijas out!” and in Prijedor victims were cursed and told they would be sent to Turkey.<sup>8484</sup> The Chamber also refers to its findings above relating to *mens rea* which are also indicative of this discriminatory intent.<sup>8485</sup> The Chamber also had regard to its finding that these acts of forcible transfer and deportation were discriminatory in fact given that the victims of these acts were almost exclusively Bosnian Muslims and Bosnian Croats.

2521. As the Chamber found above, these acts were part of a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH and the perpetrators knew of the attack and that their crimes were part of it. In addition the Chamber found that the acts of forcible displacement within national boundaries were sufficiently serious to amount to “other inhumane acts”. Therefore the Chamber finds that these acts of forcible transfer and deportation constitute acts of persecution as a crime against humanity. **(This kind of errors must have been a part of #“systematic attacks against the Serbs in Bosnia”, as well as the entire Serb nation! The first UN documents reported that the civilians are fleeing because of the armed conflict and fights. That happened even before the war in a substantial quantity. Later on, the Chamber could have seen that the Serb municipal authorities rather made #many obstacles to leaving# the Serb areas, that the candidates to leave had to provide many poapers and pay many fees, taxes, spendings of electric power, and finally to pay for transport. Sometimes they had to bribe somebody to get on a “priority lists” to leave the area! Whoever wants to check it, could do it, undewr the key “#obstacles to leave#!)**

## (D) Unlawful detention

2522. The Chamber found in Section IV.A.1 that a large number of Bosnian Muslim and Bosnian Croat civilians were detained by members of Serb Forces and Bosnian Serb Political and Governmental Organs in detention facilities in Banja Luka,<sup>8486</sup> Bijeljina,<sup>8487</sup> Bosanski Novi,<sup>8488</sup> Bratunac,<sup>8489</sup> Brčko,<sup>8490</sup> Foča,<sup>8491</sup> Hadžici,<sup>8492</sup> Ključ,<sup>8493</sup> Ilidža,<sup>8494</sup> Novi Grad,<sup>8495</sup> Novo

<sup>8483</sup> See para. 1151.

<sup>8484</sup> See paras. 1652, 2283

<sup>8485</sup> See paras. 2474–2479.

<sup>8486</sup> See Scheduled Detention Facility C.1.2.

<sup>8487</sup> See Scheduled Detention Facility C.2.1.

<sup>8488</sup> See Scheduled Detention Facility C.4.1.

<sup>8489</sup> See Scheduled Detention Facilities C.6.1, C.6.2.

<sup>8490</sup> See Scheduled Detention Facility C.7.2.

<sup>8491</sup> See Scheduled Detention Facilities C.10.1, C.10.2, C.10.4, C.10.5, C.10.6, C.10.7.

<sup>8492</sup> See Scheduled Detention Facilities C.11.1, C.11.2.

<sup>8493</sup> See Scheduled Detention Facilities C.15.1, C.15.2, C.15.3.

<sup>8494</sup> See Scheduled Detention Facility C.18.2.

<sup>8495</sup> See Scheduled Detention Facility C.17.1.

Sarajevo,<sup>8496</sup> Pale,<sup>8497</sup> Prijedor,<sup>8498</sup> Rogatica,<sup>8499</sup> Sanski Most,<sup>8500</sup> Sokolac,<sup>8501</sup> Vlasenica,<sup>8502</sup> Vogošća,<sup>8503</sup> and Zvornik.<sup>8504</sup> **(A civilians were only those who were released after the first interrogations. No chamber all over the world can deny that there was no a single detained person prior to the armed skirmishes, and no chamber would establish that those first armed konflikts had been initiated by the Serbs!#No detentions before the Muslim attacks#! #No skirmishes initiated by the Serbs#! #Interrogations aimed to select civilians#!)**

**2523.** The arbitrary nature of this detention was shown by the Chamber's findings that in some detention facilities the detainees (i) were not detained on any legal grounds; **(#Armed rebellion was a legal ground#! What more legal ground could be than the armed attack on the military, civilians and public property, or preparations, instigation and financing of such an attacks? The Chamber asked in the court room for a reasons of detaining someone without an intention to process them, and they got a satisfactory response: a combatants without specific and personal crimes, were to be exchanged, unlike those with a personal crimes, aimed to be processed. After the first interrogations, the civilians had been released!!!)** (ii) were not informed as to why they were arrested and detained; (iii) were not suspected, charged, tried, or convicted for any crime before being detained or while detained; **(This both is absolutely wrong! How possibly could that be "established" while the Chamber "objected" the interrogations? While interrogated, they had to be asked about a very specific circumstances and their participation. Those who hadn't been interrogated, hadn't been suspected for any crime, except for a participations in combats. Such a POWs hadn't been aimed to legal procedure, but only for an exchange, and the Defence clarified that in the courtroom, when asked by the Chamber – why they had been kept, if not intended to be sued!)** (iv) were not advised of their rights before or during their detention and **(This is incorrect: those who were aimed for exchange, had been informed about it, and those who were to be interrogated, had been informed by the investigators, a high professionals!)** (v) their detention was not subject to review.<sup>8505</sup> **(Then, how it happened that some of them had been released after the interrogations, some of them were conveyed to the prisons for POWs, for exchange, some of them echanged, some of them unilaterally released and abolished by the President, and some of them handed over to the International agencies, such as UNHCR and ICRC and conveyed to the third countries? This was a massive, formidable result of reviewing of the detentions! THIS PARAGRAPH IS A PROOF ABOUT THE #CATASTROPHIC ERRORS#, OMISSIONS AND IGNORANCE OF THE NATURE OF THIS WAR AND EVENTS THEREIN!)** The Chamber also recalls, for example, that the local authorities in Brčko were informed that people were being detained without any legal grounds, and while some detainees were released, this was done in a selective manner and based on personal connections.<sup>8506</sup> **(But why it was forgotten that the detention in Brcko wasn't an endeavour of authorities, which escaped the city, but by renegades, for whose arrest the President asked the FRY Prime Ministed for help in manpower? #Renegades, not authorities#! )**

<sup>8496</sup> See Scheduled Detention Facility C.18.1.

<sup>8497</sup> See Scheduled Detention Facility C.19.2

<sup>8498</sup> See Scheduled Detention Facilities C.20.1, C.20.2, C.20.3, C.20.4, C.20.5, C.20.6, C.20.7.

<sup>8499</sup> See Scheduled Detention Facilities C.21.1, C.21.2, C.21.3. While in Rogatica, some Bosnian Muslims surrendered themselves to Veljko Vlahović Secondary School, the Chamber recalls its finding that those individuals did not seek shelter but were detained at the facility. See Scheduled Detention Facility C.21.1.

<sup>8500</sup> See Scheduled Detention Facilities C.22.1, C.22.2, C.22.3, C.22.4, C.22.5.

<sup>8501</sup> See Scheduled Detention Facilities C.23.1, C.23.2.

<sup>8502</sup> See Scheduled Detention Facilities C.25.1, C.25.2, C.25.3.

<sup>8503</sup> See Scheduled Detention Facilities C.26.1, C.26.2.

<sup>8504</sup> See Scheduled Detention Facilities C.27.1, C.27.2, C.27.3, C.27.4, C.27.5, C.27.6, C.27.7.

<sup>8505</sup> See paras. 883, 1071, 1161, 1297, 1380, 2141.

<sup>8506</sup> See para. 802.

2524. The arbitrary nature of the detention is also evidenced, for example, by the decision by the Bosnian Serb authorities in Hadžići to arrest and detain all Bosnian Muslim men of military age from certain areas in the municipality<sup>8507</sup> and that in the Omarska camp the detainees were categorised, and included a category of detainees of “no security interest”.<sup>8508</sup> **(But, this qualification was not established prior to their detention, and they had been detained in spite of such a qualification, but they had been detained as suspects, and this qualification was established afterwards, #after the interrogations#, and such a detained had been released, and there was about 90% of released in Hadzici, and 59% of such a persons released in Prijedor, while only 41% were conveyed to Manjaca, a POWs prison!)**

2525. The Chamber found that these detainees were arrested and taken to these detention facilities from their homes, following attacks on villages or towns, or transferred from other detention facilities.<sup>8509</sup> In some cases, the Bosnian Muslim population was ordered to gather *en masse* and then moved to detention facilities.<sup>8510</sup> Most of those detained were civilians and included women, children, the sick, and the elderly.<sup>8511</sup> **(These two categories can not, and must not be merged into one! After a counter-attacks on villages from which the Serb Army or police had been attacked, some of the able bodied had been detained as a suspects, subjected to interrogation which resulted in one or the other way. See how Mr. Wulliamy wrote about that, P3788:**

Omarska , they tell us, is an 'investigation centre' for men suspected of being in the Muslim irregular army. They are rounded up or arrested, then 'screened' to determine whether they are fighters or civilians.

Apart from their under nourishment and the humiliation of the drill, none of the 80 inmates we saw showed signs of violence or beating.

**The purpose of “bringin them in” was this “screening” to determine whether they are fighters or civilians. Wulliamy could have been everytnig, but not a pro-Serb journalist! There was no bringing in all the able bodied men, but only those who may be participating in the fights. The “gathering *en masse*” was a legal, and #legaly obligatory action of removing civilians# from an area that was going to be embattled. A typical example was Mahala in Sanski Most, which had been a stronghold of the armed Muslim terrorists who fired against the rest of the town. Once the civilians were moved out of the zone, there was a combat, which resulted in arresting some of the terrorists, while others escaped to some villages and continued with fightings! This happened because of the #abuse of civilians in battles# see what a Muslim said to Ed Wulliamy, P3788:**

But some people have fled voluntarily to Trnopolje simply to avoid the raging battles in the villages around. Inar Gornic, clutching her crying baby in what was the school 'Foto Klub' room, says: 'I came alone, from the Trnopolje village.

The conditions are very hard here, but there was terrible fighting and we had no food at all. It is safer here, but we don't know what kind of status we have.

We are refugees, but there are guards and the wire fence.'

'No violence against us, just hot and smelly,' adds her husband, vacantly, among the sea of rugs, sweaty blankets and the odd mattress strewn along the floors and corridors,

**The inmates came voutlarily, and brought their minors with them! Or, an example how a Muslim, well known sportsman, understood the nature of removing the civilians from the**

<sup>8507</sup> See para. 2094.

<sup>8508</sup> See para. 1753.

<sup>8509</sup> See Scheduled Detention Facilities C.6.1, C.6.2, C.2.1, C.7.2, C.10.6, C.10.1, C.10.4, C.10.5, C.10.7, C.10.2, C.21.1, C.21.2, C.21.3, C.25.1, C.25.3, C.27.1, C.27.4, C.27.6, C.15.3, C.15.1, C.26.3, C.26.1, C.20.3, C.20.2, C.20.1, C.20.7, C.20.4, C.1.2, C.18.2.

<sup>8510</sup> See paras. 983–984.

<sup>8511</sup> See Scheduled Detention Facilities C.2.1, C.6.1, C.7.2, C.10.6, C.10.1, C.21.1, C.25.1, C.25.3, C.27.5, C.11.1, C.11.2, C.15.1, C.26.3, C.26.1, C.4.1, C.20.2, C.20.1, C.20.6, C.20.4, C.19.2, C.1.2, C.18.2, C.22.1, C.22.3.

**zone of battle, the same, P3788:**

Then there is Igor, the Serbian soldier and guard whose uncle was killed last week, and who says: 'I have my old schoolfriends and my teacher in there,' and then introduces his old pal Azmir, a professional footballer, from behind the wire. 'I was taken here from Rizvanovici, after the fighting started,' says Azmir. 'There was some shooting from the Muslim side, then the police came and took the people away, to clear the village of Muslims and to do the fighting.'

**The police removed the Muslim civilians “to do the fighting” #legal and obligatory#! But, what is the most disturbing is this arbitrariness and superficiality in establishing what some features were, and what didn’t were! )**

2526. The Chamber noted that a small number of detainees in some facilities were Bosnian Muslim soldiers or combatants.<sup>8512</sup> The Chamber is not satisfied that their detention was unlawful. **(Exactly, the soldiers were the Muslim combatants that had been captured along the confrontation lines, while the combatants that made the uprising deep in the Serb territory, as a matter of fact were #not regular soldiers, but terrorists#, without uniforms, insignias, known commands. Although the Serb side could have treated them as terrorists, usually they had been treated as combatants! If there is any doubt about the terrorist nature of those combatants, it should be reviewed how many dugouts and other facilities had existed in Prijedor, Sanski Most and other municipalities, deep into the Republic of Srpska!).**

2527. The Chamber considered the circumstances in which detainees were brought to and detained at these facilities, the extended period of detention, the large number of individuals detained across multiple municipalities, and the status of the overwhelming majority as civilians including women, children, and the elderly. **(Let us see what Mr. Wulliamy wrote about the women of these same Muslim combatants, P3788:**

**As ever in this war, there are extraordinary elements that complicate any simple interpretation. Women flock into**  
Back in the town of Prijedor, women line the pavement outside police headquarters, waiting for transit papers to leave the area. Some say their menfolk had been in Omarska for four months.

Prijedor, carrying their children, telling how their menfolk were rounded up and taken to Omarska, Kereter or Trnopolje, and never seen again. Some villages are completely destroyed.

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

'These are the people who accept the Serbian republic,' explains Major Milovan Milutonic from Army HQ in Banja Luka. 'If they do that, we just leave them alone.'

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**So, not only several percent of the suspects had been brought in for the screening, and not only 59% of the “brought in” had been found not guilty and released, but their families took a refuge in the Prijedor city core, under the Serb control. While some Muslim and Croat villages didn’t have any trouble, because they declared not to fight against the Serb Army, police and civilians! How the Chamber made this kind of conclusion pertaining to “women, children and elderly”? see what else Mr. Wulliamy wrote, P3788 pasted above!) On this basis the Chamber finds that with the exception of the Bosnian Muslim soldiers referred to in**

8512

See paras. 883, 1021, 1323, 2209, 2336.



the previous paragraph, the detainees at these facilities were arbitrarily deprived of their liberty with no legal basis and that the perpetrators intended to arbitrarily deprive these individuals of their liberty. The Chamber finds that this amounted to a denial of or infringement upon a fundamental right and was of equal gravity to the other crimes listed under Article 5 of the Statute. The Chamber therefore finds that there was unlawful detention of Bosnian Muslims and Bosnian Croats. **(So what? There was a civil war of the Muslim-Croat coalition against the Serbs. Also, the Muslims (Croats to the lesser degree) organised terrorist groups deep in the Serb territory, which initiated fights and caused the war in these areas. Those who were suspected for those unlawful activities had been detained, and after the professional interrogation either released, or kept in the prisons for POWs. What is wrong with that? But, if the Chamber doesn't want to establish the truth, it will accept that those #terrorists were civilians#!)**

2528. (2528) In addition, the Chamber finds that the perpetrators of these acts of unlawful detention chose their victims on the basis of their identity as Bosnian Muslims or Bosnian Croats. **(This finding can not survive a simple question: why only 2 to 3% of the Muslims and Croats (i.e. non-Serbs) in Prijedor had been detained, and had been subject to the investigations? In all other municipalities it was even less than that, while in the two thirds of municipalities nobody was detained? Why the detainees had been investigated, while their ethnic or religious affiliation was known to everyone, and there was no any need to investigate that? Why not all of those known to the local authorities as Muslims or Croats? And why there was many Croats in the VRS, on a very high positions, and in ordinary units, and why there was a whole unit ("Mesa Selimovic unit") composed exclusively of the Muslims in the VRS? If there was a bit of truth in these findings, none of the Croats and Muslims would stay in the Serb Army, where they defended not the Serbs, but common values and secularism! #All together, a small number had been detained#! )** The Chamber finds that these acts were carried out deliberately with the intent to discriminate on the basis of the identity of the victims as Bosnian Muslims or Bosnian Croats.<sup>8513</sup> **(The same comment as the above!)** In concluding that these acts were carried out with discriminatory intent, the Chamber had regard to its finding that these acts of unlawful detention were discriminatory in fact given that the unlawful detention was almost exclusively directed against Bosnian Muslims and Bosnian Croats whereas the guards and those in charge of the detention facilities were Bosnian Serbs. **(No an Einstein mind needed to realise that it was a civil, interethnic and interreligious war and it was sufficient to have the Muslims and Croats in the Serb Army on a battlefield, but it would be very malicious to task them with such a job! #But, none of the Muslims, or Croats left the VRS because of the Serb attitude towards the Muslim and Croat population!#)** In addition, the Chamber also had regard to the insults, taunts, and threats directed at the victims on the basis of their identity as Bosnian Muslims or Bosnian Croats, which expressly demonstrated this discriminatory intent.<sup>8514</sup> **(Did the Chamber find that it was a part of the policy of the Serb authorities? Those who did capture these who were captured first had to fight against them, losing members of families and friends from their unit, and if they expressed their anger verbally, it was on the basis of this sentiment, and not on the basis of the state policy! What the inter-soldier cursing and swearing has to do with the central, or even local authorities, let alone with the President?)** For further evidence of discriminatory intent with respect to unlawful detention, the Chamber also recalls its finding that, for example, in Vlasenica, the Sušica camp was established pursuant to an order of the VRS, following a decision of the SAO Birač on regulating the "moving out of the Muslim population".<sup>8515</sup> **(#Moving out population, due to law and agreements#!The "moving**

<sup>8513</sup> The Chamber considers that discrimination on the grounds of the identity of the victims as Bosnian Muslims or Bosnian Croats falls within the prohibited grounds of discrimination under Article 5(h) of the Statute.

<sup>8514</sup> The Chamber has had regard to its findings with respect to the insults, taunts, and threats which were discussed in the context of cruel and inhumane treatment of these detainees.

<sup>8515</sup> See para. 1181.

out of the Muslim population” signed on 28 May 92, P3240, was an obligation derived from the Agreement of 22 May, D1603 p.1 – 6, and another document under the same number, p. 7 – 11, also see D1141! So fierce fights between the Muslim and Serb units would cause many civilian casualties, and Col. Andric signed the order on the basis of the Birac Government, which founded it’s decision on the Agreement concluded a week earlier, on 22 May 1992 in Geneva!)

In addition, the Chamber found that Bosnian Muslims during their transportation to the Sušica camp were subjected to threats and racial slurs.<sup>8516</sup> (#The only perpetrator got a guilt plea agreement! A unique case!#) In Zvornik, the Chamber found that a member of the Serb Forces said that they would bring in every Bosnian Muslim who was found in town.<sup>8517</sup> (That kind of the #”Serb Forces” didn’t exist#! “a member of the Serb Forces” was insolent, or indecent, or... Such a conceived “Serb Forces”, as a sum of the JNA, volunteere, paramilitaries no matter disowned by the President, members of the Territorial Defence, or any other Serb that fought against the Muslim irregulars, said something nasty to the Muslims!!! What does it have to do with the President? This is the first time in the history of criminal procedures that some of the high, even the highest official could be indicted, charged and sentenced on the basis of “findings” that some Serbs cursed some Muslims, not to mention killings of some Muslims by some Serbs! For the first time in the human history a president was charged and sentenced for such a #side-products of a civil war#!)

2529. Further, the Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. The Chamber finds that the incidents of unlawful detention were part of this widespread and systematic attack and the perpetrators of these acts knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations and time period of those acts, and the identity of the victims, which correspond with the scope of the widespread and systematic attack. Further, given the magnitude of the attack on the Bosnian Muslim and Bosnian Croat civilian populations of BiH, the Chamber further finds that the perpetrators knew of the attack and that the crimes were part of it. (The Chamber neglected an obvious fact that there had been #fire from the Muslim settlements#, then there had been an ultimatum by the Serb Forces to disarm the settled place and hand over the perpetrators of crimes committed during the Muslim-Croat assault on the Serbs, and then there was continuation of fighting, and the Serbs moved the civilians out of the combat zones until they finish the fights. The Chamber had the first class evidence about it, written by Edward Vulliamy, a notorious anti-Serb journalist, see: D1898, p.5

But some people have fled voluntarily to Trnopolje simply to avoid the raging battles in the villages around.

Inar Gornic, clutching her crying baby in what was the school "Foto Klub" room says: "I came alone, from the Trnopolje village. The conditions are very hard here, but there was terrible fighting and we had no food at all. We are refugees, but there are guards and the wire fence."

"No violence against us, just hot and smelly," adds her husband, vacantly, among the sea of rugs, sweaty blankets and the odd mattress strewn along the floors and corridors, while primitive bread ovens are set up outside.

Or the statement of Azmir, a Muslim, D1898, p. 5.

"I was taken here from Rizvanovici, after the fighting started," says Azmir.

"There was some shooting from the Muslim side, then the police came and took the people away, to clear the village of Muslims and to do the fighting."

The situation is, says Azmir, that he can leave only if his family arrives to claim him, or if he can produce some sort of guarantee or transit papers. "But how am I supposed to do that?"

<sup>8516</sup> See para. 1185.

<sup>8517</sup> See para. 1317.

**(#Shooting from the Muslim side#! Said a Muslim, wrote down Wulliamy!#So, it was quite clear to this Azmir, an able bodied Muslim man, who didn't fight, but was informed that they as civilians have to be moved until the fights are finished! Nothing similar happened in many neighbouring municipalities, such as Srbac, B. Gradiska, Derventa, Celinac, Laktasi, Prnjavor, B. Dubica, Mrkonjic Grad, and many other settled places. No Muslim attacks, no moving of the population, no detained suspects! And nothing and nobody can prove anything else! #All depended of the Muslim attacks#!)**

**2530.** The Chamber therefore finds that these incidents of unlawful detention constitute acts of persecution as a crime against humanity. **(Who and how had established that these detentions had been unlawful? Those that had been collected during the skirmishes and hadn't been responsible, had been released immediately after establishing non-participation in the rebellion! #No unlawful detentions#!)**

(E) Forced labour and the use of human shields<sup>8518</sup>

**2531.** The Chamber recalls its findings in Section IV.A.1 that detainees at a number of detention facilities in Bijeljina,<sup>8519</sup> Foča,<sup>8520</sup> Hadžići,<sup>8521</sup> Ilidža,<sup>8522</sup> Novo Sarajevo,<sup>8523</sup> Rogatica,<sup>8524</sup> Vlasenica,<sup>8525</sup> and Vogošća.<sup>8526</sup> were forced to perform labour on the front lines including, *inter alia*, digging trenches, clearing mines, burying bodies, and carrying munitions.<sup>8527</sup> **(Since none of this was proven, because there was a plethora of evidence that the prisoners of war #wanted to go to work#, for the benefits as food, cigarettes, alcohol drinks, this is senseless to comment, particularly because it has nothing to do with the President, who issued all the necessary orders forbidding any declination from the International law of war! If anything happened in contrast to the President orders, #no liability#! )**

**2532.** By way of illustration, the Chamber found, that while undertaking work on the front lines the detainees were exposed to sporadic crossfire.<sup>8528</sup> The Chamber found that some detainees were forced to work in all weather conditions which affected their health.<sup>8529</sup> The Chamber further recalls that in some municipalities, detainees who did not work fast enough or do exactly as they were instructed were beaten, insulted, and threatened.<sup>8530</sup> The Chamber found that Bosnian Muslims in Bijeljina were subject to a work obligation including on the front lines.<sup>8531</sup> Those who did not comply with this work obligation were either sent to Batković camp or expelled from the municipality.<sup>8532</sup> **(This is a sort of "gallimatias" a senseless salade of words and accusations. There is the evidence in the file that many POWs wanted to work, and had a benefits out of that, but there is no a valide evidence to contrary. Also, there is no evidence that President Karadzic had been informed that his orders on human rights are violated! Also, when**

<sup>8518</sup> The Prosecution does not allege criminal responsibility for forced labour in Bosanski Novi, Bratunac, Pale and Višegrad. Indictment, fn. 7.

<sup>8519</sup> See Scheduled Detention Facility C.2.1.

<sup>8520</sup> See Scheduled Detention Facility C.10.1.

<sup>8521</sup> See Scheduled Detention Facilities C.11.1, C.11.2.

<sup>8522</sup> See Scheduled Detention Facility C.18.2.

<sup>8523</sup> See para. 2267.

<sup>8524</sup> See Scheduled Detention Facilities C.21.1, C.21.3.

<sup>8525</sup> See Scheduled Detention Facilities C.25.2, C.25.3.

<sup>8526</sup> See Scheduled Detention Facilities C.26.3, C.26.1.

<sup>8527</sup> The Chamber also received evidence about detainees being forced to perform other kinds of work not at the front lines. However, the Chamber has interpreted the allegations in paragraph 60(h) of the Indictment to be limited to forced labour at the front lines.

<sup>8528</sup> See Scheduled Detention Facility C.11.2.

<sup>8529</sup> See para. 655.

<sup>8530</sup> See Scheduled Detention Facilities C.21.1, C.25.3.

<sup>8531</sup> See para. 670.

<sup>8532</sup> See para. 671.

**informed that the Police is executing his orders, the Chamber is using it against the President and his Police#! #Proper conduct punished#! )**

2533. The forcible nature of this work was demonstrated by the Chamber's finding that detainees were afraid for their lives and of being beaten if they refused to work.<sup>8533</sup> The Chamber also found that in one incident detainees were also severely beaten and did not receive any food or water while they worked.<sup>8534</sup>

2534. Bosnian Muslims in Rogatica,<sup>8535</sup> Ključ,<sup>8536</sup> Vogošća<sup>8537</sup> were also used as human shields on front lines to protect Serb Forces. In one incident Bosnian Muslim detainees were instructed to lead Serb Forces through an area, which had been mined, to recover dead bodies.<sup>8538</sup> **(This is all an unproven rubbish! How possibly an army with a permanent defence copuld have used civilians as a human shield??? No retreat, no advancement, just defending tranchese, #no any need and no any sense for a human shields#!**

2535. The Chamber also had regard to the nature of the forced work, the circumstances in which the detainees were held, and the vulnerable position of the detainees, including the cruel and inhumane treatment and unlawful detention discussed above. Having considered these factors, the Chamber finds that the acts of forced labour and use of human shields amounted to a denial of or infringement upon a fundamental right and were of equal gravity to the other crimes listed under Article 5 of the Statute.

2536. In addition, the Chamber finds that the perpetrators of these acts of forced labour and use of human shields chose their victims on the basis of their identity as Bosnian Muslims or Bosnian Croats. The Chamber finds that these acts were carried out deliberately with the intent to discriminate on the basis of the identity of the victims as Bosnian Muslims or Bosnian Croats.<sup>8539</sup> In reaching this conclusion, the Chamber had regard to its finding that these acts were discriminatory in fact given that only Bosnian Muslims and Bosnian Croats who had been detained were forced to work or used as human shields. The Chamber also had regard to its findings with respect to the insults, taunts, and threats which were discussed in the context of other underlying acts of persecution which expressly demonstrated this discriminatory intent. In addition, the Chamber recalls its finding that in Vlasenica some detainees who were taken away for forced labour were subject to insults such as references to "Balijs's mother".<sup>8540</sup> In another incident where Bosnian Muslims were used as human shields in Rogatica, when one person was hit by incoming fire, a member of the Serb Forces cursed the detainees by reference to their "Balijs mothers".<sup>8541</sup> **(Had it been so, there would be many legal litigations in the Bosnian courts, but that was not a case!!! But, even if was true, it has nothing to do with the President or any other high official of the RS. But, it was not proven in the court room, all was based either on an adjudicated facts, or the Rule 92bis evidence, so that couldn't be challenged by the Defence, i.e. #Deadly combination#! Each side soldiers used to curse each other, but certainly that hadn't been commanded by their superiors. This was a civil war, the adversaries knew each other well, and their families were acquainted for centuries,**

<sup>8533</sup> See paras. 902, 1196.

<sup>8534</sup> See paras. 2423–2424.

<sup>8535</sup> See paras. 992, 1025.

<sup>8536</sup> See para. 1511.

<sup>8537</sup> See paras. 2432, 2434.

<sup>8538</sup> See para. 1019.

<sup>8539</sup> The Chamber considers that discrimination on the grounds of the identity of the victims as Bosnian Muslims or Bosnian Croats falls within the prohibited grounds of discrimination under Article 5(h) of the Statute.

<sup>8540</sup> See para. 1196.

<sup>8541</sup> See para. 1019.



**sometimes with a history of mutual extermination that lasted through the centuries! What all of that has to do with the President!)**

2537. Further, the Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. **(Not established, and not found even a single case of the Serb attack against any civilians or settlements if there was no a Muslim attack from such a settlement! Not a single one! the Muslim Army, as well as the Muslim terrorists deep in the Serbian territory abused their own civilians, firing from the civilian areas and thus forcing the Serbs to respond! Just as simple as it, and the international representatives noticed that, but were biased in favour of the Muslim side! #No Serb attacks on civilians#!)** The Chamber finds that the acts of forced labour and use of detainees as human shields were part of this widespread and systematic attack and the perpetrators of these acts knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims of these acts, which correspond with the scope of the widespread and systematic attack, as well as the magnitude and systematic nature of the attack on the Bosnian Muslim and Bosnian Croat civilian populations of BiH.

2538. The Chamber therefore finds that these incidents of forced labour and use of human shields constitute acts of persecution as a crime against humanity.

(F) Plunder of property<sup>8542</sup>

2539. The Chamber found in Section IV.A.1 that Bosnian Muslims were expelled from their homes, which were then seized by the local authorities and assigned to Serb refugees.<sup>8543</sup> Some Bosnian Muslims and Bosnian Croats were forced to sign statements leaving their property to the local authorities.<sup>8544</sup> **(In a war times any authority has a right to have “at disposal” all movable or real estate to be temporarily used for a purpose of defence. There was no a single case that somebody appropriated a private property for the state or local authorities, and the Chamber recognised it, see @ @....)** The Chamber recalls its finding that in Ključ, for example, the Bosnian Serb Political and Governmental Organs effectively seized the abandoned property of Bosnian Muslims on a permanent basis.<sup>8545</sup> **(Let us see how this para 1562, as a basis for this finding, looks like: 1562. The Accused contends that the renunciations and reassignments only pertained to temporary use, and not to ownership of such property. The Chamber received evidence that the municipal authorities did not pass any decision which would have collectively converted abandoned properties into state property, and that no changes were made to the land registry books such as would indicate a permanent change in property ownership. However, the Chamber notes that on 19 June, the ARK Crisis Staff took a decision that all “abandoned” property would be proclaimed property of the state and placed at the disposal of the municipal assemblies. The Chamber is therefore satisfied that such real property was effectively seized by the Bosnian Serb Political and Governmental Organs on a permanent basis. First, The Chamber admitted and confirmed that it “did receive evidence” that there was no evidence of conversion of private property into a state property, and that there was no change of property. The Chamber could also mention the President’s order from 19 August 1992 in which the President forbade any such a practice and annulled any paper issued on this matter,**  
see
D101:

<sup>8542</sup> The Prosecution does not allege criminal responsibility for plunder in Banja Kuja, Brčko, Pale, Višegrad, and Vogošća. Indictment, fn. 8.

<sup>8543</sup> See paras. 629–630, 675, 857, 1277, 2436.

<sup>8544</sup> See paras. 675, 729, 1217, 1266, 1467, 1561–1562, 1566, 1851, 1903–1904, 2134, 2436.

<sup>8545</sup> See para. 1562.

3. Forcible resettlement and other illegal measures against the civilian population should be prevented, and any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void;

**But, the Chamber prefers an alleged decision of the ARK Crisis staff, which had never been implemented, as many other decisions of the ARK organs. And, finally this decision from June was subject to the order D101, which declared it “null and void”! so more is the last sentence senseless: How the Chamber could have been “satisfied that such a real property was effectively seized by the Bosnian Serb Political and Governmental organs on a permanent basis,” while there was no a single case. Even if there was any case, it would be a subject of litigation after the war, which never happened! Those who helped the Chamber to assemble the Judgement made a bad service to it! #No appropriation, President annulled and forbade#!)**

2540. Serb Forces also looted property and homes belonging to Bosnian Muslims and Bosnian Croats during and after the take-over of towns and villages in Bijeljina,<sup>8546</sup> Bosanski Novi,<sup>8547</sup> Bratunac,<sup>8548</sup> Foča,<sup>8549</sup> Ključ,<sup>8550</sup> Iliđža,<sup>8551</sup> Novi Grad,<sup>8552</sup> Novo Sarajevo,<sup>8553</sup> Prijedor,<sup>8554</sup> Rogatica,<sup>8555</sup> Vlasenica,<sup>8556</sup> Zvornik.<sup>8557</sup> The Chamber also recalls its finding that in some cases Serb Forces used Bosnian Muslim detainees to loot Bosnian Muslim homes and move furniture and belongings to Bosnian Serb residences.<sup>8558</sup> **(That could have been some members of the “Serb Forces” but in no way the Serb Forces, which would mean with the knowledge, tolerance, approval or order of the commands. That never happened, while we have seen many orders of the commands #to the opposite direction#! Also, there were examples of return of stolen property to the real owners on the command of the officers!)**

2541. The Chamber found that Bosnian Serb authorities allocated premises left vacant by Bosnian Muslims for the use of refugees in Sokolac.<sup>8559</sup> However, it has insufficient evidence to determine whether this amounted to an unlawful appropriation of property given that there was evidence that the Bosnian Serb authorities prohibited the unlawful and unauthorised occupation of premises, and that when property was allocated to refugees, these were temporary measures and followed a set criteria including the taking of an inventory of contents by a committee which was created for the allocation of this property.<sup>8560</sup> **(#EXCULPATORY#! This was the procedure for the entire country. A temporary user was obliged to leave an assigned property in the same condition, and all the movable property too. Not only Sokolac, but all the municipalities, since all of them got the same order of the President and Government!)**

2542. Bosnian Muslims had their money, identification documents, jewellery, and valuables taken away from them before leaving the municipality,<sup>8561</sup> on arrival at detention facilities,<sup>8562</sup> or before their execution.<sup>8563</sup> The Chamber found on one occasion that Serb Forces were also instructed to search the bodies of killed Bosnian Muslims for valuables before the bodies were

<sup>8546</sup> See paras. 631, 675.

<sup>8547</sup> See paras. 1447, 1449.

<sup>8548</sup> See paras. 719–721, 732, 753–754.

<sup>8549</sup> See paras. 857, 861. The Chamber also found that paramilitaries were involved in looting gold, jewellery, and money in Foča, but it has insufficient evidence to determine whether or not the victims of these incidents were Bosnian Muslims and/ or Bosnian Croats. See para. 866.

<sup>8550</sup> See para. 1512.

<sup>8551</sup> See paras. 2131–2132.

<sup>8552</sup> See para. 2186.

<sup>8553</sup> See paras. 2268, 2273, 2281.

<sup>8554</sup> See paras. 1607–1608, 1621, 1638, 1672, 1675, 1680, 1683, 1704, 1723, 1802.

<sup>8555</sup> See paras. 951, 1018.

<sup>8556</sup> See paras. 1119, 1126, 1134, 1176, 1196.

<sup>8557</sup> See paras. 1264, 1282.

<sup>8558</sup> See paras. 1018, 1176, 1324.

taken away for burial.<sup>8564</sup> Serb Forces also seized the vehicles of Bosnian Muslims.<sup>8565</sup> **(This sounds insulting for the Serbs as nation, because this never happen with any knowledge of the officials. Taking away valuables from the POWs and other prisoners was a #legal obligation#, as it is even in this UN Detention Unit. For that reason, all of the recovered from mass graves who had their OWN valuables, ID cards and other belongings that were to be taken away, for certain weren't captured prior to their death. An ordinary Serb didn't search a killed combatants, and in Srebrenica there was up to 40% of the exhumed who possessed their belongings, which is a firm evidence that they died as a combatants, WITHOUT BEING CAPTURED. Of course, those who use to steal valuables in a peace time would be expected to do the same in a war time, but certainly not with any tolerance by the superiors!)**

2543. The property of Bosnian Muslim businesses was also looted or confiscated.<sup>8566</sup> The Chamber also found that Bosnian Croat companies were looted by Serb Forces in Bijeljina.<sup>8567</sup> **(In a cases the state organs – not “Serb Forces” – appropriated some property, #due to the Law on Defence#, it was done in a regular manner and with recording, and the owners had been compensated after the war. In some cases, as “Alijagic case” in Trebinje, the owners hadn't been satisfied with compensation, and there was a long litigation, and the state lost the case!)**

2544. The Chamber finds that these acts involved the unlawful appropriation of the private property of Bosnian Muslims and Bosnian Croats by Serb Forces and Bosnian Serb Political and Governmental Organs. Having considered the extent and scope of the unlawful appropriation of property owned by Bosnian Muslims and Bosnian Croats in multiple municipalities, the Chamber concludes that these acts had grave consequences and amounted to a denial of or infringement upon a fundamental right and are of equal gravity to the other crimes listed under Article 5 of the Statute. **(#Never happened# This issue was the easiest to check with the Bosnian authorities after the war: not a single case was reported, and not a single case could be hidden, since there would be a litigation! This “finding” and such a “findings” are shading a grave doubt on everything the Tribunal had done! The Defense should be thankful for that!)**

2545. The perpetrators of these acts of plunder chose their victims on the basis of their identity as Bosnian Muslims or Bosnian Croats. The Chamber finds that these acts were carried out deliberately with the intent to discriminate on the basis of the identity of the victims as Bosnian Muslims or Bosnian Croats.<sup>8568</sup> **(#All senseless#! Bosnia is not a wasteland without courts, which are under the Muslim domination, and certainly wouldn't be biased in favour of the Serb perpetrators, but there is #no any judicial evidence# to support this findings of the Tribunal!)** In concluding that these acts were carried out with discriminatory intent, the Chamber had regard to its finding that these acts were discriminatory in fact given that Bosnian Muslims and Bosnian Croats were systematically targeted by these acts of plunder which were directed at their homes and property. The Chamber also had regard to its findings with respect to the insults,

<sup>8559</sup> See para. 1054.

<sup>8560</sup> See para. 1054.

<sup>8561</sup> See paras. 673, 1157, 1362, 1458.

<sup>8562</sup> See Scheduled Detention Facilities C.6.1, C.7.2, C.10.1, C.21.1, C.25.2, C.25.3, C.27.2, C.27.6, C.15.3, C.15.2, C.20.2, C.20.5, C.1.2. See also Scheduled Detention Facilities C.26.3 (the Chamber found that guards stole from detainees), C.22.5.

<sup>8563</sup> See para. 1835.

<sup>8564</sup> See para. 1152.

<sup>8565</sup> See paras. 950, 1282.

<sup>8566</sup> See paras. 857, 1282.

<sup>8567</sup> See para. 631.

<sup>8568</sup> The Chamber considers that discrimination on the grounds of the identity of the victims as Bosnian Muslims or Bosnian Croats falls within the prohibited grounds of discrimination under Article 5(h) of the Statute.

taunts, and threats which were discussed in the context of other underlying acts of persecution which expressly demonstrated this discriminatory intent.

2546. Further, the Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. **(This senseless assertion had been repeated many times in this Judgment, but never corroborated by any evidence. Repeating a lie doesn't deliver a truth!!! The simple question is: when and where the Serbs attacked unless forced by the Muslim attacks? #Serbs never attacked, only reacted!#)** The Chamber finds that the acts of plunder were part of this widespread and systematic attack and the perpetrators of these acts knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims of these acts, which correspond with the scope of the widespread and systematic attack, as well as the magnitude and systematic nature of the attack on the Bosnian Muslim and Bosnian Croat civilian populations of BiH.

2547. The Chamber therefore finds that these incidents of plunder constitute acts of persecution as a crime against humanity. **(If and when there was some criminal plunder, not appropriation, that could only be committed by criminals! This hadn't been a state plunder, the state didn't benefit from it, the state persecuted it, and the most logical and reasonable inference would be that these tiefs were the only one to benefit. There are documents in the file which confirm that the state organs persecuted tiefs and returned the stalen stuff to the real owners! Why the Chamber didn't notice these evidences?)**

(G) Wanton destruction of private property and public property including cultural monuments and sacred sites<sup>8569</sup>

2548. The Chamber recalls its findings in Section IV.A.1 that during attacks by Serb Forces, Bosnian Muslim and Bosnian Croat homes and businesses were set on fire and Bosnian Muslim and Bosnian Croat villages were destroyed by Serb Forces in Bosanski Novi,<sup>8570</sup> Bratunac,<sup>8571</sup> Foča,<sup>8572</sup> Ključ,<sup>8573</sup> Novi Grad,<sup>8574</sup> Pale,<sup>8575</sup> Prijedor,<sup>8576</sup> Rogatica,<sup>8577</sup> Sanski Most,<sup>8578</sup> Sokolac,<sup>8579</sup> Vlasenica,<sup>8580</sup> Vogošća,<sup>8581</sup> and Zvornik.<sup>8582</sup> For example, in the municipality of Ključ alone, the Chamber found that approximately 3,500 houses were razed to the ground and burned in Bosnian Muslim villages.<sup>8583</sup> **(Did the Chamber established, and how, that these destructions weren't done in the #frame of the armed conflict# and the fierce fightings in these municipalities? How the Chamber excluded the military necessity? Had these homes been used as a fortifications, was there any fire from those homes? Why in so many villages none of the Muslim/Croat homes had been touched? What Edward Vulliamy wrote about it, see P3788. p.6**

<sup>8569</sup> The Prosecution indicated that it would not lead evidence on the wanton destruction of private property in Banja Luka, Brčko, Hadžići, Ilidža, Pale, and Višegrad. Indictment, fn. 9.

<sup>8570</sup> See paras. 1442, 1445, 1447.

<sup>8571</sup> See paras. 728, 730–731, 742.

<sup>8572</sup> See paras. 857, 859–861.

<sup>8573</sup> See paras. 1512, 1514.

<sup>8574</sup> See para. 2186.

<sup>8575</sup> See para. 2313.

<sup>8576</sup> See paras. 1621, 1638, 1643, 1666, 1669, 1675, 1680, 1683, 1723.

<sup>8577</sup> See paras. 970, 976.

<sup>8578</sup> See paras. 1925, 1945.

<sup>8579</sup> See para. 1056.

<sup>8580</sup> See paras. 1129–1130, 1133.

<sup>8581</sup> See para. 2380.

<sup>8582</sup> See paras. 1251, 1260, 1269.

<sup>8583</sup> See para. 1512.



But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

'These are the people who accept the Serbian republic,' explains Major Milovan Milutonic from Army HQ in Banja Luka. 'If they do that, we just leave them alone.'

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**While the Republic of Srpska was defending its boundaries, far from those "Municipalities" the Muslims – Croats had two choices,**

**a) to live "quiet life" or**

**b) to fight against the Serb civilians, police and military, so far from the frontline, and have a problems that come out of these skirmishes.**

**What the President could have done about it, even if informed, although he wasn't informed? No president is entitled to prevent the people from defending themselves and their families! This wasn't a professional army, which came from somewhere, this was a local army, an ordinary people, who died because of those Muslim rebellions, and who feared about their families. And who could order them to underestimate the danger of the Muslim armed extremists? #People defend#)**

2549. The Chamber also found that Bosnian Muslim neighbourhoods in the centre of Rogatica were extensively shelled by artillery, mortars, anti-aircraft guns, and tanks and, as a result, a large part of the town was destroyed.<sup>8584</sup> **(In the same documents the Chamber found the evidence that these "neighbourhoods" had been #extremely militarised#, with the mortars and other big calibres weaponry that fired against the Serb parts on Rogatica! Why it is not important, why it could be missed in deliberating by the Chamber? For instance, P3405, para 12, the protected witness described how the Muslim commanders of the common TO and common police confronted the JNA unit, with a lot of firing, which was a #criminal act against the federal force#. The same protected witness in his statement P3405, para 36, explained how much time the Serb Forces needed to enter into the Rogatica town, "a street by street", a home after home. Would it be that way if it was a civilian settlement? It is well known to the Chamber that the Muslims in Rogatica reneged on the ongoing talks about forming #two municipalities# and killed a Serb policeman patrolling in the Serb area! In other document there are a precise locations of the Muslim mortars in the area that was shelled, including a mosque! #Abuse of civil settlements# !)** The Chamber also recalls its finding that Bosnian Muslim detainees were ordered to set fire to property which had been taken from a Bosnian Muslim house in Vlasenica.<sup>8585</sup> Some Bosnian Muslim houses were dismantled for materials.<sup>8586</sup>

2550. The Chamber finds that the property referred to in paragraphs above was destroyed or damaged extensively and such destruction or damage was not justified by military necessity. **(When and how it was established? There is so many examples of the #Muslim/Croat homes untouched,# that it was the Prosecution's duty to prove that in the cases of destruction there was no #“military necessity”#. Why all the Muslim homes hadn't been destroyed?)**

<sup>8584</sup> See paras. 967–968.

<sup>8585</sup> See para. 1196.

<sup>8586</sup> See para. 2549.

2551. While the Chamber also found that Serb Forces shelled Konjević Polje in Bratunac,<sup>8587</sup> the villages of Kramer Selo, Kozarde, Dobrašina, and Borovsko in Rogatica,<sup>8588</sup> the village of Musići in Hadžići,<sup>8589</sup> the village of Blagaj in Bosanski Novi<sup>8590</sup> it has insufficient evidence about the property destroyed or the extent of damage to conclude whether this amounts to wanton destruction of private property.

2552. The Chamber recalls its finding that Serb Forces completely destroyed, almost destroyed, or heavily damaged multiple mosques, Catholic churches and other cultural monuments and sacred sites in Bratunac,<sup>8591</sup> Bosanski Novi,<sup>8592</sup> Foča,<sup>8593</sup> Ključ,<sup>8594</sup> Novi Grad,<sup>8595</sup> Prijedor,<sup>8596</sup> Rogatica,<sup>8597</sup> Sanski Most,<sup>8598</sup> Sokolac,<sup>8599</sup> and Zvornik.<sup>8600</sup> **(At least for Zvornik the Chamber had a convincing evidence that the state organs didn't have anything to do with destruction of this mosque. A member of the Yellow Wasps testified that the Serb police insisted that he disclose who and why the Zvornik mosque had been ruined, and he explained that it had been done because of the metal on roof, cuper probably, which was #thieved by criminals#!. See: @@@ for other mosques there was no a single evidence that it was done willingly, nor an evidence that there was no a military necessity, for instance whether a mosque was used to fire from it, or not. Another reason for a destruction could have been a placing of explosive and other war materials by the Muslim combatants. It is up to the Prosecution to prove that none of these features were the reasons, or was it a wanton destruction within the policy!)** The Chamber finds that the Serb Forces intended to destroy these monuments and sites. In reaching that conclusion the Chamber had regard to the nature and extent of the damage to these monuments and sites and the manner in which they were destroyed. For example, the Chamber notes evidence that Bosnian Serb fire brigades stood by and watched while mosques were burnt in Foča.<sup>8601</sup> Many of the mosques were completely destroyed by explosives; the rubble was removed from the site and the location was later used for other purposes including as garbage dumps and parking lots.<sup>8602</sup> **(Certainly, there were some cases of destruction of the sacral objects, but it was always against the President's strict orders not to reserve it. We remember how a member of the Yellow Wasps had been questioned by the Serb police mainly on the occasion as who destroyed the Zvornik mosque and why. In this inter-ethnic and inter-religious war these things are happening, many, many Serb Orthodox Churches had been destroyed at the very beginning of the war, and there was many revengeful acts. But, it has nothing to do with the authorities, in particular with the President, who was too far from these events!The #President forbade it#!)**

2553. The Chamber recalls its finding that the evidence presented with respect to Bijeljina,<sup>8603</sup> Pale,<sup>8604</sup> and Vogošća<sup>8605</sup> was insufficient to allow for an inference to be drawn that Serb Forces

<sup>8587</sup> See para. 731.

<sup>8588</sup> See para. 977.

<sup>8589</sup> See paras. 2089–2090.

<sup>8590</sup> See paras. 1442–1443.

<sup>8591</sup> See Scheduled Incident D.6.

<sup>8592</sup> See Scheduled Incident D.4.

<sup>8593</sup> See Scheduled Incident D.10.

<sup>8594</sup> See Scheduled Incident D.13.

<sup>8595</sup> See Scheduled Incident D.15.

<sup>8596</sup> See Scheduled Incident D.17.

<sup>8597</sup> See Scheduled Incident D.18.

<sup>8598</sup> See Scheduled Incident D.19.

<sup>8599</sup> See Scheduled Incident D.20.

<sup>8600</sup> See Scheduled Incident D.22.

<sup>8601</sup> See para. 925.

<sup>8602</sup> See Scheduled Incidents D.10, D.6, D.18, D.20, D.22, D.13, D.4.

<sup>8603</sup> See para. 668.

<sup>8604</sup> See para. 2352.

destroyed the cultural monuments and sacred sites in those municipalities. The Chamber did not enter a finding with respect to the destruction of the Catholic Church in Ključ.<sup>8606</sup> The Chamber also found that three mosques in the Vragolovi area of Rogatica were destroyed but had insufficient evidence to determine when they were destroyed and who was responsible for their destruction.<sup>8607</sup>

2554. The Chamber finds that the destruction of these mosques, cultural monuments, and sacred sites was not justified by military necessity. **(When and how? This could only be a sort of belief, but not a fact, particularly since the Prosecution even didn't try to prove it!#Believes, impressions vs. documents and common sense#)** For example, with regard to Foča, where the President argued that certain mosques were used for military purposes in Foča, the Chamber concluded that this evidence was unreliable and further that there was no other indication that the mosques were used for military purposes.<sup>8608</sup>

2555. The Chamber also finds that these acts of wanton destruction of private and public property, including cultural monuments and sacred sites, were carried out with discriminatory intent against Bosnian Muslims and Bosnian Croats.<sup>8609</sup> In reaching that conclusion the Chamber noted that in some cases adjacent Bosnian Serb homes were untouched and there were notes which identified them as Serb property that should not be torched.<sup>8610</sup> In addition, fire engines were used to protect Bosnian Serb houses while Bosnian Muslim houses burned.<sup>8611</sup> In an attack on a Bosnian Muslim village in Vlasenica, Serb Forces were specifically ordered to torch all Bosnian Muslim houses and told “you can see for yourselves that if we don't set fire to these houses, they'll return later on”.<sup>8612</sup> **(The #most reasonable inference# would be, if not the only one, that from the Serb houses nobody fired against the Serb Army or police, and that was why nobody touched these houses, as nobody touched the Muslim and Croat houses as testified by Edward Vulliamy, D3788! The Prosecution-Chamber alliance pretended as if there was no other warring factions, all of them were a peaceful civilians, and wilde Serbs attacked them! And if the Muslim terrorists used their homes as a fortified military objects, as they did all the time, then these houses were a legitimate targets and should be destroyed, which would any army do!)**

2556. With respect to the cultural monuments and sacred sites, the Chamber found that the sites destroyed were targeted given their significance to the Bosnian Muslim or Bosnian Croat people in those locations and were discriminatory in fact and were carried out with discriminatory intent. **(All of it would be correct if it is process against a civil war, but to “find” this as it did the Chamber, it is invalid, since there is no any connection with the President. What does it, and many other contents of the civil, interethnic and interreligious war, one of many during five centuries, has to do with the President? Is there any obligation of the Prosecution to establish the President's liability for those deeds “found” by the Chamber? The way it is presented in the Judgement, it appears that all the other possible causes had been excluded, such as: hatred, revenge for the monuments destroyed by the adversary, abuse of a sacred site for a**

<sup>8605</sup> See para. 2389.

<sup>8606</sup> See fn. 5391.

<sup>8607</sup> See para. 1032.

<sup>8608</sup> See para. 927.

<sup>8609</sup> The Chamber considers that discrimination on the grounds of the identity of the victims as Bosnian Muslims or Bosnian Croats falls within the prohibited grounds of discrimination under Article 5(h) of the Statute. **(#Why only some of them#? One can conclude whatever wanted, since there was no possibility to depict the conduct of the other sides. Thus it looks as if there was a peace and total innocence of others, only the Serbs acted criminally without any challenge, jeopardy, provocations, as a born criminals!)**

<sup>8610</sup> See paras. 857, 1129.

<sup>8611</sup> See paras. 857, 1119 (the Chamber found that the fire brigade was prevented from taking any action when Bosnian Muslim houses were torched).

<sup>8612</sup> See para. 1133.

**combat, accidental collateral damage, all of it was not excluded, and the Chamber “inferred” that the only reason for destructions in a war like that was a plan, decision to target objects that were very important to the Muslims and Croats!!! No a word about evidence to that diorection! The Defence had pointed out the fact that in the eastern part of the RS, in which many Serb refugees came from the Muslim areas, and none from the Croat areas, no a single Catholic church had been damaged. This indicates that at their own places no Catholic perpetrator ruined any Orthodox church, and the refugees didn’t have any anti-Catholic sentiment. It was different in the western part of the Republic of Srpska, which admitted many Serb refugees from the Catholic areas!)**

**2557.** Having considered the nature and extent of the private and public property destroyed, the Chamber finds that the impact of the destruction was serious given that it affected indispensable and vital assets of the population, including homes and religious sites. The Chamber therefore finds that these acts of wanton destruction of private and public property amounted to a denial of or infringement upon a fundamental right and were of equal gravity to the other crimes listed under Article 5 of the Statute. **(All highly senseless, and would have some sense if there was no any civil war. Anyway, the destructions in Bosnia during 44 moths of war was not comparable with the destructions resulting in other current wars, nor even #! comparable with Mostar and three months of war there#, not to mention cities in the Middle East!)**

**2558.** Further, the Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations of BiH. The Chamber finds that the acts of wanton destruction were part of this widespread and systematic attack and the perpetrators of these acts knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims of these acts, which correspond with the scope of the widespread and systematic attack, as well as the magnitude and systematic nature of the attack on the Bosnian Muslim and Bosnian Croat civilian populations of BiH. **(#All wrong, unfounded, arbitrary#! There was #no a single example of a Serb attack on any civilian settlement# if there was no Muslim military presence and their active combat actions against the Serbs. It was very easy to establish, since there was many more non-Serb settlements that had never been attacked than those that had been under an attack! Why it was so?)**

2559. The Chamber therefore finds that these incidents of wanton destruction of private and public property, including cultural monuments and sacred sites, constitute acts of persecution as a crime against humanity.

(H) Imposition and maintenance of restrictive and discriminatory measures<sup>8613</sup>

**2560.** The Chambers found in section IV.A.1 that Bosnian Muslims and Bosnian Croats were removed from positions of authority and dismissed from their employment in Bijeljina,<sup>8614</sup> Bosanski Novi,<sup>8615</sup> Bratunac,<sup>8616</sup> Foča,<sup>8617</sup> Ključ,<sup>8618</sup> Pale,<sup>8619</sup> Prijedor,<sup>8620</sup> Sanski Most,<sup>8621</sup>

<sup>8613</sup> The Prosecution indicated that it would not lead evidence with respect to the imposition and maintenance of discriminatory measures in Banka Luka, Brčko, and Višegrad. Indictment, fn. 10.

<sup>8614</sup> See paras. 628–629, 865.

<sup>8615</sup> See para. 1437.

<sup>8616</sup> See para. 723.

<sup>8617</sup> See para. 858.

<sup>8618</sup> See paras. 1502–1505.

<sup>8619</sup> See paras. 2306–2308.

<sup>8620</sup> See paras. 1596–1601, 1659.

<sup>8621</sup> See para. 1950. See also para. 2061.



Vogošća,<sup>8622</sup> Vlasenica,<sup>8623</sup> and Zvornik.<sup>8624</sup> In Foča for example, announcements were made that the administration of the entire municipality would be run by Bosnian Serbs.<sup>8625</sup> In addition, after the dismissal of Bosnian Muslims in Bratunac, all key positions in local government were taken over by Bosnian Serbs.<sup>8626</sup> In some municipalities, Bosnian Muslims were prevented or discouraged from reporting for work,<sup>8627</sup> while others were subject to threats, harassment, and insults after which they stopped going to work.<sup>8628</sup> In Vlasenica, the Chamber also found that the salaries of Bosnian Muslim workers were stopped while Bosnian Serb workers continued to be paid.<sup>8629</sup>

**(In order to be minimally fair, the Chamber should find that prior to these events there was a long time process of #negotiations about forming two ethnically defined municipalities# - #Two municipalities#! . Those non-Serbs who would remain to live and work in the Serb municipality, would have to accept already proclaimed Republic of Srpska and its Constitution, and to commit themselves to the new laws and new organisation of state. If not, they couldn't execute any duty with the special authorisations, such as arresting, investigating and judging citizens. Since the Muslims accepted to form their municipalities and at the last moment reneged on it, that was their choice, but they could have done either way! As far as it is concerned with the coming to jobs in companies, a private companies had every right to decide whether it was safe to have all the workers coming, but both the private and state enterprises had a drastic decrease in production due to the war and sanctions, and they didn't need all the workers from the pre-war time. As far as it is concerned with the public servants, they could stay in the Serb administration, or cross to the Muslim municipal administration.)**

2561. In Bratunac, Vlasenica, and Zvornik, Bosnian Muslim judges were expelled,<sup>8630</sup> **(Let us first see what is “established” in the para 1276 of the Judgement, from this footnote: 1276. Some Bosnian Muslims were prevented from going to work, and those who attempted to do so, were stopped at a barricade in Karakaj, slapped, insulted, and sent home. In April 1992, Bosnian Serb authorities called on both Bosnian Serbs and Bosnian Muslims to return to work and live in Zvornik, declaring it was safe to do so. However, Bosnian Muslims who did return were taken in for interviewing, had to register, and in order to remain employed, had to sign a pledge of loyalty to the Bosnian Serb authorities. Some Bosnian Muslims after being questioned by the police were kept effectively under house arrest, and in one case in May 1992, Serb Forces called out the names of Bosnian Muslims who were still living in a building in Zvornik White Eagles also searched Bosnian Muslim apartments, at times using violence. Here it is clear than only “some of the Bosnian Muslims were prevented from going to work”... and not establish why not all of them, which would more look like discriminatory measure. Thus, it seems that “some” of them had been suspected for something, and some not! Not to forget that the Muslim authorities of Zvornik issued a proclamation on 8 May, demanding the Muslims not to return to Zvornik, but rather to fight, see: D1622:**

Muslims, raise to arms, go to the woods or free territory, join the Territorial Defence of the municipality. Do not go back to the town or villages, do not go to work, exercise civil disobedience and paralyze economic and other activities which would give the legitimacy and the material basics for warfare to the newly establish occupying authority.

<sup>8622</sup> See para. 2382 (the Chamber found that non-Serb workers were suspended from their jobs at the medical centre).

<sup>8623</sup> See paras. 1120, 1124.

<sup>8624</sup> See para. 1276.

<sup>8625</sup> See para. 858.

<sup>8626</sup> See para. 723.

<sup>8627</sup> See para. 865.

<sup>8628</sup> See paras. 1033, 1119, 1276.

<sup>8629</sup> See para. 1120.

<sup>8630</sup> See paras. 723, 1276.

Knowing that many Muslims demanded to be let go to Tuzla, and having in mind this "Proclamation", no any room for a Serb ethnic cleansing, particularly since the Zvornik municipality did split in two parts till now! Let us see what is in the para 723 of the Judgement, from the same foot note: 723. After the Serb Forces arrived in Bratunac, Bosnian Muslims in factories and municipal bodies were fired from their jobs and all key positions in the local government were taken over by Bosnian Serbs. At the 17th session of the Bosnian Serb Assembly on 26 July 1992, Rajko Dukić stated that he hoped they would not be judged for having expelled all Muslim judges from the municipalities of Vlasenica, Bratunac, and Zvornik. Serb Forces began patrolling Bratunac and took away the most prominent Bosnian Muslims, some of whom were detained at the Vuk Karadžić School. First and the most important: the Serbs didn't arrive in Bratunac, they had been the oldest population in the area. Second, there was a very succesfull negotiations about forming two municipalities, the police separated peacefully and successfully, there was a good prospective for the peace to be preserved, and two ethnic communities to live peacefully! But, the Chamber misses the main point: on 3 May the Muslim extremists attacket the JNA while withdrawing to Yugoslavia. At the same time the Muslims from Srebrenica reneged on the similar agreement and attacked the Serbs, expelling thousand of them to Bratunac. Further, on 8 May the Muslim extremists made an ambush and killed judge Goran Zekic, a prominent Serb representative in the common Assembly. Then the war broke out in Bratunac, a month after the war start in Sarajevo! Therefore, the Chamber is making decisions as if there was no any war, or any negotiations, or any event except a Serb misdeeds! As far as it is concerned with Zvornik, the Serb authorities called all the refugees, Serb and Muslim, to return , but the fights were still going on, and the Muslim side issued on 8 May another call, an appeal for the Muslims not to return to the town, see D1622 above! But, the Chamber never mentioned this contemporaneous document! Why it was more important to quote an unofficial sentence of Rajko Dukic, who was critical of the President's nomination of Muslim/Croat judges, while still there was the most fierce fighting, and many young Serbs arrived in the towns in coffins. Dukic even wasn't a deputy, but many had been disappointed by the President's action as a prematured, when the President nominated at least 18 Muslims and Croats as judges or prosecutors in the regional courts, see: D418 of 30 June 1992:

/Handwritten: M/

## DECISION

1. Alida NAD MADARAC is elected Judge of the Lower Court in Bijeljina.
2. This Decision shall be promulgated in the *Official Gazette of the Serbian People in BH*.

No. 01-124/92  
20 June 1992

President  
of the Presidency  
of the Serb Republic of BH  
Dr Radovan Karadžić

### A Muslim lady judge, nominated by the President on 20 June 92. Further:

1. Alija ZVIZDIĆ is elected Judge of the Lower Court in Bijeljina.
2. This Decision shall be promulgated in the *Official Gazette of the Serbian People in BH*.

No. 01-126/92  
20 June 1992

President  
of the Presidency  
of the Serbian Republic of BH  
Dr Radovan Karadžić

### further, a Muslim gentlemen Judge:

3. Alma SALIHBEGOVIĆ is elected Judge of the Lower Court in Bijeljina.
4. This Decision shall be promulgated in the *Official Gazette of the Serbian People in BH*.

### A Muslim lady judge,

I

Miroslav MARIĆ is elected President of the Lower Court in Trebinje.

II

Ljiljana SIMOVIĆ is elected Judge of the Lower Court in Trebinje.

III

Rajko KOZJAK is elected Judge of the Lower Court in Trebinje.

IV

Milan BOSIĆ is elected Judge of the Lower Court in Trebinje.

/handwritten: M/ V  
Ehliman FETAHAGIĆ is elected Judge of the Lower Court in Trebinje.

**the last one was a Muslim, further:**

/handwritten: M/ VI  
Zijad ČAMPARA is elected Judge of the Lower Court in Trebinje.

**a Muslim, further: on 2 July 92:**

/handwritten: Croat/ V  
Frano KARABEGLIĆ is elected Judge of the Lower Court in Trebinje.

/Handwritten: Croat/ XI  
Berislav KOVAČEK is elected Judge of the Higher Court in Banja Luka.

/Handwritten: Muslim/ XII  
Suada KOTLO is elected Judge of the Higher Court in Banja Luka.

/Handwritten: Muslim/ XIII  
Zehra KERENOVIC is elected Judge of the Higher Court in Banja Luka.

/Handwritten: Muslim/ XIV  
Asim KRUPIC is elected Judge of the Higher Court in Banja Luka.

/Handwritten: Croat/ VIII  
Krešimir ĐUKIĆ is elected Judge of the Higher Court in Banja Luka.

/Handwritten: Croat/ XVI  
Stanislav JAKL is elected Judge of the Higher Court in Banja Luka.

**(A Croat a Croat, a Muslim lady, a Muslim lady, a Muslim gentlemen, a Croat, a Croat,**

/Handwritten: Muslim/ XX  
Adem MEDIC is elected Judge of the Higher Court in Banja Luka.

/Handwritten: Muslim/ XXIX  
Zinaida KADIĆ is elected Judge of the Higher Court in Banja Luka.

**A Muslim gentlemen, a Muslim lady, further, on 20 July 92:**

Ibrahim ALAGIĆ is appointed Deputy Senior Public Prosecutor in Banja Luka.

**A Muslim gentlemen! After that date the President didn't appoint judges and prosecutors, since the Assembly gathered regularly! Why the mens rea and actus reus of the President wouldn't be seen from his documents rather than from the jokes or other unofficial words of the deputies or other low ranking Serbs?) :** while in Pale,<sup>8631</sup> Sokolac,<sup>8632</sup> and Vlasenica,<sup>8633</sup> Bosnian Muslim members of the SJB were dismissed. **(This is also #insufficient, distorted and not true#. In the inter-party agreement there were pairs of municipalities of those with similar share of population. In Stari Grad municipality and in Pale there was similar rate of minorities, and what the Serbs got in Stari Grad, the same Muslims got in Pale, pertaining to the number and positions in police, administration, and so on! It functioned well until the Muslims expelled all the [Serbs from the Stari Grad police. Those policemen had been sent to Pale, to work there. Then the police in Pale hired these policemen, but dir reciprocal measure and fired the Muslim policemen. Without the entire picture and the "whole truth" we get such a kind of deliberations! As far as it is concerned with Vlasenica and other municipalities in process of transformation into two wthnic**

<sup>8631</sup> See paras. 2306–2307.

<sup>8632</sup> See para. 1050.

<sup>8633</sup> See para. 1124.

municipalities, the Muslim policemen that didn't want to recognize the Serb municipality, Constitution and laws – had a choice, to join the Muslim municipality and its police. Why it is #neglected, although it constitutes the essence# as it was, not as it is interpreted by the Prosecution?) The Chamber also recalls its finding that a Bosnian Muslim officer in the JNA was progressively stripped of his duties and authority until he was told that his safety could not be guaranteed and he left the JNA.<sup>8634</sup> (That was not the case, since Dzambasovic left the JNA on 6 April, the first day of war in Sarajevo. However, he loudly opposed any idea of the Republic of Srpska and persecuted any cooperation of the Serb reserve units and the JNA, and for that reasons he was seen as a risky man, disobedient to the highest commands of the JNA, which recommended a good relations with all that join the JNA and respond to the mobilisation calls! He himself said that he left with dignity and understanding of the other officers in the Brigade!)

2562. Other discriminatory measures included forcing Bosnian Muslim police officers to pledge loyalty to the Bosnian Serb authorities and wear the Serb flag on their caps to retain their jobs.<sup>8635</sup> (How could it be “discriminatory” since the #Serbs had to accept the new state organisation too#? Without the oath, none could have the special authorisation in the state organs, as to arrest, investigate and so on! In no country in the world it would be possible! #The same is all and every country#! ) Similarly in Bratunac, Bosnian Muslims were given a deadline to pledge loyalty to the Serbian Municipality of Bratunac but continued to be subject to searches of their homes and other intimidation.<sup>8636</sup> (Although the Bratunac Muslims accepted to form their municipality and the police station, which is documented in the file, the Muslim policemen could have stayed in the Serb police station, provided they accept the laws and Constitution! This is not discriminatory, on the contrary!) Bosnian Muslims in Zvornik who returned were required to register and sign a pledge of loyalty to the Bosnian Serb authorities in order to remain employed.<sup>8637</sup> (That concerned only those who would have a special authorisation, others had to be loyal to the laws and Constitution, as in any other country. No a state would employ somebody decisive to harm the state, particularly in a state of war!)

2563. The dismissal of Bosnian Muslims and Bosnian Croats from their employment was discriminatory in fact. In addition, the Chamber found in Ključ that the Bosnian Serb authorities expressly decided that only Bosnian Serb officials could occupy certain important posts in the municipality and that those dismissed from their jobs were so treated because of their ethnicity.<sup>8638</sup> (Not because of their ethnicity, but #because of their disloyalty to the new inner organisation of Bosnia#. Such a decisive opponents to the peace would harm the municipal peace and cause sufferings!)

2564. In Foča there were widespread arrests of Bosnian Muslim male civilians who were rounded up and arrested in the streets or in their homes, workplaces, or hospitals.<sup>8639</sup> Similarly the Chamber found that there were random arrests of Bosnian Muslims in Pale and Prijedor.<sup>8640</sup> (Wherever it was an unjustified arrest, such a detained people were released after the first interview. But, the Chamber is accepting the Prosecutor's qualification of “civilians” as if civilians couldn't be culprits in a civil war. There is a big rift between what the Prosecution/Chamber “found” and the reality. Why the Serb local authorities would arrest

<sup>8634</sup> See para. 950.

<sup>8635</sup> See paras. 629, 1437 (the Chamber found that even those Bosnian Muslim police officers who signed the oath were also fired), 1502, 1597, 1616. See also para. 1936.

<sup>8636</sup> See para. 721.

<sup>8637</sup> See para. 1276.

<sup>8638</sup> See paras. 1504–1505.

<sup>8639</sup> See para. 862.

<sup>8640</sup> See paras. 1587, 2310.



innocent civilians, while not be able to house, guard and feed their ownm population and army, let alone additional civilians? Another question: why only several percent of the Muslim population in the most denigrated municipalities had been brought in and detained? This finding had been based on one of 2,379 adjudicated facts, introduced in this case, which diminished any illusion of a fairness of the trial! #Deadly combination#! ) For further evidence on arbitrary arrests, the Chamber refers to its findings in Section IV.A.2.iv.D above regarding unlawful detention. During and after these arrests, Bosnian Muslims were referred to by Serb soldiers by the derogatory term “balijs” and cursed.<sup>8641</sup> Bosnian Muslim homes were also subject to arbitrary searches sometimes accompanied by violence or intimidation towards the occupants.<sup>8642</sup> On occasions those searches were on the pretext of searching for weapons but intimidated the Bosnian Muslim population.<sup>8643</sup>

2565. The Chamber also found that restrictions were placed on the movement of Bosnian Muslims, including the issuance of movement passes which did not apply to Bosnian Serbs.<sup>8644</sup> **(In the war zone everyone had to have a sort of pass, otherwise couldn’t pass. This was a security measure, and depended on the local security organs, not on the President, nor the President was entitled to ban it, since it could affect security of soldiers and civilians. The “non-Serbs” were easier to obtain it, because they hadn’t been obliged to the Army! But, again, the Chamber neglects the fact that in those several municipalities #there were the fierce fightings# on a daily basis. In such a situation the local commanders were sovereign in deciding and implementing the security measures, and neither the President, nor anyone else could order anything what would indanger the lifes of his soldiers and civilians!)** Some Bosnian Muslims who were involved with the SDA were not issued with passes, and others who did have such passes were still often arrested and detained.<sup>8645</sup> Some Bosnian Muslims were only able to secure transit passes if they had connections or they had to pay substantial amounts of money in order to leave the municipality.<sup>8646</sup>

2566. The Chamber also recalls that there were restrictions on Bosnian Muslims meeting each other, their phone lines and utilities were cut, and some were placed under virtual house arrest.<sup>8647</sup> The Chamber found that in Zvornik, for example, Bosnian Serb authorities banned the sale or trade of real estate in the municipality unless it was between Bosnian Serbs and and only ordered the back pay of pensions for Bosnian Serbs.<sup>8648</sup> **(All military and security necessities# Would the UN or this Tribunal be responsible if the Muslims succeded to bucher the Zvornik Serbs, as they din the Pofalici Serbs in the middle if the Muslim part of Sarajevo, or in Bradina, all of it in May 92? See hwo formidabl;e were the Muslim OS (Armed Forces) in Zvornik on 11 May 1992, D38:**

REPUBLIC OF BOSNIA AND HERZEGOVINA  
ARMY OF THE REPUBLIC OF BOSNIA AND HERZEGOVINA  
MUNICIPAL STAFF OF OS ZVORNIK

<sup>8641</sup> See paras. 862, 1033.

<sup>8642</sup> See paras. 864, 1126 (the Chamber found that Bosnian Muslim homes in Vlasenica were visited during the night by members of the Serb Forces who harassed them and demanded money), 1276, 1610. See also paras. 950 (pertaining to the searches of Bosnian Muslims), 2264–2266, 2268. The Chamber also found that Serb Forces searched houses in Hadžići but has insufficient evidence to determine if these searches were arbitrary or directed against Bosnian Muslims and/ or Bosnian Croats. See para. 2086.

<sup>8643</sup> See para. 1149.

<sup>8644</sup> See paras. 865, 952, 1118, 1506, 1609, 1661. See also paras. 2177, 2182. The Chamber also found that Serb Forces restricted the movement of the population in Hadžići but has insufficient evidence to determine if these restrictions were directed against Bosnian Muslims and/ or Bosnian Croats. See para. 2086.

<sup>8645</sup> See para. 1118.

<sup>8646</sup> See para. 1118.

<sup>8647</sup> See paras. 865, 952, 976, 1119 (relating to television broadcasts from Sarajevo), 1276, 2311. See also para. 1269 (the Chamber found that in some cases after the attack by Serb Forces on Bosnian Muslim villages they cut the electricity supply).

<sup>8648</sup> See paras. 1236, 1279.

## REPORT

ON THE STATE, ORGANIZATIONAL, AND FORMATIONAL STRUCTURE AND  
THE COMBAT READINESS OF THE UNITS OF THE ARMED FORCES

## ZVORNIK

Sapna, 11.05.1992

The defense of Kula Grad, from April 9<sup>th</sup> to April 26<sup>th</sup>, was carried out while the JNA was still the legal armed force in the region of Tuzla, when the state of Bosnia and Herzegovina had still not named an aggressor, and was not yet organized or ready to conduct a defensive and liberating war. At that time, Kula Grad was the symbol of the BiH resistance to aggression. The Kula Grad situation had indicated that resistance was possible even while being surrounded, and that the Aggressor is vulnerable, regardless of the fact that it is armed to the teeth and exceptionally well equipped.

The grounds of the successful resistance were accredited to the preparations undertaken months in advance of the war, which were thus reflected in the effectiveness of most of the activists, the organized arming, and the decidedness to offer resistance at any cost. A particular effect in the sustaining of the freedom of the territory was created by the arrival and activity of Captain Hejrudin Mesic, who had, along with Captain Mehdi-Senad Hodzic, and a smaller number of other organizers of the resistance and uprising, had managed to create a sense of need for armed resistance, as well as the potential and the effectiveness of the liberating combat. Captain Hajra's group was the first combat unit in this region.

The defense of Zvornik, carried out on April 8<sup>th</sup> and 9<sup>th</sup>, 1992, indicate that the preparations were brief, that the technical equipment was limited, and the quick defeat due to the surprise and cunning attack of JNA formations, the Territorial Defense of the Republic of Serbia, and the Serb military and paramilitary formations of the SDS.

The Aggressor, in the attack on Zvornik just as in the defense of the Tower, had suffered large casualties, despite the fact that the defense was poorly armed and prepared, divided into half by the psychological propaganda activities, and poorly commanded and organized in the military sense.

The grounds of the successful resistance were accredited to the preparations undertaken months in advance of the war, which were thus reflected in the effectiveness of most of the activists, the organized arming, and the decidedness to offer resistance at any cost. A particular effect in the sustaining of the freedom of the territory was created by the arrival and activity of Captain Hejrudin Mesic, who had, along with Captain Mehdi-Senad Hodzic, and a smaller number of other organizers of the resistance and uprising, had managed to create a sense of need for armed resistance, as well as the potential and the effectiveness of the liberating combat. Captain Hajra's group was the first combat unit in this region.

In this period, many combat activities took place, from which we distinguish a few: the liberation of Sapna and Gaj on May 6<sup>th</sup>, 1992, the battle for Zaseok on May 10<sup>th</sup>, 1992, the taking of Brdjane on May 14<sup>th</sup>, 1992, Odzacin on June 11<sup>th</sup>, 1992, the battle for Boskovic on June 22<sup>nd</sup>, 1992, the forming of the First Zvornik Squad on June 22<sup>nd</sup>, 1992, the forming of the Second, Third, Fourth, and Fifth Squads of those two independent companies, the heavy artillery shelling of the entire region by the Graduates

## OVERVIEW OF UNITS

UNIT	NUMBER OF SOLDIERS		
	INTERVENTION	POSITION	BACKGROUND
1. MOCA GODUS COMPANY	23	74	12 (109)
2. ZUJE SARCI COMPANY	20	49	4 (73)
3. SELIMOVICI PLATOON		45	8
4. KOVACEVICI COMPANY		89	6
5. KRSTAC PLATOON		30	3
6. SVRAKE PLATOON		30	4
7. MAHMUTOVICI PLATOON		29	5
8. VITINICA KOLONIJA PLATOON		30	4
9. DZAKICI PLATOON		28	2
10. MARNICI PLATOON		53	5
11. RAMICI PLATOON		50	5
12. ZECIJA KOSA DIVISION		7	-
13. ZASEOK COMPANY		126	12
14. NEZUK COMPANY	21	162	13
15. SAPNA COMPANY	14	113	10
16. KRALJEVICI CETA		102	6

17. KRALJEVICI INTERVENTION PLATOON	11		
18. KOBILICI COMPANY		79	6
19. BAJINA COMPANY	77		7
20. DZAMIJSKI GOLUBOVI	50		5
21. KRIZEVICI II COMPANY	17	34	
22. MEDJEDJA COMPANY		119	17
23. HAP PLATOON		16	2
24. GAJ COMPANY		55	8
25. GRABOVKA PLATOON		42	4
26. I ZVORNIK SQUAD	39	97	32
27. MILITARY POLICE	47		
28. MEDICAL CORPS			20
29. BACKGROUND BASE			63
30. PROTECTIONAL STAFF COMPANY		16	39
31. STAFF		26	
32. SULTAN FAITH	44		

here was 5,056 soldiers decisive to fight against the Zvornik Serbs. Hadnt the Zvornik Serbs been responsible, that would be a carnage, and nobody in the world cad demand the Serbs to sustain such a massacres! Let us see what is in this para 1236, that served as a basis for this **assertion**: 1236. Also on 15 March 1992, the Assembly of the Serb Municipality of Zvornik passed a decision banning the sale or trade of real estate within the municipality unless it was between "ethnic Serbs". In late March 1992, local youth were given assignments by Bosnian Serb police to erect barricades at specific locations, secure important facilities in Karakaj, and seize bridges. (#All under the JNA auspice, there was no the VRS yet# The ban on the sale or trade of real estate in a gloomy war atmosphere was rather a #commendable#, because prevented any deception or the influence of circumstances. The barricades are by definition a defensive, not offensive action, and since the local Serbs knew what the SDA extremists had been preparing against the Serbs in Zvornik. Again, the Chamber is "finding" the Serb felonies as if there was no the war situation, and a carnage of the Serbs in several Bosnian towns! Let us see para 1279, the same as a basis for this paragraph: 1279. On 17 June 1992, the President confirmed the appointment of five members of the War Commission of the Serb Municipality of Zvornik, which was to disband the Interim Government and restore the Municipal Assembly. On the same day, the Serb Municipality of Zvornik ordered the back pay of pensions for Serbs. So, if the President ordered re-organisation of the municipal authorities, it doesn't mean that he ordered that only the Serbs to get their pensions! Certainly, he didn't. at the same time, in Grbavica, in the centre of the Serb Sarajevo, all the citizens regularly received pensions. In Zvornik there was a separation of municipalities, and fonds and all the administration, so understandably the Serb municipality was not able to

**remunerate incomes for thos that lived in their municipality!)** In Vlasenica, the Chamber found that Bosnian Muslims had restrictions placed on the amount of money they could withdraw from the bank.<sup>8649</sup> **(It had been rebuted in the court room by the testimony of Stanic, who confirmed that there was a general shortage of the cash, because the money, Yugoslav Dinar, was printed in Belgrade, and it was not simple to obtain it! This practice was introduced throughout the entire Yugoslavia already in 1989. But, even if it was as said, what does it have to do with the President, or any other Serb official? The #monetary policy# was under the control and in competences of the Central Bank of Yugoslavia!)**



2567. The Chamber considered the circumstances and the environment in which Bosnian Muslims and Bosnian Croats were subjected to restrictive and discriminatory measures. The Chamber did not consider these measures in isolation, but also had regard to its findings that contemporaneously Bosnian Muslims and Bosnian Croats in the Municipalities were also subject to killings, torture, beatings, physical and psychological abuse, rape and other acts of sexual violence, cruel and inhumane living conditions, forcible displacement, unlawful detention, forced labour, plunder, and the wanton destruction of private and public property.<sup>8650</sup> When these restrictive and discriminatory measures are considered in conjunction with these other underlying acts of persecution which were perpetrated at the same time, against the same category of victims, the Chamber finds that this amounted to a denial of or infringement upon a fundamental right and was of equal gravity to the other crimes listed under Article 5 of the Statute. **(This is so biased, arbitrary, and not proven to be any part of the state policy. If there was a civil war, one of many among the same opponents and adversaries, the Prosecution was obliged to show what of it was in control of the state organs and institutions, what was caused, controlled, neglected or in other way caused by the President's actions or missing of the action! The crimes must be defined as personal, not as general!)**

2568. In addition, the Chamber finds that the perpetrators of these restrictive and discriminatory measures chose their victims on the basis of their identity as Bosnian Muslims or Bosnian Croats. The Chamber finds that these acts were carried out deliberately with the intent to discriminate on the basis of the identity of the victims as Bosnian Muslims or Bosnian Croats.<sup>8651</sup> In concluding that these acts were carried out with discriminatory intent, the Chamber had regard to its finding that these acts were discriminatory in fact given that the restrictive and discriminatory measures were directed against Bosnian Muslims and Bosnian Croats whereas Bosnian Serbs were not subject to the same restrictions. **(#Absurdity#! Probably because the "Bosnian Serbs" didn't wage the war against the Bosnian Serbs, while many Muslims and Croats did wage a cruel war against the Serb army, police and civilians, as several times in the same century! Again, the Chamber's finding look like there was a peace, and the authorities discriminated a peaceful citizens. As a matter of fact, the vast majority of the "non-Serbs" didn't have any trouble living in the Serb areas, and only some percentage, less than 5% all together, did have troubles as their own choice! There is a sufficient evidence for this in the file!)** In addition, the Chamber also had regard to the insults, taunts, and threats directed at the victims on the basis of their identity as Bosnian Muslims or Bosnian Croats in the Municipalities which expressly demonstrated this discriminatory intent with respect to other underlying acts of persecution.<sup>8652</sup>

2569. Further, the Chamber found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat civilian populations in the Municipalities. The Chamber finds that the incidents of restrictive and discriminatory measures were part of this widespread and systematic attack and the perpetrators of these acts knew of the attack and that their crimes were part of it. In reaching that conclusion the Chamber considered the locations, time period, and the identity of the victims of these acts, which correspond with the scope of the widespread and systematic attack, as well as the magnitude and systematic nature of the attack on the Bosnian Muslim and Bosnian Croat civilian populations of BiH.

2570. The Chamber therefore finds that the imposition and maintenance of restrictive and discriminatory measures constitute acts of persecution as a crime against humanity. **(#Absurdity#!)**

<sup>8650</sup> For the Chamber's findings in this regard, see Section IV.A.2.iv: Legal findings on crimes (Persecution: Count 3).

<sup>8651</sup> The Chamber considers that discrimination on the grounds of the identity of the victims as Bosnian Muslims or Bosnian Croats falls within the prohibited grounds of discrimination under Article 5(h) of the Statute.

<sup>8652</sup> The Chamber has had regard to its findings with respect to the insults, taunts, and threats which were discussed in the context of cruel and inhumane treatment of these detainees.

**Was it established that it was on the ethnic basis only? Why the vast majority of the “non-Serbs” in a critical municipalities hadn’t been treated this way, and why in many municipalities there was no troubles at all? The Chamber missed to establish the causes and consequences, the contribution of the other sides to the troubles, as in the criminal justice must be found out whether the indicted side had any other choice, or had to act in an ultimate defence. All what the Tribunal made is so arbitrary, unjust and unfounded, so that will be a paradigm of what must not be done ever!)**

# 1. Genocide: Count 1

2571. In Count 1 of the Indictment, the Prosecution charges the Accused with genocide pursuant to Article 4 of the Statute. It alleges that between 31 March and 31 December 1992, in seven of the Municipalities, namely Bratunac, Foča, Ključ, Prijedor, Sanski Most, Vlasenica, and Zvornik (“Count 1 Municipalities”), the alleged persecutory campaign included or escalated to include conduct that manifested an intent to destroy in part the national, ethnical and/or religious groups of Bosnian Muslims and/or Bosnian Croats as such.<sup>8653</sup> It submits that the crimes charged in the Indictment were not aimed at the victims as individuals but as members of an “undesired community”; the President “intended the demographic restructuring of Bosnia to be accomplished by the destruction of substantial parts of the Bosnian Muslim and Bosnian Croat communities” in the Count 1 Municipalities.<sup>8654</sup> According to the Prosecution, the proper name for this crime is “genocide”.<sup>8655</sup>

2572. In his Final Brief, the Accused concentrates his argument in relation to Count 1 on the lack of genocidal intent from his part or from anyone in the Bosnian Serb leadership; this argument will be addressed below. The Chamber notes that at the end of the Prosecution’s case, in his submissions pursuant to Rule 98 *bis*, the Accused argued that there was no genocide in the Municipalities in 1992 and that there was therefore no evidence upon which the Chamber could conclude that the Accused was guilty of genocide as charged in Count 1.<sup>8656</sup> More specifically, he argued that “displacement does not equal destruction”,<sup>8657</sup> and referred to all of the previous Tribunal judgements in which genocide was not found to have been committed in the Municipalities, or at least in some of the Municipalities.<sup>8658</sup>

## (A) The protected group

2573. For the purpose of Count 1, the Prosecution alleges that the protected groups are the national, ethnical and/or religious groups of Bosnian Muslims and Bosnian Croats.<sup>8659</sup>

2574. The Chamber notes that other Chambers have concluded that both the Bosnian Muslims and the Bosnian Croats are protected groups within the meaning of Article 4 of the Statute.<sup>8660</sup>

<sup>8653</sup> Indictment, paras. 36, 38. The Chamber gives a restrictive interpretation to paragraph 38 of the Indictment, which states that the “most extreme manifestations of an intent to partially destroy these groups took place in [the Count 1 Municipalities]”. This is in conformity with the Prosecution Final Brief focusing on the Count 1 Municipalities, by reference only to the “municipalities specified in Count 1”. Prosecution Final Brief, para. 570.

<sup>8654</sup> Prosecution Final Brief, para. 570.

<sup>8655</sup> Prosecution Final Brief, para. 570.

<sup>8656</sup> Hearing, T. 28570 (11 June 2012).

<sup>8657</sup> Hearing, T. 28571 (11 June 2012).

<sup>8658</sup> Hearing, T. 28572–28579 (11 June 2012).

<sup>8659</sup> See Indictment, para. 38; Prosecution Final Brief, fn. 2147 (making reference to the “national group of Bosnian Muslims and of Croats”).

<sup>8660</sup> In relation to the Bosnian Muslim group, see *Krstić* Appeal Judgement, para. 15 (holding that identifying “the protected group as the national group of Bosnian Muslims” comports with the guidelines in relation to the definition of the protected group pursuant to Article 4 of the Statute). See also *Popović et al.* Trial Judgement, para. 840; *Krstić* Trial Judgement, para. 560. In relation to both the Bosnian Muslim and Bosnian Croat groups, see *Stakić* Appeal Judgement, para. 36 (concluding that the Trial Chamber did not err in law either by defining the groups allegedly targeted for genocide as Bosnian Muslims and Bosnian Croats). See also *Brđanin* Trial Judgement, para. 736.

The Chamber is satisfied for the purpose of Article 4 of the Statute that the protected groups were the Bosnian Muslims and the Bosnian Croats.

(B) The *actus reus*

2575. In relation to Count 1, the Prosecution charges three types of acts under Article 4(2) of the Statute: (i) the killing of Bosnian Muslims and Bosnian Croats, including leading members of these groups;<sup>8661</sup> (ii) the causing of serious bodily or mental harm to thousands of Bosnian Muslims and Bosnian Croats, including leading members of these groups, during their confinement in detention facilities;<sup>8662</sup> and (iii) the detention of thousands of Bosnian Muslims and Bosnian Croats, including leading members of these groups, in detention facilities, under conditions of life calculated to bring about their physical destruction.<sup>8663</sup> The Prosecution alleges that the evidence is overwhelming that these acts of genocide within the meaning of Article 4(2) of the Statute occurred on a massive scale.<sup>8664</sup>

2576. When presenting the Accused's closing arguments on genocide under Count 1, the Accused's legal adviser acknowledged that "crimes such as murder and infliction of serious harm, were committed during the 1992 events in the municipalities in Bosnia".<sup>8665</sup>

2577. The Chamber will examine below each of the categories of acts charged under Article 4(2) of the Statute.

1. Killing members of the group

2578. The Chamber entered findings that a large number of Bosnian Muslims and Bosnian Croats were killed by Serb Forces throughout the Count 1 Municipalities. Victims were killed during and after the take-over of these municipalities. Victims were also killed while they were detained at detention facilities; some of them died as a result of cruel and inhumane treatment inflicted on them.<sup>8666</sup> **(#Eight mistakes#! There are at least eight huge omissions in this finding: 1. there was no any "take-over" by the Serb side, but only a "take-over" of control on the Serb territories only, leaving the same possibility to the Muslim/Croat side; 2. In all and every of these municipalities the Serb side had been attacked militarily by the illegal terrorist groups, which first attacked the JNA, and later the Serb institutions, and finally the VRS and Serb police; 3. There was no a single case of any harassment, detention, hostility prior to an armed conflict initiated by the Muslim side; 4. There was no a case of the Serb initiation of armed conflict; 5. There had been detained only persons connected to the armed rebellion, and if by mistake some civilian had been arrested, such a person had been released immediately after established the fact. In the most critical municipalities of Sanski Most and Prijedor, 41% and 59% respectively had been released; 6. In these the most critical municipalities there had been detained less than 2,8% of the non-Serb population – always and exclusively on the basis of personal involvement in rebellion; 7. Except in an incident in the Keraterm detention in Prijedor, where during an escape attempt had been killed close to**

<sup>8661</sup> Indictment, para. 40(a) (referring to killings carried out during and after take-overs and in detention facilities, including those committed during, and deaths resulting from, cruel and inhumane treatment at detention facilities).

<sup>8662</sup> Indictment, para. 40(b) (referring to cruel or inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence and beatings).

<sup>8663</sup> Indictment, para. 40(c) (referring to cruel and inhumane treatment, including torture, physical and psychological abuse, rape, other acts of sexual violence, inhumane living conditions, forced labour and the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities).

<sup>8664</sup> Prosecution Final Brief, para. 572; Prosecution Closing Argument, T. 47577 (29 September 2014).

<sup>8665</sup> Accused Closing Argument, T. 47935–47936 (2 October 2014).

<sup>8666</sup> See para. 2446. For Bratunac, see fn. 8223, 8236, 8251; for Foča, see fn. 8224, 8238, 8252; for Ključ, see fn. 8225, 8240; for Prijedor, see fn. 8227, 8243, 8253; for Sanski Most, see fn. 8228, 8245, 8255; for Vlasenica, see fn. 8231, 8246; and for Zvornik, see fns. 8232, 8248, 8256.

**200 inmates, there was no killings in other detentions, except a very few incidental, and always out of control of the officials! 8. The Chamber facilitated the Prosecution witnesses to lie as much as they wanted, and among others, the Chamber accepted that there was no a combat casualties on the Muslim side, during the legal anti-terrorist actions throughout the militarised villages, thus counting all the combat casualties as a civilian!!! Everyone is free to challenge these facts, because as time goes, the truth will prevail!!! The general question remains un-answered: #why only a few villages in the critical municipalities had been embattled, #why only few percent of the non-Serbs had been participating in rebellion, and #why it happened in less than one third of the Serb municipalities!)**

2579. The Chamber is therefore satisfied for the purpose of Article 4(2)(a) of the Statute that members of the Bosnian Muslim and Bosnian Croat groups were killed.

2. Causing serious bodily or mental harm to members of the group

**2580.** Throughout the Count 1 Municipalities, the Chamber found that a large number of Bosnian Muslims and Bosnian Croats were subjected to cruel treatment, including torture, beatings, as well as physical and psychological abuse. The Chamber described these acts in detail above in relation to Count 3 and provided vivid examples of the most egregious acts found to have been committed against the Bosnian Muslims and Bosnian Croats in detention facilities as well as during and after take-overs in the Count 1 Municipalities. The Chamber also found that prominent Bosnian Muslims and Bosnian Croats, including professionals and leaders, were targeted for such treatment. Following these acts, the Chamber found that many detainees bore serious injuries, had visible wounds, were unable to walk or talk for days, and suffered long-term psychological and physical effects. These acts were found to cause serious mental or physical suffering or injury. **(By such a partisan approach, the Chamber is becoming a part of the Muslim propaganda apparatus. It couldn't be otherwise, since such an #un-critical acceptance of the partisanship# of the Prosecution and its witnesses – which made these trials unnecessary! During these alleged misdoings of the Serb side, many #Muslims and Croats participated in the VRS# against the same enemies, fundamentalists and pro-nazi forces. Had it been even close to what the Chamber found, there wouldn't be a single Muslim or Croat in the Republic of Srpska, let alone in the Serb Army!)**

**2581.** The Chamber also found that in some of the Count 1 Municipalities, namely Foča, Prijedor, Vlasenica, and Zvornik, Bosnian Muslim women, men, girls, and boys were subjected to rape and other acts of sexual violence, involving serious abuses of a sexual nature.<sup>8667</sup> These acts were found to cause serious mental or physical suffering or injury.<sup>8668</sup> **(Not true! Why there was no any litigation on this after the war! Both sides had known each other very well, and it couldn't happen without a common knowledge! #No mas rapes#!)**

2582. The Chamber considers that these acts were of such a serious nature as to contribute or tend to contribute to the destruction of the Bosnian Muslims and Bosnian Croats in the Count 1 Municipalities. The Chamber is therefore satisfied for the purpose of Article 4(2)(b) of the Statute that members of the Bosnian Muslim and Bosnian Croat groups were subjected to serious bodily or mental harm in the Count 1 Municipalities.

(3)Deliberately inflicting on the group conditions calculated to bring about its physical destruction in whole or in part

<sup>8667</sup> See paras. 2500–2505. In particular for Foča, see fn. 8435; for Prijedor, see fn. 8437; for Vlasenica, see fn. 8439; and for Zvornik, see fn. 8441.

<sup>8668</sup> See paras. 2499, 2505, 2512.



2583. The Chamber recalls that when the same acts are charged under Articles 4(2)(b) and 4(2)(c), a chamber will consider whether these alleged acts amount to conditions calculated to bring about physical destruction only when it does not find them to amount to “causing serious bodily or mental harm”.<sup>8669</sup> The Chamber shall therefore limit its assessment to the acts which are not included above. These include the imposition of inhumane living conditions, forced labour and the failure to provide adequate accommodation, shelter, food, water, medical care or hygienic sanitation facilities.<sup>8670</sup>

2584. In all of the Count 1 Municipalities, the Chamber found that Bosnian Muslim and Bosnian Croat detainees were held in terrible conditions.<sup>8671</sup> **(In an #improvised prisons and detentions, not deliberately#)** For the purpose of Article 4(2)(c), the Chamber recalls its findings that the detainees faced severe over-crowding in the detention facilities.<sup>8672</sup> This combined with stifling heat and lack of ventilation led to unbearable conditions for the detainees and some died.<sup>8673</sup> In these detention facilities, medical care was non-existent or inadequate, at best.<sup>8674</sup> Access to water and food was insufficient, which led to severe weight loss, malnutrition, and at times, starvation.<sup>8675</sup> Hygienic conditions were poor and the lack of access to washing facilities led to dysentery, lice, and skin diseases spreading throughout the facilities.<sup>8676</sup> The Chamber further found that the living conditions in some of the detention facilities had serious effects on some of the detainees.<sup>8677</sup> **(#Unpredicted number of detainees and Prisoners of War#, a #general shortage of everything# because of general poverty and particularly because of sanctions, #no professional militaries or police# capable of handling so many POWs, a #2,000 kilometres of frontline# and a severe attacks on the borders of the Republic of Srpska; these #rebels deep in the Serb territory# presented the ultimate jeopardy for the Serb civilians, including families of these soldiers that kept 2,000 km of frontline!)**

2585. Further, in Foča, Ključ, and Vlasenica, the Chamber found that a number of Bosnian Muslim and Bosnian Croat detainees were forced to perform labour at the frontline.<sup>8678</sup> They were put in dangerous situations, were afraid for their lives and of being beaten if they refused to work.<sup>8679</sup>

2586. However, the Chamber recalls that the “*actus reus* of Article 4(2)(c) of the Statute ‘covers methods of physical destruction, other than killing, whereby the perpetrator ultimately seeks the death of the members of the group’”.<sup>8680</sup> While Article 4(2)(a) and (b) in that Article 4(2)(a) and (b) proscribes acts causing a specific result, *i.e.*: death and serious bodily or mental harm, respectively, Article 4(2)(c) concerns “those methods of destruction that do not immediately kill the members of the groups, but which, ultimately, seek their physical destruction”, *i.e.*: slow death.<sup>8681</sup>

2587. While the conditions in the detention facilities in the Count 1 Municipalities were dreadful and had serious effects on the detainees, the Chamber is not convinced that the evidence before it

<sup>8669</sup> See *Brđanin* Trial Judgement, para. 905.

<sup>8670</sup> Indictment, para. 40(c).

<sup>8671</sup> See generally para. 2507.

<sup>8672</sup> See para. 2507, fn. 8454. in relation to Foča, Ključ, Prijedor, Vlasenica, and Zvornik.

<sup>8673</sup> See paras. 780, 1299, 1301, 1756.

<sup>8674</sup> See para. 2507, fn. 8461.

<sup>8675</sup> See paras. 2507, 2509; fns. 8459, 8460.

<sup>8676</sup> See para. 2509.

<sup>8677</sup> See para. 2509.

<sup>8678</sup> See paras. 2531, 2534.

<sup>8679</sup> See paras. 2532–2533.

<sup>8680</sup> *Tolimir* Appeal Judgement, para. 233 (citing ICJ *Croatia v. Serbia* Judgement, para. 161).

<sup>8681</sup> *Tolimir* Appeal Judgement, paras. 228, 233.

demonstrates that they ultimately sought the physical destruction of the Bosnian Muslims and Bosnian Croats. The Chamber is therefore not satisfied for the purpose of Article 4(2)(c) of the Statute that conditions of life calculated to bring about the physical destruction of the Bosnian Muslims and Bosnian Croats were deliberately inflicted on these groups in the Count 1 Municipalities.

(C) The *mens rea*

2588. The Prosecution first alleges that there is direct evidence that the President had genocidal intent.<sup>8682</sup> This is exemplified, according to the Prosecution, through the statements the President made as to the fate of the Bosnian Muslims and Bosnian Croats if they persisted in pursuing independence.<sup>8683</sup> The Prosecution also claims that by casting the conflict as existential and genocidal and by requiring the use of reciprocal force, the President “prepared his followers for the use of destructive forces”.<sup>8684</sup>

2589. Second, the Prosecution alleges that the existence of genocidal intent is confirmed through indirect evidence.<sup>8685</sup> **(#indirect evidence# for such a sensitive matters!)** For the Prosecution, the pattern of crimes in the Count 1 Municipalities, taking Prijedor as the core example,<sup>8686</sup> demonstrates the intent to destroy the very existence of the Bosnian Croat and Bosnian Muslim communities in the Count 1 Municipalities and to prevent their ability to reconstitute themselves.<sup>8687</sup> The Prosecution submits that “[n]ot only can the paramount leader of the Bosnian Serbs’ intent to destroy be inferred, it is compelled by the nature and extent of the underlying genocidal acts”.<sup>8688</sup> It further claims that other members of the Overarching JCE shared the Accused’s genocidal intent, in particular Mladić, whom the Accused personally selected to command his military forces and continued to entrust with carrying out his policies, even when the VRS was perpetrating widespread acts of genocide.<sup>8689</sup> **(That would have some sense had General Mladić been already proven as a “master of genocide”, which is #out of mind#!)**

2590. On the contrary, the President submits that there is no direct or indirect evidence that he or the Bosnian Serb leadership had genocidal intent with regard to the Count 1 Municipalities.<sup>8690</sup>

2591. The Chamber recalls that in the present case the required *mens rea* for genocide is the intent to destroy, in part, the Bosnian Muslim and the Bosnian Croat groups as such.<sup>8691</sup> The Appeals Chamber held that given that the President is charged under Count 1 for his participation in the first form of JCE, “it is the genocidal intent of Karadžić and other alleged JCE members, not the physical perpetrators of the underlying alleged genocidal acts, that is determinative”.<sup>8692</sup> The Chamber notes, however, that the President’s responsibility under Count 1, is alleged in relation to all modes of responsibility under Articles 7(1) and 7(3) of the Statute and therefore at this stage the Chamber must examine whether there was genocidal intent present at any level from the physical perpetrators of the crimes to Bosnian Serb representatives not named as alleged

<sup>8682</sup> Prosecution Final Brief, paras. 578–581.

<sup>8683</sup> Prosecution Final Brief, para. 579.

<sup>8684</sup> Prosecution Final Brief, para. 580.

<sup>8685</sup> Prosecution Final Brief, paras. 582–595.

<sup>8686</sup> Prosecution Final Brief, paras. 589–594.

<sup>8687</sup> Prosecution Final Brief, paras. 583–585.

<sup>8688</sup> Prosecution Final Brief, para. 585 (further alleging that “[t]his intent is confirmed by [the Accused’s] own statements anticipating, threatening, and embracing just such acts”).

<sup>8689</sup> Prosecution Final Brief, para. 586.

<sup>8690</sup> Defence Final Brief, paras. 2767–2771; Closing Arguments, T. 47931–47935 (2 October 2014).

<sup>8691</sup> See para. 549.

<sup>8692</sup> Rule 98 *bis* Appeal Judgement, para. 79.

Overarching JCE members, all the way up to the named alleged JCE members, including the President himself.

2592. In determining the existence of such specific intent, the Chamber has considered the evidence as a whole and examined whether there existed direct evidence or whether such inference could be drawn from all the facts and the circumstances in the case. In this regard, the Chamber recalls that such inference must be the only reasonable inference that could be made based on that evidence.<sup>8693</sup> Given that the intent of the named alleged JCE members, including the Accused, is intrinsically connected to all of the evidence on the record pertaining to the existence and the scope of the Overarching JCE, the Chamber conducted a holistic and contextualised assessment of this evidence and will indicate below, where relevant, the appropriate cross-references to these sections.

Intent to destroy the group as such, in part

2593. In the instant case, under Count 1, the Prosecution refers to the intent to destroy a part of the protected groups of the Bosnian Muslims and Bosnian Croats, namely the Bosnian Muslims and Bosnian Croats in the Count 1 Municipalities.<sup>8694</sup> It argues that the part of the Bosnian Muslim and Bosnian Croat groups in each of the Count 1 Municipalities satisfies the substantiality requirement when considering the numeric size and significance of the targeted parts as well as the areas of the perpetrators' activity and the possible extent of their reach.<sup>8695</sup> Prijedor is taken as the primary example of the part of the Bosnian Muslim and Bosnian Croat groups that would meet the substantiality requirement with regard to numeric size and the significance of targeting these communities, given that Prijedor represented a symbol of "brotherhood and unity".<sup>8696</sup> **(The Chamber is here on a very weak ice: The Croats in Prijedor didn't participate massively in the rebellion, and for that reason, a very few Croats had been suspected and questioned! As far as the Muslims is concerned with, there was at least some more than 50% of the Muslim settlements didn't have any trouble, i.e. all of the villages that didn't serve as a strongholds of the terrorists! Out of around 55,000 of the non-Serb population, only about 3,000 had been arrested and questioned, which makes around 5%, but after the first investigations around 1,700 had been released, while around 1,400 had been considered liable for the armed rebellion and conveyed to Manjaca as a POWs, which makes #about 2,5% of the non-Sern population#was found liable! Full stop!**

2594. The Chamber will examine below whether it can be satisfied beyond reasonable doubt that there was intent to destroy a part of the Bosnian Muslim and/or Bosnian Croat groups, namely the Bosnian Muslims and Bosnian Croats in the Count 1 Municipalities.

Evidence of genocidal intent of the President and named alleged Overarching JCE members

2595. In assessing whether or not the President or any of the named members of the alleged Overarching JCE had genocidal intent for the purposes of Count 1, the Chamber relies on the findings in the section of the Judgement pertaining to the ideology and objectives of the President and the Bosnian Serb leadership, and in particular paragraphs 2634 to 2903 therein.

2596. The Chamber found that the speeches and statements made by the President and the Bosnian Serb leadership denigrated Bosnian Muslims and Bosnian Croats, portrayed them as their

<sup>8693</sup> See para. 10.

<sup>8694</sup> See Indictment, paras. 36, 38.

<sup>8695</sup> Prosecution Final Brief, paras. 589–594.

<sup>8696</sup> Prosecution Final Brief, paras. 589–594.

historic enemies, and exacerbated ethnic tensions in BiH. This evidence also demonstrates an intent to create an ethnically homogeneous Serb state in BiH, to separate from Bosnian Muslims and Bosnian Croats, and remove them from Bosnian Serb controlled territory. It also shows that the President and the Bosnian Serb leadership advocated a position that co-existence with non-Serbs within Bosnian Serb-controlled territory in BiH was impossible.<sup>8697</sup> However, the Chamber is not satisfied that the evidence which demonstrates this objective also shows an intent to physically destroy a part of either of those protected groups.

2597. Even where the Bosnian Serb leadership called into question the identity of the Bosnian Muslims as a nation or a people,<sup>8698</sup> these speeches were delivered in the context that the Bosnian Muslim population residing in Bosnian Serb-claimed territory should be separated from the Serbs—by force if necessary—but did not suggest that a part of that group should be physically destroyed as such.

2598. The Chamber also found that the Accused and the Bosnian Serb leadership repeatedly referred to the historic grievances of the Serb people.<sup>8699</sup> The Chamber found that these speeches were used by the President and the Bosnian Serb leadership to remind the Bosnian Serb population about crimes committed against Serbs by Muslims and Croats and emphasised the need to ensure that they would not be repeated.<sup>8700</sup> The Chamber also found that these references were used as justification for renewing historical Bosnian Serb claims to land in BiH where they had once been a majority.<sup>8701</sup> These speeches also had the effect of creating fear and inciting inter-ethnic hatred amongst the population.<sup>8702</sup> This rhetoric then made it easier for the President and the Bosnian Serb leadership to promote their objectives of ethnic separation and the creation of an ethnically homogeneous state. However, the Chamber did not find any evidence to demonstrate that these constant references to the historic genocide against Serbs were used to call on the Bosnian Serbs to do the same. The Chamber therefore finds that while these statements had the effect of identifying the historic enemies of the Bosnian Serbs and furthering the objective of ethnic separation, they do not demonstrate that the only reasonable inference is that the Bosnian Serb leadership intended to physically destroy a part of the Bosnian Muslim and/or Bosnian Croat groups in order to achieve these aims.

2599. While there were certainly highly inflammatory speeches and statements in which the President and other alleged members of the Overarching JCE spoke about the “disappearance”, “annihilation”, “vanish[ing]”, “elimination”, and “extinction” of the Bosnian Muslims, the Chamber has considered these statements in the full context in which they were delivered and not in isolation.<sup>8703</sup> The Chamber finds that the early speeches which contained this kind of rhetoric were delivered mainly as a warning that Bosnian Muslims should not pursue a path to independence which was contrary to the Bosnian Serb interests, and as a threat that if they did do so there would be war which would lead to severe bloodshed. The Chamber also recalls that some of the statements made by the President himself reflected how angry he was about the proposed moves towards the independence of BiH, which would lead to violence if Bosnian Serb demands were not met.<sup>8704</sup> The Chamber finds that when the President and the Bosnian Serb leadership issued these threats they envisaged that any attempt to circumvent the interests of the Bosnian Serbs would result in chaos and extreme violence. **(#Not threats, a warnings#. If there was no a**

<sup>8697</sup> See Section IV.A.3.a.i.D.2: Conclusion.

<sup>8698</sup> See e.g. paras. 2664, 2773.

<sup>8699</sup> See Section IV.A.3.a.i.B: Identification of historic enemies.

<sup>8700</sup> See para. 2670.

<sup>8701</sup> See para. 2671.

<sup>8702</sup> See para. 2672.

<sup>8703</sup> See e.g. paras. 2675, 2766, 2789, 2810, 2864, 2870, 3272–3273.

<sup>8704</sup> See para. 2654.



**WWII experience, and the most recent experience from Croatia in a civil war, again it wouldn't be a threat, but warning! Who is the institution that could impose an illegal solution of any nation? Why it is understood in the Tribunal that the Serbs didn't have any rights to reject the solutions that turned them into a second class citizens, on an unlawful basis? The UN Court should be more cotious in pursuing such a views!#Denied right for political life#!)**

The record shows that the Bosnian Serbs were prepared to use force and violence against Bosnian Muslims and Bosnian Croats in order to achieve their objectives and assert their historic territorial claims. However, in light of the totality of the evidence, the Chamber is not convinced that the only reasonable inference to draw from these statements is that the respective speakers intended to physically destroy a part of the Bosnian Muslim and/or Bosnian Croat groups.

2600. For example, the Chamber recalls its finding that in the President's speech in October 1991 to the SRBiH Assembly in which he spoke about a "highway of hell", he issued very specific threats about what would happen if the Bosnian Muslims continued to pursue the path of independence and ignored the will of the Bosnian Serbs.<sup>8705</sup> **(In the very same speech there is evidence that it hadn't been a threat, but a #warning and begging# to stop pursuing a war policy!)** The Chamber finds that the President was clearly threatening war if the Bosnian Serb interests were ignored, and that he also envisaged that such a war would be "hell" and that the Bosnian Muslims would be unable to defend themselves in such a scenario. The Chamber finds that through this speech the President intended to threaten the Bosnian Muslims against pursuing independence for BiH and that he was fully aware that a potential conflict would be extremely violent. However, the Chamber is not satisfied that the only reasonable inference is that this statement demonstrates that the President intended to physically destroy a part of the Bosnian Muslim group .

2601. Another example is the speech the President delivered in July 1992 before the Bosnian Serb Assembly where he said that the conflict had been "roused in order to eliminate the Muslims [...] They think they are being nationally established, but in fact they are vanishing".<sup>8706</sup> The Prosecution refers to this statement as evidence that the President was preparing his followers for the use of destructive force.<sup>8707</sup> However, the Chamber also notes that right after making this statement, the President went on to say: "I think we have to save the Serb people in their ethnic and also historical territories [...]. We'll have for sure, we'll have in the beginning so many Serbs, but I think that they will leave those states, both the Muslim and the Croat state. In the state that we are building, we have to ensure that they have all the rights that we have, under the condition that they are not hostile and that they leave the weapons".<sup>8708</sup> When read in the full context, the Chamber is not satisfied that the President's statement at the Bosnian Serb Assembly demonstrates that he intended to physically destroy a part of the Bosnian Muslim and/or Bosnian Croat groups.

2602. Similarly, the Chamber considers that while Šešelj, Plavšić, and Koljević sometimes delivered highly inflammatory and violent statements,<sup>8709</sup> the evidence before the Chamber does not lead to the conclusion that the only reasonable inference was that they intended to physically destroy a part of the Bosnian Muslim and/or Bosnian Croat groups.

2603. With respect to an order of 10 April 1994 in which Mladić is quoted as encouraging VRS operations because "The [t]urks must disappear from these areas", the Chamber notes that the area

<sup>8705</sup> See para. 2675.

<sup>8706</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24-26 July 1992), p. 86.

<sup>8707</sup> Prosecution Final Brief, para. 580.

<sup>8708</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24-26 July 1992), p. 86.

<sup>8709</sup> See e.g. paras. 2657, 2663-2664, 2706, 2728, 2798.

covered by this order is not related to the Count 1 Municipalities.<sup>8710</sup> In any event, the Chamber also notes Michael Rose's testimony with regard to this order, namely that he and other international representatives had thought that the objective of the combat operations in Goražde was to move the Bosnian Muslims out of the right bank of the town and therefore he suspected the reference in the order to "[t]he Turks must disappear from these areas" to mean just that: the removal—not the destruction—of the Bosnian Muslim population in those areas.<sup>8711</sup> The Chamber also noted statements made by Mladić at the Bosnian Serb Assembly where he stated that their enemies should be eliminated but later stated that there are ways of neutralising the Muslims which do not mean that they have to be expelled or drowned.<sup>8712</sup> The Chamber therefore considers that, while the evidence clearly evinces the intent to separate and move Bosnian Muslims out of Bosnian Serb claimed territory, it is not satisfied that the only reasonable inference is that Mladić intended to destroy a part of that group in the process.

2604. In relation to the 20 September 1994 entry in Mladić's diary, in which Slobodan Milošević stated that he opposed the view of Krajišnik to "kill off all the Muslims and Croats",<sup>8713</sup> the Chamber notes that it has very limited information about when or in which context Krajišnik expressed this sentiment, and therefore, that it is of low probative value. The Chamber is therefore not satisfied that the only reasonable inference is that this demonstrates intent to destroy a part of either of the protected groups.

2605. The Chamber has also analysed the totality of the evidence relating to the statements, speeches, and actions of the Accused and the named members of the alleged Overarching JCE. The Chamber has characterised each of these statements and reached a conclusion about what they meant and what they showed in terms of intent. In conducting that assessment, the Chamber did not simply look at these statements in isolation, but also had regard to their meaning in the context of the totality of the evidence on the record. **(#That happened too rarely! The #context# of the totality of evidence is needed, but the context of events is more substantial. To estimate a solitary event or even a sentence of some unofficial persons without #context of events# is unfair and manipulative!)** As has been discussed in this section, the Chamber has found that these statements, speeches, and actions were consistent with the Bosnian Serb objective of ethnic separation and the forceful creation of an ethnically homogenous state. However, the Chamber is not satisfied that this evidence—even when considered in the context of the pattern of crimes found to have been committed in the Count 1 Municipalities as will be detailed below—allows the Chamber to conclude that the Accused or the named members of the alleged Overarching JCE had genocidal intent for the purposes of Count 1. In other words, the evidence does not support a conclusion that the only reasonable inference is that the President or any of the alleged members of the Overarching JCE had the intent to physically destroy the Bosnian Muslim and/or the Bosnian Croat groups in the Count 1 Municipalities as such.

#### Evidence of genocidal intent of Bosnian Serbs not named as alleged members of the Overarching JCE

2606. In relation to the intent of the Accused's "followers", the Prosecution refers to what it coins as a threat by Miroslav Deronjić that the Muslims of Bratunac would disappear.<sup>8714</sup> **(A #trivial lie#, repetition of the part of President's speech of 15 October 91!)** At a meeting between SDS and SDA representatives in early April 1992, Deronjić reiterated that the police should be divided

<sup>8710</sup> P1645 (Order of Višegrad Tactical Group, 11 April 1994).

<sup>8711</sup> Michael Rose, T. 7424–7425 (5 October 2010).

<sup>8712</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), pp. 33, 39.

<sup>8713</sup> See P1487 (Ratko Mladić's notebook, 4 September 1994–28 January 1995), p. 17.

<sup>8714</sup> See Prosecution Final Brief, para. 580, referring to P3196 (Witness statement of Dževad Gušić undated), paras. 31–32.

into separate Bosnian Serb and Bosnian Muslim units and when the SDA representatives opposed the idea, fearing it would lead to further tensions, Deronjić threatened that if they did not comply, “Muslims would disappear”.<sup>8715</sup> He went on to say that the division would be the best way for the Bosnian Muslims to prevent violence breaking out.<sup>8716</sup> **(#EXCULPATORY!#)** In the context of negotiations at the republic and the municipal levels to divide the police into separate entities,<sup>8717</sup> the Chamber considers that, in the statement above, Deronjić clearly intended to intimidate the SDA representatives and coerce them into accepting the division. However, the Chamber is not satisfied beyond reasonable doubt that the only reasonable inference to be drawn from this statement is that Deronjić possessed genocidal intent. **(#For heaven’s sake, in early April 1992 there was a Lisbon agreement in furtherance of the #ICFY results from 1991, which all envisaged# the separate police forces! The Chamber #denied the Serb rights on political life#!)**

2607. The Prosecution also refers to a speech made before the Bosnian Serb Assembly in July 1992 by Miladin Nedić, member of the SDS Main Board and representative at the Bosnian Serb Assembly, which the Prosecution coins as “the executioners’ speech”.<sup>8718</sup> The President, on the contrary, refers to Nedić’s evidence that this particular statement must be understood in light of his later address during the same session.<sup>8719</sup> During his first address to the 17<sup>th</sup> Bosnian Serb Assembly session, Nedić stated the following

I am against solving the situation in Bosnia in haste, we must admit that the Muslims have been planted to us as a people whose executioners we are to be. I do not want the Serb people to be executioners but I am also against us giving up our state, our land and our territory.[...] Therefore we should not hurry, because we are a people who have been determined to be executioners and to do someone a favour.<sup>8720</sup>

2608. Nedić testified that the essence of his statement was that he was advocating a peaceful solution to avoid the war.<sup>8721</sup> The Chamber notes that Nedić indeed described the Serb people as having been called upon to be the executioners of the Muslims. However, it also notes that he immediately stated: “I am against any defined borders while people are getting killed”.<sup>8722</sup> Furthermore, later in the session, during a second address, Nedić reiterated that he opposed any discussion on the definition of borders and advocated the following:

Let us leave the time to solve that, but I am not for waging a war in order to enslave some and us to become oppressors. Let us treat the soldiers in accordance with military codes, let us not kill women and children for wearing dimijas. [...] I told a colonel that I am for a knightly warfare and not for genocide.<sup>8723</sup> **(#EXCULPATORY!#)**

2609. The Chamber notes that the Prosecution refers to later statements made by Nedić before the Bosnian Serb Assembly, which it claims contradicts Nedić’s evidence that he was advocating

<sup>8715</sup> P3196 (Witness statement of Dževad Gušić undated), paras. 31–32.

<sup>8716</sup> P3196 (Witness statement of Dževad Gušić undated), para. 32.

<sup>8717</sup> See Section IV.A.3.a.ii.C: Split in the MUP and the creation of Bosnian Serb MUP.

<sup>8718</sup> Prosecution Final Brief, fn. 2184. The Chamber notes that the Prosecution erroneously refers to D4332 and not to D4232 as the exhibit number for Nedić’s witness statement.

<sup>8719</sup> Defence Final Brief, para. 2769.

<sup>8720</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 41. See also Miladin Nedić, T. 45883 (22 January 2014) (testifying, in relation to this statement, that he never advocated the extermination of the Muslim people and that the “only thing I hold against the Muslims as a religious group or people, whatever you wish, is that they are forcing me to have to fire at them too”).

<sup>8721</sup> D4232 (Witness statement of Miladin Nedić dated 20 January 2014), para. 5.

<sup>8722</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 41.

<sup>8723</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 60.

peace.<sup>8724</sup> Having considered these statements, the Chamber finds that they show Nedić's exasperation with the position of the Bosnian Muslims during negotiations and his wish that peace be established; albeit solely under the conditions established by the Bosnian Serbs.<sup>8725</sup>

2610. In light of the above, the Chamber is not satisfied that the only reasonable inference that can be drawn from Nedić's statement at the 17<sup>th</sup> session of the Bosnian Serb Assembly is that he possessed the intent to destroy a part of the Bosnian Muslim group as such.

2611. The Chamber notes that these are merely examples referred to by the Prosecution to show genocidal intent of the "President's followers" but that the Chamber conducted its own assessment of the remainder of the trial record to examine whether there was genocidal intent towards the Bosnian Muslim and/or Bosnian Croat groups in the Count 1 Municipalities as such, on the part of Bosnian Serbs not named as alleged Overarching JCE members.

2612. In light of the above and having assessed the entire trial record, including the pattern of crimes described below,<sup>8726</sup> the Chamber is not satisfied beyond reasonable doubt that the only reasonable inference that can be drawn from the facts and circumstances is that Bosnian Serbs not named as alleged Overarching JCE members possessed the intent to destroy the Bosnian Muslim and/or the Bosnian Croat groups in the Count 1 Municipalities as such.

(4) Evidence of genocidal intent of the physical perpetrators

<sup>8724</sup> Prosecution Final Brief, fn. 2184.

<sup>8725</sup> D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19-20 January 1993), p. 25 (stating: "Everything that we offered them as a people they refused, and had they been a people, they would have accepted at least one option, for us to live like human beings and like peoples. They are to blame, not us. Let them fare as God sees fit."); P1394 (Transcript of 42<sup>nd</sup> session of RS Assembly, 18-19 July 1994), ecourt p. 85 (stating: "I don't know what /they/ want from us, to go in front of a wall of pain to beg someone for peace. [...] I am not worried about the Muslims who have declared war on us, I am worried about Serbs."). The Chamber notes that the Prosecution erroneously refers to D1379 in fn. 2184, which is a map.

<sup>8726</sup> See paras. 2614–2615.



2613. The Chamber examined the record to assess whether there was evidence of genocidal intent by the perpetrators of the above acts in relation to the Count 1 Municipalities. In relation to Count 3, the Chamber found that victims of crimes during the take-overs of the Count 1 Municipalities and in detention facilities in those municipalities were targeted solely on the basis that they were Bosnian Muslims and Bosnian Croats.<sup>8727</sup> This led the Chamber to find that the said crimes were committed with discriminatory intent.<sup>8728</sup> The Chamber is not satisfied, however, that there is evidence establishing, beyond reasonable doubt, that the perpetrators of these crimes possessed intent to destroy the Bosnian Muslim and/or Bosnian Croat groups in the Count 1 Municipalities as such.

(5.)Evidence of genocidal intent through the pattern of crimes

2467. The Chamber will now examine whether the pattern of crimes in the Count 1 Municipalities, as considered in light of the whole trial record, satisfies the Chamber that the only reasonable inference that could be drawn from the facts and circumstances was that the acts described above in the Count 1 Municipalities were committed with genocidal intent.

2468. The Chamber recalls a few key factual findings made above in relation to each of the Count 1 Municipalities, first in relation to eastern BiH (Zvornik, Foča, Bratunac, and Vlasenica) before turning to the ARK (Ključ, Prijedor, and Sanski Most).

2469. In Zvornik, preparations for the division of municipal organs and the creation of Serb institutions started at the end of 1991.<sup>8729</sup> The take-over of the town of Zvornik by Serb Forces started on or about 8 April 1992 and by the following morning, a Serbian flag was flying over the main mosque.<sup>8730</sup> During the take-over, Bosnian Muslims were killed by Serb Forces.<sup>8731</sup> Restrictive measures were imposed and Bosnian Muslims were dismissed from employment.<sup>8732</sup> Paramilitaries looted, mistreated, raped, and killed inhabitants.<sup>8733</sup> After the attack on the town, Serb Forces attacked surrounding villages; they set houses on fire, cut the electricity supply, and rounded up people who were then either transferred out of the municipality or detained in detention facilities there.<sup>8734</sup> Hundreds of Bosnian Muslims were arrested and detained in detention facilities throughout Zvornik; there, they were held in appalling conditions, subjected to severe mistreatment, rape and other acts of sexual violence; some detainees were killed.<sup>8735</sup> The Chamber also found that 26 mosques were heavily damaged, almost destroyed, or completely destroyed by Serb Forces from April 1992.<sup>8736</sup> Finally, the Chamber found that Bosnian Muslims were forced to leave Zvornik and that towards the end of June 1992, there were very few Bosnian Muslims remaining in the town.<sup>8737</sup>

2470. In Foča, steps towards the creation of separate Serb institutions were taken starting at the end of 1991.<sup>8738</sup> The town was taken over by Serb Forces in early April 1992.<sup>8739</sup> During and after the take-over, Bosnian Muslim houses were looted and destroyed and Bosnian Muslim

<sup>8727</sup> See paras. 2483, 2513–2516.

<sup>8728</sup> See paras. 2483, 2513.

<sup>8729</sup> See paras. 1232, 1233.

<sup>8730</sup> See paras. 1249, 1251.

<sup>8731</sup> See para. 1258.

<sup>8732</sup> See para. 1276.

<sup>8733</sup> See para. 1282.

<sup>8734</sup> See paras. 1259–1263, 1269–1274.

<sup>8735</sup> See e.g. paras. 1296, 1301, 1305, 1309, 1314, 1323, 1328, 1333, 1340, 1341, 1343, 1346.

<sup>8736</sup> See para. 1359.

<sup>8737</sup> See paras. 1364–1365.

<sup>8738</sup> See paras. 843–846.

<sup>8739</sup> See paras. 852–855.

inhabitants left.<sup>8740</sup> Then, ensued a period of large-scale arrests of non-Serb men who were taken to detention facilities throughout the municipality and of restrictions on the Bosnian Muslim population.<sup>8741</sup> The Chamber found that Bosnian Muslim civilians were killed either during attacks on villages throughout the municipality or in detention facilities.<sup>8742</sup> In the detention facilities, detainees were held in terrible conditions; they were also mistreated and subjected to rape and acts of sexual violence.<sup>8743</sup> The Chamber also found that two mosques were destroyed by Serb Forces between April and August 1992.<sup>8744</sup> Finally, the Chamber found that Bosnian Muslims were forced to leave Foča and that by mid-August 1992, there were almost no Bosnian Muslim left in Foča.<sup>8745</sup>

2471. In Bratunac, the Chamber made findings that at the end of 1991 and the beginning of 1992, preparations were made to divide municipal structures and create separate Serb institutions.<sup>8746</sup> On or about 17 April 1992, Serb Forces entered the town.<sup>8747</sup> From then on, Bosnian Muslim houses were searched and looted,<sup>8748</sup> Bosnian Muslims were dismissed from their jobs,<sup>8749</sup> Bosnian Serb refugees settled in the homes of Bosnian Muslims who had left,<sup>8750</sup> and mosques and other Muslim monuments were destroyed.<sup>8751</sup> In the days following the attack on the town, surrounding Bosnian Muslim villages were attacked by Serb Forces; during the course of these attacks, houses were looted and burned, and villagers were told to leave.<sup>8752</sup> Bosnian Muslims were also killed by Serb Forces in these villages.<sup>8753</sup> From May 1992, hundreds of Bosnian Muslims and Bosnian Croats were rounded up from their homes and detained in facilities throughout Bratunac, where they were subjected to severe mistreatment and held in cramped condition; some detainees died.<sup>8754</sup> In these detention facilities, prominent Bosnian Muslims intellectuals were targeted.<sup>8755</sup> The Chamber found that Bosnian Muslims were forced to leave Bratunac and that by the end of June 1992, very few remained in the town.<sup>8756</sup>

2472. In Vlasenica, measures were adopted to divide municipal institutions and create Serb organs at the end of 1991 and the beginning of 1992.<sup>8757</sup> Serb Forces took over Vlasenica on or about 21 April 1992.<sup>8758</sup> After the take-over, the movement of Bosnian Muslims was restricted and they were dismissed from their jobs.<sup>8759</sup> They were arrested and interrogated.<sup>8760</sup> During the course of the take-over of villages within the municipality, Bosnian Muslim houses were set on fire.<sup>8761</sup> Bosnian Muslims were also killed during the course of these attacks.<sup>8762</sup> There were a

---

<sup>8740</sup> See paras. 855–858.

<sup>8741</sup> See paras. 861–865.

<sup>8742</sup> See paras. 869, 874, 911.

<sup>8743</sup> See paras. 879, 889, 903, 923.

<sup>8744</sup> See para. 928.

<sup>8745</sup> See paras. 930–934.

<sup>8746</sup> See paras. 697–710.

<sup>8747</sup> See para. 714.

<sup>8748</sup> See paras. 719, 721.

<sup>8749</sup> See para. 723.

<sup>8750</sup> See para. 725.

<sup>8751</sup> See paras. 782–783.

<sup>8752</sup> See paras. 728–732.

<sup>8753</sup> See paras. 737, 749.

<sup>8754</sup> See paras. 759, 766, 767, 780.

<sup>8755</sup> See para. 774.

<sup>8756</sup> See paras. 789, 791. The Chamber recalls that parts of the territory of Bratunac remained under the control of the Bosnian Muslim forces and that they launched an offensive in the second half of 1992 and the beginning of 1993. See para. 790.

<sup>8757</sup> See paras. 1108, 1109.

<sup>8758</sup> See para. 1114.

<sup>8759</sup> See paras. 1118, 1120.

<sup>8760</sup> See paras. 1116, 1123.

<sup>8761</sup> See paras. 1129–1130, 1133.

<sup>8762</sup> See paras. 1146, 1153, 1159.

number of detention facilities in Vlasenica; there, Bosnian Muslims were detained, held in appalling conditions, beaten, raped, and some were killed.<sup>8763</sup> The Chamber found that Bosnian Muslims were forced to leave Vlasenica in 1992 and early 1993 and that by then there were very few Bosnian Muslims left in Vlasenica town.<sup>8764</sup>

2620. In Prijedor, measures were also taken for the division of municipal organs and the establishment of Serb institutions at the end of 1991 and the beginning of 1992.<sup>8765</sup> At this time, propaganda in the municipality against Bosnian Muslims and Bosnian Croats was common.<sup>8766</sup> The town of Prijedor was taken over on 30 April 1992 by Serb Forces.<sup>8767</sup> After the take-over, non-Serbs were dismissed from the workforce and their houses were searched and looted.<sup>8768</sup> About a month later, villages in the predominantly Muslim areas of Kozarac and Brdo, as well as in Briševo were attacked by Serb Forces; villages were shelled, set ablaze, and for the most part destroyed.<sup>8769</sup> During the course of these attacks, Bosnian Muslims and Croats were killed.<sup>8770</sup> Thousands of Bosnian Muslims and Bosnian Croats were detained in detention facilities in Prijedor.<sup>8771</sup> The Chambers has made findings that the conditions in these detention facilities were, in general, abysmal, that detainees were subjected to frequent and severe beatings, rape and other acts of sexual violence, and that some were killed.<sup>8772</sup> In Prijedor, 17 mosques and two Catholic churches were heavily damaged, almost destroyed, or completely destroyed by Serb Forces.<sup>8773</sup> The Chamber found that following the attacks on towns and villages in Prijedor between late May and end of July 1992, the non-Serb population was expelled from the municipality.<sup>8774</sup> As detention facilities were closed in Prijedor, detainees held there were transferred around the municipality as well as to camps outside of the municipality and ultimately often to third countries.<sup>8775</sup> The Chamber found by 1995, the population of Prijedor municipality consisted of approximately 92% Bosnian Serbs, 5% Bosnian Muslims, and 1% Bosnian Croats.<sup>8776</sup>

2621. In Sanski Most, Serb municipal organs were only established in early April 1992.<sup>8777</sup> Bosnian Muslim neighbourhoods and villages were attacked on 25 May 1992.<sup>8778</sup> Houses were destroyed and individuals were captured.<sup>8779</sup> Thereafter, Bosnian Muslims were dismissed from their work and Bosnian Croat and Muslim political leaders were arrested.<sup>8780</sup> Bosnian Muslims and Croats were killed.<sup>8781</sup> After military operations against Bosnian Muslim and Bosnian Croat villages in Sanski Most, soldiers collected the able-bodied military-aged men from the village and transferred them by bus to Sanski Most town.<sup>8782</sup> Over a thousand individuals were thus detained in detention facilities throughout the municipality in poor conditions; they were beaten and some were also killed.<sup>8783</sup> The Chamber also found that at least 16 mosques and the town Catholic

<sup>8763</sup> See paras. 1167, 1170, 1179, 1201, 1207, 1213.

<sup>8764</sup> See paras. 1220, 1222.

<sup>8765</sup> See paras. 1578–1581.

<sup>8766</sup> See para. 1582.

<sup>8767</sup> See paras. 1592–1593.

<sup>8768</sup> See paras. 1596–1603.

<sup>8769</sup> See paras. 1618, 1621, 1638, 1666, 1669, 1681–1682, 1684, 1700–1701, 1717.

<sup>8770</sup> See paras. 1619, 1631, 1637, 1647, 1657, 1677, 1684, 1692, 1700–1703, 1715, 1735.

<sup>8771</sup> See paras. 1628, 1738.

<sup>8772</sup> See paras. 1747, 1774, 1778, 1781, 1803, 1815, 1832, 1847, 1861, 1871, 1877, 1885.

<sup>8773</sup> See para. 1896.

<sup>8774</sup> See para. 1897.

<sup>8775</sup> See para. 1902.

<sup>8776</sup> See para. 1913.

<sup>8777</sup> See paras. 1933–1934.

<sup>8778</sup> See para. 1945.

<sup>8779</sup> See para. 1945.

<sup>8780</sup> See para. 1950.

<sup>8781</sup> See paras. 1960, 1965, 1969, 1973, 1978.

<sup>8782</sup> See para. 1979.

<sup>8783</sup> See paras. 1991, 1998, 2002, 2011, 2018, 2024.

church were heavily damaged, almost destroyed or completely destroyed by Serb Forces between May and December 1992.<sup>8784</sup> The Chamber also found that Bosnian Muslims and Bosnian Croats in Sanski Most were forced to leave and that by February 1995, the population of Sanski Most municipality was approximately 3,350 Bosnian Muslims, 1,050 Bosnian Croats, and 33,600 Bosnian Serbs.<sup>8785</sup>

2622. In Ključ, preparations to establish separate Serb institutions started at the end of 1991.<sup>8786</sup> Violence intensified in March 1992 and the town was taken over in early May 1992.<sup>8787</sup> After the take-over, Bosnian Muslims were expelled from the police, administrative organs, and the workforce.<sup>8788</sup> A large number of Bosnian Muslim houses were destroyed and Bosnian Muslims were killed during the course or after attacks on villages.<sup>8789</sup> Other Bosnian Muslims from Ključ were rounded up and detained in facilities throughout the municipality, where they were subjected to mental abuse and physical mistreatment.<sup>8790</sup> The Chamber found that eight mosques were destroyed by Serb Forces between May and August 1992.<sup>8791</sup> The Chamber also found that Bosnian Muslims and Bosnian Croats were forced to leave Ključ and that by 1995, only 1,200 of Ključ's original 17,000 Bosnian Muslims remained.<sup>8792</sup>

2623. As summarised above, the Chamber's findings in relation to the Count 1 Municipalities show a clear pattern of widespread intimidation, violence, killings, and expulsions targeted at the Bosnian Muslims and Bosnian Croats, for the most part of 1992 and, in some instances, into 1993. The Chamber has already found that there was a widespread and systematic attack against the Bosnian Muslim and Bosnian Croat population of BiH, demonstrated by the existence of a campaign of co-ordinated violence during the take-overs and in the detention facilities.<sup>8793</sup> Further, the acts which the Chamber has determined herein to constitute acts under Article 4(2) of the Statute were found to have targeted their victims solely on the basis of their ethnicity and were therefore found to constitute persecution.<sup>8794</sup> This campaign of violence resulted in the Serb-claimed territories of the Count 1 Municipalities being cleared of the overwhelming majority of their Bosnian Muslim and Bosnian Croat populations, as most had left by the end of 1992 and into 1993. **(The Muslim-Croat coalition was as #twice more numerous as the Serb side#, and how the Serb side could have intimidate already intimidated Serb minority? Also, the #genocide against the Serb# people during the WWII shouldn't be contested by a decent institution as the UN, to the same degree as it shouldn't be contested that there was the Jasenovac camp, paralelly with the Auschwitz and other dreadfull places, created to exterminate the Jews, but also the Serbs and others. Presenting and depicting the Serb side in BiH as a superior and aggressive is a grave mistake equal to a crime in WWII against the Serbs and Jews! This kind of stigmatisation, fortunately, ceased in the Jewish case, but not against the Serbs! The Wiesenthal Centre made a statement, and it was presented in the court room: Jasenovac was the largest concentration camp in Croatia. Between 1941 and 1945, over 600 000 were murdered there: the Serbs, the Jews (around 30.000), and the Gypsies." The Wiesenthal Centre, <http://motlc.wiesenthal.com> Or another Wiesenthal Centre assertion, depicted in the courtroom: The Ustashe were a Croatian nationalistic and terrorist organization. Their hatred toward the Jews could have been surpassed only by their hatred toward the Serbs. After the creation of the Croatian puppet state by Hitler in 1941, the Ustashe terrorists had murdered over 500.000 Serbs, expelled over 250.000**

<sup>8784</sup> See para. 2031.

<sup>8785</sup> See paras. 2039–2040.

<sup>8786</sup> See para. 1495–1497.

<sup>8787</sup> See paras. 1500–1501.

<sup>8788</sup> See paras. 1502–1505.

<sup>8789</sup> See paras. 1512, 1515, 1522, 1555.

<sup>8790</sup> See paras. 1529, 1536, 1544.

<sup>8791</sup> See para. 1558.

<sup>8792</sup> See paras. 1567, 1568.

<sup>8793</sup> See para. 2444.

<sup>8794</sup> See paras. 2513–2514, 2518.



and forcibly converted 250.000 to Catholicism. *The Wiesenthal Centre, <http://motlc.wiesenthal.com>*. Even a Nazi dignitaries had been astonished with the treatment of the Serbs in Jasenovac, as shown in the court room: The terrible deeds were committed by the Ustashe in Croatia against the Serbs. The Ustashe groups had committed their horrendous acts especially against the elderly, women and children, in the most atrocious ways. The estimation of about 300.000 Orthodox Christian individuals, whom the Ustashe had butchered and tortured with their sadistic methods, must be taken into account. *Letter of the Chief of Germany's Secret Police, Turner, addressed to Heinrich Himmler, February 17th, 1942.* Until middle February 1942, for the ten months of the war, the Ustasha's Croatia had already killed around 300,000 Serbs! Now, the UN and its Court owe the Defense and the entire Serbian people a #great apology#, for distorting this well known fact. At the same time, the Chamber made an additional burden to the Defense, to spend a limited sources on this #“fighting a wind-mills”#. Unseen and unbelievable! )

2624. This pattern of crimes in the Count 1 Municipalities is illustrated by the commission of dreadful crimes, namely crimes against humanity and violations of the law or customs of war, against the Bosnian Muslims and Bosnian Croats on a widespread scale. As a result, many Bosnian Muslims and Bosnian Croats in the Count 1 Municipalities, including some prominent members of that group, were subjected to the acts described above. **(Certainly, it is regrettable, but it can not be #reduced to their ethnic or religious affiliation#. All of those names of the “prominent members of that group” had been registered in the intelligence reports as a very “prominent” in the preparations for war, which caused many innocent Serb victims. Still there is no answer to the crucial question: why only several, less than 5% of the non-Serb population had some troubles with the Serb Army and Police, and why only one or two individuals out of thousand had been killed in the detention facilities? A mere answer to these questions would shed a light on the entire war, at least one half of it. When the Muslim conduct would be depicted, just for an understanding, not for justification of the Serb conduct, then it would be a complete picture, the “whole truth”!)** The Chamber found that the scale and extent of the expulsions and movement of the civilians from the Municipalities, including the Count 1 Municipalities, resulted in the displacement of a vast number of Bosnian Muslims and Bosnian Croats and in drastic changes to the ethnic composition of towns with almost no Bosnian Muslim remaining there.<sup>8795</sup> As recalled above, by early 1993, practically all of the Bosnian Muslims had been moved out of Serb held territory in the Count 1 Municipalities. **(This is #far from being true#! There was no any census of population, there were some assumptions. But, it was established that even in 1994 there was so many Muslims in Prijedor. After a carnage of the six Serb policemen by the Muslims, many of them wanted to leave, and the President went through a presser by the UN and humanitarian organisations to allow a daily rate of 80 trucks full of emigres to cross to Croatia. In Sanski Most there was 12,000 Muslims till the end of war. Not to mention so many municipalities where there was no armed conflicts at all!)** The total number of Bosnian Muslims and Bosnian Croats displaced—especially when examined in light of the portion of the groups of Bosnian Muslims and Bosnian Croats allegedly targeted for destruction in the Count 1 Municipalities through the commission of the acts under Article 4(2) of the Statute identified above as well as the fact that Serb Forces exercised control over these territories—does not satisfy the Chamber that the only reasonable inference is that there existed an intent to destroy the Bosnian Muslim and/or Bosnian Croat groups in the Count 1 Municipalities as such. Rather, the Chamber considers that a reasonable inference to be drawn from the pattern described above is that the intent behind those crimes was to ensure the removal of members of the Bosnian Muslims and Bosnian Croats from the Count 1 Municipalities.

2625. In assessing this pattern of crimes also in the context of its findings on the objectives of the Bosnian Serb leadership, including the President,<sup>8796</sup> the Chamber recalls that their objective was to create an ethnically pure Bosnian Serb state as well as contiguous Serb areas, which would require a redistribution—rather than the physical destruction—of the population.<sup>8797</sup> **(This is as wrong as many other findings. First of all, the Serb side accepted the Lisbon Agreement in a good faith, and the Agreement didn’t comprise the territorial continuity of the Serb territory, because there was no a war, and the #model of Switzerland#, proposed by the President, was possible to implement; second, even when the war broke out, the continuity was not an imperative, see: P941, p. 1 of 26 August 1992:**

<sup>8795</sup> See para. 2467.

<sup>8796</sup> See Section IV.A.3.a.i: Objectives of the Accused and the Bosnian Serb leadership.

<sup>8797</sup> See Section IV.A.3.a.i: Objectives of the Accused and the Bosnian Serb leadership; para. 2898.

1. Secretary Vance welcomed Dr Karadzic to the Conference. He said it was time to bring the fighting to a halt and begin serious negotiations. Dr Karadzic said that the Serbs were willing to negotiate. Regrettably the Muslims had always negotiated in bad faith. The Muslims had accepted the 18 March principles but had now reneged on them. They were only interested in a Muslim state. Earlier in the year he had urged the international community not to recognise Bosnia. After recognition, the Serbs had been forced to act in order to protect the Serbian population. The Serbs were willing to return territory and were content to remain part of Bosnia and Hercegovina within the existing boundaries. But the Serbian people of Bosnia wanted full autonomy from the Muslims and Croats.

2. Secretary Vance asked which areas Dr Karadzic considered to be Serbian land. Dr Karadzic said it was difficult to discuss which areas could be handed back. To do so would frighten the Serbian people in these places. He was willing to talk about giving back territory as part of an overall agreement. But any such agreement would also have to protect Serbian property rights in Muslim and Croat areas. Dr. Koljevic said it was clearly in the interests of the Serbs to return land in exchange for full political autonomy. Dr Karadzic said that the precise amount of land that may be returned had not been decided. But the total would be substantial. As far as Sarajevo was concerned, he favoured using the administration of Brussels as a model. The Serbian municipalities would be part of the Serbian constituent unit. Secretary Vance asked how this apparent will to talk about constituent units was compatible with ethnic cleansing. Dr Karadzic said that all sides had practised cleansing over many years. It was imperative for the overall agreement to allow all refugees to return.

And this was **#the most official position#,** and the only relevant one, because it was the President's commitment to the chairmen of the Conference on Yugoslavia. The thesis that the Serbs "could not live with anyone else" is wrong, and it would be a very malicious if it was not a linguistic problem. It always pertained to the autonomy, and as the Accused said on 12 May 92, it was a matter of a "state separation", not ethnic separation! There was no problem in living with the ordinary people, but the problem were the common institutions abused by the Islamic fundamentalists on account of the Serbs (and Croats) and a repeating this floscula about ethnic separation is deeply incorrect, since the President literally said: **"#a state separation"#.** : Bosnian Serbs promoted the idea that they could not live with anyone else and therefore that BiH had to be divided along ethnic lines.<sup>8798</sup> The results on the ground, including in the Count 1 Municipalities, were consistent with these goals. **(#Why not in all and every municipality#? Why it didn't happen in municipalities in which the Muslim terrorists didn't initiate fightings? Since these municipalities are more numerous than those with the armed skirmishes, the peaceful municipalities were a rule, and embattled municipalities were an exception!)** As an example that this pattern of crimes is consistent with the Bosnian Serb leadership's intent to create ethnically pure territories through the removal of the Bosnian Muslims and Bosnian Croats, **(This is one of the most incorrect myths in this Tribunal. It had never been proven that the Serbs wanted to create an ethnically pure territories. On the contrary, there are many proofs and evidence in the file on the opposite attitude of the Serb side, see @@@** the Chamber refers to the President's speech at the 37<sup>th</sup> Bosnian Serb Assembly in 1994 where he congratulates Foča, then renamed as Srbinje, for being "a true Serbian town" as well as to the broadcast in which he announced that Bosnian Muslims have given up on Foča in their negotiations.<sup>8799</sup> **(#Serb parts only#! Foca had never been entirely under the Serb control. A half of municipality was under the Muslim control See first para 2810 of the Judgement: 2810. When the President visited Foča to open a medical school, he gave a speech in which he said that he was "satisfied and happy that Foča has been preserved" and it was important for the citizens to know that the Bosnian Muslims had given up on Foča in negotiations. ("Foca had been preserved" is what the President said, and he never said that Foca was "a true**

<sup>8798</sup> See para. 2841.

<sup>8799</sup> See paras. 2810–2811.

**Serbian town". Further, Foca was aimed to be a fundamentalist centre in Europe, with the most militant education of future terrorists, so called "white Al Qaeda" no matter the Serbs had been about 50% of population, while in the Foca town itself the Serbs were majority. Instead of accepting the ongoing negotiations on the two municipalities, including the urban area, the Muslims started the war, and lost the urban area, but kept majority of their villages and a town Ustikolina, which is their municipality of Foca to those days! What is quoted here was a part of the President's tries to persuade the deputies to accept a peace and standstill to the fights, and as usually the Prosecution is abusing the President's political speeches!)** When seen in this context, the Chamber is not satisfied that the only reasonable inference that can be drawn from the pattern of crimes described above is that there existed intent to destroy the parts of the Bosnian Muslim and/or Bosnian Croat groups in the Count 1 Municipalities as such.

### (6) Conclusion

2626. Having reviewed all of the evidence on the record, for the purpose of Count 1, the Chamber is not satisfied beyond reasonable doubt that the acts under Article 4(2) identified above in the Count 1 Municipalities were committed with genocidal intent. Further, it is not convinced that the only reasonable inference to be drawn from the evidence is that named members of the alleged Overarching JCE, including the President, other Bosnian Serbs not named as alleged members of the Overarching JCE, or physical perpetrators possessed such intent to destroy the Bosnian Muslim and/or Bosnian Croat groups in the Count 1 Municipalities as such.

### 3. Overarching JCE and the Accused's responsibility

2627. The Chamber recalls that with respect to the Overarching JCE, the Prosecution alleges that from at least October 1991 to 30 November 1995, the President participated in an "overarching" JCE, the objective of which was to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory in BiH.<sup>8800</sup>

2628. The named individuals who are alleged to have been members of the Overarching JCE and to have acted in concert with the President are Krajišnik, Mladić, Slobodan Milošević, Plavšić, Koljević, Mićo Stanišić, Mandić, Jovica Stanišić, Franko Simatović, Arkan, and Šešelj.<sup>8801</sup>

2629. In addition, the Prosecution alleges that other members of the Overarching JCE included members and leaders of the Bosnian Serb Political and Governmental Organs and commanders, senior officers, chiefs of the Serbian MUP, JNA, VJ, VRS, RS MUP, Bosnian Serb TO, and leaders of Bosnian Serb paramilitary forces and volunteer units.<sup>8802</sup> In the alternative, the Prosecution alleges that some or all of these individuals were not members of the Overarching JCE, but were used by members of the Overarching JCE to carry out the crimes committed in furtherance of its objective.<sup>8803</sup>

2630. The Prosecution alleges that the objective of the Overarching JCE was achieved through the commission of the crimes of genocide, persecution, extermination, murder, deportation, and inhumane acts (forcible transfer).<sup>8804</sup> The Prosecution charges the President with the first and the third form of

<sup>8800</sup> See paras. 592–594; Indictment, paras. 9–14, 30–31.

<sup>8801</sup> See Indictment, para. 11.

<sup>8802</sup> See Indictment, para. 12.

<sup>8803</sup> See Indictment, para. 12.

<sup>8804</sup> See Indictment, para. 9.



JCE in relation to the Overarching JCE.<sup>8805</sup> It primarily argues that the President shared the intent for the commission of each of these crimes with other members of the Overarching JCE.<sup>8806</sup> Alternatively, the Prosecution argues that the shared objective of the Overarching JCE included at least the crimes of deportation and inhumane acts (forcible transfer) and that for the remaining crimes the President is responsible as it was foreseeable that the remaining crimes might be perpetrated in order to carry out the *actus reus* of the crimes which formed part of the shared objective.<sup>8807</sup>

2631. The Prosecution alleges that members of the Overarching JCE implemented its objective by personally committing crimes, and/or by using others to carry out crimes in furtherance of its objective.<sup>8808</sup> Those alleged to have been used by members of the Overarching JCE to carry out these crimes were members of the Bosnian Serb Political and Governmental Organs and members of the Serb Forces.<sup>8809</sup>

2632. The Prosecution lists ten ways in which it alleges the President significantly contributed to the objective of the Overarching JCE.<sup>8810</sup>

2633. The Chamber will consider the evidence presented with respect to (i) the objectives of the President and the Bosnian Serb leadership; (ii) the President's authority over Bosnian Serb political and governmental structures; (iii) the President's authority over Serb Forces; (iv) the knowledge and acts of named alleged members of the Overarching JCE; and (v) the President's knowledge of crimes and measures taken to prevent and punish crimes in the Municipalities. The Chamber will analyse this evidence to determine whether the Overarching JCE existed, and if so, when it came into existence, what was its common purpose, and whether a plurality of persons, including the President, shared and acted pursuant to that common purpose. The Chamber will then analyse whether or not the President significantly contributed to the alleged Overarching JCE and which crimes if any were intended or, alternatively, whether any of the alleged crimes were foreseeable in the implementation of the objective of the Overarching JCE.

a. Responsibility related facts

i. *Objectives of the Accused and the Bosnian Serb leadership*

(A) Unity of the Serb people and promotion of Serb interests

**What a horrible crime! What is illegal and unacceptable in it? The foreign court doesn't know what the inter-Serb divisions and rifts means, but it was presented to the Chamber, and should be at least explained why it is rejected! The main issue was the ideological rift at the beginning of the WWII, when a substantive part of the Serb nation accepted the communist ideology and fought more against the royalist army than against the occupiers, Germans and Italians! After the WWII the number of the Serb victims was contested by some internationals, and Germany enjoyed pointing out that the majority of the casualties was caused by the Croat – Muslim nazi alliance against the Serbs, and on the second place it was assumed that the Serbs royalists and Serbs communists caused many casualties! So, the Serb unity is already a myth, and pertains only to the ideological rift! And this in no way could be a crime!)**

<sup>8805</sup> See Indictment, paras. 9–10.

<sup>8806</sup> See Indictment, para. 9.

<sup>8807</sup> See Indictment, para. 10.

<sup>8808</sup> See Indictment, para. 13.

<sup>8809</sup> See Indictment, para. 13.

<sup>8810</sup> See Indictment, para. 14.

(1) Analysis of evidence

2634. In the period leading up to the start of the conflict, the President made statements calling for the unity of the Serb people and the promotion of Serb interests. These are discussed below.

**2635.** The Chamber recalls that the SDS was established on 12 July 1990, and the President as president of the party stated that the objectives of the SDS included “a federative Yugoslavia, and in it an equal federal Bosnia and Herzegovina”.<sup>8811</sup> During this speech he also spoke about how decades of “single-party rule have intensely disturbed the natural development of the Serbian nation”.<sup>8812</sup> In addition, he spoke about how “Serbian entities” in BiH had been broken down and had been left in an inferior “economic, demographic and political position”.<sup>8813</sup> **[This is a political position that in no way insulted others, nor was aggressive, nor pledged for any action except for a unity in the struggle for democracy and the multiparty system, particularly in terms of the old ideological rift between the royalists and communists. Anything else what would be added to this interpretation is incorrect and mean. Also, we have all evidence that the Serbian municipalities had been retarded in its development, and it was easy to prove. THE CHAMBER DIDN'T EXPLORE #WHAT KIND OF UNITY# OF THE SERBIAN PEOPLE WAS ADVOCATED BY THE PRESIDENT, ALTHOUGH IT WAS SAID MANY TIMES! But as if anything that the Defense submitted didn't matter!]**

**2636.** On 13 October 1990, in a speech before Serb representatives in Banja Luka, the President expressed his view that the “Serbian nation” was united and spoke of his fear that BiH would set its course to separate from Yugoslavia and that the Serbs would be separated from Serbia and be a national minority.<sup>8814</sup> **(So what? BiH couldn't become independent without the consent of all the three constituent nations. But, in ruining Yugoslavia everything was permitted, unlike in Spain with Katalonia or elsewhere! This is #exclusive responsibility of the West and the United Nations#, and one day it is going to be recognised!)** The President also said “[w]hether a greater Croatia or greater Bosnia and Herzegovina as some kind of independent state, separate from Yugoslavia, they are equally unfavourable for us, the Serbs. [...] The Serbian people of Bosnia and Herzegovina will not abandon its demands to live in a state which also includes its main country, the country of Serbia”.<sup>8815</sup> In the same speech, the President spoke about changes to “the essence of the borders, the quality and nature of our internal borders. So the administrative lines which are supposed to join us have been transformed, or will soon be transformed into firm state borders which separate us. **(Which was a #drastic violation of the Helsinki Agreement# on non-violation of international borders without consent of all in these boundaries!)** [...] They would like to chop the Serbian nation up in pieces against its will.”<sup>8816</sup> The President also expressed his concern regarding the collapse of Yugoslavia “into the abyss” and warned that the Bosnian Serbs would take any threat of civil war seriously.<sup>8817</sup> **It is now a moment to comment this. First of all, taking into consideration this #political speeches#, the Chamber entered into the constitutional matters, and therefore can not leave the mentioned speeches without establishing whether it was unjustified, aggressive, senseless and finally – illegal and criminal.**

**The Chamber #didn't answer# to the inevitable questions:**

<sup>8811</sup> See para. 58; D255 (Radovan Karadžić's speech at the constituent SDS Assembly), p. 2; P971 (Robert Donia's expert report entitled “The Origins of Republika Srpska, 1990–1992”, 30 July 2002), p. 20; Patrick Treanor, T. 14001 (1 June 2011). See also Adjudicated Fact 1931.

<sup>8812</sup> D255 (Radovan Karadžić's speech at the constituent SDS Assembly), p. 1.

<sup>8813</sup> D255 (Radovan Karadžić's speech at the constituent SDS Assembly), p. 1.

<sup>8814</sup> D1280 (Nikola Koljević and Radovan Karadžić's speeches at the All-Serb Council in Banja Luka, 13 October 1990), pp. 5–6.

<sup>8815</sup> D1280 (Nikola Koljević and Radovan Karadžić's speeches at the All-Serb Council in Banja Luka, 13 October 1990), p. 6. See also D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 38.

<sup>8816</sup> D1280 (Nikola Koljević and Radovan Karadžić's speeches at the All-Serb Council in Banja Luka, 13 October 1990), p. 4.

<sup>8817</sup> D1280 (Nikola Koljević and Radovan Karadžić's speeches at the All-Serb Council in Banja Luka, 13 October 1990), p. 4. See also P5860 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 23 September 1991).

1. Was the President entitled to make such a political speech, particularly since his the only post was the President of the political party?
2. Was he right concerning his worries that Bosnia might go towards the secession, thus turning a sovrein and constituent Serbs into a national minority against their will.
3. Did the Serbs have any #experience with the independent Croatia and Bosnia#, and whether they did have any reason to fear about this course of events.
4. Did the Serbs, demanding to maintain the situation of living in the same state with their other Serbs, demanded some changes of the existing order that would violate anyones rights, or they just called on their right that they already havbe enjoyed.
5. Was the President wrong saying that our internal, administrative borders are tried to be turned into a hard interstate borders, which would partition the Serb (as well as the others) into several states, making them a national minorities, and was it an #anti-Constitutional action#?
6. Was the Chamber aware that at that moment there was an electoral victory of the HDZ in Croatia, with the anounced rehabilitation of the Ustasha's NDH, (Independent State of Croatia) which was a Hitler's ally. Was the Chamber curious who mentioned "civil war threats, and why the President warned that the Serbs must take such a threats seriously? #Hitler allies again#!)
7. Was it clear to the Prosecution-Chamber alliance that in Sarajevo there already was an alliance of the SDA, founded by the Hitler's allies, and the HDZ from Croatia. The last such a coalition caused more that 700,000 Serb, Jew and Gipsy victims during the WWII?)

At this same meeting, Koljević identified the purpose of establishing the SDS as a means of expressing the national objective of the Bosnian Serbs, which was "a federative Yugoslavia and for the Serbs to be able to survive [...] in that Yugoslavia and for all the other peoples to be able to survive together".<sup>8818</sup> **#EXCULPATORY#!** Koljević also emphasised that the SDS was formed in "response to the new situation which has arisen and which we will not and must not tolerate" and that they should not remain unprepared.<sup>8819</sup> In this same speech Koljević called on the other national parties in BiH to think about "what the partition of a confederal Yugoslavia means and for them not to push us into another civil war".<sup>8820</sup> **(#EXCULPATORY#! what was wrong in this Koljević's speech? If the Chamber wasn't interested in what was the "new situation which has arisen and which we will not and must not tolerate" dr. Koljević was talking about, it could explore through the file, and would find out that the new authorities in Croatia are returning to the fascist rhetoric and insignias: "It was extremely provocative for the Serbs in Croatia that Tudjman's Government had adopted the Independent Croatian (NHD) flag with the same symbol used by Paveli}, the red and whitye checkerboard" David Owen, "Balkan Odyssey", pg.100**

2638.

In an interview in November 1990, the Accused discussed the possibility of Serbs being outvoted in the BiH Assembly and predicted that if that happened "all conditions for a civil war would be in place, because the Serbs in BiH are no longer helpless, but very powerful and united".<sup>8821</sup> The Accused stated that he did not think civil war would happen "because the Serbs won't start the skirmish first and others are afraid to. No one has reason to fear the Serbs if they have no misdeeds against

<sup>8818</sup> D1280 (Nikola Koljević and Radovan Karadžić's speeches at the All-Serb Council in Banja Luka, 13 October 1990), p. 8.

<sup>8819</sup> D1280 (Nikola Koljević and Radovan Karadžić's speeches at the All-Serb Council in Banja Luka, 13 October 1990), p. 8.

<sup>8820</sup> D1280 (Nikola Koljević and Radovan Karadžić's speeches at the All-Serb Council in Banja Luka, 13 October 1990), p. 9.

<sup>8821</sup> P2539 (Radovan Karadžić's interview in NIN, 9 November 1990), p. 3.

them”.<sup>8822</sup> The President further stated that “under no circumstances will Serbs accept to live in several independent states, and to become a national minority everywhere outside Serbia. The Serbs will stay in one state – Federative Yugoslavia” and would not be separated from Serbia.<sup>8823</sup> **(The outvoting itself is not necessarily a cause for an alarm, but if it is an outvoting on the #constitutional issues#, and issues pertaining to the equality on nations, neglecting the provision about two third majority, then it is the #most serious violation of the Constitution.#)**

**2639.** The Accused also indicated that the political life of Bosnian Serbs “had been fully revived and established”, which was the main purpose of setting up the SDS, and that in all places where Serbs lived they had set up municipal organisations with municipal and local boards.<sup>8824</sup> He spoke about how the SDS had become the party of all Serbs and there was now “only a unified Serbian people”.<sup>8825</sup> These statements were made before the first multi-party elections, which the Chamber recalls were held in BiH on 18 November 1990.<sup>8826</sup> **(Again, the Chamber erred by not establishing #what kind of unity# the President spoke. The Serbs were the only Yugoslav nation that during the WWII had been sharply divided within itself: about one quarter were the communists and revolutionary, who fought more against the monarchy than against occupier, and the two third of monarchists, who fought against the occupier, and against the communists when they attacked the former. There is no other reasonable explanation or inference for the term “the Serb unity” than that, and it was known to everyone but to the foreigners, including the Chamber. #Criminalisation of a legal political life#!)**

**2640.** The Accused delivered a speech in 1990 in which he said that Bosnian Serbs did not agree to “sacrifice any Croat, any Muslim, and any human being in organizing a state” and that those who did not know how to organise their state “except with blood and corpses, they must go!”.<sup>8827</sup> **(#EXCULPATORY#!!! The President opposed any idea of a forceful unilateral secession! The meeting was held on the border with Croatia, where the HDZ had already won the elections, and threatened to form the Independent Croatia and to destroy Yugoslavia. The President’s speech was a message to the Croats and Muslims living in the (predominantly Serbian) Srbać municipality. Mr Milincic, a professor of literature, was a very sincere and trustful by his fellow citizens Croats and Muslims, and nothing happened, except a solitary incident, to anybody in this municipality. The entirely #Muslim settlements remained undisturbed# in Srbać, as well as Croat, and this is the best recommendation of the sincerity of Mr. Milincic, who also was a member of the Main Board of SDS. It was always like that: wherever a president of municipality was a member of the main Board of SDS, there was no crimes. It was the case with: Mrkonjić Grad, Banja Luka, Bosanska Dubica, Gradiska, Srbać, Celinac, Laktasi, Skender Vakuf (later called Knezevo) B. Samac, Trebinje, Gacko, Ljubinje... and so on.)** In this speech the Accused also said they would act democratically and be benign so long as democracy was able to function but that the “moment anyone attacks us, we shall bring out the spear”.<sup>8828</sup> **(Yet another #abuse of the Serb epic poetry#! After being**

<sup>8822</sup> D1281 (Articles from Večernje Novine entitled “Karadžić shocked me” and “Šešelji is amiable”, 9 May 1991), pp. 2–3. See also P6540 (Excerpt of video from Banja Luka, 3 March 1991, with transcript), p. 2; P6617 (Article entitled “Jovan Rašković on Shrink’s Sofa”), p. 2. The Chamber places no weight on the opinions expressed by Jovan Rašković in this article, including his view that the Bosnian Serb leadership had “burnt the fuse of Serbian people”.

<sup>8823</sup> P2539 (Radovan Karadžić’s interview in NIN, 9 November 1990), pp. 6–8. See also P2555 (Intercepts of conversations between (i) Radovan Karadžić and Anđelko Vukić; and (ii) Radovan Karadžić and Boro Sendić, 16 October 1991), p. 3; D269 (Radovan Karadžić’s interview with NIN, 20 July 1990), p. 6; Radomir Nešković T. 14260 (6 June 2011). But see D3528 (Witness statement of Milan Martić dated 7 May 2013), para. 69; Milan Martić, T. 38106–38109 (13 May 2013) (testifying that contrary to what the Accused said in P2555, the Accused’s position was not that he wanted to keep Serbian parts of BiH linked to other Serbian parts of the former Yugoslavia). The Chamber does not find Martić’s evidence in this regard to be reliable. In reaching that conclusion the Chamber found that his testimony was marked by contradictions, evasiveness, and indicators of bias.



**criticized for being milder than the Serb opponents in Croatia, the President responded quoting a well known poem from 14<sup>th</sup> Century:**

Radovan KARADŽIĆ: We shall not be harsh also on account of that old poem about Marko Kraljević, when he carried the spear upsidedown and the fay warns him not to carry it upsidedown. And Marko replies: "I shall easily bring about the spear, should trouble beset me." We shall be benign and democratic right up to the moment until which democracy is able to function. The moment anyone attacks us, we shall bring about the spear.

: Mi nećemo biti oštri još i zbog one stare pjesme o Marku Kraljeviću kad je nosio koplje naopako pa ga vila upozorava da ne nosi koplje naopako. A Marko odgovara: "Ja ću lako koplje obrnuti, ako meni do nevolje dode". Mi ćemo biti blagi i demokratični sve do onog trena dok demokratija može da funkcioniše. Onog trena kada nas neko napadne, mi ćemo koplje obrnuti.

**(So,**

**a conciliatory and milde attitude of the President is #taken as a crime!#)** The Accused also stated that one of the objectives of the SDS was to improve multi-ethnic relations but that it would not co-operate with any parties which "have even the slightest trace of anti-Serbism".<sup>8829</sup> **(#Crippled sentences#! What is wrong with that? And why other "anti" had been skipped: anti-Yugoslavism, Anti-Semitism, Anti-Democracy? Look at this para.:**

Coexistence also created some permanent values which the Serbian Democratic Party will nurture and develop. In that sense, the Party will be open for cooperation with all democratic organisations in the Republic and the country. We cannot and will not cooperate with parties which have even the slightest trace of anti-Serbism, anti-Yugoslavism, anti-semitism and anti-democracy in their programme or dealings.

2641. In May 1991, the Accused and Plavšić discussed preserving the common state of Yugoslavia, the danger of BiH "sliding into chaos and civil war", and the need to reach an agreement with Izetbegović in line with their interests.<sup>8830</sup> The President, in June 1991, repeated his position that BiH would never be independent and that it would not follow the footsteps of Croatia.<sup>8831</sup> He also

<sup>8824</sup> P2539 (Radovan Karadžić's interview in NIN, 9 November 1990), p. 1. See also P5643 (Intercept of conversation between Radovan Karadžić and an unidentified male, 8 July 1991).

<sup>8825</sup> P2539 (Radovan Karadžić's interview in NIN, 9 November 1990), p. 1. See also P5063 (Video footage depicting interview of Radovan Karadžić on "Ask the President", undated, with transcript), p. 47.

<sup>8826</sup> See para. 38.

<sup>8827</sup> D4185 (Radovan Karadžić's speech, 2 September 1990, with transcript), p. 2. Miloš Milinčić testified that the Accused in this speech called for good neighbourly relations, and that people lived best when they lived together in peace and harmony. Miloš Milinčić, T. 44937–44940 (11 December 2013). The Chamber notes that this is based on Milinčić's own interpretation of the Accused's speech and is thus of limited weight. In addition, Milinčić's evidence was marked by extreme evasiveness and indicators that he lacked candour. The Chamber therefore does not find his evidence in this regard to be reliable. **(#Defense witnesses carnage#! This is a model of treatment of the Defence witnesses and documents. Milincic didn't have any reason to be evasive, he was an example of a good president of municipality, in his Srbac municipality there remained pure Muslim settlements and quarts in the town untouched. As a member of the Main Board of the SDS, he implemented the SDS policy towards other ethnicities, as did every single meyer who was member of the Main Board of SDS at a same time. This is the only reasonable inference: if a criminal treatment of minorities was part of the SDS policy, it would be the most thoroughly implemented in municipalities with Mayors – members of the Main Board. Beside that, Milincic's understanding of the President's speech is mutually corroborative with the speech itself, literally! What else is needed to respect this testimony and this document?)**

<sup>8828</sup> P6563 (Excerpt of Radovan Karadžić's speech in Srbac, 2 September 1990, with transcript).

<sup>8829</sup> D255 (Radovan Karadžić's speech at the constituent SDS Assembly), pp. 2–3.

<sup>8830</sup> P5681 (Intercept of conversation between Biljana Plavšić and Radovan Karadžić, 23 May 1991), pp. 2–3. See also P5727 (Intercept of conversation between Biljana Plavšić and Radovan Karadžić, 2 March 1992), p. 2; P5605 (Intercept of conversation between Radovan Karadžić, Goran Milić, Alija Izetbegović, and an unidentified woman, 3 March 1992), p. 7.

<sup>8831</sup> D270 (Intercept of conversation between Radovan Karadžić and Vitimir Žepinić, 17 June 1991), p. 7. See also P5896 (Intercept of conversation between Radovan Karadžić and an unidentified journalist, 24 June 1991).

said that if BiH were to collapse, there would be chaos but that they would not bow their heads.<sup>8832</sup> **Neither this could be understood by the foreigners, who didn't know what happened at the very beginning of the WWII. Then the Serbs in Croatia-BiH didn't have any representation, and once the NDH was proclaimed on 10 April 1941, started the #genocide against the Serbs, Jews and Gipsies#, without any resistance.** The President warned Izetbegović out of frustration that they would form a parallel government and parallel police if their people were excluded and that the Bosnian Serbs were all armed.<sup>8833</sup> **(Again, we have to deal with a #wrong interpretation#, one time made by the interpreters, another, as here, by the Chamber. The quoted sentence didn't mean that "all the Serbs are armed" but:**  
**"We would exclude all our people who are armed," i.e. we would withdraw our armed part of the common police)** The Accused also said in a related conversation that they had "prepared an alternative, which will be atrocious. We prepared it and we'll fuck their mothers".<sup>8834</sup> **Another abuse of the fact, and #missing the context#. See:**

**1. on 9 Sept. 1991. Milan Martić, a beloved Serbian leader from RSK, had been illegally detained by the Muslims in Otoka.**

**2. it was an extremely risky situation, and the President spoke by telephone with the JNA, MUP and Milošević.**

**3. the President thought that the crisis will be ended without problem.**

**4. the President was called, for the first time ever, by M. Koroman, the chief of the Police in the region of Romania, a mountain wrap around Sarajevo, informing him that the people are extremely upset and ready to come to Sarajevo and punish those responsible for the illegal arrest of Martić. Within this framework the President promised to do his best to resolve the problem, so to avoid the clashes in the City. Is that his sin???** The President in another conversation also spoke about territories which would be integral to the Serb part of BiH in the event that there was a split and that they would have their own "army and militia".<sup>8835</sup> **(With such a #patchwork collection of a disseminated sentences# of the President, from different times, occasions, significance, and different interlocutors – even St. Peter would look as guilty as devil! AGAIN, TOTAL #LACK OF A BASIC UNDERSTANDING#! At the time there is an inter-Serb "polemos" about the RSK and Vance plan for Krajina Knin. That is why Babic was mentioned. However, in the Banja Luka Krajina a several areas wanted to secede from BiH and to have the same what was proposed to RSK in Croatia: their Police, TO and so on. And this President was dissuading them, infirming his interlocutor in the common mind, to stay refrained. How this can be used against the President? #EXCULPATORY#!)**

**2642.** On 23 July 1991, the President told Kuprešanin that the referendum for an independent Krajina would be a mistake for negotiations at that time because the Bosnian Muslims had prepared "all the evidence that the Serbs are creating the Greater Serbia. And now you are playing right into their hands, as if they are paying you. [...]. They have to make a mistake. They will

<sup>8832</sup> D270 (Intercept of conversation between Vitimir Žepinić and Radovan Karadžić, 17 June 1991), pp. 8–9.

<sup>8833</sup> P5625 (Intercept of conversation between Radovan Karadžić and Vitimir Žepinić, 8 July 1991), p. 1; D364 (Intercept of conversation between Radovan Karadžić and Vitimir Žepinić, 24 July 1991), p. 6. See also D2925 (Intercept of conversation between Radovan Karadžić and Vitimir Žepinić, 9 September 1991), p. 2.

<sup>8834</sup> D364 (Intercept of conversation between Radovan Karadžić and Vitimir Žepinić, 24 July 1991), p. 4. See also P962 (Intercept of conversation between Radovan Karadžić and Malko Koroman, 9 September 1991), pp. 2–3. Žepinić stated that he did not take the comments the Accused made during these intercepted phone conversations in this regard seriously as the Accused was "blowing off steam" and that he did not believe he meant them literally. D2923 (Witness statement of Vitimir Žepinić dated 11 February 2013), paras. 40, 43, 48–49. While the Chamber accepts that Žepinić formed this impression during these conversations, the Chamber finds that these conversations show that the Accused was indeed angry about proposed moves towards the independence of BiH and was prepared to change their strategy if Bosnian Serb demands were not met and this would include violence. **CONSEQUENTLY, THE CHAMBER DID #wrongfully INFER# AGAINST THE SERBS.**

<sup>8835</sup> P5616 (Intercept of conversation between Radovan Karadžić and an unidentified male, 13 December 1991), pp. 4–5.

definitely make a mistake we know that".<sup>8836</sup> **(Also #EXCULPATORY# !!! The President advocated a restraint in actions, so that the Serbs wouldn't violate any law and constitution, proposing the let others to make mistakes!)**

2643. In an intercepted conversation on 4 September 1991, the Accused said that the army had been invited to Tuzla and that the Bosnian Muslims should be warned that the Serbs could defend themselves.<sup>8837</sup> When informed about tensions in Bratunac, the Accused responded "we will arrest them and kill them. [...] Tell them that Serbs in Bosnia and Herzegovina [...] can defend themselves and defend themselves successfully. There are two hundred thousand armed men and they should not mess around".<sup>8838</sup> **(Unbelievable!!! This is completely #abused and distorted meaning# of the tel. conversation (D01643) in this conversation Zvonko informed the President that there are a skirmishes between the Serbs and Muslims, and Zvonko assessed that the incident was aimed to involve Serbia itself into the conflict on the BIH soil.)**

Zvonko BAJAGIĆ	After Friday, SUP deployed er ... police force in these villages - hot spots, so, only Serbs were deployed in Kravica.
Radovan KARADŽIĆ	Yes.
Zvonko BAJAGIĆ	Because that is what they demanded and the patrols, consisting both of Serbs and Muslims were in Konjević polje and in that place over there, in Lolići.
Radovan KARADŽIĆ	Aha, good.
Zvonko BAJAGIĆ	That has been an around the clock duty. There has been this duty and village guard ever since. After those two persons from Han Pijesak were wounded, at the barricade.
Radovan KARADŽIĆ	After that?
Zvonko BAJAGIĆ	After that and before the shooting at this President of the Executive Council.
Radovan KARADŽIĆ	Okay.
Zvonko BAJAGIĆ	Two persons were wounded and the motive for it was putting up of the barricade up there in Han Pijesak; they informed you about that.
Radovan KARADŽIĆ	Yes, two men were wounded, okay.
Zvonko BAJAGIĆ	... and then, after the wounding, er ... the attempt of the assassination of this President of the Executive Council, down there.
Radovan KARADŽIĆ	Okay then, and again Serbs were wounded, so again his..., er, they shot at a Serb.
Zvonko BAJAGIĆ	Yes, the President of the Executive Council of the Bratunac Municipal Assembly.
Radovan KARADŽIĆ	Okay, but these two men in Han Pijesak were also Serbs?
Zvonko BAJAGIĆ	And these who were wounded in Han Pijesak are Serbs.
Radovan KARADŽIĆ	Okay.
Zvonko BAJAGIĆ	Listen, last night, those four men in that car who rode slowly through Kravica, their main military strategist on behalf of the SDA and the biggest stool pigeon was in that car with other three men.
Zvonko BAJAGIĆ	They drove two times through Kravica.
Radovan KARADŽIĆ	And Kravica is a Serbian village?
Zvonko BAJAGIĆ	Kravica is ... Serbian villages, like the Mokro region <i>as written</i> /...
Radovan KARADŽIĆ	Yes, yes, so it seems that they were provoking, weren't they?
Zvonko BAJAGIĆ	Yes, they were riding through with all four windows rolled down and barrels of their machine guns sticking out of the windows.
Zvonko BAJAGIĆ	At two spots the police patrol gave them a sign to stop but they refused to do it.

<sup>8836</sup> P1084 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 23 July 1991), pp. 3–4.

<sup>8837</sup> D1643 (Intercept of conversation between Radovan Karadžić and Zvonko Bajagić, 4 September 1991), pp. 5–8.

<sup>8838</sup> D1643 (Intercept of conversation between Radovan Karadžić and Zvonko Bajagić, 4 September 1991), p. 7.

Zvonko BAJAGIĆ	And they received the message; well, some of these were provoking with machine guns; the police tried to stop them at two points; they did not want to stop; so these men up there tried to stop them; they refused; they opened fire; they killed two and wounded one of them.
Radovan KARADŽIĆ	Whom did they kill?
Zvonko BAJAGIĆ	They killed two Muslims, not the main one.
Zvonko BAJAGIĆ	Furthermore, earlier today, now, Muslim people went down to Bratunac and they are rejoicing <i>apparently meaning: insisting</i> to go to attack Kravica.
Zvonko BAJAGIĆ	Furthermore, the Kravica men are still holding their positions, they do not allow anyone to ... they shoot if a single man from MUP should put his foot on their territory.
Zvonko BAJAGIĆ	It can easily happen that those from up there move in an organised manner before the dark and that will cause then a frontal ...
Radovan KARADŽIĆ	To move in an organised manner?
Zvonko BAJAGIĆ	Yes, if the MUP and one from down there moved towards Kravica.
Zvonko BAJAGIĆ	That's it, Kravica men, they decided that firmly and they will not give it up.
Radovan KARADŽIĆ	Are they armed?
Zvonko BAJAGIĆ	Yes, they are. Furthermore, their people, Serbs from the villages having a common border with villages with Muslim population are evacuated and they are moving across Drina and they go to the centre of the village and into the woods.

And

**that was a Muslim torture of the Serb population of Bratunac as early as 4 September 1991. The Serb villages deserted, population crossed over to Serbia, males were keeping guards.**

**See further:**

Zvonko BAJAGIĆ	Everything is deserted, it is horrible to see that, they would come to Milići to ask for help.
Radovan KARADŽIĆ	Okay.
Zvonko BAJAGIĆ	Maybe some of these volunteers should go; they also asked me to go to Han Pijesak. Thus, I've come home from Milići and I am reporting to you; as far as I can see, nobody contacted you about these things.
Radovan KARADŽIĆ	No, nobody contacted me about this.
Zvonko BAJAGIĆ	Well, in general, you should know that this is extremely urgent; I think that someone should show up immediately, otherwise it'll be trouble.
Radovan KARADŽIĆ	Who needs to show up?
Zvonko BAJAGIĆ	The ones who can ... the most influential ones ... you and someone on behalf of the SDA, someone who can ...
Radovan KARADŽIĆ	And what should they do?
Zvonko BAJAGIĆ	Well, what ... to come down among the people ... that line ... to talk with our SUP ... they should not send the MUP men ... there will be shooting.
Zvonko BAJAGIĆ	Directly ... if someone should come, then one should consider the Army, because they do not believe in MUP.
Radovan KARADŽIĆ	Okay, the Army has been invited and the Army will come from Tuzla, as far as we know they are under way.
Radovan KARADŽIĆ	Okay, but, tell me this, who could head to Kravica ...?
Zvonko BAJAGIĆ	Only these Muslims ... if they move forward, they will just shoot, but our regular Bosnian MUP men <i>las written</i> .
Radovan KARADŽIĆ	Yes.
Zvonko BAJAGIĆ	It's better that they do not go, you should say that if you have influence.
Radovan KARADŽIĆ	Okay, Zvonko BAJAGIĆ, there is nothing to be done from here.



Radovan KARADŽIĆ	You should manage this yourself wisely, on the spot, do not allow anyone to enter Serbian villages, but these volunteers who are under way ...
Zvonko BAJAGIĆ	Yes.
Radovan KARADŽIĆ	Let them go <i>apparently: come!</i> , the volunteers; you should see to it that they are ... that they are in the second line, because the local people will not shoot so easily and kill their neighbours, the volunteers from outside always shoot more easily.
Zvonko BAJAGIĆ	Well, they are not ... they are neighbours and in case that someone comes, it will be from Milići and Han Pijesak.
Radovan KARADŽIĆ	Yes, yes, okay, from Milići and Han Pijesak ... the ones who go there, they should not shoot first, not under any circumstances, but the local villagers should decide whether to shoot or not, because the people still know each other up there and that means the chance that they do not shoot at each other.
Zvonko BAJAGIĆ	Well, that is not ... there is not that tolerance ... that ...
Radovan KARADŽIĆ	Never mind, they caused this thing and you should defend yourself <i>I could also mean: and you are defending yourself</i> , you should organise good defence and nobody should enter Serbian villages, they should not play with that.
Zvonko BAJAGIĆ	Yes, well ... you know what's going on, that is their decision ... well, you are not kept up to date.
Radovan KARADŽIĆ	I am not ..., I only knew that these two guys had lost their lives and I didn't know how, whether it had been a provocation or whether Kravica had been attacked. And I was with IZETBEGOVIĆ until ten minutes ago and we concluded that we should wait, to get a proper information. ŽEPINIĆ and HEBIB are up there somewhere and ŽEPINIĆ has not contacted me yet, he should call me and I shall tell him that Serbs ... that they should not send MUP men into Serbian villages, I ...
Zvonko BAJAGIĆ	He should not dare ... Well, please let them know that as soon as possible, to avoid that someone from Bratunac goes to take control, to patrol or to try to get in with the excuse to calm down the population, that would not do.
Radovan KARADŽIĆ	And what do you assume; whose fault is this?
Zvonko BAJAGIĆ	It is their fault; they failed to stop by the two police patrols, their rifles sticking out of the car at the ready, their windows open ... and shouting ...and provocations.
Radovan KARADŽIĆ	And it was all about draft registration, wasn't it?
Zvonko BAJAGIĆ	For all <i>as written</i> ... and it started with the draft registration.
Radovan KARADŽIĆ	It is also their fault.
Zvonko BAJAGIĆ	They.
Radovan KARADŽIĆ	And why did that fellow shoot at the President of the Executive Council?
Zvonko BAJAGIĆ	He was charged with it, probably to assassinate him.
Radovan KARADŽIĆ	He was charged with it, fuck those bloody idiots, it seems they want to fight against the Serbs.
Zvonko BAJAGIĆ	Radovane, one other thing, you know, I as a laic think that the SDA headquarters are behind all this, because I think that they do not have any other municipality which is more appropriate for them to provoke Serbia; and at the moment, Bratunac is the most suitable municipality to do that thing between Serbia and Bosnia.

Zvonko BAJAGIĆ	If they sacrificed the Muslim people down there in order to provoke, in order to provoke...
Radovan KARADŽIĆ	They sacrificed ... in order to provoke.
Zvonko BAJAGIĆ	In order to provoke Serbia.
Radovan KARADŽIĆ	You should tell them over there ... also Serbia ... they do not need Serbia, we will arrest them and kill them.
Zvonko BAJAGIĆ	And you know what, Radovan?
Radovan KARADŽIĆ	Tell them that Serbs in Bosnia and Herzegovina can, can defend themselves and defend themselves successfully. There are two hundred thousand armed men and they should not mess around, those idiotic mother fuckers.
Zvonko BAJAGIĆ	But listen, here across Bratunac is Serbia.
Radovan KARADŽIĆ	Yes.
Zvonko BAJAGIĆ	The people there are all mixed through family relations, they are godfathers and best men to each other, they are friends <i>!could also mean: in-laws!</i> . Nobody there will wait for an order of the Serbian Government or to ask someone for permission; the people will cross over to defend their friends and relatives and it will be immediately exploited in a way: Well, Serbia attacked Bosnia.
Radovan KARADŽIĆ	Yes, yes. Don't ... See to it that Serbia does not break into Bosnia and tell the neighbouring Muslims that they have been sacrificed and tell them not to dare to struck against Serbs, because we can defend ourselves successfully throughout Bosnia and Herzegovina; there is no place where they can put us in danger, there is no place where they can put us in danger!
Radovan KARADŽIĆ	Tell them that we are so organised that there is no spot where they can bring us in danger.
Zvonko BAJAGIĆ	Listen, I ... like I ... No Serb can get from here into Bratunac and nobody dares to go down there.
Radovan KARADŽIĆ	I am going now to try also to inform the MUP and you should organise yourself good and you should not attack anyone up there, but defend yourself.

**Meanwhile, the JNA as a regular force (it was Sept. 91) was expected to come from Tuzla. So, the JNA was not “invited to Tuzla” but was there regularly, and was expected to come to Bratunac and intervene in an inter-ethnic conflict caused by the Muslims. The President tried to prevent an involvement of Serbia, and to limit the Serbs only to the defense. This is a #commendable# and for a decoration, not for accusation!!! And this is a #CRIMINAL WAY OF DISTORTION# OF MEANING! Regardless of a high possibility that the Judges weren't aware of it, the full responsibility is on them, on the Tribunal and the United Nations!)** On 13 September 1991, referring to a proposal by Izetbegović to resolve the question of the army in BiH and demilitarisation, the Accused said to Koljević “we will put the army in all our areas, Serbian Bosnia, right? Down there, on Neretva...”<sup>8839</sup> **(Putting the only legal Army in the Serb areas was #legal and obligatory# while not letting an army to do it's job is a federal crime#! That was not a “proposal to resolve the question of the Army in BiH, because no federal unit could resolve it without the federal state. The entire intercept is about an illegal and cunning try of Mrr. Tudjman and Izetbegovic to remove the JNA out of Bosnia, while Tudjman was preparing the war against Yugoslavia, the Serbs and JNA. The Serb side in BiH opposed any idea to deny the hospitality to the JNA, and offered the Serbian areas (which in reality happened during the war, that the JNA dared to stay only in the Serb areas. What inference the Chamber could draw from this conversation from early September 91?)** The Accused also told international representatives that unless the Serb areas in BiH could remain tied to Yugoslavia war would result.<sup>8840</sup> **(#Warnings, not threats#! This witness admitted that his**

<sup>8839</sup> P5870 (Intercepts of conversations between (i) Radovan Karadžić and Mira; (ii) Radovan Karadžić and Nikola Koljević, 13 September 1991), pp. 2–3

<sup>8840</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4172–4173, 4400–4401. See also Herbert Okun, T. 1516–1517 (23 April 2010), T. 1698 (27 April 2010), T. 1843–1844 (28 April 2010); P780 (Seventh notebook of Herbert Okun's Vance Mission Diary), e-court p. 37; P777 (Fourth notebook of Herbert Okun's Vance Mission diary), e-court p. 23.

#note books were not to be understood verbatim#, since he intermingled what he heard and what he thought and assumed! Certainly, the President didn't mean that the Serbs needed a war to achieve what they wanted, since they did have it already. Beside that, the President was asked (this is in the file) who would start a war if it appears, and the President said, it would be someone from the lowerest stratus of society. Just to remind: neither Serbs in Bosnia, nor in Croatia needed any war to achieve their constitutional rights. A war was needed to those who wanted to prevent and deprive the Serbs from their legal interests and constitutional rights!) On 30 September 1991, the President stated that the "war goal" of the Serbian people was Yugoslavia.<sup>8841</sup> (#Wrong translation# of the document, P2543:

*Jugoslavlje.  
Najkrupnije je naše političko postojanje  
Jugoslavlje i BiH. Bez Srba i njihove volje  
se u BiH ne može ništa napraviti.*

and wrong interpretation. In the original it meant that the most important for the existence of the Serb people to have Yugoslavia and Bosnia exist, not as it was interpreted:

We are politically most numerous in Yugoslavia and Bosnia. Nothing can be done in BH without the Serbs and their will.

The second sentence is correct, but this certainty didn't rely on the number of citizens, but on the constitutional guarantees. Further, the "war goal" of the Serbian people" pertained to the Serbs in the entire Yugoslavia, not to the Serbs in Bosnia, where there was no a war, and couldn't concerne with the Serbs in BiH. See the same document:

The army was attacked by Croatia and realised it was dealing with fascists. Those who supported the idea that Slovenia and Croatia should remain in Yugoslavia are no longer in the JNA.

The country that already had the war was Yugoslavia! Anyway, the document is #dubious#, no name of the note-taker, it is written in the Crostian variant, which a Serb would never do, particularly then. Also, the last sentence about "war goals" is #added somewhere later#!)

The SDS was ready to have Serb territories secede from an independent BiH if that was the only way for Serbs to remain in Yugoslavia.<sup>8842</sup> (#Wrong and unacceptable#! First, the Chamber is makin a #political assessments from the standpoint of the secessionist republics#, and from those who encouraged these Republics to violate the Constitution and all the laws. Even if so, what does it have to do with this Tribunal? The SDS was not intending "to secede" from Bosnia, but #“not to secede” from Yugoslavia#, which was a #conservative and legitimate attitude#. The same happened when West Virginia seceded from Union, the western part of Virginia refused to secede, and President Lincoln accepted their decision, and even after the victory of Union, West Virginia continued to exist! #The right to maintain a status quo# against an illegal change is superior to this illegal change. Beside that, the quated document, the exhibit P02543 is dubious one. First of all, the language: the Serbs would never say “općina” for municipality. Further, there was no any form of a shorthand or a regular record of a meeting. Further, the last sentence, added, pertaining to #“the war goal” is nonsense, since Yugoslavia already existed# over 70 years, why anybody would wage a war to achieve what already existed. This leaf of paper was probably handwritten by the Muslim spy who bugged the room!)

<sup>8841</sup> P2543 (Minutes of meeting of SDS deputies' club, 30 September 1991). See also D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 27–28 (stating the Bosnian Serbs wanted to preserve Yugoslavia); D3528 (Witness statement of Milan Martić dated 7 May 2013), paras. 13–14.

<sup>8842</sup> See Adjudicated Fact 1932.

2644. In May 1991, Slobodan Milošević told the President that his position should be that they were against the secession and wanted BiH to remain in Yugoslavia, to which the President agreed.<sup>8843</sup> In another conversation in July 1991, Milošević told the Accused that their objective was to “have disintegration in [...] line with our inclinations” and that they “should take radical steps and speed the things up”.<sup>8844</sup> **(What does in mean? What inference could be drawn from it? President Milosevic sounded conciliatory towards the Slovenian/Croat intentions to secede, but was againste their violent and unilateral secession! What is a crime here?)**

**This is all a mess in translation and interpretation, all misunderstood. Milosevic was ready to allow those who wanted to separate to do so, but along the lines the Serbia and Serbs could have accepted. The speed up was Milosevic's prediction that we do not have three months as we required, but much shorter time, and it didn't mean that the Serbs were interested in “speeding up” what is this, anyway? What does it show? This is another #CRIMINAL DISTORTION#! Let us see what really was said: P5890:**

MILOSEVIC Slobodan: You see, this, this was given just to say something, they haven't given our statement. They accepted to guarantee, to guarantee, well, that Croatia and Slovenia will fulfil their obligations and suspend these acts...

KARADZIC Radovan: Well, these are their obligations. Are there any other obligations of theirs? None?

MILOSEVIC Slobodan: Even if that violence stops, etc, these obligations still remain theirs.

MILOSEVIC Slobodan: They are the Warrantor and they have spoken their mind, so we will see, we will see how it will further go on. But I think that by this we have put an end to the pressures imposed that Serbia disunite Yugoslavia, and on the other hand warranties given by the European Community are much more important to us than those ones given by the Croatian Parliament.

KARADZIC Radovan: Yes.

MILOSEVIC Slobodan: The Croatian Parliament may talk lies, but the European Community is still taking extremely important political decisions.

KARADZIC Radovan: Yes, yes. Considering the further development of this issue, for us... for me... these forthcoming three months are extremely important.

MILOSEVIC Slobodan: What three months are you talking about? God may help us that the matter can last three weeks, let alone three months!

KARADZIC Radovan: You think so?

MILOSEVIC Slobodan: Three months are out of question, I think that some things should be radically changed now, radically.

KARADZIC Radovan: Yes.

MILOSEVIC Slobodan: and that there is no place in the Army which is pro-Yugoslavian by orientation for those shooting at its soldiers' backs.

KARADZIC Radovan: Yes, yes.

MILOSEVIC Slobodan: There have nothing more to do, now we are the ones making the move, it's time for our move now. GLIGOROV and the that man can do whatever they want, they won't... the thing is clear there, we can't discuss it detailedly now. They want to separate.

KARADZIC Radovan: That's clear.

MILOSEVIC Slobodan: That's clear and they should be allowed to separate.

KARADZIC Radovan: Yes.

MILOSEVIC Slobodan: Now, there is only one question left, to have disintegration in the line with our inclinations.

**However, this is distorted first in translation. In Serbian it was:**

Milošević Slobodan:	To je jasno i treba ih pustiti da se otepe.
Karadžić Radovan:	Da.
Milošević Slobodan:	Sad je samo pitanje odcepljenja po liniji koja nama odgovara.

<sup>8843</sup> D1282 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 May 1991), p. 3. See also P5686 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 11 June 1991), p. 2; P5687 (Intercepts of conversations between (i) Ljiljana Karadžić and Slobodan Milošević and (ii) Radovan Karadžić and Slobodan Milošević, 12 June 1991), p. 3.

<sup>8844</sup> P5890 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 1 July 1991), p. 2.



**Should be translated as: M.S.: That's clear, and they should be allowed to secede! K.R.: Yes! M.S. The only question now is that this secession goes along lines that suite us!**

KARADZIC Radovan: Is, is the issue in connection with Serbian violence in Croatia, is that the condition?

MILOSEVIC Slobodan: Everything is inside, any violence must be stopped.

**Another mistake in translation: Karadzic asked whether it comprises the Serbian "naselja" (which meant "settlements") in Croatia, but the two words sound really similar: "naselje" is "settlement" while "nasilje" is violence. Not big deal, but other distortions and interpretations as a Serb aggressivity, is a CRIMINAL!)**

**2645.** In other conversations, Slobodan Milošević told the President that the Serbs would not be divided into many states, and that this "should be the basic premise for your thinking".<sup>8845</sup> He also questioned who could "take the Serbian people out of Yugoslavia if it is against their will", to which the Accused responded that it was important to emphasise that the borders had been artificially created by Tito and did not follow an "ethnic [or] historical principle".<sup>8846</sup> **(So what? #Imperial and communist borders#! That was right. That was why we proposed the Scandinavian model "Scandinavisation" i.e. re-drawing the border on a democratic way, and let people decide where they wanted to live. The Yugoslav Constitution provided for the sovereignty to originate from the constituent peoples-nations, not from Republics. And only a change of the federal Constitution could envisage secessions!)**

**2646.** In July 1991, Milošević encouraged meetings between Serbs and Muslims because the population did not want war.<sup>8847</sup> The President agreed but said that it was Izetbegović who was preparing for civil war and suggested to "let everybody identify themselves now, who does not want an agreement with the Serbs obviously wants a dispute with the Serbs".<sup>8848</sup> Milošević made it clear that they were "offering nothing else but an integral Bosnia, equal to other republics in Yugoslavia".<sup>8849</sup> The President repeated that they wanted to have strong ties with Yugoslavia and if the Bosnian Muslims refused, the alternative would be war.<sup>8850</sup> This was confirmed in an intercepted conversation towards the end of the conflict, where the President and Krajišnik spoke about the fact that they had waged war because they did not accept BiH as "integral and separate from Yugoslavia".<sup>8851</sup> **(Is it now, all of a sudden, important #who was liable for the war#! If so, than the Defense would have something to say too!)**

**(#Contrary to Statute#! No matter the crime against the peace is not a subject to this Tribunal, all of those "words" of this President are searching for the cause of war and a guilt, responsibility for the war. But, nobody has any right to deny the Serbs their rights to continue living in their own state as they did till this moment! If somebody wanted to change this state, it's shape and nature, integrity and anything that concerns the Constitution, has to ask for a consent of all the constituent nations. The #Serbs didn't need a war to achieve what they wanted#, because they had it already. A war was necessary for those who wanted to change the nature of this state, AND TO IMPOSE THOSE CHANGES TO ALL OTHERS! #Not without the Serb consent#!. Such a Judgement looks like a political lecture of the former regime, which was also anti-Serbian!)**

<sup>8845</sup> P5881 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 31 July 1991), p. 11.

<sup>8846</sup> P5880 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 6 August 1991), p. 5. See also P5877 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 4 September 1991), p. 2; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4164; Herbert Okun, T. 1479 (22 April 2010); P786 (Third notebook of Herbert Okun's ICFY diary), e-court p. 34.

<sup>8847</sup> P5881 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 31 July 1991), p. 5. See also P5775 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 5 January 1992), pp. 2–3.

<sup>8848</sup> P5881 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 31 July 1991), p. 5.

<sup>8849</sup> P5881 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 31 July 1991), p. 6.

<sup>8850</sup> P5877 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 4 September 1991), pp. 1–2; P5795 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 17 December 1991), p. 3.

<sup>8851</sup> P5607 (Intercept of conversation between Todor Dutina, Momčilo Krajišnik and Radovan Karadžić, 30 May 1995), p. 9.

2647. On 2 October 1991, in an intercepted conversation with Krajišnik, the President alluded to there being “very concrete plans for transfer” and combat operations from Western Herzegovina to “that Ustasha’s oasis in Goražde and further to the Drina River”.<sup>8852</sup> In this conversation, the President and Krajišnik agreed upon and discussed the importance of unifying Serbs in a common state, and Krajišnik stated that they had a clear, unified vision of a “state over the state”.<sup>8853</sup> At a joint meeting between the government of the SAO Krajina and the ARK Executive Council in Banja Luka on 20 October 1991, which was attended by the President and Krajišnik, a conclusion was reached to support and implement the objective that the Serb people would remain in a single joint state.<sup>8854</sup> The Accused also spoke to Milošević and told him that Serbs had one third of the electorate in BiH and that they were “going to forcefully make some other moves and they can no longer keep up with us”.<sup>8855</sup> **(Again, it is an irresponsible #omission in translation# of the documents, the intercepted conversation. “[t]o forcefully make some other moves” must not be translated like that, because the President said:**

RK - Jer računamo da jednu trećinu, da smo više od jedne trećine dobili bosanskog biračkog tijela. I sad mi idemo snažno u neke druge poteze i to nas više ne mogu pratiti.

**Another**

**#CRIMINAL DISTORTION#! After establishing that the electoral body inclined to the Serbs was far over one third, the President said that the Serbs are “decisively going to make some other moves”! Therefore, “snažno” doesn’t mean forcefully, but rather decisively. Second, the “forceful” i.e. “decisive was going to be the Serb “goings” – not the moves. So, the proper translation should be: “And now we are decisively going to make some other moves...”! the Prosecution-Chamber alliance looks desperate when trying to exploit such an insignificant conversation with the help of a clumsy, if not malicious translation!)**

2648. In an intercepted conversation in January 1992, the President emphasised his ideology with municipal leaders and said that the policy of the SDS “is the unified Serbianhood” in BiH and that if anybody had a problem they could create their own party.<sup>8856</sup> **(This was an intra-party discussion about some members who wanted to pursue another party’s program, which is not allowed in any party in the world. Since there was a multiparty system, everyone who was not satisfied, could leave the SDS and form a new party. Why it would be significant to thei court?)** The President also spoke about working towards an option involving a “union of Serbian states” which would involve preparing a Serbian federation and defending “it with arms and at any cost”.<sup>8857</sup> He also said that if they could not preserve Yugoslavia, the Serbs would find their own “place in the Sun” and that the “back up option” was to have all Serb territories in one state.<sup>8858</sup> Similarly in February 1992, in the context of discussing their position at international negotiations, the Accused emphasised that: “Our optimum is a Greater Serbia, and if not that, then a Federal Yugoslavia” and that while they could settle for a cantonal structure he stated that “[t]here are no further concessions”.<sup>8859</sup> **(So what? All the others who fought against Yugoslavia proclaimed their ultimate goals, based on their ethnic interests. Only the Serbs made so many concessions, far from their ultimate interests! Why this court deals with such**

<sup>8852</sup> P5856 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 2 October 1991), p. 3.

<sup>8853</sup> P5856 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 2 October 1991), pp. 1–2.

<sup>8854</sup> D4082 (Article from Glas entitled “Resolutely in a United State”, 21 October 1991).

<sup>8855</sup> P5822 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 11 November 1991), pp. 1, 3.

<sup>8856</sup> P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), p. 3; P5821 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 11 November 1991), pp. 1–2, 9, 12. See also D300 (Article from Politika entitled “Transformation of BiH”, 17 January 1992), pp. 1–2.

<sup>8857</sup> P5763 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 19 January 1992), pp. 4, 6–7; P5762 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 22 January 1992), p. 3.

<sup>8858</sup> P5762 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 22 January 1992), pp. 7, 9–10; P5063 (Video footage depicting interview of Radovan Karadžić on “Ask the President”, undated, with transcript), pp. 5–7.

<sup>8859</sup> P5748 (Intercept of conversation between Radovan Karadžić and Lukić, 13 February 1992), pp. 1–2.

**a #political matters# at all? Even without this “efforts” it is clear that the Tribunal is a political court!)**

2649. The President also spoke derisively of Serbs who did “not comply with the policy of the SDS, which advocates a single solution for the Serb people in Yugoslavia”.<sup>8860</sup> At a rally in February 1992, attended by Bosnian Serb leaders including Krajišnik, Plavšić, and Koljević, speeches were delivered, including by a minister from Serbia, who said that nobody had the right to separate the Serbian people from Serbia and that if the Bosnian Serbs did not get what they were asking for in BiH they could rely on the support of Serbia.<sup>8861</sup> **(So what? The Serbs in Bosnia were defending their #constitutional rights# by political means, all until the Muslims/Croats tried to prevent it by a military means! But, if the Chamber considered (and #contested) the Serb political life#, why none of the opposite political actions were depicted? By #hiding the Muslim/Croat violent actions against the Serbs# and their constitutional rights, anything that the Serbs did rightfully looks like unlawful. This is non only unfair, but this is forbidden in a criminal justice!)**

2650. On 29 February 1992, the Accused, Krajišnik, and Koljević attended the 14<sup>th</sup> session of the ARK Assembly.<sup>8862</sup> At the meeting, the Accused declared that if BiH changed its status in Yugoslavia then the Serbs would change their status as well.<sup>8863</sup> **(#Legal and legitimate#! So what? How it fits with the Statute of the Tribunal? This is a #mere #political issue, and all directed towards the avoidance of the war, while all the other participant did everything to secure a war to go on! How come the Tribunal and it’s chambers can do the #political assessments, although the crime against peace is not incriminated#. And if the Tribunal is doing so, why analyses and depicts only the Serb political conduct?)** In a March 1992 interview, the President stated: “I am convinced that the Serbs will never find peace until they have achieved their age-old aspiration of living in one state. Whether now or in a few years’ time, I don’t know. But they will achieve it.”<sup>8864</sup> **(The #Serbs did have it already#, but the others changed their position, which affected the Serb position, which was unacceptable, because the Serbs had a constitutional capacities to influence and determine their destiny! Again, how the political position of the Serb community is relevant, while of the others is not?)**

<sup>8860</sup> P2596 (Intercept of conversation between Radovan Karadžić and “Miroslav”, 7 January 1992), p. 5.

<sup>8861</sup> Isak Gaši, P3002 (Transcript from *Prosecutor v. Krajišnik*), T. 400–402, 538–539.

<sup>8862</sup> P5452 (Extract from minutes of 14<sup>th</sup> session of ARK Assembly, 29 February 1992), p. 1.

<sup>8863</sup> P5452 (Extract from minutes of 14<sup>th</sup> session of ARK Assembly, 29 February 1992), p. 2.

<sup>8864</sup> P1940 (Interview with Radovan Karadžić from *Naša Borba* entitled “Yugoslavia or Three Bosnias”, 16 March 1992), p. 1; KDZ310, T. 9175–9176 (29 November 2010).

## Conclusion

2651. Having considered the evidence above, the Chamber finds that from 1990 and into mid-1991, the political objective of the President and the Bosnian Serb leadership was to preserve Yugoslavia and to prevent the separation or independence of BiH, which would result in a separation of Bosnian Serbs from Serbia. **(#EXCULPATORY#!!! That was completely legitimate, and the #only legal position#. All others were violating the Yugoslav and the respective republican Constitutions. So, this is wrong inference, if taken against this President! In this political position and activity there was no a trace of hostile attitude towards the “non-Serbs”).**

2652. The Chamber also finds that the Accused emphasised that the Bosnian Serbs did not want to be a minority in an independent BiH and would not accept separation from Serbia. **(#Legal and legitimate#! Why the Protestants in #Northern Ireland# didn't accept to be a minority in a unitary Ireland? Of course, that was the most drastic change in their life and existence. The Serbs in Bosnia had been deprived from freedom for several centuries, their existence under the Turkish occupation is hard to be described, the last forty years of Austro-Hungarian occupation didn't make any difference, although it was a Christian and European Empire. Finally, the Empire attacked Serbia and thus caused WWI. Freedom and unity came after the WWI, but again in WWII the Bosnian Serbs became a minority in NDH, an “Independent State of Croatia” under the Nazi regime, which caused a genocide against the Serbs, Jews and Gipsies. Again, in 1990 the Hitler's allies won the elections in Zagreb, Croatia, and in BiH, and the Serbs in Bosnia again became the target, although neither Croatia, nor Bosnia could get the independence without consent of the Serbs living in these Republics. So flagrant violation of constitutions, laws, rights and international treaties (Helsinki) had only one precedent – Hitler's suspension of the League of Nations, with the full backing by the “International Community”, it's western part! The Chamber didn't allow any context to be presented, nor any element of the conduct of others, but now, in this Judgement the Chamber is considering the pure political issues and conduct of only one - Serbian – side. The Serbs were entitled to veto the independence of BiH, and if they didn't agree, the whole BiH would stay in Yugoslavia. This is a matter of the Constitution, but the Serbs made many concessions in order to please the two other sides and to avoid a war. And it didn't depend on the President, but of the people.** In these speeches, the Accused also spoke about the marginalisation of the Serb people and the need to protect their interests. **(What kind of crime is this? #No crime#!)** These speeches and statements also demonstrate that the Accused was passionate about a common Serb identity and working towards creating a unified Serbian nation, which was viewed as an age-old aspiration of all Serbs living in one state. **(The Chamber is #not entitled to assess the political stands of President Karadzic, unless the crime against peace is not considered! This way, the Chamber is smuggling this issue, without any obligation to consider the issue comprehensively! The Serbs had achieved this state twice in the 20<sup>th</sup> Century, 1918 and 1945, paying an enormous price in millions of lives! The Serbian people is much older than it is believed, but even if it was 5<sup>th</sup> or 6<sup>th</sup> century, the Serb people fought many battles to survive, and the only way to survive is to have their own state!)** The Accused continued to adhere to this ideology of Serb unity and the importance of creating a Serb state into 1992. **(This is a #mere ideological element# in the Judgment, and as such it compromises the entire trial. The Serb unity has it's history, and pertains mainly to the very same ideology of division of the Serbs on rightists (monarchists) and leftist (communists), since the common state already existed. But it is wrong for another reason: it was not true! The Serbs and the President didn't seek anything new, #anything that didn't exist#, but only tried to oppose to the unlawful and unconstitutional attacks. Unilateral and forceful**



destruction of Yugoslavia, which was envisaged to develop on the account of the Serbs. And the secessionist peoples were led exclusively by their ethnic interests!)

(Since dealing with the #political issues#, the Chamber was in a position to see what was the political development at that time. The Chamber should have notice that the Serbs had #already lived in a unique state#, from 1918 til 1941. and from 1945 till this crisis. So, the #Serbs didn't demand anything new#, anything they didn't have. The other wanted to leave Yugoslavia, which could have been agreed upon, but they didn't respect the constitutional rights of the Serbs. AND THE SERBS, WHEN ENVISAGING A WAR IN A CASE OF SOME DEVELOPMENTS, DIDN'T MEAN THAT THEY NEED A WAR TO ACHIEVE WHAT THEY WANTED, BECAUSE THEY DID HAVE IT ALREADY, and it was protected by the Constitution of Yugoslavia and the constitutions of the respective Republics! The war was necessary only to those who wanted to impose the new status to the Serbs.

2653. The Chamber finds that this evidence demonstrates the central role which the President played in developing the ideology and role of the SDS after its formation in 1990. The President also promoted the SDS as the party which would address the political aspirations of Bosnian Serbs and spoke against Serbs who did not follow the policy of the SDS. **(This is also #erroneous finding#, first of all, the newly formed parties were based on ethnicity, because the Communist regime neglected the development of traditional culture, and so on. As evident, the SDS was the last one formed in BiH (not taking into account that the HDZ acted throughout BiH while being seated in Croatia) The SDS didn't speak against the Serbs who didn't follow the policy of the SDS, but if SDS won ballots, it was responsible to voters, and no Serbs of communist or other ideology should "smuggle" their ideology in the SDS work. This can not be anywhere in the world. Who has a program, should have own party, not lay down its eggs in others nest, like cuckoo bird. Somebody that won 3% of the Serbian votes can not pretend to speak on behalf of the entire Serbian community! But, this is an eminently #political issue# and a matter of responsibility for the war (a crime against peace) which wasn't envisaged to be considered in this Court. In a drastic shortage of evidence against the President, the Prosecution-Chamber are collecting a patchwork, a puzzle of irrelevant rests of political sentences, to assemble whatever "mens rea" of this President!)**

2654. In this period, the Accused also foreshadowed the prospect of civil war if the Bosnian Serbs were politically outvoted in the BiH Assembly or if Serb areas could not remain tied with Yugoslavia. He also warned that the Bosnian Serbs were prepared for such a threat of civil war and were powerful and united. It was clear that even in the speeches in which he spoke in favour of improving multi-ethnic relations and against violence, the Accused stressed that the Bosnian Serbs were ready to use violence if they considered that they had been attacked and would not co-operate with anyone seen to be against the Serbs. **(#Another CRIMINAL DISTORTION#! Not "to use violence" but "not to cooperate" not only with those that are against the Serbs, but "anyone with an anti-Serbism, anti-Yugoslavism, anti-semitism and anti-democracy! But, again wrong inference! The President was dissuading the others from a policy that would cause a war. Having in mind how the Serbs had been slaughtered during the WWII, this time they saw and recognised what was prepared. Also, to "consider that they had been attacked" is an objective matter, and anyone is entitled to rebut any attack, and also everybody is entitled "not to co-operate with anyone seen to be against" him. A lot of ridiculous matters!!!)**

**Again, the Chamber erres and is confused: first of all, the Serb unity concerns the ideological rift from WWII, which was present in a more than in trace between the SDS and the Army officers. For the first time in the Serb civil wars the Serbs in BiH were a bit prepared to defend, and this was their own right. #Right to defend#!)** He also adumbrated chaos and violence if BiH followed the path towards independence. The President also spoke about alternative preparations Bosnian Serbs had made if their demands were not met, and it was clear that these alternatives envisaged violence. **(#Wrong conclusion#! The Serbs didn't have any demands except to respect the laws and Constitution. This is the strongest political and moral position. The Serb "demands" were supported by the Constitution, and if anybody wanted to change the constitutional order, should do it according to the provisions of Constitution. If somebody was ready to impose something contrary to the Serb rights, the Serbs would defend. But, what the Chamber could easily find out as a firm evidence, not an inference, would be the "Islamic declaration" as a comprehensive political program. Having in mind the "Islamic declaration", as well as the fact that Izetbegovic didn't meet the President's begging to denounce the Declaration for the sake of the peace in BiH, the Chamber would see the President's political acting as mild and polite as it could be! Why such an important evidence was never mentioned in the Judgement?)**

## (B) Identification of historic enemies

Analysis of evidence

**2655.** At the founding assembly of the SDS in July 1990, the President called for the unity of the Serbs and also made reference to the genocide which had been carried out against them by their “enemies” and his opposition to a system in BiH “which seemed to have been established to ensure our national annihilation”.<sup>8865</sup> **(Does the Chamber infer that there was no WWI and WWII, and that the same enemies, the Muslim and Croat Nazis, didn’t attack the Serbs, committing a horrible extermination? Or the Chamber suggests that the Serbian people didn’t know that part of their history, but the President reminded them, or maybe persuaded them that they are again in the same jeopardy? This is an #ideological inference#! There is no a single Serbian family in BiH which didn’t suffer a grave loses from those enemies!)** At the founding meeting of the SDS in Brčko, the President delivered a speech in which he said that the “Serbian people for the first time in its history had a chance to set up its own party and that for the first time in history the Serbian people would have enough political strength to avoid the repetition of the bloody history”.<sup>8866</sup> **(So what??? Why any Chamber would even notice this speech? For what purpose, and for what inference this quotation may serve, and in what sense. At the same time, the entire Yugoslavia has a storm of political speeches, plans and intentions, all of them aimed against the unity of Yugoslavia and against the Serbs. But, if the Chamber considered these speeches as wrong and criminal, the Chamber then was obliged to point out what #was not true it these speeches#, what was false and war-mongering in these speeches! If it stayed that way, it would mean that the #Chamber altered the history# of the WWI and WWII in Yugoslavia!)**

**2656.** In an interview in May 1991, the President stated:

“We have today at play the Croat-Muslim party coalition, but we cannot be outvoted in the Assembly. The Serbs cannot allow the Muslims to declare themselves the majority people on the basis of the Ustasha genocide against the Serbs in World War II, before which the Serbs were the majority people in Bosnia. We are a state-building people even if we are just five, let alone 31%.”<sup>8867</sup> **(So what? This was also true. This is a legal normative that the #results of genocide# and a war crimes must not become a legalised as a legitimate. Anyway, without this position, there was another: the Serbs were one of the three constituons peoples, and had a veto right on the constitutional questions. Even this communist Constitution of BiH contained the provision about veto on some issues pertaining to the equality of ethnic communities! Any attempt to alter this constitutional provisions would be drastic violation of the rights guaranteed by the Constitutions! The international community shouldn’t encourage this kind of subversive and destructive action, but to warn all the sides not to play with fire!)**

**2657.** Both Šešelj and the President spoke at a rally in May 1991, where Šešelj stated that in the Serbian part of BiH, they had only one political party, the SDS, and its leadership had “saved the

<sup>8865</sup> D255 (Radovan Karadžić’s speech at the constituent SDS Assembly), p. 1.

<sup>8866</sup> Isak Gaši, T. 16621–16622, 16642–16643 (14 July 2011).

<sup>8867</sup> D1281 (Articles from Večernje Novine entitled “Karadžić shocked me” and “Šešelj is amiable”, 9 May 1991), p. 2.

dignity of the all-Serbian brotherhood”.<sup>8868</sup> **Horrible!! What is criminal it that? Or it is sufficient to mention Mr. [e{elj} and the President in the same paragraph and to conclude that there must be some crime?!** Šešelji in this speech also spoke about the “traditional enemies” of the Serbian people and the need for Serbs to be united to prevent a “new genocide against the Serbian people”.<sup>8869</sup> **(Horrible!! Should Mr [e{elj} speak in favour of the genocide against his own, or any other people?!** He emphasised that they would avenge the current and historic Serb victims and that they would not “give an inch of the Serbian land”.<sup>8870</sup> He also warned the Muslims not to “become a weapon of the Croatian Ustashas again” and that if they repeated history again it would be “fatal to the Muslims, because us Serbs shall no longer forget or forgive. Our revenge is going to be terrible”.<sup>8871</sup> **Acquitted!!!!!! Acquitted even it this court! Again, the Chamber is again rummaging through the trash in order to find any ideological rooth of an President “mens rea”, confirming thus the ideological nature of this court. This way the entire Serbian people is undermin, assaulted and convicted, because none of these incriminations wer the President’s “inventions”, but a deeply rooted fears of the entire population. Even the international mediators, like Lords Carrington and Owen, admitted that the Serbs had a good reason to be worried in 1990-es!**

2658. In January 1991, at a commemoration ceremony, the President stated, “Serbs are the only people in the world who were persecuted and killed only because they exist. That is why we will no longer allow them to separate us and divide us in three states and gradually destroy us.”<sup>8872</sup> He also assured the population that the Bosnian Serb leadership would “not let you be slaughtered like in 1941”.<sup>8873</sup> **(#Permanent mistake#! Did the President lie? Had there been a slaughter of the Serbs in the NDH, including Bosnia? What was criminal in this statements? What issues of the Serb political life the Chamber consider to be forbidden as criminal ones?)** The President told Koljević in June 1991 that he had told Izetbegović that “nobody can form a state on a territory where there was genocide”.<sup>8874</sup> At a meeting with Bosnian Serb representatives on 10 June 1992, the President stated that the plan was to empty BiH of Serbs **(Had the Chamber admitted the evidence of a Tudjman-Holbrooke meeting, there would be what Izetbegovic told Tudjman about expelling the Serbs from Bosnia, and President Tudjman was astonished and asked him, how he intended to expel one and a half million of Serbs from Bosnia. Had the Chamber admitted a similar evidence of the Tudjman-Ganic meeting, after the Dayton Agreement, when the Muslim extremist Ganic repeatedly said to President Tudjman that they (Muslims) “will marginalise the Serbs in Bosnia”, and again, they intend to “marginalise the Serb entity”!) and that Bosnian Serbs should persist and defend their borders against attacks but not attack themselves.**<sup>8875</sup> **(#EXCULPATORY#! This is the most honest and the most clear position. What is wrong in it? We do have evidence that it was just like the President said, and the genocide didn’t repeat just as the President said. And that is his the only guilt! To defend oneself from any attack, and not to attack is the basic right which nobody can object, why the Chamber found it to be objected?)**

<sup>8868</sup> P2527 (Video footage of speeches of Vojislav Šešelji and Radovan Karadžić, 6 May 1991, with transcript), pp. 1–2. *See also* D1281 (Articles from Večernje Novine entitled “Karadžić shocked me” and “Šešelji is amiable”, 9 May 1991), p. 1; D3665 (Witness statement of Vojislav Šešelji dated 1 June 2013), paras. 36–37.

<sup>8869</sup> P2527 (Video footage of speeches of Vojislav Šešelji and Radovan Karadžić, 6 May 1991, with transcript), p. 1.

<sup>8870</sup> P2527 (Video footage of speeches of Vojislav Šešelji and Radovan Karadžić, 6 May 1991, with transcript), p. 1; P6391 (Excerpts from Vojislav Šešelji’s speech).

<sup>8871</sup> P6389 (Vojislav Šešelji’s interview with Pogledi, 31 May 1991), p. 2.

<sup>8872</sup> P1939 (Article from Javnost, entitled “Mind for the Souls of the Innocents”, 26 January 1991). **This was a service for the innocent people that had been butchered in WWII. What the Chamber objects here? Does the Chamber suggest that there was no the Serb holocaust in WWII in Croatia and BiH?**

<sup>8873</sup> P6540 (Excerpt of video from Banja Luka, 3 March 1991, with transcript), p. 3.

<sup>8874</sup> P5683 (Intercepts of conversations between (i) Radovan Karadžić and Slobodan Milošević and (ii) Radovan Karadžić and Nikola Koljević, 4 June 1991), p. 4.

<sup>8875</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 132–133.



2659. The Accused in his speeches before the Bosnian Serb Assembly repeatedly referred to the threat faced by the Serb people and the historic threats they faced dating back to World War II and the need to protect themselves from their “enemies”.<sup>8876</sup> **(So what? The Chamber is doing a very risky job, denying the very known events, as if some court would contest the Holocaust against the Jews! And this is something in line with the anti-Serb policy of the part of international community, but there is a crucial question: whether the United Nations support this approach, because this court is the UN institution? #Contesting notorious facts#!)** In June 1992, the President signed the “political platform for the survival of the Serbian people in BiH” which noted that a war to extinction had been imposed on the Serbs.<sup>8877</sup> This platform called for the Bosnian Muslims to end the war and negotiate and claimed that both Muslims and Serbs had a right to stay in the country.<sup>8878</sup> **(#EXCULPATORY#!)** The President continued to make speeches which emphasised the historic suffering and victimisation of the Serbs.<sup>8879</sup> For example, in September 1992, the President spoke about the continuation of the fascist policy of World War II in which one third of Serbs were to be expelled, one third converted to Catholicism, and one third were to be killed.<sup>8880</sup> **(All #political speeches#, all founded on the historic truth. The author of the “two third” policy is known. This famous sentence, pronounced by the highest Croatian official #Quaternik# became an official policy of Croatia, and was carried out thoroughly. That is why only from BH 700.000 Serbs had been killed. If the Chamber challenges this, we should have known it. Not to forget that both in Zagreb (Croatia) and Sarajevo (BiH) on the 1990 elections the power was taken by the same ideology, by the then Hitler’s allies. To be honest, President Tudjman was no Hitler’s ally, but he rehabilitated Hitler’s allies who returned from the world with the same rhetoric as in WWII)**

2660. These constant references to World War II and the historic suffering and grievances of the Serbian people polarised the population in BiH and incited inter-ethnic hatred.<sup>8881</sup> **(. The Chamber erred relying on an “opinion”, while it was a generally known that the interethnic hatred never disappeared, and the top of its revival was in 1971 and on. Every European and western government knew and predicted a bloody ruining of the SFRY after the Tito’s death. So, to draw such an inference is not even serious, and is deeply wrong, unjust and insulting for the entire Serbian people. The UN and the European Community didn’t think so, and that is why the Conference (ICFY) was established far before the President said this sentence!)** The media was also used as a propaganda tool to emphasise the historic suffering of the Serb people and to encourage people to fight for their “motherland” so that all Serbs would be together.<sup>8882</sup> **(This is another #political and ideological “invective”# of the Chamber against the very truth and the real facts. This manner disqualifies the Chamber and the Tribunal as a whole! While the two other sides at the same time were preparing for the war against the Serbs, and in Croatia the cruel war already started, by killing the civilian Serb families, the Chamber is accusing the Serb media for propaganda?!?)** In August 1992, VJ General Panić

<sup>8876</sup> P1343 (Transcript of 1<sup>st</sup> session of SerBiH Assembly, 24 October 1991), pp. 56–60 (wherein the Accused spoke about the international Catholic and Islamic objective to “drive the Orthodox Slavs from the Mediterranean”). See also D86 (Shorthand Record of 4<sup>th</sup> session of SerBiH Assembly, 21 December 1991), pp. 37, 42; D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 16–17; P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 4; P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), pp. 3, 8; P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 9, 11; P5492 (Record of speech by Radovan Karadžić, 9 January 1994), pp. 3, 5; Milorad Dodik, T. 36896–36897 (9 April 2013); P6487 (Declaration of SDS Executive Board, undated); P6688 (Interview with Radovan Karadžić in Duga Magazine, 23 May 1992), pp. 1–2.

<sup>8877</sup> D4686 (Article from SRNA entitled “Political platform for the survival of the Serbian People in BiH”, 12 June 1992), p. 1.

<sup>8878</sup> D4686 (Article from SRNA entitled “Political platform for the survival of the Serbian People in BiH”, 12 June 1992), p. 4. **In the same document there is a Proclamation to the Muslim people against the war, but the Chamber didn’t pay any attention to it.**

<sup>8879</sup> See, e.g., D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), pp. 3, 8.

<sup>8880</sup> P809 (Video footage of Radovan Karadžić’s Press Conference at ICFY, 18 September 1992, with transcript), pp. 1–2.

<sup>8881</sup> KDZ310, T. 9170–9174 (29 November 2010); P3634 (Witness statement of KDZ490, undated) (under seal), p. 14.

<sup>8882</sup> KDZ310, T. 9188–9189 (29 November 2010); KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*, T. 6812–6813, 6913 (under seal); KDZ240, T. 16084 (5 July 2011) (closed session).

told Mladić that there should be “propagators among ordinary people”, that is a person in every region instructed to say one thing but do another.<sup>8883</sup>

**(But this is the #first class proof that it wasn't that way#. Had it been so, this “advise” wouldn't be said. And what it has to do with the President? And further, is the Chamber collecting an evidence to prove how the Serbs are bad? During the process the Chamber repeatedly warned the President not to defend the Serbs, because the Serb people is not accused, but we see that it was accused and sentenced!)**

At a meeting with Sarajevo municipality presidents and commanders of SRK units on 14 January 1994, the Accused suggested to “give a little more thought to the propaganda war” and to create a small propaganda staff.<sup>8884</sup>

**(So what? #Is that a crime#? The Serbs were losing the propaganda war, because they didn't wage it at all! And the international mediators recognised it and suggested to the Serbs to do more about bringing the Serb part of truth!)**

**2661.** These messages of suspicion and hatred were also reflected at a municipal level where messages were broadcast on the radio in the lead-up to the conflict to the effect that “the time had come for the Serbs to settle accounts with the balijas once and for all, and that the Serbs would no longer allow their ribs to be broken. They will no longer allow their children to be circumcised”.<sup>8885</sup>

**(If it was in an official media, #it would be a widely known#, but many carnages, including one of 45 people from the place of KDZ239, were mutilated and already known as a tragedy, because it had been done after an agreement to let the column pass, and the column had been ambushed and massacred! Is the Chamber of an opinion that there wouldn't be any war had the Serbs been mute about so formidable preparations for the war? So, either it was a lie, or it was some “radio communication” among soldiers, but not in public media! )**

**2662.** International observers such as Okun noted the constant references to, and intensity with which the President spoke about, the genocide committed against the Serbs and warned him that if he kept “talking about the genocide of the Serbs so much, you will commit a pre-emptive genocide”.<sup>8886</sup>

**(#Said somebody else#! How possibly something that was said by Mr. Okun could be used in this Judgement, particularly against the President? This practice, as similar in this process, with a testimonies of many incompetent and ignorant international observers who dropped by in Bosnia from time to time, deeple compromise the Tribunal, as well as the internationals. The best advise would be – not to admit biased internationals in any area of crisis, not to talk to them, not to serve them diners, not to chat with them, and to communicate with them only by a public announcements! Of course, those that were incorrect are a vast minority compared to the very helpful internationals, but it was sufficient to have #only several incorrect internationals# to have a disaster in the public presentation of the marked side!)** Okun made this statement to the President to express his shock at the argument that the genocide committed during World War II “justified all of Bosnian Serb behaviour”.<sup>8887</sup>

**(#Said somebody else#! Again, an obscure “conclusion” of Okun is used as a “fact” against this President?!? Not even Communists in Yugoslavia would do it that way.)** Mladić in meeting with international representatives also spoke about the genocide committed against Serbs in World War II in areas including Srebrenica and Sarajevo.<sup>8888</sup>

**(This is senseless to object it, because it was the same on the entire territory of the NDH, (Independent State of Croatia) – and why would Mladic mention “Srebrenica and Sarajevo”? This is an #intention to fabricate a mens rea# for what was happening in Sarajevo and Srebrenica. A search for a**

<sup>8883</sup> P1479 (Ratko Mladić's notebook, 16 July–9 September 1992), pp. 29, 38.

<sup>8884</sup> P1484 (Ratko Mladić's notebook, 28 October 1993–15 January 1994), pp. 133, 148–149.

<sup>8885</sup> KDZ239, T. 18929 (15 September 2011). See para. 852.

<sup>8886</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4156, 4164–4165; Herbert Okun, T. 1489–1491 (22 April 2010); P779 (Sixth notebook of Herbert Okun's Vance Mission Diary), e-court p. 43; P778 (Fifth notebook of Herbert Okun's Vance Mission Diary), e-court p. 41.

<sup>8887</sup> Herbert Okun, T. 1490 (22 April 2010).

<sup>8888</sup> P792 (Ninth notebook of Herbert Okun's ICFY diary), e-court p. 49.

premeditated plan, in spite of the fact that the Serbs were #against the war at any cost# is incorrect and malicious, so more since the crime against peace is not subject of this tribunal! Not to forget what Okun himself admitted, that his notes shouldn't be taken verbatim!

(One doesn't need to say anything after the following facts: Tudjman said that "they shall be hit so hard that will practically disappear; real, practical disappearance of the Serbs from Croatia; the Izetbegovic's "promis" to Tudjman that he will expel all of the Serbs from BiH; Ganic's "promises" to Tudjman, even after the Dayton, that we [the Muslims] will marginalize the Serbs, and, "you know that the international community will allowe us to marginalize the Serbs. See:...@. If the Chamber is taking into account such a material, then the Chamber wasn't fair towards the Defense when limited us in tendering similar evidence)

**2663.** Other Bosnian Serb leaders including Biljana Plavšić,<sup>8889</sup> Nikola Koljević,<sup>8890</sup> and Momčilo Krajišnik<sup>8891</sup> delivered speeches about the historical and contemporary threats faced by Serbs, the importance of all Serbs living in one state, and the political decisions made by Muslim and Croat representatives which made it impossible to live together. This sentiment was also reflected in political rallies attended by other Bosnian Serb leaders; for example at a rally in Banja Luka in November 1991, Predrag Radić stated "[t]wice they slaughtered us. We have forgiven but not forgotten. If they try to do the same for the third time, we shall neither forgive nor forget, regardless of how non-Christian it may be".<sup>8892</sup> **(#Mentioning WWII genocide forbidden by the Tribunal#! The main issue is: was Mr. Radic telling lies? If he wasn't lying, why he would be guilty of anything? And who is entitled to ban the peoples that suffered genocides to talk about the subject? That would be the similar crime as the first one, and the Communists in Yugoslavia forbade talking about the genocide during the WWII! Would it be the same as if somebody, as there are such a "somebody" – proposes that the Holocaust be banned to be mentioned?)** At this same rally Krajišnik spoke about not allowing the "dark forces" to "destroy our common fatherland, to tear us into pieces".<sup>8893</sup> **(#EXCULPATORY#!!! Krajisnik called for the preservation of our "common fatherland"!)** The Accused spoke and said that by voting to remain in a federal state "with all the Serbian lands and those who wish to stay with us, we hope to, once and for all, put a circle by state where there will be no traitors, a state that will not fall apart every 20 years or so".<sup>8894</sup> **(Even #without context#, those words are not exaggerations, because it all was the truth. But it was spoken out in the middle of the political crisis of the destruction of Yugoslavia, and the armed skirmishes had started already, AND THE FIRST Serbian families slauthered in Zagreb. THIS IS NOT DECENT FROM ANY CHAMBER TO CONTEST THESE FACTS!)**

**2664.** In January 1993, other deputies such as Vlado Kovačević spoke in the Bosnian Serb Assembly about the threat faced by the Serb people, and described the Islamic and Catholic threat as a "two-headed dragon" which wanted to destroy the Serb people and that Europe wanted to

<sup>8889</sup> P1347 (Shorthand record of 5<sup>th</sup> session of SerBiH Assembly, 9 January 1992), pp. 37–41; D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 22–23; P988 (Transcript of 53<sup>rd</sup> session of RS Assembly, 28 August 1995), pp. 33–34.

<sup>8890</sup> P1347 (Shorthand record of 5<sup>th</sup> session of SerBiH Assembly, 9 January 1992), pp. 51, 56–57; P1353 (Shorthand record of 10<sup>th</sup> session of SerBiH Assembly, 11 March 1992), pp. 11, 13–14; Vitomir Žepinić, T. 33594–33595 (13 February 2013).

<sup>8891</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 30–31, 62, 64; P1353 (Shorthand record of 10<sup>th</sup> session of SerBiH Assembly, 11 March 1992), pp. 15–16. *See also* P6306 (Letter from Momčilo Krajišnik to Government of SAO Krajina, 19 December 1991) (where Krajišnik wrote about the historical right of the Serbian people to live in one state); P6308 (Letters from Milan Martić to Radovan Karadžić, Momčilo Krajišnik, Slobodan Milošević, Jovica Stanišić, and Momčilo Perišić), pp. 1–5; P2448 (Excerpt of video depicting speech of Velibor Ostojić, with transcript).

<sup>8892</sup> P13 (TV footage of plebiscite rally held in Banja Luka, with transcript), p. 1; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7370–7371, 7377–7378.

<sup>8893</sup> P13 (TV footage of plebiscite rally held in Banja Luka, with transcript), p. 1; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7377–7378.

<sup>8894</sup> P13 (TV footage of plebiscite rally held in Banja Luka, with transcript), p. 1; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7377–7378.

push them into being “imprisoned in the dark realm of Islam”.<sup>8895</sup> **(When Kovacevic gave his speech, he already in April 92 had in his small town Gacko 690 refugees, the Serbs from the Neretva River Valey, see R012-0676-0685 The UNHCR, lately disclosed in BATCH 1491. also, in his small town Gacko there is a very famous cave Koritska jama, which was filed by the innocent and helpless civilians in 1941. this is a very famous fact. The main issue is: if the #Tribunal doesn’t know these facts#, there shouldn’t be accusations why the Serbs mentioned it!)** Krajišnik thanked Kovačević for his speech and praised him, saying “you are the best when we have opponents”.<sup>8896</sup> **(Senseless! What is wrong with that? That was a Krajišnik’s #courtesy#.)** Krajišnik went on to say that the Bosnian Muslims were not a nation or a people and called on the Bosnian Serb Assembly to take a position that Muslims were a group of unbelievers, a sect, “a communist creation and that they are a religious group of Turkish orientation”.<sup>8897</sup> **(What the President has to do with the #statements of others#, who were members of Parliament, and therefore #free to tell whatever they wanted#? Beside that, up until 1963 the Muslims were considered only as a religious group, and they mainly declared themselves in an ethnic terms as a “non-decrealed”, or as Serbs, rarely as Croats. In any case, it was for the first time that a religious group was “proclaimed” as a separate ethnic group. (Since it seems important to the Chamber, and therefore must be important to the Defence, let us clarify: nobody said that the Muslims were unbelievers. It is well known, even among the scientists, that the Christianity and Islam are only a sects of Judaism. However, the Muslims in Yugoslavia were the Serbs, rarely Croats, who adopted Islam. Many of them, through the centuries, and the most prominent Muslim scientists and artists, writers, movie makers even now, kept identifying themselves as a Serbs. It was only after 1963. that the Communist party promoted them into a separate ethnic group. The quated words of Krajišnik delth with this issue, and the proposal was to stop considering the Muslims to be the Serbs any longer. But, it is totally irrelevant, as an #academic discussion#!)** Krajišnik also spoke about the need to “take the Muslims out of Serbism for ever”.<sup>8898</sup> **(#EXCULPATORY#!!! If they didn’t want to be Serbs any longer, the Serbs should stop considering them as a Serbs!)** Šešelj also did not recognise the Bosnian Muslims as a people but described them as “Muslim Serbs” and stated that there was no such thing as a Bosnian language and that the Croatian nation was an “artificial nation under the direct patronage of the Catholic church”.<sup>8899</sup> **(This is all #scientific discussion# with a lot pro/con arguments, why it is important for this case? If it was posed as a problem, the Defence would obtain more evidence. Also, the #linguistic problems# appear again: To “take the Muslims out of Serbism (more appropriate – Serbdom) meant not to nourish the hopes that the Muslims will remember that they had been Serbs any more, which the extreme Muslims would like to here!)**

2665. In addition to historic crimes committed against Serbs, there were also references made to the killing of Bosnian Serbs during the conflict. For example, when 29 Bosnian Serb soldiers were killed by ABiH forces, the funeral was held on 30 September 1992 at the Orthodox church in Vlasenica.<sup>8900</sup> Over 1,000 people attended the funeral, including the Bosnian Serb leadership from

<sup>8895</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), p. 38.

<sup>8896</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), p. 39.

<sup>8897</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), pp. 95–97. This conclusion about the status of the Bosnian Muslims was accepted unanimously.

<sup>8898</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), p. 96.

<sup>8899</sup> D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), para. 15; Vojislav Šešelj, T. 39546–39548 (7 June 2013), T. 39558–39559 (10 June 2013); D3667 (Transcript of Vojislav Šešelj’s press conference, 26 March–16 April 1992), p. 20. See also Herbert Okun, T. 1774–1775 (28 April 2010); D119 (Radovan Karadžić’s speech re cessation of hostilities, May 1992), p. 2.

<sup>8900</sup> P3227 (Witness statement of KDZ033 dated 7 April 2010), para. 121 (under seal).



Pale that consisted of the President, Ostojić, Koljević, and Svetozar Andrić.<sup>8901</sup> The President and others gave speeches at the funeral and the speakers and the crowd “were very agitated and embittered” by the death of the Bosnian Serb soldiers.<sup>8902</sup> The Accused delivered a speech in which he said:

“Nor must we forget their executioners and attackers. I do not know if I am allowed to say that we must not forgive either. Who knows how many times this century our brothers, who are no brothers at all, have been at our throats. They assault our good men. But the Lords sees that and has given us strength to resist [...] I will keep telling the international powers that Serbs do not persecute anyone, that Serbs only defend their homes. And if they do not want to believe, it’s up to them. The God believes, and he turned his face to us, and He will help us get out of the darkness of slavery, fears, lies, pretence, and to become what every nation in the world deserves.”<sup>8903</sup>

**It was not only soldiers that had been killed, but peasants staying at their homes, guarding, and not attacking anyone. It was in the eve of the Conference in London, and the ceasefire was supposed to be respected, but the Muslim leaders wanted this drastic and unexpected action in order to have the Serbs to reject to attend the Conference, and for that purpose they #killed almost 30 innocent people#, among others to sabotage the London Conference. Whose “genocidal intent” was confirmed by this crime?**

These speeches created a feeling that the Bosnian Serbs would be pardoned for whatever they did and created a fear that Bosnian Muslims who remained in Vlasenica would be killed.<sup>8904</sup> The Chamber recalls its finding that following this funeral, approximately 140 detainees were taken from Sušica camp and killed by Serb Forces.<sup>8905</sup> **(The Chamber was able to hear the speech, not only to read the transcript, and to see that the speech was a depressive and mild, and not inflammatory in any sense!)** The Accused also gave an interview on the day of the funeral and said: “We are concerned about Muslims, we want them to have their own territory. Since we wanted to separate from them, since we see that we can’t live together any longer. But, if they do not proclaim a realistic objective concerning territories, they may lose everything.”<sup>8906</sup> **(In the #context# of the conference the President was going to attend. Has nothing to do with the funeral)**

**2666.** Such speeches were in contrast to statements the President made to international representatives. For example, in a meeting with General Morillon in February 1993, the President claimed that their army had discovered a mass grave containing more than 50 bodies in the recaptured territory south of Zvornik and that General Milovanović had requested that he not release this information as it would “inflame the local Serb population in the area.”<sup>8907</sup> **(So what? Is a politician obliged to speak in public as same as he speaks with the negotiators. The #political speeches# are with a specific aim, and sometimes even a negotiating speeches are stronger than would be at the end, as even witness Donia admitted. He agreed that at a**

<sup>8901</sup> P3227 (Witness statement of KDZ033 dated 7 April 2010), para. 121 (under seal).

<sup>8902</sup> P3227 (Witness statement of KDZ033 dated 7 April 2010), paras. 122, 124–125 (under seal).

<sup>8903</sup> P3261 (Excerpt of video footage of Radovan Karadžić’s speech, with transcript); P3227 (Witness statement of KDZ033 dated 7 April 2010), paras. 123, 125 (under seal); KDZ033, T. 18110–18114 (31 August 2011) (closed session).

<sup>8904</sup> P3227 (Witness statement of KDZ033 dated 7 April 2010), paras. 122–123 (under seal). See also KDZ033, T. 18114 (31 August 2011) (closed session). But see D2932 (Witness statement of Tomislav Savkić dated 11 February 2013), para. 98 (stating that the Accused’s speech did not incite anyone to hate or take revenge but seeing the bodies themselves would have created hatred and a desire for revenge). However, the Chamber notes that Savkić’s evidence was marked by multiple contradictions and indicators that he was not forthright in his testimony and therefore does not rely on his evidence in this regard. In addition the Chamber has had regard to the text of the speech itself, and Savkić’s evidence is in direct contradiction to the content of that speech.

<sup>8905</sup> See Scheduled Incident B.18.2.

<sup>8906</sup> P3230 (Video footage re excerpt of interview with Radovan Karadžić, with transcript); KDZ033, T. 18023–18024 (29 August 2011) (closed session).

<sup>8907</sup> P4228 (UNPROFOR report re meeting with Radovan Karadzic and Alija Izetbegović, 16 February 1993), p. 2; P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 135.

beginning of any negotiations, a negotiating positions are higher than it would be at the end. So there is always some space for compromises! But, the most important is: there were discovered the mass graves, and Gen. Morillon himself attended some of the mass funerals. And if the President didn't say too much in public about the matter, and said to the negotiator, it should be understood as an attempt of the President not to inflame the public! Not a single good deed of the President went unpunished!)

2667. At a meeting of Serb representatives on 8 January 1993 in Belgrade with the President in attendance, Vladislav Jovanović, who was the foreign minister of Serbia, stated that the destruction of the Serb people was a necessary condition of the plan to divide the FRY.<sup>8908</sup> (So what? It was well known that some of the European countries, Germany at first place, didn't want Yugoslavia to exist, and they assessed that there were the three guards against the destruction of Yugoslavia: the Communist party, the JNA and the Serbian people, which was living in almost all of the republics, because the republic borders were provisional and arbitrary. If Jovanovic meditated why we are under the attack, he was right, the Communist party was ruined already, the JNA was in the troubles, and only Serbs opposed to an unlawful destruction of the country.)

2668. In May 1993, the President described the situation as a "conflict between us and the greatest enemy".<sup>8909</sup> (The President was right, wasn't he?) He also spoke of the Serbs' neighbours as those who "every 20 years, turn into our executioners".<sup>8910</sup> (Right: it was only in 20<sup>th</sup> century as follows: 1912 - 1913, 1914 - 1918, 1941 - 1945, 1991 - 1995. What does it prove? Was it a lie or a truth?) In September 1993, the President said "[w]ho knows when we will settle our relations with Moslems? Most probably never if the fundamentalists keep coming from the East [...]" (Are those fundamentalists coming from the East? Was the MBO, the Muslim-Bosniac organisation, and the Socialist party of BiH (Rabija Subic) or Fikret Abdic, or The Liberal party, Rasim Kadic, and several other #Muslim parties - against theocracy and fundamentalism#?). Under this kind of circumstances we must have a different kind of the Army".<sup>8911</sup> He spoke about recognising the "ancient danger posed by the toxic, all-destructive Islamic octopus" which was "constant in its irreconcilable poisonousness towards the Serbian Orthodox being".<sup>8912</sup> (How many years have passed until this "prediction" of the President came to the reality? How this looks like from the Europe now? What was a possible exaggeration in those words? Was anyone from Bosnia fighting for the Islamic State?)

2669. At a symposium of the VRS held on 15 January 1994, in the presence of the President, Mladić opened his speech with: "For three years now our people have been shedding blood, defending their country and infants from Ustasha and Islamic hordes which have, for decades, in secret and from within the bosom of our people, been preparing its extermination".<sup>8913</sup> (First of all, if Gen. Mladic intended to say what he wrote in his notebook, it doesn't mean that he spoke like that. Certainly, he couldn't take a notes of his own speech. Second, what is wrong with what he said, if he said it? Third, what does it have to do with the President?)

## (2) Conclusion

<sup>8908</sup> P1482 (Ratko Mladić's notebook, 2-28 January 1993), p. 40.

<sup>8909</sup> P1373 (Transcript of 31<sup>st</sup> session of RS Assembly, 9 May 1993), p. 18. See also P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27-29 August, 9-11 September, 29 September to 1 October 1993), pp. 9, 11 (where the Accused spoke about their "biggest enemy, our annihilators"). Other deputies spoke about the need to distance themselves from their "blood enemies". P1373 (Transcript of 31<sup>st</sup> session of RS Assembly, 9 May 1993), p. 21.

<sup>8910</sup> P939 (Video footage of Radovan Karadžić's speech at the 21<sup>st</sup> session of RS Assembly, 30 October 1992, with transcript), p. 2.

<sup>8911</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27-29 August, 9-11 September, 29 September to 1 October 1993), pp. 427-428.

<sup>8912</sup> P5492 (Record of speech by Radovan Karadžić, 9 January 1994), p. 6.

<sup>8913</sup> P1484 (Ratko Mladić's notebook, 28 October 1993-15 January 1994), p. 150.

2670. The evidence above demonstrates that the Accused and the Bosnian Serb leadership in their speeches repeatedly and consistently referred to the historic grievances of the Serb people and the crimes which were committed against them by Muslims and Croats. The Chamber finds that these speeches were used by the Accused and the Bosnian Serb leadership to remind the Bosnian Serb population about crimes committed against Serbs and emphasised the need to ensure they would not be repeated. **(Even if so, what would be criminal in it? But, the Chamber adopted the Prosecutor's formula that those speeches "reminded" the Bosnian Serbs on what they have experienced from the Muslims and Croats. Contrary to that, the Defence have shown that there was no a Serb family that didn't have an innocent victim during WWII, and that many contemporaries were still alive. This is ridiculous. So, if the Chamber pays any attention to those issues, then the Chamber was obliged either to allowe the Defense to submit evidence on the subject, or to facilitate their own expert for the WWII and the Serbian memories on it. Otherwise, this sounds as an insult. If anything from this denial of the sufferinas of the Serbs in WWII served as a basis for this deliberations and the outcome of the trial, the trial is wothrless and should be either repeated, or the President acquitted! Let us see what Colin Powel said about the Serb fears:**

**Colin Powell:** *The biggest mistake was recognizing all these little countries when they started to decide they were independent. [...] The Serbs had very good reason to be worried about being in a Muslim-dominated country. #It wasn't just paranoia#.* (Henry Louis Gates, Colin Powell and the Black Elite, The New Yorker, 25 September 1995)

In order to convey this message the Accused and the Bosnian Serb leadership often portrayed the Muslims and Croats as the historic enemies of the Serbs and stressed the importance of recognising this fact for the future survival of the Serb people. The Accused also used these historic references to emphasise the important role of the SDS in protecting the Serbs. **(#Was there a genocide during WWII#? So what? If the Chamber was considering the causes of the war, then it should be notified in advance and enabled the Defence to present it's case! Otherwise, it is irrelevant, and serves only as a proof of the biase of the entire project case ICTY!**

- 1. This could have a significance for this trial only if it was established that it was false assertion,**
- 2. that there was no genocides against the Serbs that were committed by the Croats and Muslims in the WWI and WWII,**
- 3. and if established that the Serbian people didn't know it, but the President and his associates indoctrinate them, and finally**
- 4. that there were no the elections in Croatia end BiH were the #Hitler's allies won#.**
- 5. The Chamber is trying to establish a liability for war, although the Defence was prevented to present the arguments that would directly justify the speeches that are now taken as the President's and his associate's "crimes".**

2671. The Accused also often referred to the genocide committed against Serbs during World War II which made them a minority in BiH and asserted that they could not allow the Bosnian Muslims to declare themselves a majority people in BiH on this basis. **(This also is not correct. The Muslims had an ambition to turn BiH into a monoethnic state, a new monoethnic nation, while the Serbs and Croats would be minorities. The Serbs supported the Croatian status as a constituent people, no matter they were about 17% of population.)** The references to the genocide committed against the Serbs was also used as justification for renewing the historical claims to land in BiH where they had once been a majority.<sup>8914</sup> **(But those claims hadn't been**

either a cause of war, or a reason for any atrocities. #Pure political speeches#, but the UN court seems to be against any #political life of the Serbs# in Bosnia! Such a huge changes of the entire region were planed and pursued by others, and the Serbs are forbidden to express their political interests. What would be the UN court's position if the Serbs were a revolutionary side, demanding changes, instead of being conservative, defending the existing state of Yugoslavia?) The Chamber finds that speeches and messages of this nature were delivered by the Accused and the Bosnian Serb leadership from as early as 1990 and continued throughout the conflict in BiH. (Why it is of any interest of the Chamber. This was a political struggle initiated by the secessionist republics, and the #Chamber is making an arbitrage in a political dialectics#. If they really wanted to see what ideas were responsible for the crimes, since they didn't search for the cause of the war, they should study the speeches of others too, and the Islamic declaration obligatorily.)

2672. As these speeches demonstrate, the reference to the historical threats faced by the Serbs was used by the President to justify his position that the Serbs would not allow themselves to be separated or outvoted in BiH. It was also used to promote the idea that the Bosnian Serbs could not live together with the Bosnian Muslims and Bosnian Croats and formed the foundation for the separation of the three people and the creation of an ethnically homogeneous Serb state.

(#Contrary to the true positions.# A #dilettant distortion of truth#! This was not a question of living with others, but whether living as a free and equal, or a in-slavered people! If the Muslim/Croat coalition wanted to live with the Serbs as an equal people, they wouldn't convey a horrifying genocide during the WWII, because the Serbs in the NDH (Croatia and Bosnia) didn't do anything to provoke this genocide! The Serbs wanted to stay in Yugoslavia with all others. The others wanted to create their national states, and did it on a criminal and anti-constitutional way. The Serbs then wanted to continue with this "transformation of Yugoslavia, i.e to have in BiH the three ethnically based states, not only "the Serb" state. If the Chamber really wanted to establish what that meant, there are many evidence in the file to establish that a "homogeneity" didn't mean "clear" but it pertained to the distribution of the territories in accordance with its ethnic distribution.)

(This is a dilettante distortion of the truth. The Serbs were completely clear: they wanted to live with all of the Yugoslav nation, provided they live in Yugoslavia, with their rights guaranteed by the federal state. So, this is incorrect and deliberate misinterpretation and denigration of the Serbs as a xenophobic people, who can not live with the others. But, it is so clear even to the guards in the Tribunal, that it was not the case. The problem is to be equal and free, or to be dominated by the traditionally antagonized neighbour. The Chamber is forcing the Defense to hold a political argumentation. What is this? Doesn't the UN and it's Court justify what happened to the Serbs in Croatia, Macedonia, Montenegro, Kosovo? They do not exist there any more, and this is the responsibility of the international community! Why it would be better is the Serbs in Bosnia failed to defend their rifts?)

The Chamber also finds that this rhetoric, which was amplified by the media, had the effect of adding to ethnic divisions and tension in BiH and incited inter-ethnic hatred. (it could be said only by someone who just came from the March. The hatred is old almost a millennium, and this generation had a little to do with this. The Defense is deceived because it was prevented to show what was the anti-Serb propaganda, and present other evidence of a horrifying treatment of the Serbe, because the Chamber always indulged the Prosecutor's claim "Tu quoque".) The Chamber further finds that it encouraged Serbs to fight for what was portrayed as their survival and to fight for the creation of a state where all Serbs would be united. (The Chamber finding is wrong, because it was not the Serbs who didn't want to live together with others, but those ethnics who wanted to secede from Yugoslavia and make their national states, with the Serbs as an ethnic minorities. This kind of ignorance of the subject of this process is unacceptable, and looks like mockery. The only nation who called to live



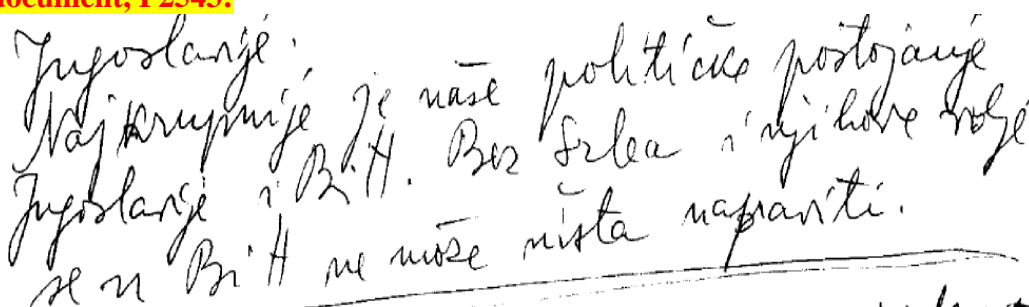
together were the Serbs. Being a constituent nation, and taking into account the constitutional safeguards against any unilateral secession, the Serbs opposed their degradation to the minority status. What is not understandable in it?)

2673. These speeches also demonstrate that the Bosnian Serb leadership went so far as to suggest that the Bosnian Muslims were not a nation or a people at all and that Islam posed a threat to the Bosnian Serbs. **(Erroneous conclusion. Wrong inference Whether the Muslims were a Serbs of the Islamic religion, which many people are convinced, even Lord Owen, or they are a separate ethnicity is not a dilemma of yesterday, but it doesn't have any but academic relevance. We think they are the Serbs, but nobody prevents them to be whatever they wanted. Neither war, nor any crime appeared because of it. If the Serbs equalize the Muslims to themselves, it is not denigration or degradation, or rascism, but rather claims for equality!)**

### (C) Reaction to proposed independence of BiH

#### (1) Analysis of evidence

2674. The Chamber took judicial notice that a confidential SDS document, dated 23 February 1991, considered specific actions to be taken should BiH move towards independence.<sup>8915</sup> **(Adjudicated fact!?)** This document provided that in this situation, municipal authorities were to ensure that only Yugoslav (federal) law would apply, suspending the implementation of republican regulations and thus creating a foundation for direct communication and co-operation between the municipalities and Yugoslavia and its organs. It also provided for the engagement of the JNA and the Federal Secretariat for National Defence.<sup>8916</sup> **(Adjudicated fact!?)** This policy was adopted by the SDS Deputies' Club, the parliamentary caucus of the party, and was made public in a document dated 10 June 1991.<sup>8917</sup> **(Adjudicated fact!?)** This document indicated the opposition of the Serbian deputies to unilateral action which would break up Yugoslavia.<sup>8918</sup> They also expressed their opposition to the separation of the Bosnian Serbs from Yugoslavia.<sup>8919</sup> At a meeting of the SDS Deputies' Club on 30 September 1991, the President stated: "We are politically most numerous in Yugoslavia and Bosnia. Nothing can be done in BiH without the Serbs and their will".<sup>8920</sup> **(The same comment as in para 2643: Wrong translation of the document, P2543:**



**and wrong interpretation. In the original it meant that the most important for the existence of the Serb people to have Yugoslavia and Bosnia exist, not as it was interpreted:**

<sup>8915</sup> See Adjudicated Fact 1917.

<sup>8916</sup> See Adjudicated Fact 1918.

<sup>8917</sup> Adjudicated Fact 1919.

<sup>8918</sup> D4654 (Report of SDS Deputies Club, 10 June 1991), p. 2.

<sup>8919</sup> D4654 (Report of SDS Deputies Club, 10 June 1991), pp. 4–5.

<sup>8920</sup> P2543 (Minutes of meeting of SDS deputies' club, 30 September 1991).

We are politically most numerous in Yugoslavia and Bosnia. Nothing can be done in BH without the Serbs and their will.

**The second sentence is correct, but this certainty didn't rely on the number of citizens, but on the constitutional guarantees. Further, the "war goal" of the Serbian people" pertained to the Serbs in the entire Yugoslavia, not to the Serbs in Bosnia, where there was no a war, and couldn't concern with the Serbs in BiH.**

**(This was the Serb #constitutional right and obligation#, to respect the priority of the Federal state and the federal laws over the republican. The legalist Serbs could only cry: "President Linkoln, where are you!?!")**

**(Nothing here was illegal, clandestine, aggressive or out of the scope of a political party work. Now we see how unjust was the process, when the Defense was prevented to tender many opinions of the most prominent officials of the international community, who among other, supported this Tribunal. Those opinions were unanimously characterizing these secessions as a unilateral, unlawful and anti-constitutional. Is the Chamber incriminating he Serb political life, as the Prosecution tried?)**

2675. The Chamber recalls that in October 1991, the coalition government in SRBiH broke down and during the night of 14 to 15 October 1991, the President addressed the SRBiH Assembly, stressing that the proposed secession of BiH from Yugoslavia was unconstitutional and was against the will of the Bosnian Serb people.<sup>8921</sup> While the President professed that he was not acting like the "God of war", he emphasised that the Serb people wanted to live in Yugoslavia and that if the same situation developed in BiH as it did in Slovenia and Croatia, "the hell would be one thousand times worse".<sup>8922</sup> **(#Prophesy to punish#! According to which law it was punishable to profess such a development? And was it one thousand times worse? Did the President try to persuade the deputies of the common Assembly to go towards a war, or was he trying to #dissuade them from a war#? )** He also stated that while he was not threatening the Bosnian Muslims, he was asking them one more time to take seriously the will of the Serbian people. **(Again, the President underlined that it was the Serbian people's will, not his own. There were many Serbian uprisals in BiH in the past centuries, much earlier in times before the President had been born, and he knew what the people he represented could accept and what not! The President repeatedly stated that the SDS does not create the policy of the Serbs in Bosnia, but only interpret in and present it. If it wasn't presented literally, the people would turn back to some other, more extreme parties!)** He finished with a warning that "[t]his is the road that you want [BiH] to take, the same highway of hell and suffering that Slovenia and Croatia went through. Don't think you won't take [BiH] to hell and Muslim people in possible extinction. Because, Muslim people will not be able to defend itself if it comes to war here!".<sup>8923</sup> Given that these speeches were broadcast, the sentiments and particularly the suggestion that a people would disappear created fear among the Bosnian Muslim population.<sup>8924</sup> **(This was an #anti-war speech#, and if the Chamber doesn't consider that, it can not be**

<sup>8921</sup> See paras. 44, 47; D267 (Video footage of Radovan Karadžić's speech at the 8<sup>th</sup> session of SR BiH Assembly, 15 October 1991, with transcript), pp. 1–2. See also Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4163; D270 (Intercept of conversation between Radovan Karadžić and Vitomir Žepinić, 17 June 1991), pp. 8–9; Milorad Dodik, T. 36839–36840 (9 April 2013); P5843 (Intercept of conversation between Radovan Karadžić and Borisav Jović, 15 October 1991), pp. 2–3; P5842 (Intercept of conversation between Radovan Karadžić and Vukić, 15 October 1991).

<sup>8922</sup> D267 (Video footage of Radovan Karadžić's speech at the 8<sup>th</sup> session of SRBiH Assembly, 15 October 1991, with transcript), pp. 2–3. See also Herbert Okun, T. 1626 (26 April 2010), T. 1669 (27 April 2010).

<sup>8923</sup> D267 (Video footage of Radovan Karadžić's speech at the 8<sup>th</sup> session of SRBiH Assembly, 15 October 1991, with transcript), pp. 3–4. See also Eset Muračević, T. 12673–12674 (1 March 2011); Robert Donia, T. 3101–3105 (1 June 2010); P3405 (Witness statement of KDZ051 dated 17 September 2011), para. 96; KDZ310, T. 9176, 9186, 9191–9192 (29 November 2010).

<sup>8924</sup> Izet Redžić, P3189 (Transcript from *Prosecutor v. Krajišnik*), T. 5022–5023; KDZ026, P2089 (Transcript from *Prosecutor v. Stakić*), T. 1993–1994 (under seal); KDZ026, T. 10414–10415 (18 January 2011) (closed session). See also KDZ029, T. 17613–17614 (22 August 2011) (closed session); Ramiz Mujkić, T. 12458 (25 February 2011); Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3648–3650; P3707 (Video footage of Radovan Karadžić's speech, with transcript), p. 4.

taken as a crime in any other way. It was a public speech in the Parliament, within the discussion on the matter of the independence of BiH, pursued unilaterally and anti-constitutionally. As can be seen below, both the President and his community retreated from this position and made many concessions in order to avoid the war, so that C. Vance confirmed on 8 March 92 that the President was ready to avoid the war at any cost, see:..D01833

Cutileiro talks. Dr. Radovan Karadzic, the leader of the Serbs, was also positively inclined towards these talks. He wanted to avoid a war at all costs in Bosnia-Herzegovina, Secretary Vance

This is the #first class evidence#, given by the highest international and the UN representative, and this is an evidence of an evolution of the Serb position and also a prove of their #concessions and decisiveness to avoid the war#. So, how possibly the Chamber could accept the Prosecutor's claim that the Overarching Joint Criminal Enterprise was established in October 1991? Between October 1991 and the beginning of the war there was a development of positions with a constant Serb concessions, to the acceptance of the secession of BiH provided there would be transformation of the inner structure, which was accepted by the EC and UN! Had the Lisbon Agreement survived, there would be no war, no any war crimes, and the solution would be more or less the same as in the Dayton Agreement! And it is well known that the Serbs remained faithful to this Agreement!)

2676. This statement was greeted with a loud reaction from the BiH assembly to which the President responded "I know these are serious words. Serious situations call for serious words. How will you prevent that everybody start killing everybody in [BiH]" and he concluded that he wanted them to take the matter of the independence of BiH off the agenda.<sup>8925</sup> (#Context, course of events#! Between this speech of the President and the beginning of the war there were many events, including the Conference on BiH led by the European Community, with the aim to facilitate a compromise. The seriousness of the situation as described by the President was recognized by the entire international community, particularly the EC and UN, and that is why both of them nominated their mediators far before the war broke out, and the special Bosnian Conference was posted within the Conference on former Yugoslavia. Had it not been so serious, there wouldn't be a #separate conference on BiH#!, as it wasn't for Macedonia, Montenegro, Slovenia. But, is the Chamber of an opinion that the state of mind of an entire people was a cause of the war? How many alternatives to the war the #Serbs offered and accepted#, but the Muslim side kept the only variante that secured the war? #The interest for a war is crucial# in determining any *mens rea*, any joint criminal enterprise, any criminal plan. Those who wanted to avoid the war could not have any criminal plan!)

2677. This was not the only occasion on which the President spoke in these terms about the inability of the Bosnian Muslims to survive if they insisted on independence which would lead to civil war. On 4 September 1991, he told Krajišnik: "We'll make our point, you see, that's where it leads, where your policies lead!!! [...] Do you realise that you will disappear in all this?! [...] Man, you will disappear. Many of us will also disappear, but you will be annihilated!"<sup>8926</sup> In response, Krajišnik suggested that they should deliberately say that both sides would disappear and the President agreed.<sup>8927</sup> (Again, it was a #prediction, not threat#, and that was a result of a political meditation on a possibility that already had been seen in Croatia, where it was a civil war, to a higher degree than in Slovenia. On what occasion the President said that? It was on the occasion of the armed skirmishes in Bratunac, when the Muslim SDA activists

<sup>8925</sup> D267 (Video footage of Radovan Karadžić's speech at the 8<sup>th</sup> session of SRBiH Assembly, 15 October 1991, with transcript), p. 4. See also Vitomir Žepinić, T. 33655 (14 February 2013).

<sup>8926</sup> P3200 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 4 September 1991), p. 2. See also P5862 (Intercept of conversation between Radovan Karadžić and Nikola Koljević, 22 September 1991), p. 2.

<sup>8927</sup> P3200 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 4 September 1991), p. 2.

prevented the JNA in taking its record, and the Muslims tried to assassinate Rodoljub Djukanovic, the president of the Executive Board of Bratunac, then there was the killing in Kravica, and so on. The President said to Kraji[nik what he intended to say to Izetbegovic concerning his policy. This crisis was one of the first bloody fruits of the SDA policy, and it was clear that the President opposed this policy. Even out of the context, this can not be used against the President, because it was aimed to dissuade the SDA from such a policy!)

2634. The President made a similar observation in an intercepted conversation on 12 October 1991 where he said that if the Bosnian Muslims started a war “they should be thrashed” and that they would “disappear, that people will disappear from the face of the earth [...], if they start now. Our offer was their only chance”.<sup>8928</sup> (The same, #EXCULPATORY#! Dissuading from the war policy!) The President continued and said that they did not understand that they would be “up to their necks in blood and that the Muslim people would disappear, the poor Muslims would disappear, who don’t know where he is taking them” (Meaning the poor Muslims didn’t know where is their leader Izetbegovic was leading them!) and that it would be a “real bloodbath”.<sup>8929</sup> In a similar vein in another conversation on the same day, the President repeated that the “Muslims know what it is, it is hell in which five-six hundreds of thousands of them will disappear, they will disappear”.<sup>8930</sup> (Such a fearful predictions are not a crime. Particularly since it was made with the aim to dissuade the Muslims from the course of events that led towards the war.)

(Yet the Chamber interpreted the #political as well as academic# discussions as threats#, or a predictions based on some hidden intentions of the President. However, had the Chamber, as the OTP didn’t, read the President’s words with seriousness, it would be clear that the President’s position as the position of all the Bosnian Serbs was always defensive. The position was that the Muslim illegal sovereignty can not be introduced to the Serbian homes and areas, and therefore they would need a war, to impose the independence to the Serbs. The Serbs #didn’t have to wage any war# to keep what they did have – a Federal state and federal laws, which were superior to any republican. Just see what this President said about this how far the imposed sovereignty would spread: (not further from the Kozja Cuprija, Goats bridge,) But, there is a plenty of evidence that the Serbs wouldn’t fight to achieve anything, but would prevent the Muslim authorities to enter their regions and their homes, see below! Also, a threat must be directed to a subject that is threatened, while a #wards of prediction# communicated to the others can not be considered as a threat, because in such a case it is not aimed to produce any effect! This must be built up in a jurisprudence!)

2679. The President echoed this sentiment in an intercepted conversation with Mandić on 13 October 1991 in which he also referred to what happened in Croatia. The President said that what would happen had nothing to do with his decision or anyone else’s decision but they knew what was going to happen in BiH and that “[i]n just a couple of days, Sarajevo will be gone and there will be five hundred thousand dead, in one month Muslims will be annihilated in BiH”.<sup>8931</sup> (Exactly, the President said that nothing will depend on him, since the Serbian people sees what is happening to their brother Serbs in Croatia. In corroboration to this assertion, we may remind ourselves on the telephone conversation between M. Koroman and the President, P00962,

<sup>8928</sup> D279 (Intercept of conversation between Radovan Karadžić and Gojko Đogo, 12 October 1991), pp. 3, 7.

<sup>8929</sup> D279 (Intercept of conversation between Radovan Karadžić and Gojko Đogo, 12 October 1991), pp. 8–9. See also P5063 (Video footage depicting interview of Radovan Karadžić on “Ask the President”, undated, with transcript), pp. 17–18.

<sup>8930</sup> P5846 (Intercept of conversation between Radovan Karadžić and an unidentified male, 12 October 1991), p. 3. For further analysis of this speech, see Section IV.A.2.b.v: Genocide.

<sup>8931</sup> D377 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 13 October 1991), p. 2.



Malko	Well, this, I heard this morning that MARTIĆ was blocked up there in Otoka.
KOROMAN:	
Malko	And please, you are to, tell this er, a..., a..., CENGIC freely, that if Mr.
KOROMAN:	MARTIĆ is not released, he is going to have all Romanija region above
	Sarajevo tonight...
Malko	That is our personal opinion, er, I spoke to Romanija guys and our attitude is
KOROMAN:	that we are not going to let them get away with this, because it means that
	tomorrow they can do it to you or to anyone in this way...
Radovan	Yes, yes, now, I will tell him that now but, er, they said they were going to go
KARADŽIĆ:	and I was... er, told me that this ŽEPINIĆ was going to go. I will call him
	now... <b>and other</b>

**documents proving that the ordinary people would act on their own initiative, had they felt in jeopardy!)**

2680. In a telephone conversation on 15 October 1991, the Accused spoke about the attempt to create an independent BiH, and said “[t]welve percent of Serbs made hell in Croatia, they didn’t allow an Ustasha state to be introduced into their homes, and these here are trying to do this with thirty-five percent” and further stated: “[t]hat would mean war until their extinction. [...] The Serbs would never forgive them such a thing, it would destroy them completely. First, none of their leaders would survive, they’d all be killed in three to four hours. They’d stand no chance of surviving whatsoever”.<sup>8932</sup> **(Many of these intercepts were just before or after 15 October 91, in the occasion of the famous Assembly session on which the Muslim/Croat coalition voted for the independence. In such a dramatic circumstances all the emotions were excited, because this was a final, climax of the crisis. But anyway, the President only #predicted what would happen#, not what would he like to happen#, let alone what would he initiate. Also it wasn’t communicated to the Muslims and can not be considered as a threat.**

**(If the Chamber interpret the President’s #prediction as his plans#, then it is insane. Neither the President led the Serbs in Croatia, but they didn’t allowe the Ustasha regime “to be introduced in their homes” nor could the President stop the Serbs in Bosnia to prevent the same. From the structure and nature of those conversations it is clearly visible that the President expresses his own #opinion and expectations, not his intentions#, which was confirmed in an intercepted conversation (D @ ) when he said that he doesn’t know to wage a war, and he doesn’t want to wage a war.**

2635. The Accused also warned Izetbegović that if the Bosnian Muslims proceeded with a constitution and referendum for BiH, the Serbs would not be able to recognise BiH since “events will overrun you” and that he would not be able to hold back the “extremists” who he had until then restrained with “all [his] might”.<sup>8933</sup> **(#EXCULPATORY#! Exactly, what is in the previous comment. The Chamber could draw the only reasonable inference that Karadzic was against the war, and that the events wouldn’t depend on him. Here is a portion of the conversation:**

Yes, yes, I don’t know how will it, how will it reflect on us, this referendum of theirs, but we told Alija here that, we told him yesterday, that there is no more conversations, if you go with the platform, with the constitution and referendum. We don’t, there is no discussion, events will overrun you and you will not be able to recognise Bosnia in ten days. And it really is like that, I am holding our extremists back with all my might, but now..., when..., if, they start the procedure with the platform and the constitution and the referendum, there is no discussion, there is no Bosnia, nobody can recognise it, nobody will be able to recognise it! It is not possible, I cannot hold the people.

**In the same document (P5877) there is the first killings in BiH, and the President is informing President Milosevic about that, pointing out the importance of the time and pace of finding out solutions that are today possible, and tomorrow may not be possible, :**

<sup>8932</sup> P2540 (Intercept of conversation between Radovan Karadžić and Miodrag Davidović, 15 October 1991), pp. 5–6. See also Patrick Treanor, T. 14005–14006 (1 June 2011).

<sup>8933</sup> P5877 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 4 September 1991), p. 6.

Karadžić: So that we have to bear that in mind, too, however, people are already being  
 Radovan: killed, there, they shot at some of our people, wounded them, then ours killed  
 Karadžić: two of theirs, of their bullies ("kabadahijas").  
 Radovan: Deputy Commander of some secret unit of theirs... etc, it is there in Bratunac. I  
 told him that the events to occur soon will make some of the solutions  
 impossible, that maybe at the moment these solutions are possible but tomorrow  
 they will not be possible any more. Everybody is sending their regards, Gaša

**(And that this was exactly as it was said it is corroborated with the evidence from Prijedor (they said: "who is Karadzic to tell us what to do? Let him speak in Sarajevo". Or from Bratunac, when Mr. M. Deronjic said that Milosevic-Karadzic policy of preserving Yugoslavia was wrong and there will be different now!)** In October 1991, the President told Milošević that the solution Izetbegović was pursuing could "trigger a long-lasting civil war" and that the Bosnian Serbs would not accept the BiH authorities "in 40 municipalities and all forces would be turned towards opposing this"; in short, the situation would be even worse than in Croatia.<sup>8934</sup> Milošević responded that it would be better than in Croatia because the balance of forces was "vastly more favourable".<sup>8935</sup> **(This is a mere fact, and a hope that nobody will chose a war while can not win. What is wrong in that? It was clear to the United Nations and the European Community that the Serbs would simply reject the hostile fundamentalist authorities, and this fundamentalist authorities couldn't achieve their supremacy over the Christian majority without a war!)**

**2682.** The Chamber recalls that after the SRBiH Assembly was adjourned on 15 October 1991 and the Bosnian Serb delegates walked out, the HDZ and SDA delegates reconvened without the Serb delegates and passed a declaration of sovereignty.<sup>8936</sup> **(#Illegal Assembly session#! It was an illegal session of the Assembly, which could be "reconvened" only by the Chairman, or with his authority! But, it seems to the Chamber that the law and Constitution don't mean too much! The only one who could reconvene the Assembly session was it'sh Chairman, Mr. Krajisnik. #Illegal session means illegal everything#, and anything that was produced at such a session was nul and void. But some part of the international community do not care about legal norms!)** The SDS Political Council then met to assess the situation.<sup>8937</sup> At this meeting it was noted that the Serbs had to "shed the illusion that a form of coexistence with the Muslims and Croats can be found".<sup>8938</sup> **(The Prosecution, and now even the Chamber, is confusing two crucial elements: there was no any problem with the multy-ethnicity, but only with the organisation of the state. In other word, the Serbs in BiH, as well as those in Croatia, didn't feel secure without protection of the federal state, federal laws and Constitution. Thi is deeply unfair to shift the main issue of security towards a ethnic intolerance!)** The SDS leadership demanded that the declaration of sovereignty be repealed before 24 October 1991.<sup>8939</sup> The SDS position was that unless the declaration of sovereignty was withdrawn within seven days, the SDS would instruct its members to leave governmental institutions and start creating parallel institutions.<sup>8940</sup> The Bosnian Serb leadership also objected to earlier violations by the Bosnian Muslims of the inter-party agreement on the sharing of power in BiH.<sup>8941</sup> **(So what? This was the #Serb democratic response to a non-democratic violation# of the Constitution. Why the Chamber takes this arguments in favour of a convicting judgement? No law or any international provision can deprive one of the constituent communities to rely on the**

<sup>8934</sup> P5832 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 October 1991), pp. 8–9.

<sup>8935</sup> P5832 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 October 1991), p. 9.

<sup>8936</sup> See paras. 46, 76.

<sup>8937</sup> See para. 76; Adjudicated Fact 1937; D294 (Minutes of SDS Council meeting, 15 October 1991); Robert Donia, T. 3107 (1 June 2010).

<sup>8938</sup> D294 (Minutes of SDS Council meeting, 15 October 1991), p. 1.

<sup>8939</sup> See para. 46.

<sup>8940</sup> D294 (Minutes of SDS Council meeting, 15 October 1991), p. 1.

<sup>8941</sup> Momčilo Mandić, T. 4750–4751 (6 July 2010); P1079 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 22 July 1991), p. 4.

**Constitution! If there is no Constitution, if one side dismisses the fundamental act as constitution, then the people has rights to self-organisation!)**

**2683.** On 24 October 1991 the President complained to Slobodan Milošević about the steps which had been taken by Izetbegović towards the independence of BiH.<sup>8942</sup> The President indicated that they had given Izetbegović a deadline to abolish the decisions taken with respect to the independence of BiH, but Izetbegović did not intend to abolish them.<sup>8943</sup> The President explained that they would “respond with all means possible” and that they would “establish Yugoslavia in all the areas where we live”.<sup>8944</sup> He continued and told Milošević that the Bosnian Muslims wanted “Europe, to give them a state in which we would be locked within these borders by international agreements, we can’t allow that, we have to [...] prepare everything, and we have prepared everything to create a *de facto* situation [...] which they will break their teeth on, they simply have to break them, there is no way we will live in a country with them. No, no way at all, that’s it”.<sup>8945</sup> **(This was the Serb right to reject such a huge change of the status without their consent and against everything that the Constitutions of the SFRY and BiH guaranteed to them! This was a flagrant #violation of the Serb rights#, and the western “international community” didn’t react. Any reasonable chamber would see that the #Serb side only reacted# to the violations of the most important and fundamental rights, by a democratic means!)**

**2684.** Slobodan Milošević encouraged the Accused to speak to Izetbegović to explain the position of the Bosnian Serbs but the Accused responded that Izetbegović was a religious fanatic who could not be talked to.<sup>8946</sup> When Milošević asked whether he should speak to Izetbegović, the Accused responded that he could tell Izetbegović that “Karadžić and the others will not give up on establishing an Assembly and parallel organs of authority” and that the “Serbian Assembly” would decide on what was to be respected and not.<sup>8947</sup> The Accused also suggested that Milošević tell Izetbegović “that the Serbs are moving on [...] that you can’t exert influence over us to mellow things down. We are moving on. We will establish full authority over the Serbian territories in BiH [...]. He will not be able to exercise power. He will not have control over 65% of his territory. That is our goal”.<sup>8948</sup> **(#over the Serbian territories# Once the Muslims violated the basic principles of the Constitution, particularly those that were guaranteeing the security of the entire constituent people, there was no more Constitution. At that moment the Serbs did have every #rights to self-organisation and self-defence#. From this document it is clear that the Serbs didn’t plan any aggressive move, but only defensive, to prevent the hostile regime to take over the Serb homes. And these 65% of the territory with the Serb majority wasn’t result of any military action, that was the fact far before the war!)**

**2685.** Milošević questioned whether it was wise to use “an illegitimate act in response to another illegitimate act” and questioned the legality of forming a Bosnian Serb Assembly. However, the President dismissed this and stressed the illegality of the measures taken by the Bosnian Muslims and the importance of the Bosnian Serb interests.<sup>8949</sup> The President emphasised that they held power in 37 municipalities and had relative majority in about ten municipalities and that they would not implement “any of their decisions” given that they were leading them to secession from

<sup>8942</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 1.

<sup>8943</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 1.

<sup>8944</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 1.

<sup>8945</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 1.

<sup>8946</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), pp. 1–2, 6.

<sup>8947</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 6.

<sup>8948</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 7. See also P5620 (Intercept of conversation between Radovan Karadžić and an unidentified male, 21 January 1992), pp. 2–4; P5621 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 25 January 1992), p. 8.

<sup>8949</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), pp. 4–5.

Yugoslavia.<sup>8950</sup> **(This is only another proof that Serbia didn't run the Republic of Srpska and that the President and President Milosevic weren't of the same opinion. President Milosevic was not right, implying that the Serbs shouldn't respond on an illegitimate act by another of the same kind: what illegitimate act, according to what? According to the Constitution which the Muslims ruined? Once the Muslim/Croat coalition dismissed the Federal and the BiH Constitution, there was nothing to respect! Finally, the #Badinter's commission gave the Serbs right#, and all the conferences right to the Dayton! How come the UN #Tribunal doesn't accept what the UN approved and put in a UNSC Resolution#?)**

2686. Milošević also suggested that they should not announce the Bosnian Serb Assembly but the President responded “[b]ut we have to announce it! There can be no discussion about it, this is an obligation of the Serbian people and the representatives of the Serbian people in [the] executive, because they will start arresting us, they’ll start pacifying municipalities forcibly, forcibly, installing special forces, we will not allow that”.<sup>8951</sup> When Slobodan Milošević suggested that the President not call it an assembly, the President insisted: “No [...] we can’t do that to the people. The people [...] feel they have been robbed and destroyed”.<sup>8952</sup> **(A perfect evidence that the Sebs in BiH were autonomous from Belgrade! There was many other disagreements and discussions, until President Milosevic got into some obligations to the West, and did a lot efforts to through the President out of the Office!))**

2687. In this same conversation Slobodan Milošević expressed his reservations about how a Bosnian Serb Assembly could exclude the Muslims who were “for Yugoslavia”, but the President replied: “There are none, President! Not even 10% [...] we can’t take a risk for those 10%! That’s out of the question! The Serbian people want a clear situation. We cannot go on pretending anymore. They’ve destroyed us, we have to respond. We can’t just mobilise the people for nothing”.<sup>8953</sup>

2688. The President also stated that “the army can no longer agree to cease-fires, it is out of the question. Tudman has to be militarily crushed, the military might of Croatia has to be destroyed. I guarantee you that after Friday 500,000 Serbs must rise again, there can be no more discussion about it, this is destroying, exhausting, crippling, dragging us into the winter and we will all be ruined”.<sup>8954</sup> **(Even now many would say that the President was right. The Croatian secessionsis attacket Yugoslavia, illegally changed the Constitution, expelled the Serbs from the Constitution, created a secret army, clandestinely armed it, and finally attacked Yugoslavia on the territories where the Serbs made majority! The JNA was obliged to preserve the territorial integrity without waiting any special order. If it was Izrael, the Army would be in the Croatian Capitol within a few days, instead of exhausting itself, it's resources, and creating a bad image in the world public! But, this pertained to the war in Croatia, and is not relevant for this case, since it was the President's private opinion, a sort of “tith-for-that” with President Milosevic, who wanted to influence the Bosnian Serbs! During the war in Bosnia the President also ordered a maximum of restraint on the battlefield!) When Slobodan Milošević suggested a more considered approach without getting**

<sup>8950</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 5.

<sup>8951</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), pp. 5–6.

<sup>8952</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 6. See also P5817 (Intercept of conversation between Radovan Karadžić and Božidar Vučurović, 14 November 1991), p. 2 (in which the Accused said that if he stood up in the Assembly and said that they accepted the independence and sovereignty of BiH, the people would reject it and take up arms including against him). This conversation was referred to by the Accused in his final brief. Defence Final Brief, para. 266. The Chamber finds that in light of the weight of evidence, the Accused’s observation was purely rhetorical and he had no intention of acknowledging the independence of BiH. **(It doesn't matter, the main issue is that the President was not an all-mighty lord of the Serbs. As said many times, the SDS didn't create the policy of the Serb people, it was interpreting it as it was created by the Serbs themselves, by their political rights and will.**

<sup>8953</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 7.

<sup>8954</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), p. 2.



excited, the Accused replied: “No, we’re not excited at all. Our steps are calculated and we have to establish authority and control over our territories, so that he doesn’t get his sovereign Bosnia. Croatia doesn’t have control over 30% of its territory, and Bosnia will not have control over 60% of its territory!”<sup>8955</sup> **(#Control over our territories#! The President described to President Milošević what he ought to do, as did President Lincoln, when the country was facing the destruction. He didn’t do as Lincoln would. That is why now there is no Serbs in their eternal areas in Croatia and Kosovo! The Great Britain didn’t allow the Falkland Islands to unilaterally secede, nor it allowed the Northern Ireland to join the Republic of Ireland, and this is #the most similar example (Northern Ireland)#: majority of Unionists in the north part of the Irish island, the same as the Serb majority in a big portion of BiH!)**

**2689.** Despite these words of caution, Slobodan Milošević, in meetings with international representatives, did not accept the independence of BiH and spoke of the desire of all Serbian people to live together.<sup>8956</sup> **(Because it had been a status quo, it had been achieved in 1918, but with the Communist tricks it was ruined. Any resistance to the illegal moves is obligatory!)** In September 1991, Milošević told the Accused that they should “get mobilised, acquire the arms and get going”.<sup>8957</sup> **(A #CRIMINAL DISTORTION#! This is a forgery of the worst kind. President Milošević responded to the President’s question whether the ceasefire with Croatia is sincere, and President Milošević responded that it seems sincere for a short term, because they are in troubles, but will not be sincere for a long term. They (The Croatian Army) would mobilize, get armament and continue with their path: see P5861, p. 5:**

Karadžić Radovan:	A, šta...mislite da je ova ovo iskreno prihvatanje primirja?
Milošević Slobodan:	Pa, za sada je iskreno, zato što su u teškoj situaciji.
Karadžić Radovan:	Da, da.
Milošević Slobodan:	Ali, nije iskreno u dugoročnom smislu.
Karadžić Radovan:	Da. U dugoročnom smislu....
Milošević Slobodan:	Dok poprave situaciju, mobilišu se i nabave oružje, opet će da krenu.
Karadžić Radovan:	Da, da.
Milošević Slobodan:	O tome se radi.
Karadžić Milošević Slobodan:	And what... do you think it is honest accepting of the cease-fire? Well, for now it has been honest, since they are in a difficult situation.
Karadžić Radovan:	Yes, yes.
Milošević Slobodan:	But it is not honest in a long-term sense.
Karadžić Radovan:	Yes. In a long-term sense...
Milošević Slobodan:	Until they improve the situation, get mobilised, acquire the arms and get going.
Karadžić Radovan:	Yes, yes.
Milošević Slobodan:	That is the point.

So,

**President Milošević described what the Croats are going to do, to temporarily respect the ceasefire, until they mobilise more people and arme them, and then they are going to continue with the fights. However, the Chamber interpreted it in the above paragraph as if President Milošević gave an advise to the President what to do and what the Serbs should**

<sup>8955</sup> P2546 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 October 1991), pp. 7–8.

<sup>8956</sup> KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6747 (under seal).

<sup>8957</sup> P5861 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 23 September 1991), p. 5.

do! Couldn't be worse distortion. In the same document the President confirmed that the Serbs do not need any party units, and that the SDS is supporting mobilisation and it's influence is stopped at the entrance of the JNA barracks. President Karadžić also confirmed what were the "Serb war objectives: only those of the Army, to defend the country, wrongly translated as "to defend the Army: See P5861:

Karadžić Radovan:	To, ovde, tu bi mog'o puno da pomogne ovaj Sava Janković, komandant Tuzlanskog korpusa. Da malo, da malo, objedini to. Mi nemamo stvarno nigdje niti dopuštamo da naš narod se naoružava, ili da ima neku ...neke svoje ideje o ratu. Ili o....ima da e javljaju armiji i gotovo!
Milošević Slobodan:	Samo to. Sigurno.
Karadžić Radovan:	Armiji. Mi nemamo ratnih ciljeva drugih, osim onih koje ima armija. To je odbrana zemlje.
Karadžić Radovan:	That, here, Sava JANKOVIĆ could help a lot here, Tuzla Corpus Commander. To unify it. We don't really have, nor are we allowing our people to get armed, or to have some, some ideas of theirs on the war. Or about... they have to report to the army and that's it!
Milošević Slobodan:	Only that. For sure.
Karadžić Radovan:	To the army. We don't have any other war targets except for those that the army has. That is the defence of the army.
Milošević Slobodan:	Yes.

his was a genuine expression on the "war objectives of the Serbs" but neither the Prosecution, nor the Chamber payed any attention to this important sentence! Also, in September 1991 there was no a war in Bosnia, and how the Chamber could have allowed it's associates to make such a huge error?) In November 1991, when the Accused informed Milošević that Izetbegović did not want BiH to be in Yugoslavia, Milošević asked him to "take care of this and nothing else".<sup>8958</sup> The Accused responded that he would but that they should "prepare a reserve variant" because he did not "know what will it be like tomorrow".<sup>8959</sup> (A precaution forbidden to the Serbs#!) In a conversation with General Uzelac on 2 November 1991, the President discussed the mobilisation of the Serb population in BiH, stating "I'll call all the presidents of the municipalities [...] to deploy the army".<sup>8960</sup> (Without a #temporal context# this may sound whatever someone wants, but it must be kept in mind that it was still Yugoslavia with all laws and obligations. Those who rejected and resisted mobilisation, committed a federal crime. Those who facilitated the mobilisation had fulfilled their obligation. Even Izetbegovic admitted that they violated the law by hindering the mobilisation.)

**2690.** The Chamber recalls that a plebiscite was held in November 1991 to determine whether Serbs in BiH wished to remain in a joint state of Yugoslavia, and the overwhelming majority voted in favour.<sup>8961</sup> The President delivered a speech connected with the plebiscite where he said if there was a sovereign BiH it would be "without our areas" unless there was an exchange of population.<sup>8962</sup> (This is again an unacceptable misinterpretation. It was said as follows:

Get that kid to bring it.) *The third alternative is that we secede, i.e. that we put ourselves in the situation of those who wish to secede from Yugoslavia, and not from B-H, Croats and Muslims who wish to form their own states /sentence unclear/. They want a sovereign Bosnia... OK, but without our areas, because it would comprise some of our areas, the ones around Zenica where we are minority, unless we exchange population...*

(In numbering out the alternatives of the solution of the BH crisis, the President said that the #third alternative was to let the two other sides to form their state# or states, but without the Serb areas. In that case some of the Serb areas must stay in the state of others, unless they decide to exchange the property and resettle. This was an alternative that would go without any war, and in negotiations. Such a way West Virginia was founded, such a way North

<sup>8958</sup> P5897 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 14 November 1991), p. 3.

<sup>8959</sup> P5897 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 14 November 1991), p. 3.

<sup>8960</sup> P5824 (Intercept of conversation between Radovan Karadžić and General Uzelac, 2 November 1991), pp. 1–2, 6–8.

<sup>8961</sup> See para. 47. See also Robert Donia, T. 3107 (1 June 2010).

<sup>8962</sup> P958 (Radovan Karadžić's speech at the Plebiscite of the Serb People, November 1991), p. 5.

**Ireland remained in Britain, that was the third democratic alternative, without any war, and re-settlement would depend only on a free will!)**

The Accused in this speech said that he had openly told Izetbegović that “no Muslim foundation shall ever be laid in Serb areas and Serb villages whether or not you import Turks because we will instruct Serbs not to sell land to Muslims. [...] The first foundations that are laid will be blown up, and all foundations that are laid will be blown up”.<sup>8963</sup> **(#Distortion#! One has a right to expect a trial Chamber to be accurate, let alone honest and impartial. However, this quotation is managed and edited with the aim to damage the President. Look how it is originally:**

*The Muslim gentlemen are now establishing a ministry for emigrants. Yesterday, I told Izetbegović openly - I don't know whether Biljana was there, but Krajišnik was - you are now establishing a ministry for emigrants; you want to move all the rabble, beggars and scoundrels from Turkey and settle them in our territories. But I am telling you, whatever Bosnia we have one day, no Muslim foundation shall ever be laid in Serb areas and Serb villages whether or not you import Turks because we will instruct Serbs not to sell land to Muslims (applause and ovation). The first foundations that are laid will be blown up, and all foundations that are laid will be blown up. You took Novo Sarajevo, now you have 300 houses that are being built*

**It was more than clear that the President told to Izetbegovic that the Serbs would oppose their plan to #resettle a millions of Turks# into BiH. This kind of artificial alteration of the ethnic composition is not allowed anywhere. Now we see how it could have been achieved: the whole Europe sees it: they make a chaos in the Midle East, and a millions of refugees flee towards Europe. But, those manipulations are even worse than those of the Prosecution. It looks as if the same aiding clarks constructed the Indictment and the Judgement. A so called “new settlements” of one ethnicity built up on the terrain of another, antagonised, ethnicity is an act of aggression and an act of war, and when that happens somewhere else, the whole world is protesting! Remember the West coast settlements#!)** He also envisaged that there was a chance that they would fight, and they were prepared to “let the chips fall where they may” in the knowledge that the Serbs were better armed and that the war would be bloody.<sup>8964</sup> He also emphasised that they would not give up on their territories and that it was “a fight to the finish, a battle for living space”.<sup>8965</sup> **(#Not give up their territories! What it was if not a defensive strategy? But, everyone knows that those who are defending their space are not fighting for a new living space, whyle those who do so much to occupy other's living space are fighting for the living space. And what the Accuse said meant that the Muslims are in a campaign for gaining a living space. Now, the entire Europe sees it clearly.)**

**2691.** In December 1991, Milošević told the Accused that he should not give in to Izetbegović and that they had to stick to their line and that “if they want to fight, we'll fight” given that the Serbs were stronger.<sup>8966</sup> **(#Abused#! Let us see how this intercept is [ab]used for the purpose of the Prosecution, P5790:**

<sup>8963</sup> P958 (Radovan Karadžić's speech at the Plebiscite of the Serb People, November 1991), p. 6. See also Eset Muračević, T. 12673–12676, 12683 (1 March 2011); Eset Muračević, T. 12822 (2 March 2011).

<sup>8964</sup> P958 (Radovan Karadžić's speech at the Plebiscite of the Serb People, November 1991), p. 6.

<sup>8965</sup> P958 (Radovan Karadžić's speech at the Plebiscite of the Serb People, November 1991), p. 6.

<sup>8966</sup> P5790 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 20 December 1991), pp. 2–3.

M - Please let's move. We don't give in to any body anymore. And if they want to fight, we'll fight.  
 R - Of course.  
 M - And they should go to hell, whoever wants to fight us, we'll fight and we're stronger.  
 R - And who wants to live in peace, we're fine with that, nobody will live better or worse than we do, we don't have anything else to.  
 M - Who wants to join Alija to beat us, he may. He will lose.  
 R - Easily.  
 M - It will be our pleasure, and who wants to be fair and behave properly we will treat him as we treat each other,  
 R - And he will live the same as we do, no doubt.  
 M - He will live the same as we do, indeed.  
 R - So we could not be fairer. Justice is on our side.  
 M - There's nothing to discuss, we don't give in to anybody. We're moving on. And, damn it.

(#Choice

**to fight is their#! Which of those sentences of the President could be used against him? The President Milosevic, talking about forthcoming tour on the Conference in the Hague (ICFY) announced that there will be no more Serb concessions, no matter what pressure will be posed on the Serb side. In his words it is clear that the choice of fighting is on the other side, not the Serb choice, because the Serbs didn't demand anything they already didn't have. And the President confirmed the prospective of a common life in a complete equality! :** They also spoke about the unconstitutional nature of the decision changing the status of BiH.<sup>8967</sup>

**(Correct, and #EXCULPATORY#! There was no possibility for the BiH to declare an independence bypassing the Constitution. The whole Europe was obliged to warn the SDA on this violation of Constitution. To be honest, Mr. Badinter contested the BiH declaration on independence, rejected to approve it, mentioned that already there is the Republic of Srpska, and directed BiH to a normal procedure envisaged for the changes of Constitution!)**

In an intercepted conversation on 17 December 1991, the Accused affirmed his commitment to use force to ensure that the establishment of a sovereign and independent BiH did not result in the separation of Bosnian Serbs from other Serbs in the former Yugoslavia.<sup>8968</sup>

**It is again #forged and misinterpreted#. Let us see how was it in original: P5794, p. 4 (B. Kostic – the**

**President):**  
 Branko Kostić: ... nobody can make a decision on his own, er, each possible Bosnian request for recognition and so on, leads directly into a conflict.  
 Radovan Karadžić: Directly to war, a bloody, bloody and dangerous war...

<sup>8967</sup> P5787 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 25 December 1991), pp. 2–3.

<sup>8968</sup> P5794 (Intercept of conversation between Radovan Karadžić and Branko Kostić, 17 December 1991), pp. 4–5 (wherein Kostić stated “nobody can make a decision on his own, er, each possible Bosnian request for recognition and so on, leads directly into a conflict” and the Accused responded: “[d]irectly to war, a bloody, bloody and dangerous war”).



**BRANKO KOSTIC SAID THAT NOBODY IN BIH COULD DO ANYTHING ON HIS OWN, BECAUSE IT LEADS INTO CONFLICT, AND THE PRESIDENT AGREED. BUT, IT WAS NOT AS THE JUDGMENT SAYS, THAT THE PRESIDENT “AFFIRMED HIS COMMITMENT TO USE FORCE...”! IT WAS A DISCUSSION ABOUT WHAT MAY HAPPEN IF THE SOLUTION IS NOT SETTLED BY THE TALKS, AND NOBODY INDICATED THAT IT WAS SOMETHING THE INTERLOCUTORS WANTED OR LIKED TO SEE, OR THAT IT WAS IN ANYONE’S HANDS. HOW THE CHAMBER IS ALLOWED TO DISTORT THE FACST IN SUCH A WAY? AND THE PRESIDENT CONTINUED:**

Radovan

Karadžić: Which would not have the end, therefore, if there is a wish to, something, to improve, define some position of Bosnia and Herzegovina, that is not a problem, it can be done, hello.

**And on p. 7, talking about an agreement among the four republics, the President said what the #Chamber mis-interpreted as his “commitment” to use the force#:**

Karadžić: It will be denied and so on. Fine, well done Branko. Fine, I think that your plan is great and, let’s do this now (?), and I think that, simply, absolutely, we will completely defend the country, including, if necessary, the war, fuck them, if they fuck around, the country should be defended with all powers, and go for, go for the United Nations, Europe should be absolutely denied a right to continue to fuck around. We are its, its members, fuck them all...

**So, there is a word about a new arrangement between the four republics, and the President supported the Yugoslav Presidency’s plan to defend this new arrangement even with a war had it be necessary. So, this had nothing to do with any plan of the Serbs in Bosnia, nor their plans and actions, A COMPLETELY WRONG QUATATION AND CERTAINLY WRONG INFERENCES THAT WERE BASED ON IT.** In relation to the possible secession of BiH, the President stated “we will completely defend the country”, including if necessary by war, “fuck them, if they fuck around, the country should be defended with all powers”.<sup>8969</sup> **This is what was pasted above, and has #nothing to do with the Bosnian Serbs#. In the same conversation B. Kostic [a member of the federal Presidency] presented what will be agreed “next week”, and the President informed him how many political parties, particularly non-Serb parties wanted to contribute to the preservation of Yugoslavia. All was about the Yugoslav Presidency plans how to preserve this smaller Yugoslavia, although after that the republics would have a possibility to secede on an agreed way:**

Kostić: And, er, gradually then, without any denial to Macadonia, or any other nation, er, we are going into further, er...

Karadžić: Transformations, huh?

Kostić: Further transformations including the right of Macedonia of separation and international recognition even by our side and by the European Community and so on, you know (?).

Kostić: But I think that it would decrease tensions and create more favourable conditions in a whole, er, to easier solve the conflict issue of one-sided secession of Slovenia and Croatia.

**And explaining that Slovenia #should be granted the independence# immediately, and the Federal Parliament to be in a constant session, to decrease the tensions:**

Kostić: .... good and this idea to see the Federal Parliament, let’s say, and the Presidency of Yugoslavia give for Slovenia, er. /as stated/

Karadžić: Well, I have sent today, Ajga has a draft text, he has the draft text, I have just sent him a telegram, and I gave it to the foreign, and these, and these domestic public media, in order, to commence with, the tensions are decreasing immediately, let it start, let it urgently.., I proposed a constant session of the Parliament, and I proposed that all Yugoslav affairs be brought back to the Federal Parliament.

**No confusion: the two were talking about the possibilities to decrease the tensions, to facilitate a legal secession for the two already seceded Republics, consolidate the state and further**

enable Macedonia to secede if wanted. All of it by peaceful means, except if somebody attacks the Federal State.

(Any #violation of the Constitution deserves a resistance#. Any unilateral and anti-constitutional partition of a sovereign state can be prevented by politics, but if it turns to be armed secession, to be opposed by the army. This is in every constitution of every state. President Lincoln was not sued, because he was right. The examples from recent history are supporting the Serb right to stay in the Federal state while it existed: Northern Ireland, West Virginia, Belgium, Spain, and many other states with the different ethnicities. Who was authorized to subjugate the Serbs to the Muslim domination, even if there was no the Islamic declaration?)

2692. On 21 December 1991, at the Bosnian Serb Assembly, the President issued another warning about the hundreds of thousands of deaths, destruction, displacement of people and population homogenisation which would occur if there was a civil war in BiH.<sup>8970</sup> (#EXCULPATORY#!!! Putting this back in context, first should be remained that on 19 December 91 the Muslim-Croat part of the Government unilaterally and un-constitutionally checked to the EC for the independence. Neither the Government was authorised to do that, nor any body could do that without the consent of the Serb legitimate representatives, and after that, without a referendum. That is what the #Badinter commission said in it's Opinion No. 4#.

(This is a flagrant proof that this #court is a political# one, because it is dealing with a #selective political issues#. For instance only in this document (D00086) there is a complete survey of the political life in the crisis, discussed by the most prominent Serbs, representatives of the Serbian community. In this discussion there had been explicated all and every irregularity and violation of the laws and constitutions, and yet presented the #Serbian conciliatory suggestions and alternatives#, all of which led to a peaceful solution. The President words from only this one document are sufficient to discharge him of any mean thoughts or intentions. Instead, we see in the Judgement a few klips or a #crippled sentences#, which heavily compromise those who assembled this Judgement. Here are some examples, only from the President's speeches: D00086, P. 20 r.

Our partners in government respect neither human nor God's laws. There is not a single regulation, there is not an institution, there is not a document, from the Constitution to a Government's decision that they respect.

The Constitution of BiH clearly defines how important decisions are made. All that has been blatantly violated.

The Assembly of BiH has reacted in this new situation by adopting a decision, or I should say an opinion, which is the last legally adopted opinion on that matter involving the three points that were agreed by all representatives in the Assembly of the existing Bosnia and Herzegovina, which specify that there would be no forceful imposition of solutions, that all suggestions must be treated equally.

Karadzic:

<sup>8970</sup>

D86 (Shorthand Record of 4<sup>th</sup> session of SerBiH Assembly, 21 December 1991), pp. 40–41. See P1353 (Shorthand record of 10<sup>th</sup> session of SerBiH Assembly, 11 March 1992), pp. 4–6. See also KDZ310, T. 9191–9192 (29 November 2010).

In their vocabulary, this synchronised destruction of Bosnia and Herzegovina and Yugoslavia and the violence against the Serbian people is called democracy. Despite all this and for the sake of peace in the house, the Serbian people as a whole and the parties that represent it has attempted, as far as possible, to behave in accordance with the Constitution and the relevant statutes. Our representatives in government simply cannot and must not behave or act illegally.

Illegal activities are taking place in all ministries, and above all in the Interior Ministry, as well as at the level of local government. There are many acts of violence. The Serbian side continues to be cooperative only for the sake of the peace in the house. Not because we are willing to be enslaved, but for the sake of the negotiations, that is, the negotiations on the transformation of Yugoslavia are still going on.

p.21.

Ladies and gentlemen, in the constitutional and legal sense, BiH no longer exists. It has been destroyed by the holders of the highest offices, people from the SDA and HDZ. (applause)

They have suspended AVNOJ [Anti-Fascist Council of People's Liberation of Yugoslavia] and ZAVNOBiH [Regional Anti-Fascist Council of People's Liberation of Bosnia and Herzegovina]. Their actions take us all back to the situation before AVNOJ and ZAVNOBiH. They take us back to the era of the old unitary kingdom of Yugoslavia. They are undermining everything that was done in that period and they are taking us back to the previous situation. The previous situation is not a medieval Bosnia and Herzegovina but a united kingdom of Yugoslavia. (applause)

Where we are going and what we are doing is not going to be decided by them, however. We will continue to do our best to preserve the civil order in BiH. If I am allowed to make a suggestion, I would like to express my hope that the Assembly will adopt the presented motions because it is not only your right but also your duty since you

This Assembly should send a sincere message that nobody should be afraid of Serbs. But, at the same time, nobody should have any illusion that they will determine the future of the Serbian people without their consent or using violence, either constitutional or physical.

I would like you to consider these documents. I hope you will endorse them because it is our duty to prepare and organise democratic response of the Serbian people to what they have in store for us. This same sentence was said a year ago on St Peter's Day. Our only purpose, the purpose of the party that we established is to prepare the democratic response of the Serbian people to all challenges that might face us. Thank you.

An agreement is possible. According to ZAVNOBIH [The Anti-Fascist Council of People's Liberation of Bosnia and Herzegovina] which has been dead since yesterday, Bosnia and Herzegovina is a republic belonging to Serbs, Croats and Muslims. I think this is the exact order in which they are listed there.

We, therefore, suggest the establishment of Serbian, Croatian, and Muslim Bosnia and Herzegovina and also the existence of three parliaments; apart from the Serbian parliament, which is sitting here today, we want to see the Croatian parliament as well as the Muslim parliament. We want to see peaceful coexistence of three equal national communities, side by side, without causing any nuisance or trouble to each another. If possible we want them to set positive examples to each other in the same way that good neighbours set examples to each other. If that is not possible we want them to at least be tolerant and fair among themselves so that we can have some common functional institutions.



Although this proposal looks complicated and unique, and indeed it is complicated and unique, as is BiH itself, we think that it can be realised. It is better than civil war. As rational beings, we know what civil war means; the experience of Croatia tells us exactly what civil war has done to us.

Apart from causing the deaths of several hundred thousand people and complete destruction of several hundred towns, a civil war in Bosnia and Herzegovina would also result in massive and rapid population movements; in other words, it would lead to population homogenisation. What would be the end result of it all? The end result would be the situation as it is today: separate Serbian, Croatian, and Muslim areas, left impoverished by several hundred towns and several hundred thousand people.

**(#Commendable# used against Karad`i)#! And those are the critical parts of the President's speech at the Serb Assembly (D00086) it is absolutely clear that the President strongly advocated and defended the idea that later had been proposed in the Lisbon Agreement, in all other peace proposals, and finally in the Dayton Agreement. And this wasn't a "warning", it was an explanation of the Serb leadership to the Serb Assembly how we can avoid the most dreadful scenario. Instead of awarding the President for his peacefull efforts, it is used against him. In the same speech, a bit later (p.38) The President explained what is at a disposal, which alternatives:**

I can inform you that our first proposal, and this is according to the mandate you have given us, that is, the option preferred by the Serbian people was the preservation of a united, equal Bosnia and Herzegovina as a federal unit within Yugoslavia, which is, de jure and de facto, the existing situation despite the illegal decisions made by the sections of the Presidency and the Government of BiH.

Our proposal accepts that Yugoslavia and Bosnia and Herzegovina can be democratically transformed in accordance with the Constitutional procedure. Therefore, we are not suggesting in our initiative, which is also a part of our earlier initiatives, including the Belgrade initiative, we are not insisting that relations should be defined in cast iron terms or that further democratic transformation should be ruled out.

Anticipating that one proposal from the Serbian side, that is, from the Serbian national community would not be enough we put forward another proposal which incorporates the idea of a fundamental transformation of Bosnia and Herzegovina into a union of the three equal national communities bearing in mind that we have to acknowledge the expressed wish of the Muslim and Croatian people to change their position in relation to Yugoslavia, regardless of whether these wishes are expressed in a legal or illegal way.

We may be sorry that some people want to loosen their ties with Yugoslavia. We can vote against it. But we do not want to resist them in any other way except by using political means. We do not even want to use political means to resist them.

We have the right and the ability to prevent anybody on the territories where we conducted our referendum to secede from Yugoslavia. In all territories where Serbs took part in the referendum, regardless of whether they make 5% or 55% of the population, they are the constituent element of that town or that Republic. All territories where we voted in our referendum to remain within Yugoslavia must stay within Yugoslavia if we decide so. (applause)

Therefore, we can prevent them, but for the sake of peace in the house and because of two bad experiences of keeping certain people within Yugoslavia, we are prepared to accept the transformation of Bosnia and Herzegovina so that Muslims and Croats, if that is really what they want, can loosen their links with Yugoslavia or leave it altogether.

Our partners argue that such a transformed Bosnia and Herzegovina should remain a link between Croatia and Yugoslavia, that is between Croatia and such a transformed Yugoslavia, or Serbia.

We think that links are used for purposes other than being states but, nevertheless, we can accommodate their proposal. We can accommodate everything; everything is better than civil war; everything is better than imposing one's solution onto others. Everything is better than the chaos and hell, which we can see developing and evolving. We are committed not to instigate any such thing; even more, we are committed not to

take part in any such thing, unless it is imposed upon us in the way that it was imposed on our brothers in Croatia.



We in Bosnia and Herzegovina do not want armoured personnel carriers; we do not want barricades; we have no intention of preventing those who live on the territories where we conducted our referendum to change their position in relation to Yugoslavia. But it has to be done within the framework of the Conference on Bosnia and Herzegovina.

And it

was the same Assembly session, on 21 December, when the President proposed (D00086, p.40 eng) the final political solution that prevailed in all the European and American capitols and Governments. It was a #peaceful and democratic solution#:

We, therefore, suggest the establishment of Serbian, Croatian, and Muslim Bosnia and Herzegovina and also the existence of three parliaments; apart from the Serbian parliament, which is sitting here today, we want to see the Croatian parliament as well as the Muslim parliament. We want to see peaceful coexistence of three equal national communities, side by side, without causing any nuisance or trouble to each another. If possible we want them to set positive examples to each other in the same way that good neighbours set examples to each other. If that is not possible we want them to at least be tolerant and fair among themselves so that we can have some common functional institutions.

At the very beginning, when we were establishing the Party we said to the Serbian people: everything that can be done more effectively together should remain shared. On the other hand, everything that that can be done more effectively separately, like for example culture (this is why Prosvjeta [Translator's note: the Cultural and Educational Association of the Serbian People in Bosnia and Herzegovina] was established) and some other areas, should be developed separately.

We, therefore, suggest the establishment of three entities in BiH, which would not threaten or confront each other. On the contrary, they should, at most, complement each other, or, at least, be neutral and impartial towards each other so that common institutions could be formed at the level of BiH, that is, the existing Republic of BiH.

(#Karadžić proposals valuable, accepted by EC, UN and great powers, built in all the peace plans#! All other constructions about the *mens rea* of this President, and others from the leadership, should be dismissed with the indignation, because the solution proposed by the President was so valuable to survive the three and a half years of a fierce fratricidal war, for which the President is not liable a bit, while those who are condemning him are liable 100%. And this truth is not going to disappear or become pale.)

2693. In January 1992, the Accused spoke to Krajišnik and said “we have to realise our minimum aim, there’s no other way. Nothing should and nothing can stop us. No way”.<sup>8971</sup> (Do not oversee #“our minimum aim”#, which is crucial minimalist determination. All other sides were never satisfied with their minimum, they wanted their maximums, which included the subjugation of the Serbs to their power.) The Accused was also angry about Izetbegović speaking openly about a sovereign and independent BiH, and said: “Does he want someone to destroy Sarajevo? [...] he’s really crazy [...] fuck him. We will release our tigers and let them do their job”.<sup>8972</sup> He went on to say that he had been calming the Serb people for a year, but that he “will not be calming anyone anymore, nor can I” and that they could no longer hold back their people anymore.<sup>8973</sup> (The President was very angry! It was a minimum taking into account circumstances! Once and for all – nobody, nobody was entitled to violate anyone’s basic rights, guaranteed in the Constitutions and laws. Nobody! And this Chamber, and this Tribunal is lecturing the Serbs that their protection of their political rights was a crime, while all others, including the UN and the Tribunal supporting governments made all these crimes they charged the President and the Serbs for. Apart from it, this was obvious that the leadership had a #difficulties to calm down the people# that was extremely upset seeing what the Muslims were doing!)

2694. As early as January 1992, Koljević warned of the danger of an Islamic republic being created.<sup>8974</sup> In this regard, Koljević spoke with Tuđman and noted that they had a common interest of separating people, that an independent BiH did not suit them as it would separate them from their “mother lands”, and that they advocated a sovereign Muslim, Serbian and Croatian

<sup>8971</sup> P5779 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 1 January 1992), p. 3.

<sup>8972</sup> P5779 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 1 January 1992), p. 5.

<sup>8973</sup> P5779 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 1 January 1992), pp. 5–6.

<sup>8974</sup> P986 (Transcript of a meeting between Nikola Koljević, Franjo Tuđman, and Franjo Boras, 8 January 1992), pp. 3–4.

Bosnia.<sup>8975</sup> (The late Dr. Koljevic didn't propose anything aggressive, but a political solution, always having in mind the #Islamic Declaration as a leading document# of the Muslim side. What Dr. Koljevic proposed to President Tudjman had been immediately accepted by the UN and the European Community! But, anyway, how this #political talks can be incriminated#? Dr. Koljevic wasn't alone with the President Tudjman, he was in his capacity of the member of the Bosnian Presidency, together with another, a Croatian member of the same, Mr. Franjo Boras. And it was a talk between the two Presidencies, #what does it have to do with the President#?)

- 2695.** At a meeting of the SRBiH Assembly on 24 January 1992, the issue of a national referendum was discussed and the speakers from the SDS opposed the holding of a referendum.<sup>8976</sup> (#Interpretation instead of document itself#! #Criminal distortion#! Not exactly. And it is not clear why the Chamber used an interpretation of a member of the ECMM, instead of the original transcript. The ECMM were monitors, not analysts, neither they understood what was going on, or had the interpreters of the Muslim provenance, who conditioned their understanding. Neither they had been all the time in the hall. A #deceptions after deceptions#. This is what was the Serb position, not only SDS, because at that time there was already the Serbian Assembly formed of several parties. In the eve of this session there was a meeting of the Club of representatives, discussing the attendance of the Serb MP-s, and here is what the President said: P03119, p. 1

The President of SDS Party, DR. Radovan KARADZIC accepts to attend the session and proposes that Bosnia and Herzegovina should be transformed into a confederation. A new state of affairs should be achieved in Bosnia and Herzegovina safeguarding the sovereignty of all of the three nations in Bosnia and Herzegovina, not allowing partial solution to the state which leads into disaster.

(#Commendable, conciliatory#! This Assembly session was one of the most important, the Chamber had a complete transcript of it (D00087) to estimate what was the position of this President. From p. 99 (eng) there was a completely clear position of the President. The SDA Vice-President Muhamed Cengic (who at the same time was a Deputy Prime Minister) agreed with the President to propose to the Assembly the following: the Government to do the regionalisation and establish a new regions that would make all the three ethnic communities feel free and be sovereign. Then, all the three communities participate in the referendum to confirm that such a transformed Bosnia be independent and sovereign. For that purpose, Mr. M. Cengic proposed that the referendum be postponed to 10 March. The Serbs and the President agreed. And this is what happened at this session, contrary to what Mr. Doyle reported to the EC, and the Chamber took it as a meritory "expertise". #Opinions contra documents#! This is unacceptable and deeply erroneous and damaging of the President's position. Look at that:

<sup>8975</sup> P986 (Transcript of a meeting between Nikola Koljević, Franjo Tudman, and Franjo Boras, 8 January 1992), pp. 5–6, 9, 37–38.

<sup>8976</sup> P942 (ECMM report re the BiH Assembly meeting held on 24–25 January 1992), p. 1; Colm Doyle, T. 2825–2826 (27 May 2010).

Muhamed ČENGIĆ:

Ladies and gentlemen. I would like to inform you and suggest you something. The Government of Bosnia and Herzegovina got the order and made a decision to establish the regions, new regions of Bosnia and Herzegovina. I think that the Serbian Democratic Party as well as the Party of Democratic Action and the Croatian Democratic Union need to give their requests on how the regions should be established, /word illegible/, what needs to be done there. I think it would be useful

that we create those regions, that is the task of the Government too, and that we schedule the referendum date and to set the deadline for both the referendum and the establishment of regions. There will not be the referendum before the elaborate on the establishment of regions is presented. I think that this would be the solution and it would satisfy all the citizens of BIH, because it is useless to talk about all Serbs wishing to live in one state or Muslims or anyone else, but we have to start talking with each other. We have to get closer and that is the only way, even if BIH becomes sovereign and independent or if we become a part of whatever association, we, inside Bosnia and Herzegovina, have to determine how we want to live. Therefore, this would be my proposal, the one I just offered and I think that it would be acceptable to Mr KARADŽIĆ who agrees with it, too. I also request you to declare on this.

Naim KADIĆ:

Mr Chairman, colleagues Members of Parliament.

It would be very bad if I would say now that we, in the parliamentary group, need to make a break. We will not do it because I know very well what is our path and what we want. What the Deputy Chairman just said is acceptable, believe me, it did not take us long to agree on this, it is acceptable, only provided that today

26/2

we make a decision on holding of the referendum and we set a date when the referendum will be held and meanwhile to establish these regions.

**Radovan Karadzic (...)**

Therefore, let us create Bosnia and Herzegovina in the way it can be, that Croats in every moment (applaud), that Croats are not lost for Croatia, that they have links, their representatives in Zagreb as well their representatives in Sarajevo.

If we recognise, if the international public recognise the border between Croatia and Bosnia, Croats will remain in Bosnia for good, as well as the Serbs. They will not remain in such Bosnia where they will lose... Sir, they already lost Travnik due to the Muslim birth rate, Travnik used to have Croats as majority and now it is not the Croatian town anymore.

We think that Bosnia and Herzegovina can be Switzerland, we can organise it as a link between Serbia and Croatia and everything else without that and prior to that is a catastrophe.

I was delighted with ČENGIĆ's proposal, let us go in this direction, let us make the decision, let us set a firm deadline for the democratic transformation of Bosnia and Herzegovina. After those 15 days, let us hold a referendum, whatever we agree to, it must be agreed in the way that all three nations have the full freedom.

**The President further said, responding to a question how the JNA would react on the agreement of the three Bosnian communities: (D00087, p. 109)**

Radovan KARADŽIĆ:

Of course, I am not a soldier. But I can confirm that I said that we would use all our power that the Yugoslav National Army does not disrupt our political agreement, i.e., what we conclude and agree as three national communities, and what we sign. I suggest that it should be a constitutional act, the constitutional declaration on the transformation of Bosnia and Herzegovina. And if we put our signature on it, I am convinced that no one in the Yugoslav National Army will object that or will wish to object to something that the legitimate representatives of three nations agree to and what people, I suggest that it is fixed like this, 15 days after the signing of such act, automatically 15 days afterwards, that the referendum is scheduled and that no one can postpone it /sic/.

29/3

I truly believe in this. That is one thing.

Secondly, when we talked about the reorganisation, I said that the Croatian sovereignty in Bosnia and Herzegovina and sovereignty of Croatian people cannot be endangered by anyone and of course, I meant both Serbs and Muslims. It means that after we finalise our political affairs, and reach the agreement, reach the constitutional act, and verify that on our referendum, there is no one who could endanger that sovereignty. On the other hand, I think that the need for the army will completely change and if we do not start the war here, everything will be brought to normal conditions and into normal frames in much easier way.

It looks to me that we have never been closer and that we cannot miss this chance, that Bosnia and Herzegovina becomes Switzerland in Balkan. We can ensure for each enclave, each village, wherever it is situated, we can ensure its administration, and sovereignty. We can make things less tense. We can arrange that no one has power over anyone. For good we can finish the job as good masters and

**That is how close to the solution was the Bosnian Assembly, with the full participation and contribution of the Serb side (all the Serb parties) and the President). The #solution agreed at this session even before the Lisbon Agreement and Cuttillero plan, maximally resembles the Lisbon as well as the final, Dayton Agreement#. But let us see how the Chamber came to this conclusion, #though an unacceptable distortion#. After this accord there was a break of an hour or two, and the SDA withdrew its own proposition sincerely accepted by the Serbs. As it can be seen from p.113 and on, the document was not on the agenda at all, and the Muslim side tried to smuggle it and have it voted without the procedure. And that is the truth about this session, not what the Doyle's interpreter suggested to him. And why use an interpretation of an interpretation from an interested in the affair to an outsider (Doyle and his interpreter) instead of using the original?**

The Serb position was that they would not accept or allow themselves to become a minority in BiH and that they would not be forced to do something they did not want to do. **(Should they?)** The Serbs also expressed their concern that the SDA wanted to create an Islamic state in BiH and that the only guarantee for the Serbs was to have a separate state in BiH.<sup>8977</sup> **(This was not exactly what the Serbs expressed at this session of the common Assembly, see the above comment. As far as it is concerned with the Islamic state, it became of the Serb concern only after the SDA pushed towards the independence of the unitary BiH under their domination. The SDA or Mr. Izetbegovic never denounced the Islamic declaration as a state program. What else could the Serbs think of it? And why the Chamber is quoting that within the frame of this sentencing Judgement? Was it the President's crime?)** The SDS under the leadership of the



President withdrew from the session when no agreement could be reached and, following their withdrawal, the BiH Assembly supported a referendum being held between 29 February and 1 March regarding the sovereignty and independence of BiH.<sup>8978</sup>

**(#Illegal Assembly session#! They did not have right to re-convene the session, nor to make any decision which would be contrary to the will of the legitimate Serb representatives. That pertained to any vital and important decision, particularly those of the constitutional nature. What is to be done that the Court and some chambers take a look of the constitutions of the republics in the region? How would it look like if the Flamish people decide for the entire Belgium to join the Netherlands, contrary to the will of the Valona people?)** On 19 February 1992, the Chairman of the SDS Executive Board ordered the municipal and regional boards of the SDS to hold immediate meetings and to draw up a plan of action to stop the referendum and to explain to “every adult Serb” that they should boycott the referendum which would be illegal after the adoption of the Constitution of the SerBiH.<sup>8979</sup>

**(#Wrong, not to stop the referendum, but to boycott it# Boycotting is legal democratic action! The referendum was illegal no matter the Constitution of the SerBiH is adopted or not! This is a part of anyone’s political rights. A general remark: the Chamber is doing something which must not be done by anyone, let alone by a judicial institution – #dealing with the politics, denying the political rights#, the rights on the political life, and drawing a #politically motivated inferences# under a presumption that the said ethnic community (in this case the Serb community) didn’t have any rights prior to the crisis, nor it had any rights to influence the changes that had been initiated by the two other ethnic communities.**

2696. The Chamber recalls that on 23 February 1992, the Cutileiro Plan was proposed and called for an independent and geographically continuous BiH, comprised of the three constituent units that represented the Bosnian Muslims, Bosnian Croats, and Bosnian Serbs.<sup>8980</sup> The Cutileiro Plan included constitutional principles for BiH and proposed the structure of the Assembly and government of BiH.<sup>8981</sup> The President decided to accept the Cutileiro Plan notwithstanding the fact that it contemplated BiH as an independent state, with cantons where ethnic minorities would remain, even though this was less than what the Bosnian Serb leadership had wished for, namely to remain in Yugoslavia.<sup>8982</sup>
- (#This is not correct#, although not criminal!!! Already on 21 December 91 the Serb Assembly listened to what the President proposed to the MPs as a new political platform for negotiations, and the main part of this new platform was this concept of the BiH as a confederation of the three constituent units. And that was a move of the good will of the Serbs in Bosnia to coexist in one state of BiH in a way nobody dominate. However, it was a #painful compromise and concession# from the Serb side, a minimum of the safeguards of security! The acceptance of the Cutileiro plan is the crown evidence that the Serbs didn’t have any plan alleged in the Indictment!)** In a conversation with Kuprešanin on 23 February 1992, the Accused expressed satisfaction with the recent international negotiations where the Cutileiro Plan was discussed, stating:

We achieved maximum success because we achieved that Bosnia cannot be a single state anymore and that it will be composed of three republics. In one paper they even called them states. [...] Our police on our territory. Our national guard on our territory. Our national guard, and we’re pushing further: our army on our territory, one that is placed under a single command in case of an

<sup>8978</sup> P942 (ECMM report re the BiH Assembly meeting held on 24–25 January 1992), p. 2; Colm Doyle, T. 2825–2826 (27 May 2010).

<sup>8979</sup> P5475 (Letter from SDS Executive Board to SDS Municipal and Regional Boards BiH, 19 February 1992).

<sup>8980</sup> See International Peace Negotiations Section, para. 14. The Chamber does not consider that Mandić’s assertion that this plan demonstrated that the Bosnian Serb leadership did not intend to exchange populations in BiH to have a basis. Momčilo Mandić, T. 4895 (8 July 2010).

<sup>8981</sup> See International Peace Negotiations Section, para. 14.

<sup>8982</sup> D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), paras. 39, 50. See also D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), paras. 55–56; Milorad Dodik, T. 36849–36850 (9 April 2013).

external enemy.<sup>8983</sup> **(#EXCULPATORY#!!! The EC and UN and USA recognised it as a just and honest plan, and that is how it was proposed in all the five peace plans, and how it had been adopted in the Dayton. Why the war was waged? Who needed this war? The local ethnic communities didn't! and the Serbs and the President do not bare any responsibility for this catastrophic development!)**

**2697.** On 25 February 1992, the Accused summarised the outcome of the talks at a session of the Bosnian Serb Assembly and stated that the Bosnian Serbs had agreed to the three main principles of the Cutileiro Plan which stated that BiH would (i) be an independent state, (ii) maintain its present borders; and (iii) consist of three constituent parts.<sup>8984</sup> However, when war broke out the option of an independent BiH with cantons was dropped.<sup>8985</sup> **(#Unacceptable distortion#! #Quite opposite#: first the "options of an independent BiH with cantons" i.e. the Lisbon Agreement and the Cutileiro Plan was abandoned by the Muslim side, and then the war broke out. Everyone knows that there wouldn't be any war if the Muslims didn't reject already agreed plan, see: D02981 Cutileiro's letter to the "Economist" and Cutileiro's testimony, D02981: "Letters" part of The Economist, on 9-15 December, 1995.**

In your article on Bosnia (November 25th), you say that in February 1992, before the war had started, Lord Carrington and I "drafted a constitution that would have turned the country into a confederation of Swiss-style cantons. The Muslims refused to accept what they considered to be the disintegration of Bosnia." Not quite.

After several rounds of talks our "principles for future constitutional arrangements for Bosnia and Hercegovina" were agreed by all three parties (Muslim, Serb and Croat) in Sarajevo on March 18th 1992 as the basis for future negotiations. These continued, maps and all, until the summer, when the Muslims reneged on the agreement. Had they not done so, the Bosnian question might have been settled earlier, with less loss of (mainly Muslim) life and land. To be fair, President Izetbegovic and his aides were encouraged to scupper that deal and to fight for a unitary Bosnian state by well-meaning outsiders who thought they knew better.

Jose Cutileiro,  
Secretary-General,  
Western European Union,  
Brussels

**(Certainly, the solution in the #Cutileiro plan was the bottom line concession# of the Serb side to accept Bosnia to secede from Yugoslavia. It was a "conditio sine qua non" any Bosnia with the Serbs out of Yugoslavia. Those who decided to achieve more through the war are widely responsible for all catastrophe that followed, and that were not the Serbs, not even the Bosnian Croats, but the Muslims and their international mentors. It was so natural that the previous peaceful solutions couldn't survive after the war broke out. The same was with the Serbian negotiating position, which had to be redefined, as in "6 strategic objectives" which were different before the war.**

**2698.** The Chamber recalls that the referendum on the question of SRBiH independence was held on 29 February and 1 March 1992 and resulted in a vote in favour of independence.<sup>8986</sup> **(#Criminal alteration of facts#!!! This is not right!!! Wrong inference, i.e. wrong finding! There was no even close to the required two third of the general list of voters. Further, even if they had the two third on the referendum (which was not the case), they were obliged to come back in the Assembly and get at least one MP above the two third of all representatives voting in favour of independence. So, this Tribunal, not only it's Prosecution, but some**

<sup>8983</sup> P5745 (Intercept of conversation between (i) Radovan Karadžić and an unidentified male; (ii) Radovan Karadžić and Vojo Kuprešanin, 23 February 1992), p. 3.

<sup>8984</sup> See para. 325; D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 11–12; P798 (Statement of Principles, Lisbon Agreement, 23 February 1992).

<sup>8985</sup> Vladislav Jovanović, T. 34300–34305 (26 February 2013); D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), paras. 38–39, 41.

<sup>8986</sup> See Adjudicated Fact 395; P5427 (Proclamation of the SDS Executive Board, undated); P5530 (Proclamation of the SDS Executive Board, 20 February 1992), p. 3.

**Chambers too, participates in the huge lie and forgery of the results in BH crisis! #This all looked like a lynch, so hasty and irregular, that nobody verified the result! But, anyway, after this referendum there was agreed the Lisbon Agreement and the Cutileiro's plan, on 18 March!)**

**2699. (How come, the Chamber #neglected the most dramatic development#, the killing at the Serb wedding ceremony on 1 March 92?)** In February 1992, Jovanović spoke with the Accused and Koljević about the Cutileiro Plan; they discussed internal borders in BiH and the establishment of cantonal units in BiH based on ethnic principles.<sup>8987</sup> Jovanović explained to the Accused that his priorities should be to synchronise the negotiations in order to provide the maximum protections for the Serbian people and to form cantons which were both economically and geographically sustainable.<sup>8988</sup> **(#What is wrong with that#? What would do the Prosecution without these illegally obtained intercepts? What is wrong with Mr. Jovanovic advises?)** Jovanović warned the Accused that Europe could ask for a commitment towards an independent BiH, and told the Accused not to mention state borders.<sup>8989</sup> The President spoke about having three entities in BiH as a confederation “based on the national territories where national communities make a majority and they have their organs plus common organs”.<sup>8990</sup> **(#All legal, peaceful, democratic and already negotiated and agreed in the Hague during the 1991# sessions of the Conference on Yugoslavia. Does this Tribunal deny this heritage of the EC – UN activity on the Yugoslav crisis in the ICFY in 1991?)** Jovanović spoke with Koljević about maintaining the right to self-determination and to independently organise or integrate with “the mother country” but that in negotiations they did not have to mention directly integration with the mother countries.<sup>8991</sup> **(Totally irrelevant! It was #discussion about what already been agreed upon with Cutilleiro.# The “integration” with the “mother countries” was codified in the Dayton agreement as a “special parallel ties”).**

**2700.** In February 1992, the Accused in meetings with international representatives expressed his view that the request of BiH for independence was a “very irresponsible move” and he had a tough time keeping Serbs quiet and that he was worried about deaths and disaster.<sup>8992</sup> **(#EXCULPATORY!!!! The President was not the only one who said that the offering Bosnia to request the independence was very irresponsible. Almost all of the contemporary politicians said so. Peres de Cuellar said so, Cyrus Vance said so, Pinheiro said that Bosnia could only have been a tripartite, Lord Carrington said it was premature, and many, many others. Lord Owen said that the Serbs had a very founded reasons to fear from the new authorities established after the 1990. elections.@@@ to paste!)** He also stated that it was very hard to disarm the people in BiH because individuals held 500,000 weapons.<sup>8993</sup> **( The Chamber should already have known that the Tito's #Doctrine of the armed people# and a very developed net of the Territorial defence organisations obtained an enormous number of weaponry, aimed to be used in a defence against the Warshow pact. What is the crime in this opinion of the President? Wasn't it also an anti-war attitude? This was another warning of the President that a war had to be avoided!)** He emphasised that any moves towards the independence of BiH would imply a very cruel war.<sup>8994</sup> **(This is yet another #irregularity,**

<sup>8987</sup> D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 49.

<sup>8988</sup> D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 49; P5750 (Intercept of conversation between Radovan Karadžić, Nikola Koljević, and Vladislav Jovanović, 12 February 1992), pp. 3–4.

<sup>8989</sup> P5750 (Intercept of conversation between Radovan Karadžić, Nikola Koljević, and Vladislav Jovanović, 12 February 1992), p. 6.

<sup>8990</sup> P5750 (Intercept of conversation between Radovan Karadžić, Nikola Koljević, and Vladislav Jovanović, 12 February 1992), pp. 4–5. *See also* D2149 (Aide mémoire of Manojlo Milovanović), p. 9; P5063 (Video footage depicting interview of Radovan Karadžić on “Ask the President”, undated, with transcript), p. 4; P3119 (Minutes of meeting of the Club of Deputies from the SDS and SPO, 23 January 1992), p. 1.

<sup>8991</sup> P5750 (Intercept of conversation between Radovan Karadžić, Nikola Koljević, and Vladislav Jovanović, 12 February 1992), p. 22.

<sup>8992</sup> P778 (Fifth notebook of Herbert Okun's Vance Mission Diary), e-court p. 41.

<sup>8993</sup> P778 (Fifth notebook of Herbert Okun's Vance Mission Diary), e-court p. 41.

<sup>8994</sup> KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6749–6750 (under seal).

unfairness and unacceptable error#. The Chamber is relying on a conversation interpreted in another process, in which nobody represented the interests of this President. The interpreter of this conversation is from an organisation that should never be a witness, nor speak on this subject which is #out of his scope#. Beside it, the Chamber knows very well that to the time it was widely known that the Serb position was not that there can be any independence of Bosnia, and that the Serbs accepted a possibility of the independence of a transformed Bosnia. The same witness testified in this case, why the Chamber needed something that happened out of the presence of the President?) The Accused was described by international representatives as “very radical” and they observed that it was important that the Accused’s “illusions” were overcome.<sup>8995</sup> International representatives also identified that negotiations with the Accused, Koljević, and Krajišnik were the most difficult.<sup>8996</sup> (#What a mockery#! The international representatives were not qualified to judge personalities of the Serb representatives, particularly not to offer their “psychological expertise” to a court. They were there not even to negotiate, but only to mediate between the sides to the talks (later conflict). This is #insolent and brutal#, and arrogant to judge what are “illusions”, and it would rather be a reason for the Chamber to dismiss this testimony, than to pay a credit to it. The negotiating process has its dynamics and axioms. If the President was a very permissive, then his opponents on the Muslim-Croat side would estimate that the Serb side is weak and should be pressed more. And what is that anyone’s business how the Serbs negotiated? The Chamber should neglect that kind of opinions of the people who hoped to be more successful on the Serb weakness. This is going to be remembered as many other pearls of a distorted justice. The international community imposed the war on the Serbs, then negotiated on behalf of the Serb enemies, and then characterized the Serbs from the standpoint of the interests of the Serb adversaries. Finally, the final solution, The Dayton Agreement, was what the President indicated as the last Serb concession, and it is the best proof that he wasn’t radical!)

**THERE IS NO MORE FLAGRANT EVIDENCE THAT ALL THIS AFFAIRE IS #PURE POLITICAL MANIPULATION#. THE INTERNATIONAL MEDIATORS, WHO CAUSED AND CONTRIBUTED A GREAT DEAL TO THE VIOLENT AND UNLAWFUL DESTRUCTION OF YUGOSLAVIA WERE NOT SATISFIED THAT THE SERBS HAD THEIR LEGITIMATE RIGHTS AND REPRESENTATIVES WHO PRESENTED IT....**

2701. The Accused also told international observers that Bosnian Serbs would not fight after the map of BiH was decided.<sup>8997</sup> (The #bay-pas opinions of a rare and “from time to time” interlocutors are abused# by the Chamber. It was never said that the President would not fight after the map of BH be decided. It was an assessment of the President that once the provinces, the constituent units are agreed, nobody would fight. This was within the President’s opinion that not too many people wanted to remain in an area which could have changed the “owner”, i.e. to belong to another ethnic community. ALSO, IF THE TERRITORIES HAD BEEN ALLOCATED DEFINITELY, NOBODY WOULD FIGHT ANY LONGER, BECAUSE THERE WOULD NOT BE ANY REASON. ) At an SDS

<sup>8995</sup> P779 (Sixth notebook of Herbert Okun’s Vance Mission Diary), e-court p. 24. Skoko stated that the Accused always looked for reasons to accept international peace plans and to make concessions during negotiations with respect to other ethnicities. D3321 (Witness statement of Milorad Skoko dated 1 April 2013), para. 30. The Chamber noted that Skoko’s testimony was marked by multiple contradictions, evasiveness and indicators of partiality and bias and therefore does not find his evidence to be reliable in this regard. **How the Chamber was biased, it is clear from this footnote. It is well known that this accused accepted four out of five offered peace plans. And where is here Mr. Skoko unreliable/ why do the Chamber needed Mr. Skoko for this issue?**

<sup>8996</sup> P779 (Sixth notebook of Herbert Okun’s Vance Mission Diary), e-court p. 56.

<sup>8997</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4177–4178. Okun’s assessment was that this meant that the Bosnian Serbs would stop fighting only when they acquired the territory they wanted.



Deputies' Club meeting on 28 February 1992, the President spoke about a confederal BiH with an "integral Serbian Bosnia and Herzegovina within it".<sup>8998</sup> At this meeting the President also said:

Bosnia and Herzegovina will remain in Yugoslavia until we say it has left Yugoslavia. If Bosnia and Herzegovina is to leave Yugoslavia, then only three Bosnia and Herzegovinas will leave Yugoslavia. As Mr Krajišnik says, Muslims who used to be a religious sect, and have recently been given the status of a people, that's what I say, should now get their independence. For what? [...] If they want independence, then we want independence too!<sup>8999</sup> **(#WRONG INFERENCE, i.e. suggestion#. This clearly shows that the Serb side accepted Bosnia to secede provided there is another internal organisation of BiH. This is based on the #Serb right to veto# any constitutional matters for which was required the consensus of all the three sides. From this speech it is clear that the Serbs made a concession, i.e. Bosnia may become an independent state if transformed. Is this Tribunal advocating a violation of the constitutions of some countries? What is wrong, or criminal in these President's sentences? None!)**

2702. The Chamber recalls that the Cutileiro Plan was further refined through a Statement of Principles which was agreed upon by the parties to the conflict on 18 March 1992.<sup>9000</sup> The Statement of Principles stated that BiH would be one state "composed of three constituent units, based on national principles and taking into account economic, geographic, and other criteria".<sup>9001</sup> The Statement of Principles also provided for a working group to be established to define the territory of the constituent units.<sup>9002</sup> Bosnian Serb negotiators reported back to the Bosnian Serb Assembly regarding this plan and noted that it aimed at a division of BiH into three constituent units based not only on nationality, but also on economic and geographic considerations and would be marked as a "basis for further negotiations".<sup>9003</sup> **(A "further negotiations" pertained to the maps only, because the constitutional principles had been agreed! For the reason and fact that the constituent units were to be defined according to some other than ethnic criteria, it was clear that there would be a minorities in every of those constituent units. There wouldn't be possible any "ethnic cleansing" had the Muslim side remained faithful to the Cutileiro plan! Therefore, it would be wrong to infer that the Serbs wanted to have an ethnically pure state.)**

2703. In April 1992, the Accused in a meeting with international representatives agreed that all sides would lose if there was a conflict and complained about propaganda against the Serbs.<sup>9004</sup> **(#EXCULPATORY#!!!)** He also said that they founded the TO because many troops were out of control.<sup>9005</sup> **(#JNA perion#! The Chamber should have already known for a more convincing and original documents pertaining to the TO. The Muslim side had fired Gen. Vukosavljevic (a Serb) from the post of the Commander of common TO on 6 April, and the Serbs formed their own TO on 16 or 18 April. No matter when, it was a legal obligation, since even if not formed on the central level, the TO units existed and had to exist in every municipality, local commune, bigger company. The international representatives, Colm Doyle in particular, was aware that in April 1992 there were present the JNA and some armed groups backed by the JNA, which is a proof that the President didn't have any unit under his control, see P941, p.**

<sup>8998</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), pp. 33–34. Mandić testified that originally all three sides agreed that there should be three entities in BiH but the Croats and Muslims failed to adhere to this agreement. Momčilo Mandić, T. 5001 (13 July 2010).

<sup>8999</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 4.

<sup>9000</sup> See para. 326.

<sup>9001</sup> See para. 326.

<sup>9002</sup> See para. 326.

<sup>9003</sup> See para. 327.

<sup>9004</sup> P780 (Seventh notebook of Herbert Okun's Vance Mission Diary), e-court p. 36.

<sup>9005</sup> P780 (Seventh notebook of Herbert Okun's Vance Mission Diary), e-court p. 36.

escalation of fighting around Sarajevo. Dr Karadzic said that the Muslims were responsible for the escalation. The Serbian forces had permission to fight back only in order to defend themselves. The Muslims regularly shelled their own people. They could have been responsible for the heavy shelling of Sarajevo on 24-25 August. Commandant Doyle said that the Serbian paramilitaries, backed by the JNA, had started the fighting by shelling the old town of Sarajevo in April. The Muslims might be responsible for some provocations. But the Serbs had much to live down. Inflammatory statements by Serbs...

2 So, none of firing in April 1992, right to 20 May and further in June 92, the President didn't have any influence on the units capable of firing, particularly big calibre weapons! But, the Prosecution-Chamber alliance unjustifiably #coined a new name "Serb Forces"# that comprise every single Serb, regardless the local laws, and the President's announcement that the #RS disowned all paramilitaries#! Koljević at this meeting said that he and the Accused had agreed that they should divide Sarajevo.<sup>9006</sup> (That happens always when a #short hand written notes are used as evidence#, because it misses the crucial part for a proper understanding. The Chamber has enough evidence what kind of "division" of Sarajevo Koljevic meant: it was well known that the Serbs proposed that #BH be organised like Switzerland and Sarajevo like the Brussels#, i.e. that the ethnic communities have their own municipalities, administratively delineated, like in the Brussels. The same model had been proposed for all the municipalities in BiH, in order to facilitate a peaceful co-existence. See the same document P941, p.1:

for full political autonomy. Dr Karadzic said that the precise amount of land that may be returned had not been decided. But the total would be substantial. As far as Sarajevo was concerned, he favoured using the administration of Brussels as a model. The Serbian municipalities would be part of the Serbian constituent unit. Secretary Vance asked how this apparent will

So, how a book of notes of Mr. Okun, which he recognised had been composed of #arbitrarily taken notes amalgamated with his thoughts#, opinions and assumptions, could have any #priority over the official UN report# such as P941#? This way, this kind of selectiveness secures a total victory of the Prosecutor, and failure of defense. If there is the most relevant UN document in favour of the Defence, then the Chamber will undermine this document and accept a completely #subjective, private opinion of some note-taker, who never reported what he testified#! From this evidence it was clear that there was no any idea of "division" of Sarajevo, because neither the Brussels is divided, but only administratively organized according to the needs of the two ethnicities. To #neglect such a first class evidence and replace it with a "hear-say" evidence, or jokes on an unofficial interlocutors# – that is an insult of the United Nation, of Justice, of the President. #This must not happen ever#!) During a discussion with international observers in September 1992, the Accused proposed constructing a wall in Sarajevo to separate the Serb controlled areas and the Muslim controlled areas.<sup>9007</sup> (#Observers never reported it!# Aernout van Linden is a shameless liar and a person without integrity. He pretended as if he was broadcasting a live bombardment of Sarajevo, while it was too far from being true. Why those international observers didn't report to their central about this alleged proposal, this would be a big issue and would be repeated endlessly. Nobody ever reported this kind of the President's meditation, let alone proposal. The only proposal of the Serb side was that Bosnia be transformed to be as a South Switzerland, and Sarajevo to be as the Brussels. And this official attitude of the Serb side is well documented in all the official documents, while some "hear-say" guessing shouldn't be superior to the official documents!)

<sup>9006</sup> P780 (Seventh notebook of Herbert Okun's Vance Mission Diary), e-court p. 36.

<sup>9007</sup> Aernout van Lynden, T. 2563-2564 (20 May 2010).

2704. Krajišnik wrote to Cutileiro on 3 April 1992, suggesting a continuation of negotiations based on the Statement of Principles.<sup>9008</sup> In June 1992, Izetbegović withdrew his agreement to the Cutileiro Plan.<sup>9009</sup> **(#This is not correct#. The Muslim side withdrew their consent to the Cutileiro plan on 25 March, and in June 92 they abandoned the Lisbon Conference. Why it is important to be accurate about the date: the Agreement was accepted on 18 March. All jubilated, and particularly the Muslims expressed their happiness, and predicted that the Serbs will deceive the EC and give up the Agreement. However, the Muslims reneged on the Agreement on 25 March, explaining that their acceptance was just a #maneuver to gain a time# and deceive the Serbs. The next day, 25 March there had been killing of the two innocent Serbs in Bosanski Brod, and the day after, 26 March there was a massacre of the Serb civilians in the Sijekovac village! What is right was that the international mediators gave up the Agreement in late June 92! From that moment on there was a preparation for the Vance-Owen plan that stepped on power in August 1992!)** By July 1992, Izetbegović stated that he could not agree to certain elements of the Statement of Principles.<sup>9010</sup> **(#This is also false#. It is widely known that Mr. Izetbegovic was persuaded by the US Ambassador Zimmerman to leave the agreement and go for the whole BiH. But, before this statement of Izetbegovic, on 20 June the rump Presidency of BiH declared the war against the TO of the Serbian Autonomous Regions, against Yugoslavia and JNA. And nobody in the Tribunal does pay any attention to this notorious fact, the crucial for the development of events!)** The Accused stated that while he continued to agree with the Statement of Principles, the proposal of BiH being a unitary state was not satisfactory.<sup>9011</sup> **(#Exactly, the Principles envisaged a tripartite Bosnia#! Was that a crime? Exactly because a unitary Bosnia was not acceptable to the Christian majority (the Serbs and Croats equally) the Statement of Principles had been accepted. What was unacceptable, was the deception by the Muslim side, to negotiate falsely and buy some time to prepare a war!)**

2705. The Chamber recalls that during a meeting in September 1992, the President and Koljević stated that the Bosnian Serbs and the Bosnian Croats would not accept a unitary BiH state; a state based on one-man, one-vote.<sup>9012</sup> **(The Chamber should have known that this accord of the Christian majority in BiH (i.e. the Serbs and Croats) existed always, and at least since 6 May 92, when Boban and Karadzic met in Graz in Austria. So, the Bosnian Croats were in accord with the Muslims pertaining to the secession from Yugoslavia, but at the same time the Croats had been in accord with the Serbs about the internal structure of BiH.)** Koljević also stated that the Bosnian Serbs would not accept the internal borders of BiH without some form of cantonisation.<sup>9013</sup> At international negotiations, the President also expressed the Bosnian Serb position that while they wanted a political resolution they would not abandon their sovereignty or accept a unitarian state or a “loss of national status on our land”.<sup>9014</sup> The Accused also called for three units for the three constituent peoples in BiH and emphasised the security of the Serb people who he presented as the “principal victims”.<sup>9015</sup> **(Those are all #legitimate political positions and subjects of the negotiations#, and it can not be used against the President as a proof of his guilt. Wrong inference! The Chamber is #criminalizing the entire political life of the Serb community# in BiH. The Serb side didn’t demand anything new, but only defended the *status quo* and constitutional order, and demanded that any change in it be done in accordance with the Constitution itself. It is unusual and not understandable why the**

<sup>9008</sup> See para. 328.

<sup>9009</sup> See para. 333.

<sup>9010</sup> See para. 340.

<sup>9011</sup> See para. 340.

<sup>9012</sup> See para. 357.

<sup>9013</sup> See para. 357.

<sup>9014</sup> P789 (Sixth notebook of Herbert Okun’s ICFY diary), e-court p. 9. See also P791 (Eighth notebook of Herbert Okun’s ICFY diary), e-court pp. 38–39.

<sup>9015</sup> P789 (Sixth notebook of Herbert Okun’s ICFY diary), e-court p. 45; P790 (Seventh notebook of Herbert Okun’s ICFY diary), e-court pp. 10–11.

**Chamber is criminalising the Serbian legitimate political position that had been immediately recognised by the United Nations and the European Community, and built in all the agreements mediated by the international mediators?!? It is even more peculiar, since these proposals were aimed to secure the secession of BiH without a war!)**

2706. At first the President expressed that he wanted to be loyal to Yugoslavia and for the Bosnian Serbs to stay in this joint state.<sup>9016</sup> When the situation deteriorated and it became clear that BiH would not remain in Yugoslavia, the President adapted this goal.<sup>9017</sup>

**(#EXCULPATORY#! The Serbs in Bosnia had every right to stay in Yugoslavia, no matter the Muslims and Croats stayed or not. In the Yugoslav Constitution it was provided that the “peoples” i.e. nations that constitute Yugoslav federation, are sovereign, and have the right for selfdetermination. Not Republics, but peoples! But, the President advised tho his constituency to redefine this position, only to avoid a war! That was the most painful concession, and it was not easy to the President to persuade the people to support Bosnia and Herzegovina as an independent state out of Yugoslavia. The minimal condition was that this independent Bosnia be decentralised, so that all the three ethnic communities could secure their equality and freedom! Was it the President’s crime too? Shouldn’t he be awarded for this flexibility, instead of being indicted?)**

In October 1992, Plavšić stated that the “establishment of a Muslim state without observing the interests of the Serbian people verges on insanity” and that Izetbegović had walked into that situation and “the consequences are now obvious”.<sup>9018</sup>

**(Ms. Plavsic was polite saying that! It was perfectly clear that Mr. Izetbegovic was a fundamentalist from his early youth. And he was #devoted to creation of an Islamic state# “once the Muslims become strong enough to ruin the existing system and to build up another, the Islamic one (The Islamic Declaration!) For the activities towards the realisation of this exclusive and racist idea he was convicted at least twice. However, the Serbs didn’t fear that he may introduce the Islamic regime in one of the Yugoslav republics, but when it came to an independence, it was obvious that he was going to do that. It wasn’t only the Serbs who suspected Mr. Izetbegovic for that, there were many European oriented Muslims too. The President had shown to the Chamber that the Serbs made many concessions, and the most painful was the one to leave Yugoslavia PROVIDED they get their constituent unit within such a transformed BiH. Full stop. All rightfull and legal. And the recent developments, from the Middle East to Madrid, Brussels and the whole Europe give the Serbs the bitter right!)**

## 1. Conclusion

2707. The Chamber finds that the President’s speech to the SRBiH Assembly in October 1991 in which he spoke about a “highway of hell” clearly shows the President’s consistent opposition to the proposed independence of BiH. **(#Opposition to illegal independence was a democratic right, not a crime#! First of all, an opposition to the proposed independence, as a legal and legitimate political position can not be a crime, except in a Nazi dictatorship regime! Particularly since the Federal and Bosnian Constitutions provided that for such a huge change required a consensus of all the republics, and in Bosnia of the three ethnicities. Second, this was spoken on behalf of the entire Serbian community in BiH, and it wasn’t a**

<sup>9016</sup> Vladislav Jovanović, T. 34268–34269 (26 February 2013). See also Milorad Dodik, T. 36845 (9 April 2013); D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 8, 15. The Chamber does not rely on Bulatović’s general opinion that everything that the Bosnian Serbs did was in response to acts and threats by Bosnian Muslims.

<sup>9017</sup> Vladislav Jovanović, T. 34269 (26 February 2013); D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 16. See also P1349 (Transcript of 6<sup>th</sup> session of SerBiH Assembly, 26 January 1992), p. 8.

<sup>9018</sup> P1360 (Transcript from Joint session (21<sup>st</sup> session) of RS Assembly and Assembly of Serbian Krajina, 31 October 1992), pp. 9–10.



private opinion. The President could have accepted this “independence” but within hours the Serb people would reject it in a riots and a very chaotic way. At the very same session the President said exactly that – the SDS is not creating the policy of the Serbian people, it is only presenting it. But, there were many statesmen all over the Europe who predicted the same as did this President, and prior than he did it. Anyway, being it a private or national standpoint, this was a legitimate political position based on the Constitution and laws. After all, nobody had any right to make such a vital changes contrary to the Constitution. If the constitutions do not matter, then it should be said publicly, but until that, it stays a legal practice, and violation of it have consequences! ) While the President in the speech stated that he was not threatening the Bosnian Muslims, the Chamber finds that on the contrary, the speech contained very specific threats about what would happen if the Bosnian Muslims continued to pursue the path of independence and ignored the will of the Bosnian Serbs. (#Warnings, not threat# Wrong “finding! It was not as simple as “ignoring the will of the Bosnian Serbs”, it was a #violation of the Serb vital rights# and interests consistent with their survival. The President expressed a mere prediction, and the Chamber erred in substance, #neglecting the right semantics#. The President was always advocating against a war, and persuaded his Serb community to give many concessions in order to avoid a war. The Muslims would suffer even more, because as the President predicted, at one moment they waged three wars: one against the Serbs, another against the Croats and the third one against the pro-European Muslims. The West didn’t help those pro-European Muslims, but helped the fundamentalists a lot. At the same time, the Serbs didn’t want to defeat them, otherwise there would be many more casualties!) The Chamber finds that the President was clearly threatening war if the Bosnian Serb interests were ignored, and he also envisaged that such a war would be “hell” and that the Bosnian Muslims would be unable to defend themselves in such a scenario. (The President #didn’t have anything to threaten with#, because there was the Federal state and Federal army. The President didn’t persuade Muslims and Croats to go towards the war to be annihilated, but quite contrary, not to go towards the war. And the events confirmed that the President was right: the Muslims waged the war on the three sides: against the Serbs, Croats and the Abdic Muslims. Hadn’t the Serbs being so restrained, and hadn’t the Western allies supported the Muslims, they would be in a very bad position. The President said many times that his main worry is to obtain the possibility for a kind of peaceful life after the war. And this possibility is still too far. And all of that was the #Muslim choice#!)

2708. The Chamber also finds that these warnings by the President were not just an isolated aberration. (Now, the #Chamber accepts that it was about “warnings”# - not threats, but “found” it as an aberration!) The Chamber finds, by reference to multiple intercepted conversations in September and October 1991, that the President discussed how he would warn the Bosnian Muslims that if they persisted with their policies relating to the independence of BiH, this course of action would lead to extreme bloodshed, annihilation and the disappearance or extinction of the Bosnian Muslims. These conversations, in addition to speeches made by the Accused in 1991, underscore that the Accused intended to threaten the Bosnian Muslims against pursuing independence for BiH and that he was fully aware that a potential conflict would be extremely violent and result in thousands of deaths, the destruction of property, and the displacement of people and that it would be particularly devastating for the Bosnian Muslim population. (#A completely wrong inference#! 1. Had president Karad`i} wanted the Muslims to suffer, to be devastated, he wouldn’t warn them, and not dissuade them from this kind of policy. On the contrary, he would be happy, as any Muslim enemy was happy when they have chosen a war;

2. Talking to somebody else his own predictions and expectations of a future events IS NOT A THREAT, because a threat could be only if it is directed right to the subject of threat, with a conditions and consequences if not accepted!

3. President Karad`i} didn't have anything, any power and device to threaten the Muslims, since there was a Federal state, federal Army (JNA) and Constitution!

4. This is not right that Karad`i} was totally denying the Muslim?Croat intentions to secede from Yugoslavia, and the Chamber doesn't have any right to skip the essence – that the Serbs didn't want to be taken out of Yugoslavia and turned into a status of ethnic minority, against their will. The last Serb, the most painful concession was to accept the secession, provided the Bosnia got decentralised!)

. Any reasonable chamber would see that it was not something that the President wanted, or something that he could have caused or exercised, but that it was something that he feared of. There is the sufficient evidence that the #President only predicted a catastrophic course of events#, on the basis of the centuries long experience of the antagonisms, and on the basis of an insight in the state of minds, as well as on the basis of experience from Croatia.

The President made many efforts to DISSUADE, not to PERSUADE the Muslims to go towards an independence and to risk a bloody war. It must be brought back to our attention and to our consideration that the Muslims didn't have a legal possibility for an independence of the entire BiH. Here is the first class evidence that Karadzic didn't threat and didn't want a war – between the times of those speeches and the beginning of the war, the President persuaded his community to give so many concessions just to avoid such a dark scenario. So, in spit of the assertion that “the President” was against the independence of BiH, the independence was accepted by the Serb community under a minimal conditions, a minimal safeguards of the rights. This fact absolutely makes all allegations about the threats and violence vain.

Exactly because he “*was fully aware that a potential conflict would be extremely violent and result in thousands of deaths, the destruction of property, and the displacement of people and that it would be particularly devastating for the Bosnian Muslim population,*” he fought to the last moment to avoid the war under any cost, see D01833. Instead of being awarded and prized for those peacefull efforts, everything is put upside-down.)

2709. The Chamber finds that the declaration of sovereignty by the SRBiH Assembly in the absence of the Bosnian Serb delegates on 15 October 1991, escalated the situation. The Bosnian Serb leadership made it clear once again that they would not accept a sovereign BiH and issued an ultimatum for the revocation of this declaration. However, it is clear from the conversation on 24 October 1991 between the President and Slobodan Milošević that the President did not expect the Bosnian Muslims to abolish the decisions they had taken with respect to the sovereignty of BiH. (It can not be ignored or forgotten that the #Declaration was an illegal and unconstitutional act#, and the Serb Ultimatum was calling for the return to the legality. Is the Chamber of an opinion that the Serbs had to accept any unlawful decision??? And the “situation didn't escalate” because of the absence of the Serb delegates, but because it was an illegal session and an illegal decision. Does the Chamber respect the domestic constitutions and domestic laws? Is the UN backing this kind of justice?)

2710. The conversation with Milošević in October 1991 is also instructive as it shows that the President envisaged responding in such a way that the Bosnian Serbs would establish full authority in Bosnian Serb territories, create a *de facto* situation to ensure that the Bosnian Serbs would never

live in the same state as the Bosnian Muslims, and create their own parallel and separate institutions and structures. It is also clear from this conversation that Slobodan Milošević was attempting to take a more cautious approach while the President was adamant that their goal was to ensure that they would establish full authority in their territories, which would mean that Izetbegović would not have control of 65% of BiH, and that they would announce their own Bosnian Serb Assembly. **(Is the Chamber of an opinion that the #illegal and anti-constitutional acts had to be accepted by the Serbs#? Even then, while still in Yugoslavia, with the protection of the Federal Constitution and Federal laws? Beside that, this is an evidence that the Serbs had been sovereign on the 65% of the territory of BiH, and thus the assertions of the OTP, and “finding” of the Chamber that the Serbs “grabbed” 65% of the Bosnian territory are not correct. One of the myths in this court is so called “take-over” of municipalities, but it never happened that the Serbs took over any municipality, or a part of municipality in which they hadn’t been majority.**

**(This was the #Serb right, to defend their basic freedom and not to accept a hostile Islamic fundamentalist regime established illegally#. In some of the judgements it was found legal to establish another order once the old one collapses. When a sovereignty breaks apart, the autonomous constituent elements are entitled to maintain an order in accordance with the law, and to self-organize!)**

**2711.** The Chamber also finds that while Milošević expressed reservations about excluding Bosnian Muslims, the Accused was adamant that there were not even 10% of Bosnian Muslims who supported Yugoslavia and that they could not take such a risk. **(#To exclude the Muslims, from where#? From the fights in favour of Yugoslavia! Karadžić moderated his objectives only to preserve the Serbs in BiH interests and survival. He realised that a small Serb community in BiH can not save Yugoslavia! Therefore, this is a part of wrong inferences, either because of the Chamber’s ignorance of the Constitution and the domestic laws, or because of an intention to promote a dis-respect of the Yugoslav and BiH, as well as the international basic documents. Nothing can justify such a violation of the constitutional rights of one of the communities in BiH. Beside, this is not correctly presented. President Milosevic was interested not in a solution for the Bosnian Serbs, but for the preservation of Yugoslavia, and counted on the Bosnian Serbs and some Bosnian Muslims to achieve some majority in favour of Yugoslavia. That was a very wrong calculation, because those who demanded some changes needed a two third majority votes, and in that case it would be “pro-Yugoslavs”. However, those who wanted to secede needed those 2/3 majority, while those who were for preservation of the common state needed only one vote above the 1/3 of the votes. The Defense is fighting against wind-mills! )** The Accuse also spoke clearly about steps Bosnian Serbs would take to establish authority and control over territories which they claimed and that the Bosnian Serbs would be moving towards mobilisation. **(Wrong inference! #This kind of mixing facts and manipulation must be forbidden forever!# The control over owns territories was a constitutional and legal obligation, and a defense necessity, exclusively political matter. The issue of mobilisation didn’t have anything to do with any other armed formation except the JNA, which was in the war against the Croatian secessionists!)** The Chamber finds that this demonstrates that the President from October 1991 vehemently opposed the independence of BiH and planned on taking over Bosnian Serb claimed territory. **(Wrong inference! #Not to take-over, but to protect and defend#! There was no any plan or even any need to “take over” the Bosnian Serb claimed territories, but there was a need to protect the Bosnian Serb majority territories from an imposition of a hostile regime! Is this UN Court of an opinion that the #Constitution doesn’t matter#? Everything what the Tribunal exercised towards the President implies that the legality doesn’t matter! (How it is possible that the Chamber have forgotten and neglected so impressive circumstances:**

1. in Croatia there was the war going on;
2. the Muslim side made a formidable military preparations: a) 30. March 1991, the Muslim participants in the Presidency and Government decided to form a secret Army; See: @ b) On 30 April 1991 the Patriotic league started to exist, and the members are counted their term in the PL from this date; 10 June 1991 the Committee for defence of the Muslims, with the Chairmen of the Presidency Izetbegovic was elected as a president. c) The Patriotic league had its political and military headquarters, and nine regional and 98 municipal headquarters and units, BUT THE CHAMBER NOTICED ONLY THE SERBS ANNOUNCING THAT THEY MIGHT MOBILIZE.
3. See: D00298, The secret Musalim Army, called the Patriotic league already in September 1991 had organized, as follows:

Immediately after involving myself in preparations for the defence of R BH /Republic of Bosnia and Herzegovina/, in September 1991, together with the late Safet HADŽIĆ, who was appointed president of the crisis staff of the Sarajevo region, and with the help of Mirsad ČAUŠEVIĆ, now in the MIP /Ministry of the Interior/ and Senad MAŠOVIĆ, now at the command of the Third Corps, I drew up a proposal for organising the Patriotic League for the Sarajevo area, organised the regional staff of the Patriotic League and a plan for the defence of the Sarajevo area.

On the occasion of a meeting with President Alija IZETBEGOVIĆ in Hrasnica, when I informed him of what had been done up to then and proposed a way of organising the Muslim people and other citizens of the Republic of Bosnia and Herzegovina, and a strategy for the defence of the Republic of Bosnia and Herzegovina, he accepted and approved them.

After that I set about realising the plan that had been accepted and organising the Main Staff of the Patriotic League of the Republic of Bosnia and Herzegovina, nine regional military staffs, 98 municipal military staffs of the Pl. /Patriotic League/ and a large number of manoeuvre, area and logistic units.

**The Muslim side had already over a hundred of thousands of soldiers, former JNA reservists, mobilized in the Patriotic league and the Green Berets. Every community that would find itself in such a circumstances is entitled to take a #precautionary and preventive measures#. This is provided in our All-peoples Defence law, but what is the most important, it is deep in the recent memories of the fratricidal wars among the South Slaves. At least half of these 98 municipalities the Serbs were a majority, and in all others a substantively contributed in the general population. Everyone can imagine how the Serbs felt seeing these secret preparations for a war against them!)**

This conversation also demonstrates that the Accused envisaged a separation of the Bosnian Serbs from non-Serbs in BiH and that war in BiH would result in "population homogenisation". ". **(Is an # "envisaging" of the course of events a crime#, or a matter of inteligencia and political experience? What would be a responsible politician expected to do when seeing what may happen? To remain silent, or to speak up and warn everyone that the course of events is dangerous?)** The Chamber also finds that the Accused supported the creation of ethnically based entities in BiH. **(#Is this a crime? Tell it to the Belgian people! Or Bavarians, or Scottish people#!)** The Accused also encouraged the identification of Serb areas which would be to the exclusion of Bosnian Muslims. **(#A "state separation#! Not only a wrong inference, but also a forgery! The Chamber is altering what the President said at the Serb Assembly session on 12 May 92: a state separation with the Muslims and Croats, not personal, or ethnic separation.**



**A STATE SEPARATION, see P00956, on the first strategic objective:**

The Serbian side in Bosnia and Herzegovina, the Presidency, the Government, the Council for National Security, which we have set up, have formulated the strategic priorities, that is to say, the strategic goals for the Serbian people. The first such goal is separation from the other two ethnic communities - separation of states.

**(#All the Yugoslav republics wanted a secession on an ethnical basis!#Why the Chamber do not specify what would be to the exclusion of Bosnian Muslims. But, for the ethnically based entities, it has to be said that the entire Yugoslav crisis was about ethnically based entities. The Slovenians wanted to separate from Yugoslavia not because the rest of Yugoslavs had a dark eyes, or were taller than the Slovenians, but because the rest of the Yugoslavs were not Slovenians. So was with Macedonians, Croats. The destruction and dissolution of Yugoslavia was caused by the different ethnicities of the population in the different republics, which wanted to be alone on their own ethnic territories. The only Yugoslav republic that didn't have a clear precondition to claim for the independence was BiH, and it was established in the Badinter's Commission (see: opinion No. 4) the whole crisis was to secure that one ethnicity didn't dominate over another. And this Tribunal is implying that the Serbs should be obedient and accept the dictate. There must be something very wrong in the very foundation of such a court, which disables it to recognize what is right and what is wrong, or what is lawful and what is not! #Tribunal can not differentiate right from wrong#!)**

2712. The Accused's conversation with Krajišnik in January 1992 also demonstrates the Accused's continuing anger with respect to the proposed independence of BiH. **(#Not anger, but responsibility#! This was not a matter of "anger" but of a responsibility for the people who voted for the SDS, to represent their interests. The independence could not be decided without the consent of all the three constituent peoples (ethnic communities)** In this regard the President said that he would not be calming the Bosnian Serb people any further and that he would "release [their] tigers and let them do their job". The President also spoke about the non-negotiable character of the Bosnian Serb objectives and his position that they would not allow anything to stop them. **(To stop them to preserve the basic and the most vital interests of the Serbian people that he represented from an unlawful jeopardy! What is wrong with that? This was a duty, and couldn't be waved off!)** The Chamber finds that the President's position was that the Bosnian Serbs would not allow BiH to secede from Yugoslavia, and if BiH insisted on independence so would the Bosnian Serbs. **(Exactly, reciprocity. There was no any Bosnia without the Serb community, as an equal component with the two other communities! The Serb position was legally stronger than the Muslim one, because they were seceding from the internationally recognized state, on an un-lawful manner, while the Serbs were conservative, trying to preserve the country that existed 70 years. Just to please the Muslims, the Serbs intended to secede from an illegally seceded state and a hostile fundamentalist regime!)**

2713. The President also described the Bosnian Muslims as a "religious sect" who had only recently been given the status of "people" and that they had no basis for their independence. The Chamber finds that this rhetoric when combined with the President's references to the Bosnian Muslims as their historic enemies, created an environment which sought to quash any claim to independence by BiH and to re-assert the Bosnian Serb interests in BiH. **(Wrong inference! First of all, the matter whether the Muslims are a separate nation-people doesn't have anything to do with their rights to independence. The Croats were a separate nation-people, but they also didn't have a right to secede the entire Bosnia, and hardly only themselves. That was the Serb position about both of them, the Muslims and Croats: if they wanted to leave Yugoslavia, the Serbs were not willing to prevent them. The Serbs denied the Muslim and Croat intentions to secede the Serbs from Yugoslavia against their own will and interests. Why the Serbs in Bosnia wouldn't have their own interests in BiH? This is the most**

legitimate interest, and those who legally and legitimately represented the Serbs in Bosnia were obliged to take care of those interests. (It is not difficult to understand: the Serbs didn't deny anything to the others, while others denied to the Serbs their fundamental rights! The Chamber already had a sufficient evidence that this was not a Serb standpoint to deny any rights of the Muslims, but to preserve the Serb rights to stay in Yugoslavia, or, at least, to remain sovereign within BiH, and not under the Muslim domination. According to the Yugoslav, as well as the BiH Constitutions, the Muslims didn't have any right, nor any legal possibility to form a unitary BiH as their own national state, while the Christian majority (i.e. The Serbs and Croats) were supposed to be turned to become a minorities!)

Those discussions about whether the Muslims are a religious group, or a separate ethnicity were held by the highest state institutions, and this is an academic question. Until 60-es of the last century it was widely kept that they were only a religious group of the Serbs, and some Croats, who converted into Islam. Although the Serbs and some prominent Muslims still think that the Muslims are the Serbs of the muslim religion, the President's standpoint is that nobody should prevent them to feel whatever they want. The scientific and political aspects are involved. But if the Serbs consider the Muslims to be the Serbs, it does contradict to the Chambers finding???

2714. In meetings with international representatives, the Accused repeated his warning about how the independence of BiH would result in a "cruel war" and his prediction that he would not be able to calm down the Bosnian Serbs in this scenario. (#EXCULPATORY#! Had Karadžić been against the Muslims, he wouldn't warn anyone! It is only an evidence contrary to the Prosecutor's assertion and the Chambers inference: the President didn't threat and didn't plan any violent action, but predicted a very negative course of events. Is it forbidden, that a politician predict what would happen if...? Wrong inference!)

2715. The Chamber also finds that there was a disjuncture between what the President said in private conversations or before a Bosnian Serb audience and the tone he took in international negotiations where he was more conciliatory, spoke against conflict, and claimed that the Serbs were the victims of propaganda. The Accused took a leading role in portraying the Bosnian Serbs as the victims of the conflict and used this as justification for pursuing their territorial and political objectives of a separate Serb state in BiH. (Wrong inference! What the President said to the international mediators was obligatory and was planned to be signed and respected, while the political speeches are in every country quite different from a formal negotiations. The main issue is: the #Tribunal is denying the Serb rights to political life!#.

The two very prominent witnesses, Ambassadors Cutileiro and Akashi, said in the courtroom that they had never taken into account the #President's political speeches#, because it is aimed to the public that has to be kept in their morale. The Chamber should have known that as well!)

- ii. Advocating separation of population and creation of a Bosnian Serb state

1. Analysis of evidence

(a) Separation of population—inability to co-exist

2716. On 27 August 1991, in an intercepted conversation with Koljević, the President expressed his opposition to BiH independence and indicated his willingness to divide BiH along ethnic lines by stating “[l]et us see what it is, what the solution for each ethnic group would be, and for everyone to agree to it [...]. Because if there is no solution acceptable to us in [BiH], we will find our own solution”.<sup>9019</sup>

**(First of all, it is a #deeply incorrect re-interpretation#, suggesting that the President advocated the separation of population. The Chamber should not do it, since the original speech of the President is available, and in the speech the President underlined “the state separation”, only if the Muslim/Croat communities insist to secede from Yugoslavia! And again, the document quoted here is misinterpreted and misunderstood. Look what had been said in this tel. conversation, P5878:**

what you are describing, Alija, is a matter of two political wills clashing. We are in a position to decide whether we have a united solution for Bosnia and Herzegovina, therefore, one that would be acceptable to all three ethnic groups.

Radovan KARADŽIĆ: And if there isn't one, then let us find a solution for each ethnic group separately. Let us see what it is, what the solution for each ethnic group would be, and for everyone to agree to it, or rather, everyone should look for their own solution. Because if there is no solution acceptable to us in Bosnia and Herzegovina, we will find our own solution. But Momo gave him the brush off as far as the referendum goes.

**This is #the most conciliatory proposal#. The Serbs didn't ask for the changes of the structure of either Federal, or Bosnian state. The two other communities demanded the changes, i.e. secession from the Federal state, for which they needed the Serb consent. At the beginning, the Serbs opposed the idea to ruin Yugoslavia, but in a chain of compromises and concessions the Serbs came to the conditional acceptance of the secession. Parallel to this process there was the process on establishing the Historic Serb-Muslim Argeement, which was acceptable to the Serbs and several Muslim parties, but not to the religious organisation. Another word, the Serbs were running their political life by defending the Constitution and the laws, and this mustn't be incriminated, particularly not such isolated from the other events and demands of other participants. Dr. Seselj is right sayin that everything looks like an Inquisition.**

**Pertaining to the intercepted conversation od 27 August 91, again this is Wrong inference! It was Alija Izetbegovic who proposed the division of BiH, for the first time, in May 91. See:**

KARADŽIĆ | intensive talks with our ... they surprised us the day before yesterday, after that lunch, they completely took us by surprise. IZETBEGOVIĆ talked about the division of Bosnia, explicitly and openly, he'd never been more explicit! I, we were shocked. We hadn't thought about that. Then we

D01282

**Therefore, the first who mentioned and proposed the division of BiH was Mr. Izetbegovic, and the President sad that the Serbs never thought about that, and that they had be shocked!**

2717. In November 1991, the President spoke about the "principle of reciprocity" and that the Serbs alone would not move out of certain areas and then allow the Bosnian Muslims to "stay in our areas to settle and build their colonies".<sup>9020</sup> **(This is not correct, and probably not allowed to imply something from one to another context. This had been said in the occasion of the Muslim plans to import 4 millions Turks and settle them in the Serbian traditional areas, so to change the ethnic composition. This speech was a very conciliatory, presenting to the Muslims what is acceptable and what is not under any circumstances, reminding the Muslims what they wanted and announced earlier, to make a sovereign those parts of BiH that they can control prosperously. Let us see what had been said in the quoted document, P958, p.7:**

*The Muslim gentlemen are now establishing a ministry for emigrants. Yesterday, I told Izetbegović openly - I don't know whether Biljana was there, but Krajišnik was - you are now establishing a ministry for emigrants; you want to move all the rabble, beggars and scoundrels from Turkey and settle them in our territories. But I am telling you, whatever Bosnia we have one day, no Muslim foundation shall ever be laid in Serb areas and Serb villages whether or not you import Turks because we will instruct Serbs not to sell land to Muslims (applause and ovation). The first foundations that are laid will be blown up, and all foundations that are laid will be blown up. You took Novo Sarajevo, now you have 300 houses that are being built there without licenses. We are going to ask for, Serbs are going to ask for 900 houses... so that we would get that too. You took Ilidža with the Sokolović kolonija from us. That's what Hamdija POZDERAC<sup>6</sup> deliberately and consciously did right in the middle of Ilidža; they settled people from Sandžak<sup>7</sup> in Vogošća, they took Vogošća... There, around Ilijaš we are sort of equal. We have Pale left. But there on Pale (Mokro), they planned to build a thousand or more flats for the market. And we know which market that is. Then we could say that Sarajevo has been cut off from the Romanija /mountain/. They are implementing a demographic policy here; but we will be implementing one too, and the whole world will understand that. *The world will understand /us/ when we tell them that we will not allow the demographic picture to change, either naturally or artificially. No way, our territories are ours, we may be hungry but we will be there.* That's why we told him, I told him openly yesterday, *it is not always good to disclose one's plans but it is not bad to say that we will not give them up because we will proclaim: "You must not sell land to Muslims!" You must not! Because this is a fight to the finish, a battle for living space.* They have a plan to conquer Bosnia, to keep all of Bosnia for themselves so that when the next census is taken within ten years, they will have an absolute majority and turn us into *raja*<sup>8</sup>. They have turned us into *raja* in several areas already, into mere *raja*. On TV, press,*

<sup>6</sup> Bosnian politician removed from power after a financial scandal in early 80s

<sup>7</sup> Sandžak - mainly Muslim populated area in south-western Serbia

<sup>8</sup> Raza - derogatory for non-Muslim subjects under Turkish rule

radio, in many firms, they've turned us into mere *raja*. In hospitals, doctors are Muslims and cleaning women are Serbs, so on average there are both Muslims and Serbs, but Serbs do the menial jobs. For example, there are 75% Muslims among doctors, and 75% Serbs among the cleaning women. To sum up, prospects look very bad unless we are alert and energetic, if we are not equal to our ancestors, equal to our task, the task put forth before us by our posterity... that we secure a country for them.

**The examples of of such a ruthless manipulation and domination are numerous even during the communist regime, and in a fundamentalis regime it would be even worse! An artificial change of the ethnic picture is a crime!**



*This is very serious, the situation is very serious and we must not give in. I visited Alija yesterday and we did not want to talk about anything else but the partition. You did what you did in the Assembly and we will discuss nothing but partition! How we will separate ourselves but still stay together, live together, but in such a way that you have nothing to do with our affairs nor we with yours. Then he said he didn't know how and so on. Then I reminded him of what he said long ago, during the pre-election campaign, and what I thought was good. He says: "What nonsense did I say, /it must have been nonsense/ because you liked it?" I say it is not nonsense. You said that if you could not make all of Bosnia sovereign you would make that part of Bosnia sovereign which you can control prosperously. Didn't you say that? Yes, you did. Very well then. That's what we are going to do. Let everything you can control prosperously be "Muslim B-H" and everything we can control prosperously "Serb B-H". And it will be in a union with other Serb countries, i.e. a confederation with other Serb countries, and it can also be a confederation. We do not have to have two passports; we can have the same dinar; everything can be the same, but let us separate as many things as possible. Like in the days of the Turks.*

**And further, the President presented a conciliatory form of co-existence with the Muslims, the way that later proposed the EC and UN mediators, and which had been accepted in the Dayton Agreement:**

*One Serb čaršija', one Turkish čaršija, Serb affairs, Turkish affairs, and Serb cafes, theatres, schools, and everything else. This is the only solution (applause). I told him that long ago. Mrs Plavšić and Krajišnik know that. Alija, let us not start an irreversible process, like the one between Serbs and Croats. Now we wouldn't go along with Croats any more even if they wanted to. Don't make us decide that we don't want to go along with Muslims either. Because if we decide that, we will no longer want to be with you. And they are close to that. They've showed us how merciless they are. We have the example of the Stari Grad municipality where they showed us, as an experiment, what a sovereign Bosnia really means. There, Serbs have been deprived of all rights. There, we used to have three school masters. They have been fired. They fired the petrol station manager too. Everything is fine with us, but let us make a deal first. Serbs are not going to be more liberal than they. No! And everything will be done according to the principle of reciprocity. We will behave towards them the way they behave towards us. We alone are not going to move out /illegible - ?out these areas/, and have them stay in our areas to settle and build their colonies. In no way are we going to behave like gentlemen wearing white gloves. If you are thrown into the sheepfold, you can play the lamb and nothing will happen to you. But if you are thrown among the wolves, no more talking... You can't be the lamb. You have to be equal to your task and to your adversary. Whatever the outcome, and I am speaking on the level of the plebiscite, we will be the crucial factor. Europe will have to take into account what the BH Serbs say. They will have to.*

**So, that was a Serb proposition, to have a reciprocity in dealing with each other, to understand each other and live together in a way not to dominate over each other!. And we already have seen how the domination looks like in the areas where the Muslims were majority. What is the sense of the representation of an ethnic community, if not to protect it's rights and facilitate them a free political, economic and cultural life?)**

The President called on the Bosnian Serbs to "get ready and establish your authority in your territories; in municipalities, regions, local communities, and to prepare yourselves for restructuring and regionalizing the municipalities" and for them to control the process until the very last moment.<sup>9021</sup> The President concluded that after and during the plebiscite it was important to "seize power wherever you can".<sup>9022</sup> **(They already had been keeping the power, but pretty comfortable and with a surplus tolerance towards the communist officials, who were**

<sup>9021</sup> P958 (Radovan Karadžić's speech at the Plebiscite of the Serb People, November 1991), p. 10.

<sup>9022</sup> P958 (Radovan Karadžić's speech at the Plebiscite of the Serb People, November 1991), p. 12.

adversaries to the SDS and other victorious parties. Anyway, this was just one sentence, an appeal to the local authorities to exercise the power strictly, and it does have nothing to do with the war or war crimes, since it was in October 1991, when all hoped that there would not be a war. The Chamber is persistent in criminalising every aspect of the Serb political life! Let us see P958, p.12, what really the President said and what it did mean:

*So I am here asking you, there are two big jobs, two big tasks... The priority is the PLEBISCITE. And after the plebiscite and during the plebiscite it is important that you should seize power wherever you can. Sit down with managers, with good and capable managers, sit down with them and talk. And you will see that your interests are identical because you belong to the same people and you want to create the same state. Don't talk with bad managers. Organise plebiscite, i.e. referendums on confidence among workers the way Communists did. But only after this plebiscite. Right now, don't do anything, let's not mix things up. They are doing things to us! They are misappropriating property, plundering, seizing power everywhere, removing our people. If you have a look at the map, we have a huge territory in B-H, a huge territory!*

It is clear

what the President meant: to talk to the good, successful managers in companies, so to be able to secure a good course in economy for which the SDS authorities had been responsible. Therefore, not to take-over any power from anyone, but to be strict and responsible in exercising the power!)

2718. With respect to the “three national communities” in BiH, the President suggested that “the more separate things there are the better it will be”.<sup>9023</sup> (It would be better for the Prosecutor if the Chamber didn't deal with such a piece of speeches, because it shows how Karadzic was right, and the meaning of his words are quite opposite to what the Chamber ruled. Let us see a portion of this speech.)

In connection with these municipalities: the fact is that the Serbs are nevertheless maintaining a balance in some municipalities even though they are a minority and sometimes just about there and managing to protect primarily their human and civil rights as well as their national, economic and other rights. But, in some municipalities, Olovo, for instance, they cannot do anything. All of them there were fired, even the manager of the gasoline station. They could not allow a Serb to be in charge of anything there.

This part says that the Serbs were already in a very bad situation in some municipalities, where they are such a minority, so that they can not protect their human rights. For instance, in Olovo all of the Serbs were fired, even the last one, working on the gasoline station. Let's see next:

In some municipalities, for instance, they want to take the schools at any cost and change their names. For instance, the Vuk Karadžić school in Bratunac; of the two schools in the city they want both, to change their names, etc.

In the Municipality of Bratunac the Muslim majority doesn't allow that one of the two schools have a name of the great Serb from 19<sup>th</sup> Century, a reformer of our culture and very important for all of us. That is a violation of the national rights of the Serbs, and a flagrant humiliation. If the unique municipality of Bratunac doesn't tolerate that one of the two schools has a Serb name, then it is better to have two municipalities. Or the next:

<sup>9023</sup>

D84 (Shorthand Record of 3<sup>rd</sup> session of SerBiH Assembly, 11 December 1991), pp. 13–14; P958 (Radovan Karadžić's speech at the Plebiscite of the Serb People, November 1991), p. 7. See also D424 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 10 February 1992), p. 11.

When we think things over, when we plan the future, despite the fact that we will remain in Yugoslavia, I see that Bosnia cannot be organised like the other republics, predominantly nation republics, because it is a Republic (BH) with three national communities. And, I ask that both in terms of language and terminology we adhere to this: three national communities.

The Parties represent these national communities, this time it is the Serbian Democratic Party, next time it might be the Federalists Party of Mr. Djokanović. Some Parties will act together. But, the terminology should be: THREE NATIONAL COMMUNITIES BECAUSE THEY EXIST.

**It is so clearly democratic attitude, to respect the specificity of Bosnian three ethnicities.**

In this Republic the life of the three national communities overlaps in places, in places they have things in common. But to my mind, the more separate things there are the better it will be. Perhaps these three national communities will have three school systems, perhaps even three health care systems, etc. Perhaps in formulating this Recommendation we should state that in places where the Serbs are not able to preserve their civil, national, economic and other rights due to being vastly outnumbered, the Assembly of the Serbian people recommends that they form their municipality. In this way we would achieve what Mr. Milojević vividly described for us, that we must not lose what we have taken, what we have invested in.

Even the smallest municipality can have three municipalities if we agree on that. If that is agreed on at the Conference on Bosnia and Herzegovina, the Recommendation should state that this is not obligatory, but it should be done unless national equality cannot be secured otherwise.

Those are all peaceful meditation, how to regulate the life in a republic which is different from others, because of the existence of the three communities with the different needs. And the main objective was to secure everyone's national equality, and if it can't be done otherwise, than could be done by forming a separate municipalities, and all within the Conference, and all through an agreement. This was the Serb well known Recommendation for the new municipalities, and not obligatory! That was recommended on 11 December, while everyone hoped that there will be a political settlement, and would be no any war. There is no a trace, let alone evidence about any Joint Criminal Enterprise, because every single person could have stayed at own native place, and enjoy a protection of his own municipal authorities. There couldn't be any "ethnic cleansing" anything irregular!

**And the prediction from this part of the President's speech had come to reality, as many others predicted, among them the most prominent politicians and statemen in the world! As the President said, if we enter a civil war, we will enter a chaos, and then the chaos is going to control us, we can not control the chaos! Wasn't it just as predicted by the President and many others?)**

2719. The President in a speech in January 1992 stated that the Bosnian Serbs would "not impose anything on each other" and that they would work towards a form of state organisation to which Croats, Serbs and Muslims would agree.<sup>9024</sup> **This was not that the "Bosnian Serbs would not impose anything on each other" but that the three ethnic communities will not impose anything to each other, but to work hard and find out a solution that will be acceptable for all the three communities. The President repeated his commitment to such a conclusion of the common Assembly from the session at the beginning of September 1991.**

...and we will not impose anything on each other. We will not stop, we will work around the clock until we achieve such state organisation and such form which all three nations will agree to, Croats, Serbs and Muslims. Then we will hold a referendum that will be finished in 15 days. Gentlemen, that is the only way we can avoid unwanted effect, so that people calm down, so that they start living normally. Believe me, we have no influence over the war or peace, the situations are very often uncontrolled and it happens always or very often that no one can have a control over such situations. Gentlemen, all of you, including me, can picture now what would say, a Serbian federation or wherever, it does not have to be called Yugoslavia. Our offer cannot be more fair, and that is that every nation decides the distance that it will have towards other nations and that they rule on their own, and preserve their sovereignty. Do not deceive yourselves that Serbs and Croats in BiH will accept to lose their sovereignty. The only way to do something together is to reorganise Bosnia

The President also said that they had “no influence over the war or peace” and that if an inter-ethnic or religious war started in BiH, Serbs, Muslims, and Croats would run away and go to their own “fully homogeneous” areas and that there would be severe bloodshed and destruction of towns.<sup>9025</sup>

**(EXCULPATORY!!! The President warned on what would inevitably happen, not because somebody would want it, but because nobody would be able to influence the cours of events. This was not a “war-mongering “ statement, but a try to dissuade the detrimental policy that was leading to the war! Also, warning about “running away” to the ethnically homogenous areas, the President depicted an undesirable course of events, and therefore rebuts all the allegations about the “ethnic cleansing” as a Serb objective!)**

Similarly the President told Vance that BiH independence could lead to war and that there “will be great mass movements, homogenisation of territories, migrations from one area into another and, of course, accompanied by instances of shooting out of hand”.<sup>9026</sup>

2720. In January 1992, in a conversation in which there was discussion about having Bosnian Muslims within their borders, the President said “they will have their region, we will have our own region”.<sup>9027</sup> **(There is no limits to these distortions of meanings. On 7 January 1992 there still was no any entity borders, nor entities, it was a unitary Bosnia still within Yugoslavia. See**

Radovan KARADŽIĆ	We'll talk about that ... Krajina can become so and so the moment we have got our state. To chop up the Serb people now and to have each principality solve the question one by one ...
Miroslav	It will happen if we stay ... erm ... within these borders and if the Muslims stay with us.
Radovan KARADŽIĆ	Yeah, but, but ... they will have their region, we will have our own region ... there are not any ... anymore ... I mean, this thing that's being done is complete madness.
Miroslav	You know how many problems I had with the Knin Krajina and you know ...
Radovan KARADŽIĆ	Yes, yes.

**P2596:**

**There was said that if “we stay within these borders – meaning the unitary Bosnian borders – not entity borders – the Muslims would stay with the Serbs, and the President said that in a new structure of BiH the Muslims will have the same as the Serbs, their own areas. Therefore, to interpret it as if the President excluded a possibility that some Muslims stay in the Serb areas is out of mind! That pahhens when the Prosecution-Chamber alliance don't have sufficient incriminatory evidence, and make a patchwork of sentences out of the time**

<sup>9025</sup> D87 (Transcript of 9<sup>th</sup> session of SRBiH Assembly, 24–25 January 1992), p. 103; P5762 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 22 January 1992), p. 6. See also Herbert Okun, T. 1715–1717 (27 April 2010); P5621 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 25 January 1992), p. 3; P5615 (Intercept of conversation between Radovan Karadžić and Nikola Koljević, 11 December 1991), p. 4; D4523 (Intercept of conversation between Radovan Karadžić and an unidentified male, 3 March 1992).

<sup>9026</sup> P5774 (Intercept of conversation between Radovan Karadžić and Vladislav Jovanović, 5 January 1992), pp. 6–7. See also D2149 (Aide mémoire of Manojlo Milovanović), pp. 18, 28.

<sup>9027</sup> P2596 (Intercept of conversation between Radovan Karadžić and “Miroslav”, 7 January 1992), p. 5.



**frame and other contexts!)** The President also spoke about the importance of creating their country first and then establishing “krajinas” and the danger that they would never create their state if they started establishing “krajinas” first.<sup>9028</sup> **(How possibly a political talks, persuading, argumentation, negotiation... can be used to convict somebody? Beside that, the President was advocating a restrain from any strong political proclamations which could be condemned by the EC, see P2596:**

Radovan KARADŽIĆ	Yes. The other day I shouted at ... we shouted at each other ... that, that LAZAREVIĆ guy. They did some stupid things regarding the solution to the question of the Krajina as a federal unit, that is, as a constituent element of the Federation. That's stupid ...
Miroslav	That's very popular again, you know, here in the Krajina.
Radovan KARADŽIĆ	Those are all idiots. Whoever mentions that is brainless and does not comply with the policy of the SDS, which advocates a single solution for the Serb people in Yugoslavia as such. That ... erm... what they are doing ... it would mean the same as if Serbia said ... accept The Hague document and I don't give a fuck for the Serbs outside of Serbia ... finished by work and I'll take my ten billion dollars and solve the problem.
Radovan KARADŽIĆ	Listen, all these ideas about autonomy must be suppressed... principalities cannot exist.
Miroslav	But not to declare, rather to ... there are departments ... the people should work on the economy ... I don't know, they should work on security, economy, traffic ... you
Radovan KARADŽIĆ	They'll have lots of work.
Miroslav	... federal units ...
Radovan KARADŽIĆ	Lots of work, lots of work ...
Miroslav	You know what? It would be foolish towards Europe to declare anything. Europe would not take us seriously without an ultimatum, without a reason, you know.
Radovan KARADŽIĆ	Never mind. You are part of a single BH, there is no way we'll give up on that.
Miroslav	Europe would ask why and what would we ... I mean, what would someone say? Why? Where is our Constitution, our reason? Why, for what?
Radovan KARADŽIĆ	That must not be done.

**From the entire conversation it is clear that the President didn't decide any personal solution in Krajina (ARK) but only suggested. Also, it is visible that the President was preventing a political proclamations which wouldn't be welcomed in the European Community, but to work on education, economy etc.**

2721. In February 1992, Krajišnik stated that if they were successful in creating a confederal BiH it would consist of three states and he was “not interested in Muslims in [BiH]”.<sup>9029</sup> **And this is another blasphemy, done by extracting a sentence out of the context. Mr Krajišnik was in a polemics with the ARK leaders, and was talking that we (the Serbs) have to take care of our interests, and not to strive for any Yugoslavia which would be wanted only by the Serbs and no one else. In that context Krajišnik said that he is (no longer) interested in having the Muslims from Central Bosnia within Yugoslavia: see D88 pp.63-64**

<sup>9028</sup> P2596 (Intercept of conversation between Radovan Karadžić and “Miroslav”, 7 January 1992), p. 6.

<sup>9029</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 62–63.

Gentlemen, if we succeed in creating a confederal BH, it shall consist of three states. And the Serbian State will form an alliance with the Serbian States. Everyone will have one State. We don't need the relics of Yugoslavia which no one else wants. We accept Yugoslavia as a Serbian state, and not as a Yugoslavia which would have to include Macedonia, Slovenia and Croatia. I am not interested in Muslims in Bosnia and Herzegovina. That is why I think we need to be open and honest here. The

**There can not be any confusion, Krajisnik said that he wasn't any longer interested in keeping the Bosnian Muslims in Yugoslavia, and it was an "open and honest" approach! Quite contrary to that what the Judgement suggested!) He also stressed that everything which the Bosnian Serb Assembly did, and everything he did, was "for pure areas" of BiH, that he was in favour of a "monolithic Serbian state" where all Serbs live together.<sup>9030</sup> (Again, wrong inference, either because of misunderstanding, or a manipulation, but it is unacceptable anyway. Mr. Krajisnik was again in a polemics with the ARK separatists, he said nothing that would be blamed for. Let us see P05623, p.3:**

into account any /unintelligible/ objection that comes from Krajina. . . I think that it is only a matter of . . . even the Constitution in this period, we can allow that we don't vote for it each time but rather say we agree to it because nothing will come of it if we now want to rule over someone /unintelligible/ the Muslims /unintelligible/ Croats /unintelligible/. But this thing that has begun, we don't need a confederal Serbian BH, gentlemen, we need wisdom, we only need a monolithic Serbian state and

**It is clear that there was a discussion on the Constitution, and Mr. Krajisnik pointed out that nobody will "rule over someone". Pertaining to the Muslims and Croats, but the main point was his opposition to a confederal concept of the Republika Srpska itself, because it would be unusual to have the BiH as a confederation, and within it a Serb entity as another confederation. Let us see what to do with the "pure areas", P05623, p.4.:** reality. Look at these priests of ours: every time we discuss with great respect and then we say, "God help the Serbian people to agree," no one has the right to do that by bypassing our unity. I tell you, everything we do in this Parliament, everything I do personally, I do exclusively for pure areas of /unintelligible/ and Herzegovina and /unintelligible/ and I will not yield the right to tell the people of Krajina that they are not right. The people of Krajina are not working for the whole Serbian people, but we are working for the people of Krajina. But that is difficult to prove. I say that at this

**This kind of manipulation is not tolerable! Mr. Krajisnik was persuading the ARK autonomists that he was taking care of all the pure Serbian territories, which meant – all undisputedly Serbian areas, in terms not to neglect their needs. Again, the Chamber is picking a sentences from a political polemics in order to prove – what? Nothing can be proven that way, and this is not correct and fair. The discussion went on before the war, (28 February 1992) and there was a good prospective that there wouldn't be any war, and it can not be understood as an ethnically purified areas!) Koljević also emphasised that they would not allow the Bosnian Muslims to have a sovereign state which extended over both the Serb and Croat parts of BiH and that they had therefore constituted a Serb Assembly.<sup>9031</sup> (Koljevic was talking about the main problem, the Muslim intention to preserve Bosnia as a unitary state under their domination. What is this Chamber now doing? Justifying the Muslim unlawful ambitions? However, the entire international community, including the owner of this Court, the UN, gave us right for opposing to be subjugated to one of the constituent communities in BiH. Koljević acknowledged that the process of re-organising municipalities was with the aim of creating "homogeneity of certain areas" and argued that contrary to the political assertions, it was not impossible to divide BiH.<sup>9032</sup> (How much is this incorrect, it is the easiest way just to see**

<sup>9030</sup> P5623 (Speech of Momčilo Krajišnik at the Assembly of Serbian People of BiH, 28 February 1992), pp. 3–4.

<sup>9031</sup> P986 (Transcript of a meeting between Nikola Koljević, Franjo Tuđman, and Franjo Boras, 8 January 1992), pp. 11, 24.

<sup>9032</sup> P986 (Transcript of a meeting between Nikola Koljević, Franjo Tuđman, and Franjo Boras, 8 January 1992), p. 13.

the  
p.13

sentence:

It is not so impossible to divide Bosnia. You know, everything is possible, but that option is excluded for us on the basis of a stand taken in advance. Look at that

So,

Koljevic said that it was possible to divide Bosnia, “but that option is excluded for us on the basis of a stand taken in advance. The first class evidence about the Serb intentions, all the contrary to the assertions of the Prosecution/Chamber/ Who is responsible for such a drastic distortion of meaning and imputation of a criminal statement, although it didn’t exist? The Serbs excluded this in advance, in order to satisfy the Muslim needs for Bosnia.)” Koljević

stated that at a municipal level they had tried separate municipal assemblies and formed new municipalities.<sup>9033</sup>

(This was also all within the constitution and law provisions, and any people in any local commune is entitled to leave an old and join a new municipality. (This was an inter-republic visit, and had nothing to do with the President. Koljevic first expressed a condolence for the Croatian victims, than stated that the visit of him and Mr. Boras, as the two members of the BH Presidency, was to try to pacify the Serb-Croat relations. Koljevic (p.4) proposed to avoid any provisional solution for BH and advised the talks as long as necessary in order to make everyone satisfied. The next of Koljevic’s interest was a pacification, and what he said:

these unhappy circumstances of war which have occurred, rests on a premise which I personally as well as innumerable Serbs believe in, that is to say that pacification can be attained through separation. If you want to prevent people from engaging in conflict or to create trust among them, you have to separate them first. That’s what the peace forces likewise do – they separate first.

So, the separation was envisaged as a temporary, and with the aim to disengage the antagonised communities. All of it happened after the Yugoslav-Croatian war, and before the war in Bosnia, and was aimed to avoid the war in Bosnia! COMMENDABLE! Finally, what does it have to do with the President? This was an official visit of the members of the BH Presidency, not of the RS Presidency, and the President even didn’t know about it. How a words and thoughts of another people could represent a *mens rea* of this President? Further, he repeatedly called for the expulsion of Bosnian Muslims and the homogeneity of territories,

claiming it was impossible for Serbs to live with anyone else.<sup>9034</sup>

**(Deeply incorrect, see it:**

Witness: Herbert Okun (Resumed) (Open Session)  
Examined by Mr. Tieger (Continued) Page 4220

1 Dr. Karadzic is saying what Dr. Karadzic always says, so I write  
2 "continuous emphasis on ethnically based territorial units." He may have  
3 spoken for 5 or 10 minutes on that subject; that is to say, we have to  
4 have, you know, ethnically pure, we can't live together, they hate us, we  
5 hate -- you know, et cetera, et cetera, et cetera. This was the same old  
6 story. So I just note that "continued emphasis on ethnically based  
7 territorial units." But it's important to note that there is no deviation  
8 in the Bosnian Serb position. Indeed, there was no deviation throughout  
9 the months and months of negotiation.

10 Q. And just below that entry, it appears that Dr. Koljevic is  
11 underscoring the need for physical separation and the inability, in his  
12 view, of the Serbs and Muslims to live together, where he says, "War has  
13 shattered trust. Communities cannot live together any more. To deny that  
14 is fantasy."

15 A. Yes, this was part of the standard line. No trust. Hatred  
16 between the communities. And then again, I notice in parenthesis at the  
17 bottom, a lengthy expatiation on those points, again, by Koljevic and  
18 Dr. Karadzic. The elaborations went on at great length.

19 Q. Was there any deviation from this position by any of the Bosnian  
20 Serb leaders present?

21 A. No, not at all. They were all consistent on that, and they all  
22 said the same thing. Dr. Karadzic, Mr. Krajisnik, Nikola Koljevic, Buha,  
23 Lukic. Buha and Lukic were somewhat cruder in their presentations. That  
24 just reflects their personalities. But the top leaders, Dr. Karadzic,  
25 Mr. Krajisnik, Koljevic, were very consistent.

**There is no mentioning of any "expulsion" of the Muslims. Also, there was nobody in the courtroom who was interested in a rebutting or challenging anything that concerned Koljevic or Karadzic. But, let us see another page of the same transcript (P776, Okun) to see of how much value are those notes: This is the previous page, 4219 of the Transcript of Okun testimony I in the Krajisnik case, P776**

**On this page, l. 7 – 9 Okun writes as if Koljevic told him: You need to put pressure on the Muslims if you want to stop the fighting" this is the only reference about "presing" but, look at the bottom of this page, l. 17 - 25**

<sup>9034</sup> Vitimir Žepinić, T. 33594–33595 (13 February 2013); Herbert Okun, P776 (Transcript from *Prosecutor v. Krajisnik*), T. 4220. During a meeting with Serb and Muslim representatives in May 1992, Koljević precluded any possibility of Muslims and Serbs cohabitating in Pale; the former had to leave. **This is the most disgusting lie, because Koljevic met the Pale Muslims to dissuade them to leave for Sarajevo** P733 (Witness statement of Sulejman Crnčalo dated 1 November 2009), para. 38; Sulejman Crnčalo, T. 1164–1165 (14 April 2010).



1 explained about the nature of the negotiations and the information --

2 A. I don't think so. What Dr. Karadzic was saying here reflected the  
 3 fact that by September of 1992, the VRS, the Bosnian Serb Army, the  
 4 Bosnian irregulars, had conquered and controlled about 70 per cent of  
 5 Bosnia and Herzegovina. So he was saying we should stop now. Obviously,  
 6 it was to their advantage.

7 Q. On the next page, the second entry indicates Dr. Koljevic saying,  
 8 "You need to put pressure on the Muslims if you want to stop the fighting.  
 9 But international community has not done this." What was the pressure  
 10 aimed at getting the Muslims to do? What did Dr. Koljevic ask you as  
 11 representatives of the international community to get the Muslims to do in  
 12 order to stop the fighting?

13 A. Well, what he would have wished was that we, as negotiators,  
 14 convince the Muslims to sign a peace based on the current territorial  
 15 holdings, the current situation, which it goes without saying they would  
 16 not do that.

17 Q. Two more entries I'd like to bring your attention to: The first  
 18 appears immediately below the remarks to which you just referred. It's  
 19 Dr. Karadzic saying, or as reflected in your entry, "continuous emphasis  
 20 on ethnically based territorial units."

21 A. That is my gloss of what he was saying. I mean, he's not saying  
 22 that. He goes on and on. This is a meeting that lasted almost two hours,  
 23 and you notice that I've covered one hour and 25 minutes in two pages.  
 24 Now, if you had a transcript of that, it would probably run, I suppose, 20  
 25 or 30 pages. But I didn't have to write everything down because

**he lines 17 – 25 clearly disqualify this kind of notes of any witness. Amb. Okun admitted that Karadzic didn't say what was written down. So, the Defense must object using any of those notes particularly when other sources are available. The heads of the negotiating teams obligatorily made their reports to those who empowered them, and they always report every significant opinion not only of the head of the Serb delegation, i.e. Karadzic, but of every member of the negotiating team. Among so many undecencies, the Tribunal should exclude from the evidence all of those "meditations" of those who used to put some words down now and then.)**

**2722. Krajišnik also stated that "[o]ur aim is to divide with the Muslims, if the Muslims were to capitulate we would remain with them, if they remained with us they would soon be the majority?" and outlined the Strategic Goals, including dividing from Bosnian Muslims and Bosnian Croats.<sup>9035</sup> (The entire document is EXCULPATORY, and many elements of it completely rebutted many Prosecutor's allegations: see the same document, P01479, p.130 - 131, the VRS officers were very critical of the authorities and the President (the President) in particular: Colonel Kovacevic objected generally;**

Colonel KOVAČEVIĆ:

- We have been left without artillery ammunition reserves. -
- No air bombs and *Maljutka* /anti-tank missiles/ anywhere. -
- The authorities are not complying with the Government's decisions on withdrawing reserve supplies. -

Colonel Balac was critical specifically towards the President's permissive and cooperative attitude towards the international representatives: P1479, p131:

Colonel BALAC:

- The President has accepted all systems being placed under UN supervision. -

reporting that "the President had accepted that all systems be put under the UN control." Understandable, the Prosecution doesn't have any interest to depict this fact, but the Chamber should notice this big concession of the Serb side to the UN, for the sake of peace. On p. 139 Karadzic said: "we are already a state, but a state that doesn't function well. That is why we met." On p. 140 (srb) it had been said that there are still a paramilitaries and a para-authorities, and a fighting for power, 15 kinds of uniforms. P. 141, authorities do not function, the courts also, there is no clear stand toward the Muslims who declared the loyalty, (which was responded by Mr. Miskin on p. 155, that those Muslims should be included in the military industry and digging trenches) and by Karadzic, p.156 eng.: "the relation with the Muslims: in our state we do have to have a national minorities"

\* Attitude towards the Muslims, we must have ethnic minorities in the state as well.-

Th  
at was said in a close meeting, among the deputies and officers, was not aimed for a public, and it is clearly said that there, in the Republic of Srpska will be ethnic minorities, which is contrary to all the allegations of the OTP that the leadership and the President pleaded for an ethnic putiry!

A huge distrust between the civil authorities and the military was underlined, there are attempts to form another army; p. 142, the Serbian people in the Area of Responsibility of IBK (East-Bosnian Corps, comprising Bijeljina), nobody prepared for the war, which contradicts all allegations that the Serbs wanted or prepared for a war. NOW, the quoted Krajisnik's sentence: at the beginning of the counseling Karadzic presented what possible outcomes of the war are at stake, pp. 26 – 30, and concluded that the EC wanted this war, and Krajisnik added that the Europe wouldn't like to see a Muslim state, and if the Muslims surrendered, then the Muslims would again dominate, explaining that both, the total Serb victory or the Muslim surrender, would be equally bad.

On p. 24 srb. Karadzic reports that the "EC offered a text of a new Constitution of BiH, where it is envisaged a federation. We said that we should continue to work on it, the Muslims rejected it, while the Croats gave some objections. There was said "sovereign peoples". On p. 25 srb. Karadzic informed that he appointed that the Jewish community from Sarajevo leaves the City through the Serb Sarajevo, and expressed his fear that the Muslims may fire on the Jews and blame the Serbs.

At pp. 27 I 28 Krajisnik and Karadzic informed the meeting that there are a different options, that the Europe doesn't like the Muslims and the first place, and the Serbs at second, that the West initiated this war in BiH in order to prevent the Muslims to form their own state, and that for this purpose the Western Europe wants us, the Serbs and Croats to stay in the same state and control the Islamic factor. Karadzic said that the West is encouraging the

**Muslims, but doesn't help them. It is absolutely irrelevant whether this information was right or not, it was a reality in the Serb minds.**

2723. In February 1992, the Accused spoke about having less than 10% of Bosnian Muslims in their "canton" of BiH according to the proposed maps.<sup>9036</sup> **This was after the first accord pertaining to the inner structure of BiH. Since the idea was to form the three mainly ethnically based constituent units, it was a general attitude to include as many people of the same ethnicity into their constituent unit, in order to have as least minorities as possible, because they would be dissatisfied and probably move out. Mr. Izetbegovic expressed this wish of his own, see:\_\_\_\_, and the Muslims jubilated after the acceptance of the Lisbon Agreement on how well they did, having the Muslims as least as possible out of their unit. (See D00302) But, in all of those speeches there was undoubtedly envisaged that every unit would have minorities, and that there will be a reciprocal protection of their rights. Finally, look at what was the first Muslim reaction after the first accord on the Cutileiro plan, 18 March 92; see D00302, Ajanovic in "Politika":**

#### REACTIONS IN SDA TO THE FIFTH ROUND ON BOSNIA

##### **Muslims satisfied with the agreed upon statehood**

Commenting on tonight's fifth round of the Conference on the future of Bosnia and Herzegovina, the spokesman of SDA, Irfan Ajanovic, estimated that the Muslim nation in its constituent unit or future ethnic canton would be a majority of 82 percent, while the Serbian nation would comprise 50 percent of the Serbian unit. He said that the approved document that has not yet been signed will allow Bosnia to remain indivisible and unified in its current borders and that after the fifth round of talks it practically became a "state with all of the attributes of a state". He supported that with a statement saying that at the meeting with Jose Cutileiro, it was agreed, among other things, that this republic would get its own national currency, a single defense system, unified foreign affairs and court system, and the protection of human rights and freedom.

**o, from the beginning of the Conference on BiH there was an issue of how many of each of the ethnic communities would be in their respective constituent units, and how many will remain in the other's units as a minority. It was never meditated to expel anyone, or to resettle, or to exchange the population. And it was agreed being aware that a war is been avoided by this agreement!)** The President continued to deliver speeches in which he (i) spoke about avoiding the subjugation of the Serb people; (ii) advocated the creation of a "Serbian state"; and (iii) blamed the Muslims and Croats for destroying the unity of BiH and Yugoslavia.<sup>9037</sup> **(So what? Was it forbidden? Was he right or not? Even if he wasn't, so what, this is how the political life goes. But, the sequence is not correct: the first was destruction of Yugoslavia, then BiH, and then the Serbs, being deprived from their state called Yugoslavia, advocated a Serbian state"!)** The President in May 1992 spoke with Krajišnik, Mladić, and other military leaders and said that BiH as a state did not exist because it did not have any territory and that the Serbs were "on the threshold of achieving our centuries-old dream of creating our own state without many internal enemies".<sup>9038</sup> **(The audience understood it properly: the Accuse was always critical of the King Alexander I for his greed for territories, for including Slovenia and Croatia in the common state in 1918, which the Serbs payed by million and a half lives during the WWII. For the same reason, the President advocated not to include settlements with other's majority in the Serb entity without their will, because they wouldn't be**

<sup>9036</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), pp. 2, 15.

<sup>9037</sup> P1347 (Shorthand record of 5<sup>th</sup> session of SerBiH Assembly, 9 January 1992), pp. 45, 47–49; P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp.3–4.

<sup>9038</sup> P1477 (Ratko Mladić's notebook, 14 February–25 May 1992), pp. 256–258. See also D4025 (Excerpt of SDS Main Board meeting, 14 February 1992), pp. 13, 15 (where Kuprešanin spoke about BiH ceasing to exist as their "holy mission").

satisfied! And this was the only reason and the only instrument in achieving the homogeneity, just not to force others to live in a constituent unit they don't prefer!) In this regard, the President also stated that they were "controlling the Serbian settlements" in Sarajevo and were expanding them.<sup>9039</sup> (Again, so what? If a state is not capable of controlling its own territory and rule it, such a state doesn't exist. Because, the basic preconditions for a state are: a territory, a people, and an efficient authority on the entire territory. The Bosnian Muslims envisaged a different Bosnia which never existed, and then participated in the destruction of Yugoslavia, pretending that the entire Bosnia would be only their. The Chamber should be clear: whether it deals with the constitutional, political, historical, geographical matters, whether the Chamber explores and searches for the cause of the war, and the responsible – or it is clarifying the war crimes? Otherwise, all of the inferences are wrong!)

**2724.** In February 1992, the Accused went on to state "now our main goal is the only goal that can be achieved: to solve the issue of the majority of the Serbian people", namely the creation of their republic of BiH.<sup>9040</sup> ("now our main goal" it is clear that it had been agreed in the framework of the Conference that there will be the three republics, constituent units. So, if it is already agreed, "our main goal" is no longer to obtain it, because it was agreed, and now "our main goal" is to realize it in praxis, to make a good map which would comprise as many Serbs as possible. That happens when the things are created as a salad of small leaves. A time and context must not be neglected. But, this part of the President's speech concerned Krajina and disputes with some Krajina's locals. Let us see what was that: P00938, p. 35:

DR. RADOVAN KARADŽIĆ:

When we have problems the first step is to analyse it: what is the essence of the problem in Krajina?

The essence of the problem is not in the measure of competence. It is not that they are unhappy with what they can do in the future Serbian Bosnia and Herzegovina. The essence of the problem is extremely childish and unfair, they want to make a state the way children sit in the mud and make a mudcake. They don't see that it's impossible.

Not a chance. We are not alone in the world, nor can anything be done by force. We have taken all the Serbs areas in Croatia and now JOVIĆ has called me and told me that they are trying to finagle something in the UN, because there are attempts to cheat them, but Ghalil has said that the Serbian interpretation is one hundred percent right.

**Therefore, this context is so far from anything that the Judgment suggested. The President was defending the result of the Conference on BiH, and criticising the childish conduct of some local leaders in ARK. Let us see how enthusiastic was the President about the Conference:**

We can and must solve this. The issue of competence will remain open. The issue of the number of districts in the region will be solved easily. We will solve that when we establish a confederal Bosnia and Herzegovina with an integral Serbian Bosnia and Herzegovina within it and when they are recognised. We will be able to agree easily on the division of competences.

that. There will be the legislature, the judiciary and the executive government in the districts. But now our main goal is the only goal that can be achieved: to solve the issue of the majority of the Serbian people by achieving that they get their Republic of Bosnia and Herzegovina. And they will roll over. They will have to roll over,

<sup>9039</sup> P1477 (Ratko Mladić's notebook, 14 February–25 May 1992), p. 257.

<sup>9040</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 35.



It's not that easy to make a state. If it were possible to do it that way, ask KRAJIŠNIK how many times we have discussed this, if it were possible to do it that way, we could establish the Bosnian Krajina and make it unproblematic and then fuck about with them here (my apologies to the ladies) to take as much as possible. But, that's impossible.

What can happen? That both Bosnian and Knin Krajina end up being at issue, i.e. that Bosnian Krajina be as problematic as the Knin Krajina. That the UN forces come, that "Zone A" and "Zone B" are created and for you to definitely lose "Zone B" and for "Zone A" to remain at issue.

So,

**the President was fighting against the greed for territories and warned the locals to be modest, and not make the ARK problematic. And further, still on the dispute with the ARK local leaders:**

dominance. Now the tables have turned completely. Sympathies now lie with the Serbs and Croats in Bosnia and Herzegovina who want to overcome the Muslim domination.

We are thus on the threshold of realising our goal. We have taken the safe road, we have made moves that we have had to make, we have prepared them in advance, and now we have every now and again idiots barging in like brigands and causing problems. Who are they? Let's go to the Main Board and check it out.

**and the conclusion of the discussion about the dispute with the ARK local leaders:**

I think that we should put a stop to that!

I am personally prepared to begin each session of the Main Board with a secret ballot of confidence.

Let's not fool ourselves, none of us is irreplaceable. But, while we do the job, we do it together, and we have to listen to each other. Because these differences which have not been overcome, something being denied. We didn't say that. There will be the legislature, the judiciary and the executive government in the districts. But now our main goal is the only goal that can be achieved: to solve the issue of the majority of the Serbian people by achieving that they get their Republic of Bosnia and Herzegovina. And they will roll over. They will have to roll over, especially after we achieve progress with the Constitution, followed by the government. Those very same loudmouths who have done nothing to set up a real government in the field. They do nothing but blather, burn straw, they only want to hold rallies, and there's nothing behind the rallies, it's all hollow, completely hollow.

**And this para is used to prove, what? That the President did what? Discussed within the Party, persuading the locals to be moderate, not to proclaim the unification of the Knin Krajina and the Bosnian Krajina, not to strive for more territory, and so on. What is wrong with this? And since everything was accepted and agreed in the Conference, the main problem was to define what the territories with the undisputable Serb majority to include in the Serb Bosnian Republic. Instead to reward the President for his devotion to the agreements and the peaceful solutions, we have an obscure charge.**

He also stated that "it is clear to every Serb that Croats and Serbs cannot live in a single state.

Consequently, they cannot be in the same army, and also that BiH cannot have its army. There would remain national guards in each of the republics, and the police which would be under the control of the respective republics".<sup>9041</sup> "9042

**(This is what Karadzic reported to the meeting about what was agreed upon. Those weren't his words, or his wishes, just look at the draft agreement.**

<sup>9041</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 6.

<sup>9042</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 6.

We can't make any concessions now because of that in this respect. In our opinion this is how it will remain, and we can't make any concessions. We have an obligation to our Assembly, and we have an obligation to our people: that if the status of Bosnia and Herzegovina towards and within Yugoslavia should change, the changes must be threefold, i.e., that out of Yugoslavia, like meat out of a meat grinder, come three spurts, three Bosnias and Herzegovinas which may be in some kind of contact and have some kind of links. They will have to be, because of transport and many other functions which are indivisible, undivided, but at any rate, with the sovereignty of the people in its territory.

I have to say that a part of the delegation, its English member, worked very hard with the maps, as if an agreement had been reached. He was obviously sure that an agreement would be reached, or to persuade us to accept? That the agreement would be along the lines that we had drawn. /as printed/ To designate and separate the territories, install the ethnic communities in power, sovereign power, there.

**(This is what the President reported to the meeting about what was agreed upon. Those weren't his words, or his wishes, just look at the draft agreement. The President reviewed the Serb-Croat relationship in general, and here is what was concluded:**

We talked about the need to sort out the relations between Serbs and Croats in general, not only in BH but everywhere. We opened their eyes to the prospect that the UN forces would remain there for 30 years, but they could leave after 30 days. If they stayed there for thirty years, their tourism would go to hell. And it is not our goal for Croatia to cease to exist. It is our goal for Croatia to consolidate its territory, but it is clear to every Serb that Croats and Serbs cannot live in a single state. Consequently, they cannot be in the same army, and also that BH cannot have its army. There would remain national guards in each of the republics, and the police which would be under the control of the respective republics.

We discussed a little about the principles on which Serbian-Croatian relations in general could be resolved as regards the Krajinas. They think that the best solution would be to relocate the population. The Europeans' hair stands on end at the thought. They deem that there are 150,000 to 250,000 Serbs in barren wasteland, that they are very poor, etc., and that we would give the richest farmsteads in Vojvodina, as if the people from Vojvodina would be willing to go to the barren wasteland. That's an unrealistic picture.

This issue pertaining to the situation outside of BH was like some kind of taking of the pulse.

They are in complete agreement about Bosnia and Herzegovina, and that was obvious. LASIĆ has been eliminated, a delegation which fully shares our views of how Bosnia and Herzegovina should be set up has now arrived.

**So, the President interpreted what had been discussed with the Croats, and the Chamber allocate this to be the President's words and his standpoint. There can not be more wrong inference, and that must happen if one is considering documents out of context!** The President emphasised that there was tension and conflict in undefined territories where "two national communities touch each other" and that they should be defined as soon as possible.<sup>9043</sup> **(prior to these sentences, the President said that a quantity of disputed territories is not as large as could be meant: @**

**2725.** In meetings with international representatives, Bosnian Serb leaders including the President, Krajišnik, and Plavšić openly stated that it was impossible for Bosnian Serbs to co-exist with the other communities, particularly the Bosnian Muslims, and that it was better to separate the communities.<sup>9044</sup> For example in discussions with Owen and Morillon, the President repeated

<sup>9043</sup> P1353 (Shorthand record of 10<sup>th</sup> session of SerBiH Assembly, 11 March 1992), pp. 2, 7; D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), pp. 4–5, 10.

<sup>9044</sup> KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6751–6752, 6843 (under seal); KDZ240, T. 16064–16065, 16068 (5 July 2011) (closed session); Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4205; Herbert Okun, T. 1496–1497 (23 April 2010); P785 (Second notebook of Herbert Okun's ICFY diary), e-court p. 25; P1029 (Witness statement of John Wilson dated 4 November 2008), para. 120; KDZ088, T. 6253–6255, 6314 (7 September 2010) (closed session) [REDACTED]; Hussein Ali Abdel-Razek, T. 5512–5514, 5522–5523 (20 July 2010). See also KDZ088, T. 6314 (7 September 2010); P5748 (Intercept of conversation between Radovan Karadžić and Lukić, 13 February 1992), p. 1; P5063 (Video footage depicting interview of Radovan Karadžić on "Ask the President", undated, with transcript), pp. 8–9. [REDACTED].

that separation from the Bosnian Muslims and Croats was essential.<sup>9045</sup> **“The state separation” was the crucial determination, and if it is skipped, then nothing have any sense. The Chamber does not have a reason to not understand, nor they can pretend as if it was not known what kind of separation the Serbs, and the Croats too, proposed: like in Switzerland, and Sarajevo like in the Brussels, see P941:**

2. Secretary Vance asked which areas Dr Karadzic considered to be Serbian land. Dr Karadzic said it was difficult to discuss which areas could be handed back. To do so would frighten the Serbian people in these places. He was willing to talk about giving back territory as part of an overall agreement. But any such agreement would also have to protect Serbian property rights in Muslim and Croat areas. Dr. Koljevic said it was clearly in the interests of the Serbs to return land in exchange for full political autonomy. Dr Karadzic said that the precise amount of land that may be returned had not been decided. But the total would be substantial. As far as Sarajevo was concerned, he favoured using the administration of Brussels as a model. The Serbian municipalities would be part of the Serbian constituent unit. Secretary Vance asked how this apparent will to talk about constitution...

**Does it mean that Switzerland, Belgium and other composed countries are a criminal creation?**

**(The entire crisis with Yugoslavia was about the ethnic majorities and the ethnic states. Why the Muslims insisted to leave Yugoslavia? It wasn't on a racial, or economic or sport, or any other basis, it was that they wanted to have their own national state, while the Serbs and Croats were envisaged to be minorities. The minority rights in the Balkans are never settled properly, and are always a source of wars and other skirmishes and unease.**

**This policy was introduced after the illegal secessions of the Yugoslav republics. Karadzic was obliged to be clear to the international mediators about what the RS would and what wouldn't accept.**

2726. In meetings with Harland, the President as well as Plavšić openly said that the basic Serb war aim was to redistribute the population of BiH so that the Serbs would be left in control of a single continuous block of territory embracing the whole border with Montenegro and Serbia and also including all of the traditionally Serb-inhabited areas.<sup>9046</sup> **(The President had never had any meeting with Harland, see below the part of Harland's answer to the President questions! Now, the time comes to analyze Mr. Harland as a witness, which was given a very high position only in the courtroom, while on the terrain about which he was supposed to testify he wasn't competent, he wasn't prominent, he wasn't present, he wasn't important, he wasn't acquainted even with his job and tasks. As the above para said: "in meetings with Harland, the President..." must be said that there was never any meeting between Harland and the President. Further, the subject he testified, i.e. "the basic Serb war aim" was never discussed with him, but always with the mediators, and only with the highest representatives, like Lord Carrington, Amb. Cuttillero, Cirus Vance, Lord Owen, Henry Darwin, Thorwald Stoltenberg and others of the simmlar level and leverage. Mr. Harland looks like a milky cow, and the Prosecution is milking out of him whatever can not obtain from the first clas interlocutors of the President. Why the Chamber admitted this testimony, while this drastic statement hadn't been found in any report of the international mediators? If it had been said, it would be the main issue on the Conference and in media! But, let us see further, what he said about Karadzic:**

247. I met KARADŽIĆ about fifteen times in 1993 and 1994, never as principal but almost always as part of a delegation going to Pale, as set out above. He was normally with several others, namcly KRAJIŠNIK, KOLJEVIĆ, ZAMETICA, BUHA, MLADIĆ, GVERO or TOLIMIR.

**It is obvious that he was in a delegations, "never as a principal". Let us se what he answered to the question of the President about their "meetings" (Harland, T. 2057)**

**Q.** Thank you. Can I just ask you something. Who held that position before you? **A.** Immediately before me was a colleague called Emma Shitaka. **Q.** I'm sorry that I did not manage to remember you and that I cannot remember her either,

(...)T.2061:

**Q.** If I understood you well, you said that you drafted your reports based on other people's reports. **A.** I certainly used the information from the UNMOs and our battalions, but I also had my own office. We had, I mentioned yesterday, a medical doctor. We also had a statistician. We had political officers making meetings with people in the city and outside, and, of course, I attended directly the meetings with the leadership on both sides. I was usually sitting quietly in the background. But -- so I would say it's not correct to imply that what I had was second-hand information. There was a range of sources. **Q.** You're saying that you had a direct insight, a direct assessment, but most of your report was a compilation and analysis of other people's reports. Could you please tell us what you based your reports on? You had two types of documents, reports and political assessments, so tell us what kind of documents you produced and what they were based on. **A.** Okay, sure. So the reports on specific incidents, whether it's a meeting or something that happened to a



*convoy or on the battle-field, if it was at a meeting, normally I was present. Normally, I didn't say anything, but normally I was present with yourself, or President Izetbegovic, or any of the other actors, or General Mladic, or General Delic, or many others. And so normally I observed, myself. If I did not observe, myself, I had a couple of colleagues who could play the same role.*

Is it now clear that Mr. Harland was a low level clerk, who didn't communicate but just was "observing" and making notes. Also, it is clear, isn't it, that he was not in a position to talk to the President or Ms. Plavsic, but the Prosecution kept "milking from him out as much as possible." And the Defense made this objection at the courtroom, but the Chamber highly evaluated this "milky" witness. But, look for what purposes the Prosecution used this "milky" gentleman:

248. KARADŽIĆ would tell us, with his psychiatrist's hat on, that the peoples of Balkans had "irrational hatred" for each other, and that there was no other explanation for the conflict, other than what this "irrational hatred" had done to the Serbs, who, he said, had been the principal victim of that hatred.

Of course, everyone knows that the President didn't wear any hat, let alone a "psychiatric" one, and certainly wouldn't speak with guests with a hat on him. But, if it was a figure, it is not an appropriate conduct, to have such a hostile remarks about a dignitary of the one of the sides between which the UN mediated, not appropriate, but rather very rude.

250. While the war was going well for the Serbs prior to 1995 KARADŽIĆ appeared to have good command and control. He would make precise decisions about military issues, such as in the Mt. Igman agreement and the attack of Goražde in April 1994 where he spoke of what specific units or guns would do.

Nothing could be less accurate. One should just listen to the intercepts pertaining to the Igman crisis, and see that the President didn't command nor controlled, but argued and threatened to be obeyed. Also, it was a well known fact that the President handed the operational command over to the HQ. Anyway, Harland couldn't have known anything about it, because he didn't have a required education or a position! It was just enough for Mr. Harland to know or guess what the Prosecution wanted, and he would deliver. The Defense is disgusted by the credit the Chamber gave to such a kind of witnesses. The Chamber (and the Appeal Chamber too) may remember how Mr. Harland and Mr. Banbury conceived their mandate: to protect the Government, i. e. to be against the Serbs.

And now, the quotation from this fn.

#### **Goals of the Bosnian Serbs**

267. The basic elements of the Bosnian Serb war goals as I understood them were: control of the territory in which there was a predominantly Serb population; control of the areas adjacent to the borders of Serbia and Montenegro; a continuous territory, joined through Posavina, and without enclaves; and, if possible, access to the sea.

This was published in the official gazette and given to the EC mediators, so there was nothing to ask him, or for him to "understand. He wasn't an expert witness, nor he was qualified to have his own "understanding" of the things that were in the competence of his bosses.

268. I have been shown a document dated 12 May 1992, describing what purports to be the Strategic Objectives of the Bosnian Serbs, marked 0210-0267- 0210-0268). I had not seen this document before. The objectives enumerated appear to be consistent with what the Serbs told us were their goals, as well as being consistent with conventional thinking of UNPROFOR at the time.

**So, Harland was summoned to be prepared to testify what the OTP needed, not what he himself saw on the terrain. Look further:**

269. I have been asked what connection there was between what was happening in Sarajevo and the population movements being enforced elsewhere. KARADŽIĆ openly said – and so did PLAVŠIĆ in particular – that the basic Serb war aim was to redistribute the population of Bosnia and Herzegovina so that the Serbs would be left in control of a single continuous block of territory embracing the whole of the border with Montenegro and Serbia and also including all of the traditionally Serb-inhabited areas.

**This is a shameless forgery. Who was he to have such a kind of talks with the highest Serb leaders? Only his superiors could have testified about this and such a subjects, but the Prosecution couldn't obtain anyone who would be indecent enough to lie or to invent. If anything of it was even similar there would be in all the official reports of the mediators, and in media.**

270. The Bosnian Serb leadership would say that due to an historical accident, this required the removal of very large numbers of Bosnian Muslims because Bosnian Muslims were the majority population along the Drina River Valley in North-Eastern Bosnia, adjacent to Serbia. They were quite open that the purpose of the war and the purpose of the pressure they were applying was to extract from the Bosnian government an acceptance of this redistribution of the populations, this ethnic cleansing. This pressure, as the Bosnian Serb leadership stated, included what was being done in Sarajevo.

**Why his superiors didn't report this Serb standpoint, or demand, whatever it was? How drastic it had to be to have attracted their attention? Had it ever been mentioned by any Serb, that would be on the front pages of every news paper and a headline in other media. And how the Prosecution allows itself to use such a shameless manipulation, but it is even more unusual that the Chamber accepted this kind of manipulation. Thus the UN court is compromising everything that the UN did in the mediation, in the humanitarian mission, in it's presence there?**

**DO WE HAVE TO CONCLUDE THAT THIS #UN COURT NEGLECTS THE FIRST CLASS UN DOCUMENTS# IN ORDER TO ACCEPT MEMORIES AND OPINIONS OF THE FIFTH CLASS UN NOTE-TAKERS? See the next par of the paragraph, a literally taken from the Harland's statement:** The Bosnian Serb leadership said that due to "an historical accident", Bosnian Muslims were a majority in certain areas and to achieve their goal, large numbers of Bosnian Muslims had to be removed because the majority of the population along the

Drina River in northeast BiH, was Muslim.<sup>9047</sup> They openly stated that the purpose of war was for the Bosnian government to accept this redistribution of the population and the President acknowledged that some “old people will probably want to remain” but he envisaged that to a large extent the overwhelming majority of the population that would remain in Serb areas would be Serb and Muslim in Muslim areas.<sup>9048</sup> **(Again, the Chamber is turning a possible academic discussion and predictions into an official standpoint of the entire Serb side. More than wrong inference, a forgery. The Chamber knew that the Serbs envisaged that both the Serbs and Muslims had been envisaged to have their own municipalities regardless of the entity where they lived! If it had been said as an official position, as Harland testified, the whole international community would have known that!)** At these meetings, some members of the Bosnian Serb leadership openly stated that it was good if all non-Serbs left and that they wanted them to go because they were not living well together.<sup>9049</sup> **(Look at this “hard proof” – some members of the Serb delegation said something, what his superiors and chiefs of delegations didn’t here and didn’t report to their headquarters! How the Chamber accepted such a flagrant lies?)**

<sup>9047</sup> P820 (Witness statement of David Harland dated 4 September 2009), para. 270.

<sup>9048</sup> P820 (Witness statement of David Harland dated 4 September 2009), paras. 270, 272.

<sup>9049</sup> P820 (Witness statement of David Harland dated 4 September 2009), para. 274.

2727. Biljana Plavšić spoke about the importance of the partition of territory and executing this partition “properly as this business awaits us”.<sup>9050</sup> **This “chop” from the Plavšić’s speech is abused. The entire session was dedicated to the last preparations to adopt the Lisbon Agreement, and here is what Ms. Plavšić said:**

it should be most important to concentrate on partition of the territory. We must be engaged to the maximum, we should execute the partition properly as this business awaits us.

And we should introduce the term union of states, if we can manage, I think it would be very good.

As far as the proposition to change the team, I am not for the change for many reasons.

It is very well that the impression so far is positive that we have not changed our team. It creates confidence in our people. Because changes in negotiating teams are being commented upon in various ways. In order not to have it in connection with the changes that you want to impose here, don’t, I think it would be badly interpreted.

On the other hand people who already have the continuity still know some details that could be decisive in the remaining work. Bear this in mind: the most difficult job is the partition of territory. On the Croat model I saw how it can be perfected in the existing conditions and how perfectly their state is functioning.

**But, this even wasn’t translated correctly. In Serbian it look as follows:**

Prema tome čini mi se da bi bilo najvažnije od svega koncentrisati se na razdvajanje teritorija. Tu moramo biti maksimalno angažovani, mi ta razranichenja treba da napravimo kako treba jer nas taj posao čeka.

**It should be translated like that: “Therefore, it seems to me that it would be the most important than everything to concentrate on the separation of territories. We must be maximally engaged, we have to do those delineations properly, because this job is waiting us.”**

**Therefore, not “partition” but “separation” and “delineation” and this was an obligation towards the Conference, the mediators asked for that, and nothing criminal was in that, since there was the Agreement reached! But, the main question is: why the Tribunal needed a “note-taker, summoned to testify of the facts to testify as an expert, about a public statements and documents? Finally, it was a daily job for the delegation of the EC. Look what the President said at the meeting of the Club of representatives 28 February, P00938, p.5**

I have to say that a part of the delegation, its English member, worked very hard with the maps, as if an agreement had been reached. He was obviously sure that an agreement would be reached, or to persuade us to accept? That the agreement would be along the lines that we had drawn. /as printed/ To designate and separate the territories, install the ethnic communities in power, sovereign power, there.

**We now know that it was Mr. Henry Darwin, who was the first to create the territorial shape of the future constituent units, and the sides had been pressed by the EC to accept the plan as soon as possible!) She also expressed the idea that Bosnian Serbs could no longer live with Bosnian Muslims; on one occasion at a funeral for a Bosnian Serb soldier she said that the Bosnian**



Muslims should be slaughtered or exterminated.<sup>9051</sup> In May 1992, Plavšić spoke of the entitlement of the Serbs to 70% of the territory and that Bosnian Serbs “were used to living in wide spaces” while Muslims typically lived in cities.<sup>9052</sup>

**This is a big misunderstanding among the two whose native language wasn’t English. What the lady (if it was Ms. Plavsic, since Doyle didn’t say that, it was suggested to him by the prosecutor, T.2667: (A. Yes. This particular comment was brought up by an official of the Bosnian Serbs when I went to Pale on the 1st of May, 1992. I don’t know in what capacity she was, but certainly she was one of the Bosnian Serb officials I met up there.) As a matter of fact, it was a very frequent question from the foreigners, how come the Serbs are majority on 70% of the territory, while the make 32% of population, and the answer was always what Mr. Doyle heard, but didn’t understand. It was not any political position, it was just an explanation how come the Serbs are more rural.**

Plavšić further stated that “if it takes the lives of 3 million people to solve this crisis, let’s get it done and move on”.<sup>9053</sup>

**(Ms. Plavsic denied this assertion immediately after it appeared in public. This was, she explained, a malicious framing in by the communist circles in Belgrade! If Ms. Plavsic didn’t accept it, and there were no other evidence but a communist gossip, it shouldn’t be in this Court and it’s documents!) Plavšić also spoke about creating the conditions for “forced emigration” and that the “last thing that can be allowed [...] is a compromise at the expense of conquered territories” and that foreign countries should be reminded that the Bosnian Serbs would not give up what they had conquered.<sup>9054</sup> (Let us see what Ms. Plavsic was discussing in the Assembly, for which she couldn’t be President in any country, because it was a legislative body discussing the platform for negotiations:**

maps and conquered territories. Let me tell you immediately that I feel that no difference should be made between these two concepts. 65% of Serb territory belong to our people according to the cadaster and 70% of the conquered one, which is only 5% gain in relation to the previous number. If we presume that the enemy will gain as much as we will give him then who would dare explain our people to abandon what they already have, something which is compensation to them for destroyed or burned

**Since Ms. Plavsic couldn’t be charged for expressing her opinion in the Parliament, how possibly the President’s “mens rea” could be derived from another person’s parliamentary discussion??? Contrary to that, the two elements: the Serbs didn’t conquer, it was their territory, and second, the envoys had been the only acquainted with the official position, see P941, and Lord Owen said that it was for the first time that an army that wasn’t defeated agreed to role back 1/3 of the territory. Doyle couldn’t testify about those things, and his opinion or assumptions are not relevant. The Chamber had the insight in the President’s commitment that the territorial issues are relative, and that the Serb side doesn’t recognize any forcefull occupation of the territory, and that the territorial issues are to be defined on the Conference. Such a commitment the President made as early as 22 April 1992 in his Platform for a peacefull resolution of the crisis, see: D220:**

<sup>9051</sup> Colm Doyle, T. 2667–2668, 2670–2672 (21 May 2010); [REDACTED]; **Let us see what a lady said to Doyle: A. Yes. This particular comment was brought up by an official of the Bosnian Serbs when I went to Pale on the 1st of May, 1992. I don’t know in what capacity she was, but certainly she was one of the Bosnian Serb officials I met up there. And she said, Mr. Doyle, you know, I’m quite happy to live with others, but I want a fence built round my house. I will only feel safe if I’m inside my house and I have protection outside. And that was the feeling we got at the time. IT SHOULD HAVE BEEN KNOWN THAT IT WAS A PARAPHRASE of a very known American poet, R. Frost: “a good fence make good friends”. It didn’t say what the paragraph said. Again, instead of documents, the Tribunal is picking up a patchwork of sentences that were said without any obligation, and by unknown persons. This is a spying on the people when they are out of office. However, no mentioning of any slaughter** Vitomir Žepinić, T. 33594–33595 (13 February 2013).

<sup>9052</sup> Colm Doyle, T. 2671–2672 (21 May 2010).

<sup>9053</sup> Colm Doyle, T. 2672 (21 May 2010).

<sup>9054</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 38–39, 52.

Dr. Radovan KARADŽIĆ's  
P L A T F O R M  
for resolving the crisis in Bosnia and Herzegovina

1. An unconditional and immediate ceasefire and compliance with the agreement of 12 April 1992.
2. Urgent continuation of the conference on BH /Bosnia and Herzegovina/ and its continuous work until a solution is found.
3. Within the framework of the conference on BH, priority to the drawing of maps of Sarajevo and constituent states.
4. Public commitment by all the parties in BH that the constituent parts of BH will not be joined to neighbouring states and that armed forces from outside Bosnia and Herzegovina will not be invited to or accepted in the territory of BH.
5. Public commitment by all the parties in BH that they will not accept a policy of fait accompli, not even the one arising from the communist inheritance, and that territorial advantages gained by means of force will not be recognized.
6. Urgent implementation of a new constitutional agreement along with guarantees of the international community.
7. The opening of a process of demilitarisation and the precise definition of the role of the JNA /Yugoslav People's Army/ in the coming period.

Sarajevo, 22 April 1992

Dr. Radovan KARADŽIĆ  
PRESIDENT OF THE SERBIAN  
DEMOCRATIC PARTY OF BH  
/stamp and signature/

**Do the documents matter at all, or a gossips are stronger? This is his *mens rea* and whatever others said, it can not be used against this President!)**

2728. Koljević was particularly extreme in his views and continued to repeat at important meetings that it was impossible for the communities to live together.<sup>9055</sup> **(This is a blasphemy to say that Mr. Koljević was an extreme in any sense, because everyone knew how mild and moderate was he. Again, talking out of context, Koljević took into account the new course of the Muslim leadership, and their plans to reform BiH and life in it on the basis of the Izetbegović' program called Islamic Declaration. Professor Koljević could have been everything but not extreme in anything. But all of those allegations come from a two or three obscure witnesses, who are picking up a parts of sentences from private talks or a privileged parliamentary talks in the middle of a bloody war with daily loses of lives. This looks like a political lecturing and advocating of the multiethnicity at any costs. What is that? Does the Chamber have the right to judge the Serb political response to the illegal secession of BiH, and the Muslim persistent attempts to avoid any decentralisation of BiH in order to be able to dominate. This is something that the Defense should cease to deal with and to defend against the allegations that the Serbs didn't accept to live with the Muslims, i.e. "under the Muslims" and their domination. So what? That was their right. And there were many other outcomes from this crisis, but the Muslims and their western friends favored the war, for which they want to accuse the Serbs. This is another crime of the cosmic dimensions. Stop it! This crime is developing under the auspice of the Security Council and the UN. What does it matter if some deputies said in the middle of the war that they didn't want to live with those who are killing the Serbs every day?)** A deputy at the Bosnian Serb Assembly echoed this sentiment and spoke about their common wish for an "ethnically pure Serbian state" and the need, in the context of negotiations, to "emphasise that we can not live with them".<sup>9056</sup> **(Any deputy was entitled to say whatever wanted, without any possibility to be President, let alone indicted. How somebody else, as the President, with the different opinion, could be charged of a deputy's words? This part of the alleged "ethnically pure state" is a monstrous lie, particularly if it implies the "ethnic cleansing" which usually does. When it was a word of the ethnic delimitation, it meant that a villages be free to decide to belong to one or other**

<sup>9055</sup> Vitomir Žepinić, T. 33595 (13 February 2013). See also Herbert Okun, T. 1497–1498 (23 April 2010); P785 (Second notebook of Herbert Okun's ICFY diary), e-court p. 44.

<sup>9056</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 34.

municipality and thus entity. This construction is so unfair, and is perpetuated from the biased media and political flosculas. Anyway, all that is in the foundation of the Indictment and this Judgement is from unofficial sources, the fifth class evidence. At the same time, there are a plethora of a genuine evidence, contemporaneous documents and commitments to the opposite of these allegations, while there is no valid evidence in the documents of the RS in favour of any crime!) Lukić, who was the second Prime Minister of the RS, also advocated "ethnic cleansing" and told leaders in Serbia that Bosnian Muslims could not be trusted.<sup>9057</sup>

(Incorrect, see below, the comment of the foot note. Let us see from P6161, p. 1 part of the discussion of M. Bulatovic, President of Montenegro:

them. But we are also obliged to understand that we can hardly cooperate with someone who, like the Prime Minister of Republika Srpska, advises us to ethnically cleanse Sandžak and kill the Muslims there.

Slobodan MILOŠEVIĆ:

Who says that?

President Milosevic asked: "Who said that?"

that? Bulatovic

confirmed:

The Prime Minister of Republika Srpska, LUKIĆ. He advises us to do it as soon as possible, for Muslims are not to be trusted, they will stab us in the back, they will mine our railroad, and so on.

As

if Prime Minister Lukic advised leadership of FRY to ethnically cleanse" Serbian region callse Sandzak! A bit later President Milosevic said:

Slobodan MILOŠEVIĆ:

It is new to me that the people, with whom we seriously discussed that, are the disguised promoters of the idea that Muslims should be killed and expelled from this area. We have nothing to talk about with such people.

And

President of FRY Dobrica Cosic said:

Dobrica COSIĆ:

All right, we must collect the right pieces of information as soon as possible.

At

the very same moment neither President Milosevic, nor President Cosic knew or believed it, and Cosic concluded that a right information must be collected as soon as possible. Let us now see what President Bulatovic said in his testimony, T34540 Q: Mr. Bulatovic, is it your

evidence that the expulsion and crimes that the Serbs, the Croats, and the Muslims suffered during the period from 1991 through to 1995 in Croatia and in Bosnia are not the result of the policies and the actions of their respective leaderships? Is that your evidence? A. Very strong lifelong conviction is that it was a consequence of the civil war that raged in those areas, and that civil war was due to the uncontrolled and unlawful breakup of the previous state; that is to say the expulsions and the crimes are a consequence of the fact that there was a civil war not that there was any plan.

So much about allegations that the gossip about Lukic's invective on expulsion was believed by President Bulatovic! Here is the critical sentence about alleged Prime Minister Lukic advises that the FRY cleanse Sandzak, T34543- 34544: Q.Mr.

Bulatovic, I would like to quote what you said on -- and you say here: "We are obliged to help them," referring to Republika Srpska, "but we are also obliged to understand that we can hardly co-operate with someone who, like the Prime Minister of the RS advises us to ethnically cleanse Sandzak and kill the Muslims there." And can we have the next page in the English. And then you also say: "The Prime Minister of Republika Srpska, Mr. Lukic, he advises us to

<sup>9057</sup>

Momir Bulatović, T. 34543–34544 (1 March 2013); P6161 (Excerpt from notes of FRY's SDC 8<sup>th</sup> session, 12 March 1993), pp. 1–2. Wrong and incorrect! Bulatovic rebutted previously mentioned alleged words of Lukic. Lukic or any other Serb official never advocated "ethnic cleansing" or "pure Serbian state", but all of them advocated a moderate approach to the issue of territories, meaning not to include territories of the others, who wouldn't want to be in the Serbian entity. That the Muslims weren't to be trusted knew every mediator, and they said it many times publicly.

do it as soon as possible, for Muslims are not to be trusted. They will stab us in the back, they will mine our railroad, and so on." Mr. Bulatovic, that's what you said and that was your information; right? **A.** I remember this meeting very well. It was being decided how to meet the requests of the Government of Republika Srpska for their military conscripts to be arrested, those who are in the territory of the FRY and how to deliver them by force to the VRS. That decision was not taken and I'm very proud about that. This passage deals with the decision-making process. It is true that this decision was not notified to us in person, but we were just told that in the ranks of the Government of Republika Srpska occasionally there are some extreme views. It turned out that those extreme views were something we could not share, they were not our convictions, and they could not support the making of the decision that was asked of us to make.

**Let us see further, T3454-57** **Q:** Here you see it basically in where you speak. It's the third paragraph in which you speak, and that is -- that should be the quote that I had: "That is one of the most important elements of our national strategy, all the more so because the highest leadership of Republika Srpska suggests that we should initiate organised ethnic cleansing and that would be a disaster." That's what you said; right? **A.** Yes. But look, this was a normal and responsible reaction to an atrocious crime that was committed. This is a discussion about what the paramilitary unit of Mr. Lukic had done. They had killed innocent citizens of Serbia and Montenegro. They were killed on the train only because they were Muslims. You see in the text a strong conviction of that. There is talk about Lukic and he is described as a horrible person. The text also speaks about our efforts to preserve peace and tolerance. Sandzak, for your information, Your Honours, is an area populated mainly by Muslims. That's why I said one of the main elements of our state strategy was to preserve peace and tolerance. And the sentence that comes next is linked to the previous one where we describe an extremist excess by one person from the leadership -- **THE PRESIDENT:** [Interpretation] If I may say ... **JUDGE KWON:** I'm not sure the translation of Mr. Bulatovic's answer has been translated. Yes, we'll hear what you say, Mr. Karadzic. **THE PRESIDENT:** [Interpretation] **A.** I wanted to draw your attention to the fact that Mr. Bulatovic said it was one of the most important elements of our state strategy, all the more so because from the highest -- it originates from the highest places in Republika Srpska, whereas the interpretation refers to the "highest leadership of Republika Srpska." He actually said from the highest places in Republika Srpska. "Highest places" is not legally the same as the "highest leadership." [...] **MS. UERTZ-RETZLAFF:** **Q.** Mr. Bulatovic, when you -- I assume that "highest places" is the correct translation as Mr. Karadzic says, and "highest places" means the Bosnian Serb leadership or who would you mean? **A.** It's clear. This is a continuation from the same session where we strenuously condemn the then-Prime Minister of Republika Srpska, Mr. Lukic.

**So, there was discussion about another Lukic, President for a killing of the Muslims in a train, while the assertion about "an extremist excess of one person from the leadership concerned with the allegations about the Prime Minister! All on the level of gossip! Let us see what President Bulatovic said in his testimony, T34584 - 85:** **Q.** Mr. President, in light of what His Excellency Judge Kwon said on page 40, lines 20 and 21, about Lukic's statement at the Supreme Defence Council, can you explain, was Lukic present and did he state that at the Supreme Defence Council session? **A.** No. From the whole context it is obvious that the position of Mr. Lukic was conveyed to us in a hearsay way. We were just referring to a common place that was indirectly passed on to us in the absence of Mr. Lukic. **Q.** Thank you. In the course of your work, did you encounter similar positions of Mr. Lukic reflected in some reliable documents? **A.** No. Those positions were never officially stated, but the thinking of the Supreme Defence Council was that we did not want to co-operate with Republika Srpska based on extreme views. But since we were co-operating non-stop, in my view it is proof that their views were acceptable to both us and the international community. **Q.** Thank you. Mr.



*President, how does what we saw in the previous document fit in with what reached you in that hearsay form?* **A.** *The difference is obvious. An official address by Prime Minister Lukic is something that cannot be objected to, whereas the information we received at the Supreme Defence Council was cause for great concern and for that reason was rejected by us.* **Q.** *Can I just put this to you. This is the 7th Session of the cabinet after that meeting of yours, so on the 19th of May. We have one document from before the session and this one is after the session. I will read carefully the conclusions of the government. First sentence: "The report on the work of the commission for refugees and humanitarian aid for the first quarter of 1993 has been endorsed." And then further below it says: "Of particular importance is to ensure balanced distribution of aid relative to Muslims and Croats and the commission shall pay special attention to this."* **Q.** *Mr. President, can you tell us from your experience what was the degree of accuracy of that information, that kind of information that reached you? To what degree did they prove to be wrong or correct?* **A.** *It is well-known that the first casualty of every war is the truth. Intelligence and security services that cover and monitor every territory are not always slaves to the truth. They work for their own interests, but most often it is the only source of information. You have to work with that information although you could never swear that they are completely correct or truthful.* **Q.** *Thank you, Mr. President. (Now, when we see that the allegation about Prime Minister Lukic criminal proposals is rebutted from the very source of the information, how was it possible to have it remained in the Judgement? What is the sense of trials at all? If everything that the Prosecution alleges becomes a fact, why to call any witness? Only this episode is sufficient to compromise the entire process as unfair and fake!)* International observers reported that the JNA acquiesced in, or in some cases supported, the creation of ethnically homogeneous regions in BiH which involved "the seizure of territory by military force and intimidation of the non-Serb population".<sup>9058</sup>

2729. Krajišnik often recalled that the main Bosnian Serb objective was to separate from the Bosnian Muslims and to create their own state which was ethnically “pure”.<sup>9059</sup> **(Wrong, see the comment of the fn below!)**

2730. In July 1992, Mandić spoke about the Bosnian Serb territories which were “supposed to be taken”, had already been taken, and identified areas which were still disputable, including in Sarajevo.<sup>9060</sup> Mandić also questioned “what to do with the Turks” and suggested that there “should be an airlift established with Turkey and let them go, we should split Bosnia in two parts”.<sup>9061</sup> In this same conversation, Mandić said “[w]e don’t want to have a single-nation state, man. We want to have democratic state where the Serbian people would be in the majority.”<sup>9062</sup>

<sup>9059</sup> P1479 (Ratko Mladić’s notebook, 16 July–9 September 1992), pp. 140, 143–144; **There is no a word about “ethnic purity in this document”** P5623 (Speech of Momčilo Krajišnik at the Assembly of Serbian People of BiH, 28 February 1992), pp. 3–4 **Let us see what Mr. Krajsnikreally said:**

higher level, we must amend the Constitution, it must be in accordance with the will of the people. Neither Sarajevo nor any other city can rule over anyone. We must completely /unintelligible/ the democracy of Bosnia. And now it is inevitable, a letter is inevitable if we can adopt a decision in that manner. There is no reason not to take

**of that was said after the Conference agreed to have the three units in BiH; See further, p. 3:**

is only a matter of . . . even the Constitution in this period, we can allow that we don’t vote for it each time but rather say we agree to it because nothing will come of it if we now want to rule over someone /unintelligible/ the Muslims /unintelligible/ Croats /unintelligible/. But this thing that has begun, we don’t need a confederal Serbian BH, gentlemen, we need wisdom, we only need a monolithic Serbian state and /unintelligible/ with one centre. Let us say whether it’s /unintelligible/ we have not . . .

**The Serb entity had already been accepted at the Conference, but Krajsnik fought his political fight against the Krajina separatism and pleaded for a solid, unitary Serb entity, not a confederal one. No a word about “ethnic purity”, and this kind of abuse of evidence is disastrous for the state of the international justice. Let us see p. 4.:**

one else. We don’t have to fear that much, they are Serbs who cannot understand reality. Look at these priests of ours: every time we discuss with great respect and then we say, “God help the Serbian people to agree,” no one has the right to do that by bypassing our unity. I tell you, everything we do in this Parliament, everything I do personally, I do exclusively for pure areas of /unintelligible/ and Herzegovina and /unintelligible/ and I will not yield the right to tell the people of Krajina that they are not right. The people of Krajina are not working for the whole Serbian people, but we are working for the people of Krajina. But that is difficult to prove. I say that at this

**This is a problem with wrong translation, Krajsnik didn’t mean “pure areas” it meant “clearly Serbian areas”, meaning undisputable Serbian. But even if it was as it is interpreted, taking into account that it had been said before the war and in the context of the Agreement that exclude any war, it would only mean that Krajsnik advocated to claim for only those territories that are “clearly Serbian” and no way to interpret it as an intention to “purify” the territories. Clearly commendable!!!** P1481 (Ratko Mladić’s notebook, 5 October–27 December 1992), pp. 146–147; **Let us see what is written in this exhibit:**

**11.- \* KRAJIŠNIK:**

- I admire the military successes. —
- It is very dangerous to seize their territories.-
- The /River/ Drina and the Neretva. . .
- We have a disproportionate engagement of the army in relation to the strategic

**Krajsnik praised the military for their “successes” but warned that “it (is) very dangerous to seize their territories”. And that was the only manner to accomplish a homogenous Serbian entity, not to grab their territories. Commendable and exculpatory, although it is clear that this kind of notes are to verbatim, but interpretative and shortened. Anyway, no space to comment every single exhibit, but all of them are misinterpreted, misconcieved, removed from context, and this is unacceptable and must be condemned!**

P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 48; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4293, 4295. See Adjudicated Fact 2411. Živanović acknowledged that separation from the Bosnian Muslims was discussed. Milenko Živanović, T. 42585–42590 (30 October 2013).

<sup>9060</sup> P1104 (Intercept of conversation between (i) Momčilo Mandić and Ivo Rezo; (ii) Momčilo Mandić and Branko Kvesić, 10 July 1992), pp. 7–8; Momčilo Mandić, T. 4619–4620 (5 July 2010). In an earlier conversation in May 1992, Mandić said that they “should settle the Sarajevo problem through war and then sit down and talk”. P1149 (Intercept of conversation between Momčilo Mandić and Milanko Mučibabić, 26 May 1992), p. 8.

<sup>9061</sup> P1104 (Intercept of conversation between (i) Momčilo Mandić and Ivo Rezo; (ii) Momčilo Mandić and Branko Kvesić, 10 July 1992), p. 8.

<sup>9062</sup> P1104 (Intercept of conversation between (i) Momčilo Mandić and Ivo Rezo; (ii) Momčilo Mandić and Branko Kvesić, 10 July 1992), p. 10.

Mandić acknowledged that Croats and “the rest of Muslims” would also have rights after “we clean them out”.<sup>9063</sup> **(This was a jokey conversation between a Serb (Mandic) and the two Croats (Kvesic, Rezo) and not an official standpoint. Certainly, Mandic would never say anything official to the “enemies” since at the time there was a war between the Serbs and Croats. This is a patetic patchwork with the aim to sentence the President! Mandic was acquitted even in the BH court!)**

**2731.** The Chamber recalls that Kuruzović, the Commander of Trnopolje, confirmed that the plan of the Serb authorities was to reduce the number of Bosnian Muslims in Prijedor to 10% or less, and then later to reduce this to 2% or less.<sup>9064</sup> **(This is also a very peculiar: Kuruzovic was in charge of the Trnopolje reception center, not a high official of the RS. Also, the president of the Prijedor municipality rebutted this assertion in his testimony, under the same footnote! What the interest would have president of Prijedor Mr. Stakic to lie, since he was already finally sentenced? So, an Adjudicated Fact was rebutted by a very competent person, but in vain. Is that a justice?)** The Chamber also heard from KDZ051 that around September 1992, he was told by the President of the Rogatica SDS, Sveto Veselinović, that “all the Muslims were going to disappear from the territory” and that in conversations with the President in Pale, “[i]t has been decided that one third of Muslims would be killed, one third would be converted to the Orthodox religion and a third will leave on their own”.<sup>9065</sup> Sveto Veselinović testified that he did not meet KDZ051 in person, that he did not make such a statement, and that he did not have such a conversation with the President, as he did not speak to him between January 1992 and autumn of 1993.<sup>9066</sup> The Chamber finds that Veselinović’s evidence casts reasonable doubt on this issue and thus dismisses KDZ051’s evidence on this point. **(The Chamber had been informed that this famous “formula” was in reality invented in the WWII by Quaternik, the Croat fascist official, and everyone knows it. That was the official policy of NDH, independent Croatia as a satellite of the Third Reich. That was the only witness saying such an allegation, nobody ever said anything like that.)**

**2732.** The President made a number of speeches which spoke about the inability of the “three peoples” in BiH to live together, and for example compared them to “plants which cannot grow side by side. They have to be separated to flourish”.<sup>9067</sup> **(The Chamber is quoting these speeches as if it was a cause of the misfortunate development. However, it was only an attempt to understand such a persistent antagonism among the BH ethnic communities that last for centuries. This could not cause any consequence, but to the contrary, the tragic consequences are always caused by a negligence of these antagonisms and attempt to include many antagonised communities in a common state!)** He also stated that “they lived together only when occupied or under a dictatorship. [...] We can only be together like oil and water. When you mix us, we are together. When you leave us alone, we separate” and that if they

<sup>9063</sup> P1104 (Intercept of conversation between (i) Momčilo Mandić and Ivo Rezo; (ii) Momčilo Mandić and Branko Kvesić, 10 July 1992), p. 11.

<sup>9064</sup> See para. 1910 (referring to Adjudicated Fact 1093). But see D4195 (Witness statement of Milomir Stakić dated 16 November 2013), paras. 28, 42; Milomir Stakić, T. 45266–45267 (17 December 2013). Stakić testified that he never had any knowledge or heard of such a plan and the municipal authorities in Prijedor never planned for the municipality to be mono-ethnic and that the rights of all citizens were maintained. In light of the weight of contrary evidence received by the Chamber and Stakić’s interest in distancing himself and the authorities from events in Prijedor, the Chamber does not find his evidence in this regard to be reliable. **(Why would Stakic distance himself, since he is sentences finally? Why nobody else mentioned that?)**

<sup>9065</sup> P3405 (Witness statement of KDZ051 dated 17 September 2011), para. 95.

<sup>9066</sup> D4192 (Supplemental witness statement of Sveto Veselinović dated 17 November 2013). Similarly Karabeg, the President of the SDA Executive Board in Sanski Most, testified that the “goal of the Serbian side was not to have more than 10 per cent of the population in Sanski Most”. Mirzet Karabeg, T. 18700–187002 (13 September 2011). However, the Chamber does not consider that Karabeg’s testimony provided any basis for him to reach this conclusion, or that he was privy to that kind of information. The Chamber therefore does not rely on his evidence in this regard.

<sup>9067</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 8. See also Vitomir Žepinić, T. 33586–33587 (13 February 2013) (also testifying that in his own talks with the Accused, he “was not convinced that [the Accused] really thought about physical elimination of non-Serbs from [BiH]”, but that it was impossible to live together due to the extremism of the nationalist parties). While the Chamber accepts that this was Žepinić’s own assessment, it does not rely on his opinion in this regard. **(Once and for all: the President said that they can not live under the same political and judicial system, because when the fundamentalist Islam comes, this region loses tranquillity!)**

were put in the same pot the soup would not mix.<sup>9068</sup> **(The Chamber forgot that this was a Njegos's strophe, stance, illustrating a complicated relations between the two religions. This was the greatest Serbian poet and Prince-Bishop of Montenegro in 19<sup>th</sup> Century, a sort of icon in the region.)** The President stated that "[w]e are really something different [...] we should not hide that. We are not brothers. We must know that" and that when the world asked why they could not live together, he would answer that "we are three cultures, three peoples and three religions" and that they had never lived together in democracy.<sup>9069</sup> **(So what? It was said before the war as an explanation why Bosnia has to transform into three entities, and such a political position didn't cause any harm. Quite opposite, the denial of this transformation caused the war! The Chamber could have noticed, if wanted, that the Serbs always considered the Muslims to be the Serbs who converted to Islam. This was a sort of duping ourselves, because the vast majority of the Muslims joined our enemies in every single war. Only some extraordinary individuals, whose ethnic identity was stronger than the religious, considered themselves the Serbs of the Islamic religion. So is nowadays. Even Lord Owen said (in the movie Death of Yugoslavia) that all of that was a civil war among the Serbs of the Orthodox, Catholic and Muslim religion)**

**2733.** This sentiment was also reflected in speeches delivered by Bosnian Serb leaders at a municipal level. For example, the Chamber recalls that in early April 1992, there were radio announcements in Foča in which SDS President Miroslav Stanić said it was no longer possible for Bosnian Serbs to live with their Bosnian Muslim neighbours, that they could not be woken every morning by the hodža from the mosque, **(Again, this is a famous line from the Njegos's "Gorski vijenac", a line of poetry, also well known!)** and that there was a danger that the Bosnian Serb population would be circumcised.<sup>9070</sup> **(But, anyway, whatever said somebody else is not a liability of the President! Foča had a long history of mutual extermination of the two communities!)** In May 1992, the President attended a meeting where he said that if there was a response to the mobilisation of the 1<sup>st</sup> Krajina Corps, "then we clear the Posavina of Croats".<sup>9071</sup> **(Again, this is a grave manipulation with this un-finished sentences, not taken verbatim, but in a short, crippled view! If it was meant to "clear" Posavina from the Croatian civilians, why there would be needed any mobilisation? Obviously, as well known to everyone who wanted to know, Posavina was extremely militarised, and the fights lasted until the beginning of July 92. Therefore, to clear Posavina from the Croatian Army and HVO was a legitimate, and even vital because there was the corridor between eastern part of the RS and Banja Luka region! While exploiting the Mladic's notes, the Chamber should notice other elements on the same pages: see P1478:**

<sup>9068</sup> P5596 (Video footage depicting interview of Radovan Karadžić on CNN, with transcript), p. 1; P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 19; P6688 (Interview with Radovan Karadžić in Duga Magazine, 23 May 1992), p. 3.

<sup>9069</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), pp. 19–20. KDZ310 testified that the Accused as the head of the SDS pursued a policy which was designed to prove to "both peoples that they can no longer live together" even though they had lived together for years. **(If so, why the Muslims wanted a unilateral and illegal secession from the common state? Why the Tribunal pretends to be naïve? It was clearly said that the Serbs didn't want to lose their freedom accepting a hostile fundamentalist regime in an independent Bosnia! Once the MBO – Muslim-Bosniak Organisation, proposed the Historic Serb-Muslim Agreement, the Serbs and the President accepted immediately, and abandoned the regionalisation and other plans!)** KDZ310, T. 9178, 9182–9183 (29 November 2010). During cross-examination, KDZ310 acknowledged that he was in no way involved in politics and he formed these views based on conversations with people and what was reported in the media. The Chamber therefore places no weight on his assessment. Similarly the Chamber places no weight on Mujadžić's opinion that in Prijedor, the Accused placed his confidence in Stakić as a municipal leader, as he came from a typical "Chetnik" background, to create a rift between Bosnian Muslims and Serbs and to impair the belief that it was possible for the two ethnic groups to co-exist. Mirsad Mujadžić, P3703 (Transcript from *Prosecutor v. Stakić*), T. 3737–3739, 3903–3904.

<sup>9070</sup> KDZ239, P3336 (Transcript from *Prosecutor v. Krnojelac*), T. 1185. See para. 852.

<sup>9071</sup> P1478 (Ratko Mladic's notebook, 27 May–31 July 1992), pp. 38, 41.



- \* Mauzer (in Bijeljina) has grown arrogant and he cannot work in the way that he wants
- In Bijeljina the Muslims are settling (Message intercepted: No checks, weapons arriving you don't need to) –
- \* If there is response to mobilisation into the 1<sup>st</sup> Kr. K /Krajina Corps/ then we clear the Posavina of Croats. -

**The Chamber would notice that the Accuse was very critical about Mauzer, the Muslims are returning in Bijeljina, on the appeal of the President and the Prime Minister of FRY Panic, but they have a hostile intentions, and finally, Posavina!)**

2734. These speeches are in stark contrast with an interview on 20 July 1990, where the President stated that

an illusion was created about a discord between the Serbs and the Muslims. [...] Basically, there is nowhere a conflict of interest between the Serbs and the Muslims. Regardless of what may happen, the Serbs and the Muslims will always live in a common state, and they know how and they will know in future how to live together. There is no need for a third party to fix the things between them.<sup>9072</sup> **(EXCULPATORY!!!)**

**Exactly, that would be as the President said, if only the Muslims didn't force the illegal, unlawful and forceful secession. What is not clear here? I the World War I the Muslims joined the Austro-Hungarian Empire against the Serbs. In the WWII they joined the Third Reich and the Croatian Nazi regime against the Serbs. Meanwhile the Serbs and Muslims lived peacefully. The President said that the Muslims do not have any reason to fight against the Serbs for a sake of another side. However, the President was too optimistic! He didn't change his position, the Muslims did!)**

2735. The President also stated:

Here, the Muslims are Slavs, people with our blood and language who, for the most part, opt for the European quality of life and preservation of the Islamic faith. There is no room for panic neither among the Serbs nor among the Muslims. According to my estimation, the Serbs do not have to defend the boundaries of the Christian Europe and fight the Islam. We are much closer to our Muslims than with that Europe.<sup>9073</sup> **(EXCULPATORY!!!)**

**There was many Bosnian Muslims, an elite of this community, that was of this opinion and orientation, as the President hoped to be in majority. Unfortunately, these pro-European Muslims, who made the elite of this community, were in the MBO and other secular parties, and they didn't win the elections. From the beginning of the Yugoslav crisis the President had a good cooperation with such a secular Muslim parties, but they couldn't influence their electoral and create a peaceful solution!)**

**2736.** The Chamber notes, however, that these statements were made by the President in a very different environment and were delivered in a period where the political objective of the Bosnian Serb leadership was to emphasise the unity of Yugoslavia and the existence of a common state.

<sup>9072</sup> D269 (Radovan Karadžić's interview with NIN, 20 July 1990), p. 8.

<sup>9073</sup> D269 (Radovan Karadžić's interview with NIN, 20 July 1990), p. 9. See also Momčilo Mandić, T. 4748 (6 July 2010); D363 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 13 July 1991), p. 5.

**(EXCULPATORY!!! It is clear that the President didn't have a negative attitude towards the Muslims, and living together in the same state, but the President and the entire Serb community in BiH had a negative attitude towards the independence pursued against their will, interests and rights! It was also an open hands of the Serbs towards the Muslims, to encourage them for the common life. It was known (see: Rebecca West book, and another book: "The Guardians of the gate" meaning the Serbs were defending the Christian Europe against Islam. (As it is expected now, in this crisis). But, it wasn't just at the beginning. See the intercepts throughout entire 91. in which The President demanded from the Serbs to make the Muslims feel comfortable among the Serbs see: D03171, D03172, D01282, D03377, and more intercepts from 91.**

**But, the most important is that this attitude of the President was a presumption that there will not be the Islamic declaration as a political program, and the encouragement of the pro-European Muslims, as well as relaxing the Bosnian Serbs about the Izetbegovic's past. This is quite contrary to what the Prosecution/Chamber alleged, namely that the Serbs didn't want to live with the Muslims. They wanted to live with the Muslims, but not in an Islamic State, under the Muslim unique domination!)**

**2737.** Similarly the Chamber recalls that in the summer of 1991, the President attended an SDS rally in Zvornik;<sup>9074</sup> thereafter, the SDS and SDA issued a joint declaration expressing the need to maintain peace in the municipality and calling for greater tolerance between ethnic groups there.<sup>9075</sup> In August 1991, the President spoke about peace and reaching an agreement with the Bosnian Muslims.<sup>9076</sup> **Was it, by any chance, a reason to acquit this President, or at least to reconsider what could have changed this steady attitude of the President from time to time. Then the Chamber would be in a position to conclude that the conduct of the Serbs and the President depended on the conduct and intentions of the other two sides. Everything in this fn. is highly exculpatory!)**

**2738.** On 12 May 1992, there was a large public rally in Banja Luka. The President, Mićo Stanišić, and Stojan Župljanin, amongst others, were present.<sup>9077</sup> The President addressed the rally and said that it demonstrated the organisation and power of the SerBiH and that he regretted that the war in BiH had been imposed on them by the two other national communities and that the "mutual extermination, killings and tortures have been imposed to us".<sup>9078</sup> The President stated that while they had no conflict with the Croats and Muslims they would not allow their "militant leadership" to make them second class citizens and this was the reason why they created their state

<sup>9074</sup> D3693 (Witness statement of Marinko Vasilčić dated 9 June 2013), paras. 17–18; D3723 (Witness statement of Čedomir Zelenović dated 22 June 2013), paras. 15, 18. See para. 1230. Vasilčić stated that the Accused at SDS rallies in 1991 spoke in favour of a peaceful solution and respect for everyone in BiH. D3693 (Witness statement of Marinko Vasilčić dated 9 June 2013), para. 17. The Chamber notes that Vasilčić's testimony was marked by inconsistencies, evasiveness and other indicators that he was not forthright in his evidence. The Chamber therefore does not consider his evidence on what the Accused said at SDS rallies to be reliable. **But IT IS THE LEAST PROBLEM, BECAUSE IT MUST HAVE BEEN RECORDED IN THE MEDIA. See Javnost, 17 August 91, to translate. Since it is contested, we have the right to tender it now. And it would be more honest to forbid testimonies of a defence witnesses, because all of such witnesses in this case are disqualified as not "reliable".**

<sup>9075</sup> D3724 (Witness statement of Branko Grujić dated 22 June 2013), para. 15; D3725 (Joint declaration of Zvornik SDS and SDA, undated). See also D4533 (Intercept of conversation between Radovan Karadžić and unidentified male, 9 July 1991) (in which the Accused instructs an unidentified man to ensure that nothing happens to the Muslims in Bosnian Krajina); D4550 (Intercept of conversation between Radovan Karadžić and Dragan Đokanović, 13 December 1991), p. 2.

<sup>9076</sup> D276 (Intercept of telephone conversation between Radovan Karadžić and Momčilo Krajišnik, 7 August 1991), p. 2; D277 (Intercept of conversation between Nenad Stevandić and Radovan Karadžić, 17/18 August 1991), pp. 1–2. See also D272 (Intercept of conversation between Radovan Karadžić and Vitomir Žepinić and Momčilo Mandić, 24 June 1991), p. 2; Robert Donia, T. 3470–3472 (8 June 2010); D4195 (Witness statement of Milomir Stakić dated 16 November 2013), para. 32; Milomir Stakić, T. 45193–45194 (16 December 2013) (stating that he met the Accused for the first time in 1991 when they were having issues with the political party in Prijedor and the Accused told him that "everything should be resolved democratically and through elections"). See D4546 (Intercept of conversation between Radovan Karadžić and Levko Žar, 21 September 1991), p. 3 (wherein the Accused stated that [a]ll disputed issues should be resolved peacefully.); D4545 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 13 September 1991), p. 2 (referring to a Bosnian Muslim and Bosnian Serb agreement).

<sup>9077</sup> D494 (Video footage of rally in Banja Luka, 12 May 1992, with transcript); Momčilo Mandić, T. 5331–5336 (16 July 2010).

<sup>9078</sup> D494 (Video footage of rally in Banja Luka, 12 May 1992, with transcript), pp. 4–5.

unit in BiH.<sup>9079</sup>

**The essence of this speech is quite different, see: D494**  
 mutual extermination, killings and tortures have been imposed to us. We are trying to take part in all that as little as possible. Sometimes we do not respond on fire for hour-and-a-half and than respond when we are endangered. Issues that /inaudible/ from the other exclusively /inaudible/ on the Conference on Bosnia and Herzegovina. We have decided to declare unilateral cease fires, let all world /everyone/ see who is starting troubles and who is violating cease fires /truce. We in Bosnia and Herzegovina are not in conflict with Croats and Muslims. We are in a conflict with militant leadership which would like to impose their state to us, the one in which they would dominate and we would be second class citizens , that is to say the escort people to the leading people /nation/ which was communicated to us in a clear fashion on some of rallies. But, Serbian people is not demanding to be a leader, but will not agree to be manor and second rated. That is the reason why we decided to organise our state unit in Bosnia and Herzegovina. /applause/

**The essence is that 50,000 citizens of Banjaluka applauded to these words of the President, as after the next words:**

lives. Today the situation in Bosnia and Herzegovina is such that in two other parties, sides of the militant part of the army, I can not say that for the civilians, there have been formed numerous territorial defences /units?/, they are announcing formation of the armed forces and all that with the aim to endanger Serbs on these areas. And the Serbs are endangered in all parts outside of the Serbian Republic of Bosnia and Herzegovina. We are proud to say that Muslims and Croats are not and will not be endanger on the territory of Serbian Republic of Bosnia and Herzegovina. /applause/

**Again, 50,000 citizens of Banjaluka applauded. And this was the President's commitment, but also made widely public, so that everyone knows his attitude towards the Muslim and Croat citizens of the Republic of Srpska, and to adopt the same! There is an additional element to be noticed, see D494, p.5**

Herzegovina, but until than /moment/ we have to achieve a balance to defend the borders of the Serbian Bosnia and Herzegovina and /inaudible/ all its citizens regardless to their confession or nationality. /applause/

**And again, the applause when all the citizens are mentioned. See further: D494, p.**

In this war time and devastation of waste areas of Bosnia and Herzegovina we can say that the security situation is stable and under control for the areas that the CSB Banja Luka is in charge for, and that we are doing our best to save the peace on our territories.

On the territory of the Centre the first war conflicts and destructions were caused by the Croatian armed forces in the bordering area with the Republic of Croatia. Innocent casualties, refugee exodus of the Serbian population in W. Slavonia, fear, panic, unrest, were characteristic of this dead end street situation in the hot August days of 1991. This CSB was in very specific

**2 situation.**

**Mr. Zupljanin was publicly reporting that after five weeks of the war in other parts of BiH, in this region there is a peace and order. Had the Serbs had any Joint Criminal Enterprise to expel the Muslims and Croats, it would have been done already! But, nothing happened in the area until 22 May, the Muslim attack in Hambarine, Prijedor. See further: D494, p. 3**

I am glad that I can point out from this place that the majority of authorised employees, 85% of them, have signed the solemn oath. Among them a great number are professionals of the other ethnicity that remained to work in this CSB and they are among us now. /applause/

**While already five weeks there is a fierce war in other parts of BiH, but in this huge predominantly Serb region there is a peace, and there is a public commitment to save the peace and to make the other ethnicities feel comfortable, and equal to the Serbs, and the police was proud to have “a great number” of professionals of other ethnicities that remained to work in the Serb police. And all of it was praised by the applaudiment of 50,000 ordinary citizens of Banjaluka! Does it say anything about the alleged criminal plans, allegedly coined out in October 1991?)**

The President also said that they were proud to say that Muslims and Croats were not in danger in SerBiH and that they had to defend the borders of SerBiH for all citizens of BiH regardless of their “confession or nationality”.<sup>9080</sup>

**(EXCULPATORY!!! It was a public announcement that there would be only a defensive strategy, a defence of the territory and population regardless of their ethnicity. Exactly as Gen. Milovanovic said in his interview with the Prosecution on, see: D1598, p. 5**

General MILOVANOVIĆ then said that the Tribunal should not try to prove the character of the war in BiH through such trials. At the beginning of the war, the Serbs wanted, above all, to stay in the SFRY, the Muslims wanted to form their Muslim state and the Croats wanted access to the Drina River. At the beginning of the war, he asked the leadership at the time to provide objectives of the war, which were the following:

1. to protect the Serbian people from destruction in order to avoid a repeat of events that took place between 1941 and 1945,
2. to stay within Yugoslavia, or as an alternative to this, have our own state.

**That was it! Not a word about alleged plans pertaining to the JCE! Not a word about any offensive strategy! All legal, legitimate and necessary!)** Similarly in June 1992, the RS Presidency issued a press statement condemning the BiH declaration of war and noting that this placed pressure on Serbs to fight “against their brothers” and that they wanted a peaceful resolution of the conflict and that all those who sought protection in SerBiH would be provided the bare necessities “irrespective of their nationality”.<sup>9081</sup> **(A HIGHLY EXCULPATORY!!! And this is widely corroborated by the events: many times, while the two other sides fought among themselves, the Serb side helped with the humanitarian actions, accepting a great number of refugees on the Serb territory, and throughout the war time the Serb hospitals treated the “adverse” wounded or ill soldiers equally as the Serbs!)**

**2739.** In contrast to these public statements, when the President spoke to Žepinić about his view that the different nationalities could not live together in BiH, Žepinić expressed his concern about what was going to happen to the large number of mixed families in BiH and the difficulty of dividing people who lived in the same high-rise buildings.<sup>9082</sup> **(First of all, the President didn't have his own intentions, he was obliged to understand what his people wanted and why. And the Serbs in BiH did want to live together with the Muslims and Croats in Yugoslavia, or in the Republic of Srpska, but not in a unitary BiH! Why the Tribunal and some other international institutions pretend not to know what it was all about? Europe has many**

<sup>9080</sup> D494 (Video footage of rally in Banja Luka, 12 May 1992, with transcript), pp. 5–7; Momčilo Mandić, T. 5334–5335 (16 July 2010). See also D1587 (Radovan Karadžić's platform for the solution of crisis in BiH, 22 April 1992).

<sup>9081</sup> D2244 (Statement by SRBiH Presidency, 23 June 1992), p. 1.

<sup>9082</sup> Vitomir Žepinić, T. 33588–33589 (13 February 2013). Žepinić also testified that he could not accept this policy of division and he did not believe that the Accused was able to do so either, but that the Accused faced problems from extremists in his own ranks. Vitomir Žepinić, T. 33589 (13 February 2013). **(Finally, the difference from “facing” some problem and discussing about it, and advocating it as a desirable solution – is noticed by a witness! That should be implied to all the academic and political discussions. If the President expressed his opinion about some feature, it doesn't mean that he desired it, or advocated it, but if it was a reality, he had to be aware of it, and make others to be aware of it!)**



identical examples, like Northern Ireland, like Flandria and Valona in Belgium, like Switzerland with so many cantons, like many complex countries, in which their territorial components would never give up their autonomy! The Serb side never opposed living with the Muslims and (or) Croats, but the main issue was a nature of a state, and an issue of the human and national rights protection safeguards, which wouldn't exist if the Serbs are in a position of national minority! Rebutting so many confused, false and fake accusations, which are very easy to understand, looks like fighting against a windmills.

As usually, for the Chamber is of a greater relevance some chatting in private, than all documents and public activity which obliged, while the private chatting doesn't oblige, and may have not happen as well. Mr. Zepinic never spoke in two with the President! Beside that, he could have expressed his regret for the development in BiH, as the President too expressed his regret for the destruction of the common life, see the comment in the fn. Below! The main point is constantly missed: the new occasions, the BiH wanting to be independent, unitary and led by the Islamic fundamentalists. When talking about the inability to live together, it was exclusively because of those circumstances, and one of them was sufficient not to accept that kind of BH, let alone all the three for the Serbs horrifying conditions. Also, the Serbs didn't have to accept anything, because the secession of BH was illegal without the Serb consent! Žepinić was threatened by Mićo Stanišić and later arrested for his opposition to ethnically based parties and also faced pressure from both Koljević and the President.<sup>9083</sup> **It is a flagrant proof that Zepinic lied. The ethnicaly based parties had been formed in 1989 and 1990, participated in the elections, won the elections, formed the Government, offered to Zepinic a high position in the MUP on an ethnic list, and after a year and a half Zepinic objected about the ethnically based parties??? Can you believe it? Nobody was satisfied with his work, that was the reason!**

2740. In May 1992, the President issued an announcement to Bosnian Muslims appealing for a cessation of hostilities and assured them that Muslims who remained in SerBiH and had laid down their arms had full protection and lived peacefully.<sup>9084</sup> **(EXCULPATORY!!!)** The President warned against the “crazy idea of an Islamic state” and that the West wanted Muslims to be “obliterated” but the Serbs wanted to reach an agreement with them.<sup>9085</sup> **(EXCULPATORY!)** He also assured Bosnian Muslims that they would be allowed to leave in the direction of their choice with the right to return when the war was over.<sup>9086</sup> **(EXCULPATORY!!!)** Okun described this announcement as “thoroughly disingenuous” and noted that it was issued at the same time as the Bosnian Serb Assembly issued its war aims.<sup>9087</sup> **(How Okun could have known that it was “thoroughly disingenuous” since he was there rarely and from time to time? Let us see how the events on the terrain look in comparison to the Okun's assertion: 1. at least five entirely Muslim villages only on the Romanija mount, laid the weapons down and continued to live freely, some of them to the very end of the war. (see@\_\_\_\_) 2. The Muslims started to return to Bijeljina, and the Minister of Interior reported to his collegium that the Muslims are returning to Bijeljina on the President's invitation, which might be a bit too early, see D473, p.10**

<sup>9083</sup> Vitomir Žepinić, T. 33603–33607, 33619–33620 (13 February 2013). Žepinić testified, however, that the Accused did in certain situations try to protect him from extremists in the SDS. When questioned about whether the Accused took a position that Bosnian Muslims and Croats should be expelled, he testified that if the Accused or the SDS had directly made such a statement he would have been arrested for such an unconstitutional decision. Vitomir Žepinić, T. 33619–33620 (13 February 2013), T. 33655–33656 (14 February 2013).

<sup>9084</sup> D119 (Radovan Karadžić's speech re cessation of hostilities, May 1992), pp. 1–2. See also Momčilo Mandić, T. 5183 (15 July 2010).

<sup>9085</sup> D119 (Radovan Karadžić's announcement re cessation of hostilities, May 1992), pp. 1–2.

<sup>9086</sup> D119 (Radovan Karadžić's announcement re cessation of hostilities, May 1992), p. 2.

<sup>9087</sup> Herbert Okun, T. 1810–1811 (28 April 2010).

The situation in Bijeljina is relatively satisfactory, but in truth is much worse than at first glance. The problem with the Muslim section of the population is compounded by the arrival of Muslim refugees and the return of those who had left Bijeljina before, influenced by Mr. KARADŽIĆ's and Mr. PANIĆ's recent statements. This population includes a number of Muslim extremists, and it is believed that a large number of Muslim citizens own weapons. The misunderstandings between the MUP and the representatives of the Bijeljina SO /Municipal Assembly/ have partially been resolved following a meeting attended by the Minister of the Interior.

**General Mladic was reported that the Muslims are returning in Bijeljina, see P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 40.**

- In Bijeljina the Muslims are settling  
(Message intercepted: No checks,  
weapons arriving you don't need to) –

**Finally, the President asked Mr. Okun about this characterisation of the announcement as “disingenuous”, the answer was as follows (see: Herbert Okun, T. 1818 (28 April 2010).**

*THE WITNESS: Thank you.*

*Dr. Karadzic, I'm surprised to hear you say that I alleged that your appeals were disingenuous. I said the opposite. I said they were praiseworthy, I said they were commendable, I said they had merit. I said they were not observed in the field, but I never President those documents of being anything but sincere. (How come this assertion of the Prosecution survived after it was rebutted by the very same witness, Ambassador Okun? It appears that every defence is in vain, even if the wame witness clarified his misinterpreted statement!)*

**2741.** On 2 June 1992, the President issued a decision which called for all citizens who had temporarily left the territory of the SerBiH to return and report to the Crisis Staff in their place of residence by 20 May 1992.<sup>9088</sup> It also promised the right of return to “[p]ersons whose actions were not contrary to the interests of the [SerBiH]”.<sup>9089</sup> It provided that persons who had left and did not return or did not explain their inability to return to the relevant municipal crisis staff, would be denied the right of citizenship of SerBiH and all acquired rights regarding employment, housing, health and retirement insurance would cease and their property would be used temporarily for the needs of defence of SerBiH.<sup>9090</sup> **Let us see how this is wrong and misused:, see P2617, p. 2-3**

All citizens who, for reasons of personal safety, temporarily left the territory of the Serbian Republic of BH, which had been engulfed in war, are obliged to return to their places of residence as soon as possible, until 20 May 1992 at the latest, and report to the Crisis Staff if their place of residence is controlled by the authorities of the Serbian Republic of BH.

<sup>9088</sup> P2617 (Radovan Karadžić Decisions, May–June 1992), pp. 2–3.

<sup>9089</sup> P2617 (Radovan Karadžić Decisions, May–June 1992), p. 3.

<sup>9090</sup> P2617 (Radovan Karadžić Decisions, May–June 1992), pp. 2–3.

Men of Serbian nationality aged from 18 to 60, previously residing in areas which are now not under the control of the authorities of the Serbian Republic of BH, are obliged to report to the nearest crisis staff on the territory of the Serbian Republic of BH until 20 May 1992.

**This the first paragraph pertained to all the citizens of the Republic of Srpska. The second part of para 1. and all the following paragraphs concerned only with the able bodied male citizens of the Serb nationality:**

**Here is the rest of this document, P2617**

#### Article 2

Persons whose actions were not contrary to the interests of the Serbian Republic of BH have the right to return.

#### Article 3

The municipal crisis staff shall decide on the further engagement of persons mentioned in Article 1, keeping in mind the needs of defence, the functioning of state organs, public services and the economy in the municipality as well as the professional training and the overall health of these persons.

#### Article 4

Those persons who left and do not comply with Article 1 or do not explain or justify their inability to return to the municipal crisis staff, shall be denied the right of citizenship of the Serbian Republic of BH.

All acquired rights regarding employment, health and retirement insurance and housing shall cease for the persons mentioned in the preceding paragraph.

Property belonging to persons mentioned in the first paragraph of this article shall be used temporarily for the needs of defence of the Serbian Republic of BH. The municipal crisis staffs shall take care of and provide for the utilisation of this property.

**None of the restrictive measures didn't pertain to the non-Serbs, as it was known that the Muslims and Croats hadn't been listed for the Army. Only para 2 pertained to the non-Serbs too!**

**All of it that pertained to the able bodied Serbs was in accordance with the law. Skipping this fact, the entire document looks as a bad will and violation of the rights of non-Serbs. But, anyway, this measure had never been implemented! And this is an abuse of the document, and distortion of evidence!)**

2742. On 4 July 1992, at the 36<sup>th</sup> session of the Bosnian Serb Government, it was noted that the “question has been raised whether there are agreed criteria regarding the moving out of the Muslim population from the territory of the [SerBiH]. It has been concluded that the Government has not until now had a point of view on this matter. The Ministry of the Interior is entrusted with preparing information on this issue that the Government would consider and take the appropriate standpoint”.<sup>9091</sup> **(This two can not be associated, because the Government was searching for the criteria when and why somebody would be approved to leave SerBiH. There is evidence that even in Pale, where the Government was sitting, had been a Muslim petition to be approved to leave! There were some conditions required, particularly concerning with the distance from battlefield and a degree of jeopardy for civilians!)** This idea of ethnic separation was also supported and reinforced by municipal leaders such as Prstojević who said that “those who convert to Orthodox religion on the spot, they can stay”.<sup>9092</sup> **(This example was rebutted and denied by the witness himself, Prstojevic, and that kind of chatting and jokes can not be equalized with the official documents!)**

2743. At a meeting of the Bosnian Serb leadership on 10 July 1992, the President stated that unlike the Bosnian Muslims and Croats, the Bosnian Serbs were going to build a law-abiding state rather than an ethnically clean state. Other attendees expressed their agreement as to the stance to be taken in that regard.<sup>9093</sup> **(EXCULPATORY!!! It had been said in a close meeting and in no way had been envisaged to be public! Had it ever been different, had there was any meditation about crimes, about JCE, the other participants of this meeting would protest and remain the others about already agreed opposite standpoint! And why the Chamber pay more credit to some unofficial chats or telephone intercepts than to this official statements?)**

2744. On 11 July 1992, at the 17<sup>th</sup> session of the Bosnian Serb Presidency, attended by the President, it was decided “that a decision be adopted on the signing of a proclamation on the moving out and retention of citizens from certain parts of the former [BiH], and on guarantees and safety, on condition that the people be disarmed, enemy activities halted and peace established”.<sup>9094</sup> **(So, a retention of citizens in some areas could be unlawful too. Neither expulsion nor retention could be forceful!)** On the same date, the Presidency made an announcement to the citizens of RS stating that civilians living in areas affected by war must be allowed to leave those areas and that any emigration had to be voluntary and cannot be obstructed or encouraged.<sup>9095</sup> This same announcement indicated that Croats and Muslims in the RS were “guaranteed all rights granted by a legal state” and that the authorities were not forcibly detaining people in war zones, as that would make them hostages, or forcing them to emigrate as that would amount to “ethnic cleansing”.<sup>9096</sup> The announcement also indicated that all refugees would be allowed to return.<sup>9097</sup> **(EXCULPATORY!!!What is “But” here? The same day the President greeted the St. Peter’s day to the SDS, and again pleaded for the honour and humanity, see:**

<sup>9091</sup> P1098 (Minutes of 36<sup>th</sup> session of SerBiH Government, 4 July 1992), pp. 4–5.

<sup>9092</sup> P1086 (Intercepts of conversations between (i) Nedeljko Prstojević and Milenko LNU; (ii) Nedeljko Prstojević and FNU Novaković, 14 May 1992), p. 3.

<sup>9093</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 309, 313–314.

<sup>9094</sup> D444 (Minutes of 17<sup>th</sup> session of Presidency of SerBiH, 11 July 1992, p. 1. See also Momčilo Mandić, T. 5131–5132 (14 July 2010).

<sup>9095</sup> D445 (SerBiH announcement to the public, 11 July 1992); Momčilo Mandić, T. 5133 (14 July 2010).

<sup>9096</sup> D445 (SerBiH announcement to the public, 11 July 1992). See also D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 16, 18–18A, 46; Momir Bulatović, T. 34540–34541 (28 February 2013).

<sup>9097</sup> D445 (SerBiH announcement to the public, 11 July 1992), p. 1. See also D112 (Radovan Karadžić’s Request to Serbian MUP, 1 September 1992); D113 (Radovan Karadžić’s Request to Montenegrin MUP, 1 September 1992) (both requests provided that all refugees regardless of religion or nationality were obliged to return to their place of residence in SerBiH).



**D94:**

The responsibility of the Serbian Democratic Party, which is to defend the nation and the Serbian Republic, is enormous. Along with a military victory, we also need rights and morals to win as well.

The state, which we, the Serbs, are creating, must rest on the rule of rights and humanity, since "a kingdom does not demand inhumane people to defile itself before the world." With that, I ask of all members and representatives of the Serbian Democratic Party to constantly monitor our behaviour, so that the glory of our just battle would not be tarnished by inhumane actions.

Special attention should be given to just behaviour towards civilians of other nationalities within our Republic. Similarly, towards our defeated counterparts, we need to not only honour the Clauses of the Geneva Convention, but we also need to show our Orthodox Christian mercy.

**It**

**was public, so that everyone know what is his position, and position of others in the leadership!)**

2745. Despite these public announcements, the President continued to advocate the division of BiH on ethnic lines.<sup>9098</sup> **(Here is this "But". Let us see why it is wrong: by guaranteeng the human and ethnic rights for all the inhabitantns in the Republic of Srpska, didn't mean that the Serbs gave up the idea of their own constituent unit. It only meant that the Serb constituent unit will be multiethnic, based on law and equality of citizens regardless of their religious or ethnic affiliation. It was the ultimate condition for the Serbs: either the entire and unitary BiH remains in Yugoslavia, or the Serbs get their constituent unit within the independent Bosnia. All the time throughout the war the Republic of Srpska was a multiethnic, there was no a single settled plase without the Muslims and Croats living to the end of war. There are many genuine documents that the President and all the leadership were always faitful to the idea of law and order and humanity, while contrary to that there is no a single genuine evidence, but only some jokes, gossip and a statements of biased witnessesof the Muslim provenance!)** For example in July 1992, he spoke about the dangers of living in a unitary state where they could not control the Muslims. **(The control was mentioned because the attendees knew what that meant: namely, it was a widely understood that the West wanted us, the Serbs and Croats to control the Islamic element, not to achieve an islamic regime in the middle of Europe. (See: Q:There is widespread belief among some Serb and Muslim intellectuals that the West had intended to neutralise the Muslims in Bosnia-Herzegovina by using the Serbs and Croats. Are you denying that? A: (Okun) That's nonsense. The sympathy of the West, whether correct or incorrect, was overwhelmingly on the side of the Muslims. We've established that already. Dr. Karadzic has made that point repeatedly, and it's correct. (Okun, T. 1811) (...) T1812. Q Thank you. Now I'm going to read out what Izetbegovic had written:T.1813: "As for Tudjman's bragging that some Europeans had entrusted to him the Europisation of the Bosnian Muslims and the prevention of the creation of a Muslim state on European soil, I think that there was some truth in these stories of Tudjman's. Many in Europe and America, with a few honourable exceptions, viewed with suspicion what was going on in Bosnia. What they considered to be Islamic revival in the country needed to be extinguished. Many ugly things were done in order to achieve this. One of them was the criminalisation of the Bosnian authorities in the BH that would intensify after the war and culminate in a 'New York Times' article in 1999."**

**This is what pertaines to a "control", and it should be clear that the participants in those meetings knew that, but the Chamber should have known it, because the Defense submitted the evidence about the Western expectations from the Serbs and Croats to control the Muslims, as well as the evidence that it wasn't a natural birth rate that worried the Serbs**

<sup>9098</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), pp. 5, 10; P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), pp. 5, 9–10; P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 7; KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6751–6752 (under seal). See also P3474 (News report re meeting of Derventa SDS Executive Board, 13 February 1992), p. 1; D1591 (Radovan Karadžić's interview from Le Figaro, 23 April 1991), p. 1.

and Croats, but the three powerful sources of the artificial enlargement of the one kind of population:

1). Re-settlement of many Muslims from Sandzak, Serbia to BiH,

2.) Import of up to 4 million Turks allegedly descendants of the old Bosnians, and finally

3.) the Fatwa of Cerić, the head of the Islamic religion in BiH that every Muslim woman was obliged to deliver at least five children, so to be able to sacrifice one for the Bosnia.

(See @@ of DFB) It was absolutely irrelevant whether it was that way, it is more important whether and how much the people and their leaders in BH believed in it. If it was widely believed, than it had a power of reality. In this regard he said “[w]e know very well what the fundamentalism is and that we cannot live together, there’s no tolerance, they quadruple through the birth-rate, and we Serbs are not up to that”.<sup>9099</sup> The President also spoke about the Bosnian Muslims overwhelming the Bosnian Serbs “with their birth rate and their tricks. We cannot allow that to happen”.<sup>9100</sup>

Exactly, the tricks that were mentioned pertained to their three sources of the artificial, manipulative political motivated increase of the birth rate. But, the main problem was a political, and that speech of the President was a political speech against some renegades, who wanted to unite the two Krajinas, Knin and Banja Luka Krajina, just in the eve of the Agreement was to be concluded. Since the main tensions were among the ethnicities, the main criterion for the transformation of BiH was ethnic. And some people were close to damage everything, to partition Croatia and Bosnia, and to ruin almost concluded Lisbon Agreement, it was 28 February.

Let us see what the President said at the same meeting: p.37

So, tomorrow, we will first hold a session of the Main Board in the presence of the deputies and party presidents, then there will be the Krajina Assembly, where we will take the floor and if need be explain for 15 hours why something is not good and something else is. If someone manages to convince us otherwise, then fine. But the developments in Krajina are not good, it’s not good that it’s being partitioned, the partitioning of Bosnia and Herzegovina has terrible consequences on the position in Europe. And we have great enemies who can’t wait for us to make a mistake. We have very few friends who pray to God that we don’t

p.38.

We are halfway there, no, not halfway, we’ve achieved 90% of the things. There’s no turning back. Alija is softening things up and playing down the importance, he says, this will not be an ethnic unit, there will be other criteria.

There will be other criteria, but the ethnic criterion will be the basic criterion. We here want our Republic in which we will gather about 90% of the Serbs. So that if we are left with 150,000 Serbs with the status of an ethnic minority, it’s better than having 1,500,000 of them.

If they remain in Zenica or somewhere else, we will make it possible for the people to come here and to live well.

This is absolutely unacceptable that a UN court is judging a legal and legitimate political activities of one of the sides! This is particularly unacceptable since the same activities of the other two sides are not even taken into account as a reason for the Serb reactions! The fact that the others produced the crisis by a unilateral and unlawful secessions on the ethnic basis, imposing to the Serbs such a changes of the existing state which were legitimately rejected by the Serbs. The whole crisis was based on the ethnic antagonisms, and why the President wouldn’t take care of the main problem. From the whole evidence it was clear that the main objective was not to achieve all the territory the Serbs had as a majority, but to reorganize BiH like Switzerland, which is also organized due to ethnic (linguistic) principle.

<sup>9099</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 86. See also D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), p. 5. See also P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), pp. 18–19; P5828 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 1 November 1991), p. 1; Ronald Hatchett, T. 31958 (16 January 2013); D4686 (Article from SRNA entitled “Political platform for the survival of the Serbian People in BiH”, 12 June 1992), p. 1.

<sup>9100</sup> P938 (Minutes from SDS Deputies’ Club meeting, 28 February 1992), p. 36.

**BUT, ALMOST ALL OF THE AGGRAVATING EVIDENCE AGAINST THIS PRESIDENT IS OF A POPLITICAL NATURE, NO MATTER THE WHOLE INTERNATIONAL COMMUNITY RECOGNIZED THAT IN THE DESTRUCTION OF YUGOSLAVIA ON SEVERAL MONOETHNIC STATES, THE PROBLEM IN BOSNIA WAS PRIMARILY ETHNIC. And it wasn't the problem caused by the Serbs, who offered many solutions, but by the Muslims, who wanted to dominate over the Serbs and Croats. And the Serbs do not accept to have forgotten that the Islamic Decralation was a political program of a new Bosnia.**

**2746.** In meetings with international observers, these sentiments were repeated by Bosnian Serb who kept emphasising that “they simply couldn’t live with the Muslims” and that Bosnian Muslims wanted all of BiH which they could achieve through their higher birth rate.<sup>9101</sup> **(Again, this is an abuse of the linguistic problems: in Serbian language there is a term “prirodni prirastaj”, which means “natural birthrate”. If there is no this attribute “prirodni” then it is not a natural birthrate, but political, artificial enlargement of population of certain ethnicity!)** The President continued to emphasise this issue and stated that in “all variants we must be cautious so that Muslims don’t wind up in our state” and cited to the example of Serbia as being unstable even though the population was 65% Serb.<sup>9102</sup> Other Bosnian Serb deputies also spoke about the danger faced by the Serb people due to the high birth-rate of Bosnian Muslims which would change the demographic percentages in BiH.<sup>9103</sup> **(What is that? Not even a communist criticism of the Serb national policy was so meticulous and rude! These sentiments were not a cause of any development, but only a reaction, a consequence of the development imposed by the secessionist republics and ethnicities! And the Bosnian Muslims wanted something that they didn’t have rifght to: the whole Bosnia under their dominatio. That is why they needed the whole unitary Bosnia. The Serbs had their rights to their autonomy in managing their life!)**

**2747.** The SDS leadership also commissioned a number of studies on the changing demographics in BiH which showed the growth rate of the Muslim population and reflected the fears of the SDS leadership that Bosnian Muslims would soon become an absolute majority in an independent BiH and impact the position of the Serbs.<sup>9104</sup> This concern about demographics and the Bosnian Muslim birth rate continued to be emphasised by the President throughout the conflict. For example, at the 37<sup>th</sup> Bosnian Serb Assembly Session on 10 January 1994, the President stated that the Muslim population increases by 1% daily because “that is how it is with them”.<sup>9105</sup> **(It is only a partial presentation of the affair. If the Chamber took just a short look of the Islamic Declaration, it would draw another inference. It is known in any Islamic society that after Muslims achieve 50% of a general population, this become an Islamic society, and all others are oliged to accept the Shariah and other Islamic laws. Mr. Izetbegovic made it for the BiH even easier, establishing that “once the Muslim community is strong enough, it has to ruin**

<sup>9101</sup> Colm Doyle, T. 2668, 2670 (21 May 2010); Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4163–4164, 4168–4169, 4220; Herbert Okun, T. 1487–1489 (22 April 2010); P1417 (Transcript of 55<sup>th</sup> session of RS Assembly, 22–23 October 1995), p. 60; P777 (Fourth notebook of Herbert Okun’s Vance Mission diary), e-court p. 21; P785 (Second notebook of Herbert Okun’s ICFY diary), e-court p. 26.

<sup>9102</sup> P1485 (Ratko Mladić’s notebook, 9 January–21 March 1994), pp. 88–89.

<sup>9103</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 82.

<sup>9104</sup> Patrick Treanor, T. 14006–14007, 14009 (1 June 2011); P2541 (Report on demographic trends in BiH prepared by SDS, June 1991). The Chamber notes that Treanor’s testimony also included his own assessment about the objectives of the Bosnian Serb leadership and the meaning of certain speeches. The Chamber considers that this falls outside the scope of his expertise and does not rely on his evidence in this regard.

<sup>9105</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), p. 109.

**the existing order and build up another, an Islamic one. No reasonable chamber would neglect the Islamic Declaration as a *mens rea* of one of the warring sides.**

Rajko Dukić in July 1992 delivered a speech at the Bosnian Serb Assembly in which he asked “why we expelled all Muslim judges from Vlasenica, Bratunac and Zvornik. Will we be President then, I hope we will not [...] I would be ashamed and I would regret all the victims if I lived in a state in which Muslims and Muslim ideology would judge and where their justice is done”.<sup>9106</sup> **However, the Chamber is wrong in inferring on the basis of Mr. Dukic’s words. Let us see what was said, and why: D00092, p. 72**

of behaviour. One day Muslims will rule Bijeljina. And when I looked at the Official Gazette a moment ago I realised that we ourselves are on the road to establishing such authorities very soon. There, it says that judges have been appointed to the Bijeljina Court: Smajil SALIBEGOVIĆ, Muhamed GLUHONJIĆ, Alida MADAR, Alija ZVIZDIĆ and I do not know, I also found a fifth one – Alma HALIBEGOVIĆ. So I am asking you gentlemen why we expelled all Muslim judges from Vlasenica, Bratunac and Zvornik. Will we be accused then, I hope we will not, but will these others be better there working like this? I would be ashamed and I would regret all the victims if I lived in a state in which Muslims and Muslim ideology would judge and

**So, Dukic was complaining to the President’s decision to nominate the Muslim and Croatian judges and prosecutors in the Bijeljina regional courts, no doubt about that. The names are all Muslim. And to whom he complained? To a person who nominated the Muslim/Croat judges. And who was this person? This was the President. See D00422. Mr. Dukic had his own rights to express his dissatisfaction, although he was not an MP, but his criticism of the President didn’t change anything. Let us see further Mr. Dukic’s arguments: D92, p. 73**

where their justice was done. We all know what sort of justice that is, come on, gentlemen MPs, please do not allow for a single judge, not a single judge or prosecutor to mete out justice in our municipalities in the future or now. I am convinced that the opposite will not be so either. We heard a moment ago the pleading of the gentlemen from Konjic. Now please compare that with the fact that in Bijeljina people are sitting around in cafes, drinking Turkish coffee and singing Turkish songs. That is the truth. In Bijeljina even the Head of the Outpatients’ Clinic can be a Muslim, as well as a doctor or a judge. You see our 3,500 women and children are counting their last days there, etc. We cannot do it like that, we have to decide about

**So, the President was ready to stand any criticism, but didn’t change his decision to have a proportionate number of Muslims and Croats among the judges and prosecutors! Later, when the Assembly could sit regularly, the President returned this authorisation back to the Assembly, and many of the MPs were against it that any Muslim or Croat judge work in the courts in RS, until the war ends, and the President was politically fighting in the Assembly in favour of the Muslim/Croat participation in every aspect of the social and political life once the conditions are normal, but for the judges to start immediately! The Chamber, as would any reasonable chamber do, should grant the President for his doings in spite of such a mighty resistance. It is known to the Chamber that nobody have expelled the judges from the Birač region, but they left after a Serb judge (Goran Zekic) was assassinated on 8 May 92 between Srebrenica and Bratunac. If the hunting of judges was opened, the Muslim judges were afraid, and left, although Mr. Stanic of Vlasenica went to Tuzla to persuade them to return. But let us see further, Dukic’s arguments, D92, p. 73 :** Dukić also stated that there were 120,000 Muslims in the Birač region and he hoped that this number “has at least been halved”.<sup>9107</sup>

**(A people from the terrain witnessed every day many tragedies and innocent casualties, and could be angry, but their words could not be used to illustrate or establish the**

<sup>9106</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 71–73.

<sup>9107</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 73.



**President's *mens rea*!)** In August 1992, at a Bosnian Serb Assembly session, Brđanin proposed that they "appoint only those judges who are of Serbian nationality. We cannot say this to Europe or the rest of the world, but we can say it here between ourselves. Our people do not have the right to live, yet here we are, crying over those ones".<sup>9108</sup> **Since the Chamber mentioned this Assembly session, there should be quoted what the President said, because his *mens rea* should not be drawn from the words of others. Let us see how the President defended his concept of the multi-ethnic judicial system, see D422 (the 12 August Assembly session in BL p.19:**

**Dr KARADŽIĆ:**

I need to say something not only about this proposal but about the principle of the matter, if I may. Look, as we said yesterday, we have to determine if he or she is appropriate. But, as far as other nations are concerned, we have to have a percentage, a proportion participating in the municipal authorities. We have to be responsible, as we are creating a state. You are the organ creating it. The state must be created swiftly and in the best way. The state must have all its elements in order to survive and remain as a state. I can't elaborate on this longer but I know what I am saying. Believe me, Alija pays fortune to any

**he Chairman of the Assembly clarified, p.19:**

**The President:**

Radovan, let me explain. Nobody rejects them because they are not good, or because they are Muslims or Croats. Simply, we have decided to declare ourselves now because we are in the state of a civil war. So, they will lose this number of judges and when the war is over they will be re-elected.

**the Chairman of the Assembly clarified, these reserves were temporary, because of the war situation. But there was more officials who were in favour of the multiethnicity of the judicial system, D422, p. 1:**

**Momčilo MANDIĆ:**

I propose to include in the Agenda, as an item of the Agenda, the election and the appointment of the judges of the Banja Luka Lower Court and the Deputy Public Prosecutor in Banja Luka and one judge of the Banja Luka High Court. Since we, obviously have not prepared the material, Banja Luka Municipal Assembly delivered a proposal – so that it does not undergo a summary procedure – so I am kindly asking you to use the presence of the Deputies and to elect the judges and prosecutors.

**p.10, Mandić:**

We have the names of the proposed High Court judges, a total of seven. They are Vladimir RADOSAVLJEVIĆ, Ružica TOPIĆ, Lazo SAVIĆ, Gojko VUKOTIĆ, Zinaida KADIĆ, Duško MEDIĆ and Berislav KOVAČIĆ.

**On this list there are 3 Serbs, one Montenegrin, two Croats and one Muslim judges to be nominated! To use only a piece of the D422 is not correct and not fair, because there is much more EXCULPATORY elements than those in favour of the Indictment! By such a selective usage of evidence not even St. Peter would be acquitted!)**

**2749.** On 2 September 1992, the President was among the Bosnian Serb political and military leaders who met in Bijeljina on 2 September 1992.<sup>9109</sup> At this meeting, the President observed that "[w]e are close to the goal and we must run across it [...] the Serbian people will either create their own state [...] or we will be squeezed into a small area".<sup>9110</sup> **(Again, the unfinished had-written**

<sup>9108</sup> D422 (Transcript of 19<sup>th</sup> session of SerBiH Assembly, 12 August 1992), p. 12.

<sup>9109</sup> P1479 (Ratko Mladić's notebook, 16 July–9 September 1992), pp. 131–132.

<sup>9110</sup> P1479 (Ratko Mladić's notebook, 16 July–9 September 1992), p. 132.

notes, a several lines of a speech that must have been lasting at least a half an hour. Proves nothing. If the Chamber didn't oppose to the Defence proposals of a documents which have corroborated the Muslim plans to expel the Serbs from BiH, there wouldn't be any wondering. But this is exactly what happened to the Serbs from Croatia and Kosovo!) At this meeting it was observed that there was "no political position as to how to proceed with Muslims who have declared loyalty".<sup>9111</sup> (It is clear from the note in question that it was a question of the 2<sup>nd</sup> Krajina Corps Commander, and it pertained to the service in the Army, whether to admit the loyal Muslims or not. That is what a Corps Commander could ask only, since the civilian authorities didn't have any dilemma. If the Chamber suggested something else, it would once again be wrong, and it is already unfair, to cripple sentences and be obscure, so that it looks like the question was about civilians!) The President expressed his view that "we must have ethnic minorities in the state as well".<sup>9112</sup> Look how Mladic wrote it down in a laconic manner: P01479, p. 156:

\* Attitude towards the Muslims,  
we must have ethnic minorities  
in the state as well.-

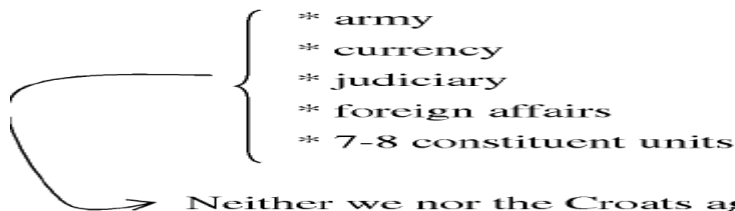
Obviously, there had been said more on the subject, but Gen. Mladic put down only one sentence, which is sufficient to confirm that the President was in favour of a multi-ethnic composition of the RS, and not on the monowthnic. Krajišnik reminded those present that the VRS should not distance itself from the SDS. He also recalled that the aim of the Bosnian Serbs was to divide with the Muslims.<sup>9113</sup> The President then noted that he had not heard a "single political difference".<sup>9114</sup> At a meeting with the Bosnian Serb Presidency and VRS commanders in October 1992, the President stated that the Bosnian Serbs must insist on having a single Serbian community.<sup>9115</sup> This was the President's interpretation what had been said in the Geneva Conference. An objective chamber would notice that the Serb side was praised for a conduct in humanitarian matters:

Item 1: KARADŽIĆ said the following:

- The Conference in Geneva is held at 3 levels. We have been praised for the conduct with regard to the question of humanitarian action. -

**And then what all the three delegations proposed:**

- The Croats are planning a small joint army
- The Muslims are planning joint:



- We will have one constituent unit, and

<sup>9111</sup> P1479 (Ratko Mladic's notebook, 16 July–9 September 1992), p. 134.

<sup>9112</sup> P1479 (Ratko Mladic's notebook, 16 July–9 September 1992), p. 156.

<sup>9113</sup> P1479 (Ratko Mladic's notebook, 16 July–9 September 1992), pp. 131, 141, 143.

<sup>9114</sup> P1479 (Ratko Mladic's notebook, 16 July–9 September 1992), p. 153.

<sup>9115</sup> P1481 (Ratko Mladic's notebook, 5 October–27 December 1992), pp.48, 52.

the Muslims can have as many as they want.

(Why it was of any interest of the Chamber? What is wrong with that? The Serbs accepted that the Muslims may have as many constituent units as they want, while the Serbs will have one. No crime at all, no relevance. To see the right meaning. Generali speaking, this is nothing but a patchwork of the President's political short notice, comments, observations and meditations without any official obligation, and participation in many unofficial meetings, mainly how it was taken notes in short!)

**2748.** The Bosnian Serb leadership did envisage small enclaves in RS where Bosnian Muslims could live.<sup>9116</sup> (This is well known "Switz" idea that every community with a certain number of their ethnics could form their canton. No matter if their municipalities would be in RS, they would be free from any Serb domination. And the same pertained to the Serb and Croat communities. The President was known for advocating Bosnia to be transformed in a sort of Southern Switzerland, and it is well known. But, the main issue is: why this Chamber needed the Okun's testimony on that issue, since he was rarely in situation to hear what the BSL "envisaged". Why it was not sufficient and more proper to see the UN and EC mediator documents, which were the only official Serb position. Beside that, Mr. Okun himself admitted that his notes shouldn't be taken literally, since it wasn't verbatim, and it was an amalgam of what he heard and what he meditated about what he heard. THE MAIN QUESTION IS: WHY THE CHAMBER SELECTED LESS CREDIBLE SOURCES INSTEAD OF THE ORIGINAL DOCUMENTS OF THE EU AND EUROPEAN COMMUNITY? WAS IT BECAUSE THE PRESIDENT WOULDN'T BE SENTENCED WITHOUT THIS FREELY MENTIONED OBSERVATIONS OF WITNESSES? IF SO, THIS IS NOT A COURT AND THIS IS NOT A JUSTICE, BUT A POLITICAL SHARADE AND MOCKERY OF THE HUMAN KIND'S ACHIEVEMENTS. For example, the President said that while Bosnian Muslims could stay in the enclaves, "it is going to be our state".<sup>9117</sup> At a meeting on 19 June 1993 in Pale with members of the Supreme Command with, *inter alios*, Krajišnik, Koljević, Lukić, Mladić, and Milovanović in attendance, the President stated that the Serbs and Croats should work together so that the Muslims get some territory in central BiH.<sup>9118</sup> Let us look what is written down on this subject:

- In our assessment and the assessment of the rest of the world, we have won, and we will be given a state.  
- Both the Croats and we should do something, so that the Muslims get some territory in Central Bosnia; first there was talk about 38, then 34 municipalities, and now we are talking about the treasures of Bosnia in 30 municipalities. – (

This was the President's interpretation of the content of the Conference, and not of his own intentions or wishes. It is visible that the President and his delegation in Geneva were very cooperative and constructive. That was not "so that the Muslims get some territory in Central Bosnia", but to "get some additional territory", so to have 33,33%, as can be seen in our comment of para 2768..

There was always a problem about percentage for the Muslim constituent unit. The President proposed not to have the only Serbs giving concession, but to agree with the Croats to

<sup>9116</sup> Herbert Okun, T. 1698–1699 (27 April 2010). KDZ026 testified that the Accused advocated and pursued a policy under which in Serb territory, 90% of the population would be Serb and 10% of Muslims would be allowed to remain. KDZ026, T. 10414 (18 January 2011) (closed session). However, it is unclear on what basis KDZ026 reached this conclusion. The Chamber therefore does not rely on his evidence in this regard.

<sup>9117</sup> P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 149.

<sup>9118</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), p. 212.

participate in solidarity. Otherwise, the war was going to last. Any reasonable chamber would infer many good conclusions in favour of the President on the basis of it, and none for the conviction.

2751. At the 34<sup>th</sup> session of the Bosnian Serb Assembly, Mladić stated that they had not allowed “any connection of the enclaves in Eastern Bosnia” and that his “aim was, and I am sure that if we establish Republika Srpska they could not wait to get out of the enclaves. However, if they don’t want to, we have to provide the conditions so that they could feel glad when we offer it to them”.<sup>9119</sup> (This is a military logics, because those enclaves were full of a well armed combatants. Disabling them to have a connection with the rest of their units would be against any military logics. But, even as military, these ideas didn’t have anything mean or wrong or aggressive towards the Muslims. If the Muslims would like to stay after the war, they will have a good conditions.)

2752. The President in meetings with international negotiators stated that “Serbs would never accept to be ruled by Muslims”, but that if Muslims gave up their claim to rule over all of BiH, “they could quite happily live alongside each other” but each with their own administrations and safeguards for minorities.<sup>9120</sup> (EXCULPATORY!!! The minorities had been envisaged, as well as the safeguards for they life!) In contrast, at a meeting on 8 September 1992, the President stated that there were no Serbs, except in Sarajevo, who wanted to live with the Bosnian Croats and Bosnian Muslims in one state.<sup>9121</sup> (Nothing is “in contrast”! Is this President guilty for what those Serbs felt, or for saying what they felt? Even a stalinist courts would make a difference. The key word is “in one state” which meant “in one system, under one administration” and that was right, no matter how the entire world could think of it. But, any reasonable chamber would find out a way to comprehend the semantics of the Serbian language, and there would be less misunderstandings.)

2753. Later on, in meetings with international negotiators, the Bosnian Serb leadership indicated that they were prepared to accept changes in internal borders “to accommodate ethnic realities”.<sup>9122</sup> (This falls under the witness’s own remark that his assessments are of not the first class validity. However, this part pertained to the changes of the municipal boundaries, so that a village could join neighboring municipality with the same majority if wanted, as it happened before the war, with the Dobratric group of villages. And this was envisaged to be valid for all the three communities. It had nothing to do with so called “new realities” because the Serbs never denounced the agreements on the free return of refugees. How this was wrong inference shows the key word: internal boundaries! What the internal boundaries have to do with the refugees? It concerns only domestic inhabitants of a village that would like to join another municipality, which was their constitutional right.) However, by the time these statements were made, there had already been a large forcible displacement of Bosnian Muslims from their homes and the Bosnian Serb leadership sought a peace deal on the basis of the large percentage of territory in BiH which they had already taken.<sup>9123</sup> (“Wrong: the Serbs didn’t take the “large percentage of territory”, that had it in control always, and it was known to

<sup>9119</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 70.

<sup>9120</sup> P4216 (UNPROFOR report re meeting with Radovan Karadžić, 20 November 1992), p. 3; P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 69; Pyers Tucker, T. 23236–23237 (18 January 2012). See also D539 (UNPROFOR report re meeting with Radovan Karadžić and Ratko Mladić, 27 November 1992), p. 2.

<sup>9121</sup> P1479 (Ratko Mladić’s notebook, 16 July–9 September 1992), pp. 167, 171.

<sup>9122</sup> P785 (Second notebook of Herbert Okun’s ICFY diary), e-court pp. 34, 44. Okun’s assessment was that the phrase “to accommodate ethnic realities” was a “very clear, not-so-subtle reference to the ethnic cleansing”. (This falls under his own remark that his assessments are of not the first class validity. However, this part pertained to the changes of the municipality boundaries, so that a village could join a neighboring municipality with the same majority, as it happened before the war, with the Dobratric group of villages) Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4215–4216.

<sup>9123</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4215–4216, 4218–4219.



the Chamber from the evidence that the Serbs kept telling about 65% of the territory that the Muslim fundamentalists can not include in their state! This is another arbitrary and a mean conclusion, since it was always agreed that the territorial issues had to be settled on the Conference, and that a “fait accompli” would not be accepted. It was well known to every mediator that the Serbs didn’t request even everything of their majority. There are a plethora of evidence that the Serb side kept from the beginning to the end of the crisis that the territorial matters would be resolved around the negotiating table. So, this is a wrong, and even mean inference, since it contradicts to a huge evidence to the contrary! Similarly, the Bosnian Serb leadership also suggested holding referenda in early 1993 to solve “controversial areas” but in reality by this time there were very few Bosnian Muslims or Bosnian Croats who remained to vote.<sup>9124</sup> (Again, one of the #witness’s meditations built in his notes, as he admitted!# A very, very wrong inference. The inhabitants of the “controversial areas” would vote in the places of the temporary residence, as is the praxis even today in the whole BiH, that the people vote in BiH from all over the world, in an organised way. The same would be in the areas that were contested by any side, the votes would be counted for the areas of their original residence! A suggested referendum would be conveyed according to a rules acceptable to all the parties, otherwise, the areas would remain controversial!)

**2754.** In September 1992, the Accused continued to stress that their objective was to have a state and that its borders “towards the Muslims and Croats are to be thicker than our borders towards Serbia and Montenegro and the Serbian Krajina”.<sup>9125</sup> (In September 1992 there was the bloodiest war, and the Croats attacked the Serb Protected zones, and the Croatian regular Army was present in the battlefields in Bosnia! So what, this is not a crime, to have priorities in affiliation! It would be a lie if the Serbs said that the Muslims or Croats are going to be closer to them than the Serbs in Serbia!) When the President discussed maps of BiH and issues of population and division of territories this also caused a feeling of fear, anxiety, insecurity and uncertainty amongst people who “saw themselves living in the territory of another people or another nation”.<sup>9126</sup> (Now, the Chamber should better understand the Serb fears to leave Yugoslavia and live in a Muslim dominated state. But, the witness lied as if it was so much of fear from the President’s words, even more than from the shells, so that the family of the KDZ310 remained in the Serb territory all the time, although the witness deserted the VRS. But, anyway, how come that the Chamber takes note of those people’s fear, but not the fear of 1,5 million Serbs who were to live under the Muslim-Croat domination? But, the Tribunal doesn’t look sensitive for the Serbian fears, interests or even rights!?)

**2755.** On 30 October 1992, the Accused delivered a speech at the 21<sup>st</sup> Session of the Bosnian Serb Assembly in which he described an artificial state in which we were forcefully held in an artificial creation that is Bosnia and Herzegovina together with our centuries-old foes. It all reminds me of the experiment in which a dog and cat are held in a box together against their will, or a bad marriage maintained by all sorts of forceful means. It transpired that a dog and cat can remain in the box together under only one condition, namely that they lose their natural characteristics and cease being a dog and a cat. We will remember that we could not be Serbs and live in such a box.<sup>9127</sup> (So what? The President characterised the relations, and didn’t jubilate for that, nor he created such a relations, but as a politician was obliged to be aware of it! Although this part of the speech falls into the range of an academic discussion, everything else is true. First, at the First session of AVNOJ there wasn’t envisaged that there would be any BiH. It had been proposed later. Second, the last 30 years before the war the Muslim nationalism was

<sup>9124</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4245; Herbert Okun, T. 1519, 1522–1524 (23 April 2010); P789 (Sixth notebook of Herbert Okun’s ICFY diary), e-court p. 58; P790 (Seventh notebook of Herbert Okun’s ICFY diary), e-court p. 40.

<sup>9125</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 55.

<sup>9126</sup> KDZ310, T. 9177–9178 (29 November 2010).

<sup>9127</sup> P939 (Video footage of Radovan Karadžić’s speech at the 21<sup>st</sup> Session of RS Assembly, 30 October 1992, with transcript), pp. 1, 3.

rapidly developing, and particularly the Serbs were under the surveillance. Many tens of thousands of the Serbs moved during these years towards Serbia or abroad. The Defence was prevented to depict what was the situation before the fundamentalists took power. It was nearly horrible, but wasn't involving the religion and the Shariya law.

2756. The President characterised the conflict in BiH as a "conflict among peoples" and stated that "Muslims cannot live with others. We must be clear on that. They couldn't live with the Hindu, who are as peaceful as sheep. [...] They couldn't live with the Greek on Cyprus, they couldn't live in the Lebanon with Arabs of the same blood, same language, but of a different faith. (The Chamber permanently questions the President's #academic discussions and assessments of the situation, as if the situation depended on the President's opinion or conduct!# For all of such "inferences" it could be commented just wit a "So what?" Here, again, the Chamber is selective in quating and judging the evidence. The President clearly associated the "inability" to live together with the Muslims in a same political and judicial system – with the fundamentalism as a new form of Islam, and it was associated so that it was a #crucial part of the sentence#, and without it, the sentence gets a completely different meaning. Let us see: P00012, p. 18:

questionable. As for the judicial system, this all shows that we cannot really live in the same political and judicial system as Mr KOLJEVIĆ says. Gentlemen, the moment the Muslims get hold of the fundamentalism, they cannot live anywhere, with nobody, in the same legal and political system.

This was a survey of the situation in the countries where the Muslims were in conflict with their fellow countrimen of a different religion. That was true, and the Serbs in BH realized that this kind of Islam came to Bosnia. This is a survey, was it wrong? So what? How this can incriminate the President?) There can be no discussion here [...] We are in power, and we should exercise that power".<sup>9128</sup> (This words had nothing to do with the other ethnicities. It was a discussion about the inter-party discipline, see P938, p. 36:

But, we have to clear the issues at the party level. VUKIĆ, who is a member of the Main Board and Executive Committee cannot behave in this way. No party in the world would stand for that, to have people acting in contravention of your platform and to sabotage you at the moment when you are on the brink of achieving your goals. You can't do this, no party in the world would suffer for it.

I have to admit that I am partly to blame, because I've said, open the door partly to everyone, communists, non-communists, admit them into the party.

But, there had to be another criterion: admit communists into the party, but not so that they can implement the communist agenda, but to implement our agenda. And they are creeping up to the saddled horse to ride it in their direction again.

d further, the same page:

<sup>9128</sup>

P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 36. See P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 153. See also P2493 (Anthony Banbury's notes, 30 April 1995).

This a personal conflict. They want power. They want glory. They want money. They want the honour too. They want everything: honour, power, money – they want it all. And glory and everything else that goes with it.

I think that there's no reason for us to be ashamed of being in power in Krajina too. This party has won power in Krajina, The first day after the elections we said that the election campaign for the next elections (in four years) began then. Your actions now will determine how you fare in four years.

We are in power, and we should exercise that power for the good of the people.

We can and we must renounce everyone who refuses to work the way we have agreed. Brdo and all the rest. When Brdo appears somewhere, he's like a bomb, he blows up everything. Then he winks at him /as printed/ and I won't allow it, as a psychiatrist and as the party leader.

(Several deputies say, "Well, he's demanded that the Krajina deputies be dismissed for allegedly betraying him.")

He's crazy, he's not normal, Dr. KARADŽIĆ continues. He doesn't know what he can do and what he can't do.

**(The sentence about the power is exclusively concerned with the authorities in Krajina, a party that won the elections 1990. This is a serious and grave abuse of the President's sentences dispersed throughout the documents, and chosen selectively and arbitrarily, in order to patchwork any *mens rea* in a criminal sense!)**

In this regard the President noted that there was nothing new, and that in the case of India and Pakistan there had been a "huge resettlement of the people" and the separation was "covered in blood".<sup>9129</sup> **(This part is again misinterpreted, see P938, p.36:**

Imagine the stupidity of it: the conflict in Bosnia and Herzegovina is basically a conflict among peoples. Just as it was the case between India and Pakistan, and that's nothing new, it resulted in a huge resettlement of the people.

Muslims cannot live with others. We must be clear on that. They couldn't live with the Hindu, who are as peaceful as sheep. That's the Indian religion. They are a peaceful people and yet they couldn't live with them. They couldn't live with the Greek on Cyprus, they couldn't live in the Lebanon with Arabs of the same blood, same language, but of a different faith.

**Wrongly translated, the President said: "Imagine this idiotism: the conflict in Bosnia..." And the President characterised the conflict between Hindu and Pakistani as an idiotism that is now taking place in Bosnia. The President called it "an idiotism" to initiate a war in such a mixed country, and have a consequence in re-settling of population. Since it was "nothing new" the world lords should have known what will happen if they encourage a war in such a country!)**

2757. At a gathering in January 1993 attended by UN personnel, the Accused emphasised that they could not live together anymore with the Bosnian Muslims, they would not allow the past to repeat itself, and that therefore the Bosnian Muslims would be transferred out of Bosnian Serb territory.<sup>9130</sup>

**(This witness shouldn't testify anything about a political issues, because #he didn't understand anything.# For instance, this issue of "transferring" Muslims and Serbs was a regular topic at every meeting with the UNPROFOR officials. But it was about a temporary release of the civilians to cross to their territory, to suffer as less as possible. The Chamber could remain itself of how many times it was the discussion with general Morillon, to facilitate transfer of the Serbs from Tuzla and Muslims from Srebrenica. The Serbs always tried to get the Sarajevo Serbs out of the City while the war was going on. Had it been meant a resettlement, this issue would be condemned in all and every single report of the UN. But it never happened that the political officials of the UN understood the transfer of civilians as a permanent removal! Many agreements reached among the sides under the auspice of the ICRC and UNHCR regulated this transfer!)** The Bosnian Serb leaders who

<sup>9129</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 36; P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), pp. 18–19.

<sup>9130</sup> P1258 (Witness statement of Hussein Ali Abdel-Razek dated 16 July 2002), pp. 5–7.

attended included Mladić, Krajišnik, and Plavšić, and they all agreed with what the Accused said in this regard.<sup>9131</sup> They spoke about “ethnic cleansing” as something which was necessary.<sup>9132</sup>

**Another misunderstanding: the necessary was to let people move freely, it had nothing to do with the permanent status. Did this witness report to the UN in New York about it? Was he a part of any delegation? Who was a leader of it? Why the Chamber accepts a “third class evidence” and not establish what the political interlocutors with the President said about the subject? But, let us see what he said in his Statement, P01258, p. 5:**

Again, I want to stress that the kind of meetings I held with the parties were military to military meetings. These meetings did not require Ms. Plavšić’s presence or decision- **H e himself recognized that he didn’t have anything to do with the political leadership, but then he lied as if the President invited him to a meeting, which is an absurd:**

I recall that when we met with Mr. Karadžić, it was in Pale. I recall that Dr. Karadžić asked for a meeting with me in Pale a few days after he returned from Belgrade. Mr. Krajišnik and Ms. Plavšić attended the meeting. We met in a small room in Pale at the SDS offices. At the beginning of the meeting, Karadžić introduced himself, welcomed me and expressed a willingness to co-operate. At that meeting Karadžić tried to discuss his boarder plan. This plan was the removal of Muslims from Serb territories and the Serbs from Muslim territories. I told him that this was not in our UN mandate and that his boarder plan was a new mission. I recall that he was coming back from the London conference. His boarder

**Removal” of population? If true, that would be a world news No. 1.# and all the UN documents would contain it!# How possibly any chamber can accept this nebulous assertion? Why would the President invite him for a meeting? And how could he accept such an invitation without an approval of his superior? And had the President said what the witness claims, this would be immediately on the table of the witness’s superiors, and on the table of the mediators of Conference. Obviously, he was listening to some other meeting, because he mistakenly understood the issue of the monitoring of the heavy weaponry: to put his heavy guns under the control of the UN. He said no. His statement was clear. I showed him a copy of his statement at the London conference where he said he would put the heavy guns under the UN control. He said “no, not so.” We, the UN force, did not have**

**The issue wasn’t whether the heavy weaponry would be under monitoring of the UN, because the Serbs wanted it, but the #Serbs never committed themselves to have a UN control of the weaponry#. Anyway, any chamber would clarify such an obscure assertion, which contradicts to everything the Chamber had seen on the subject. Here is what was discussed in Geneve on this subject, D4765, p.40:**

Radovan KARADŽIĆ:

I told Boyer: “If Vance wants the military document to succeed, let him erase the word “control”.

Slobodan MILOŠEVIĆ:

It says “monitoring” everywhere. This paper says “control measures”, but “declaration monitoring...”, “declaration of heavy weapons” is used throughout; “once located, under monitoring, to ensure...” Only that verb is used, not other ones. That is Annex 4.

**This is the evidence that Razek misunderstood everything, and that he couldn’t be invited by the President on any meeting.**

**2758.** In January 1993, at a meeting attended by Bosnian Serb and Serbian leaders, Vladislav Jovanović spoke about the importance of ensuring the territory they got was

<sup>9131</sup> P1258 (Witness statement of Hussein Ali Abdel-Razek dated 16 July 2002), pp. 6–7, 11–12. See also P1154 (Witness statement of KDZ088 dated 27–29 April 2010), pp. 113–115, 120 (under seal).

<sup>9132</sup> P1258 (Witness statement of Hussein Ali Abdel-Razek dated 16 July 2002), p. 7.



“nationally homogeneous as soon as possible”.<sup>9133</sup> Jovanović stated that this was not to be achieved by “ethnic cleansing” but through the “exchange of inhabitants”, and stressed that where life in BiH becomes impossible everybody rushes off to their “original provinces”.<sup>9134</sup> This was described by Jovanović as a “strategic goal to which we should aspire, and which should be achieved”.<sup>9135</sup> Jovanović stated that they had to be conscious that there was attention on Serbs and they were trying to catch them on “anything that even resembles ethnic cleansing or linking” and that they would have to look out for these traps and try to ‘catch’ them where they are weak”.<sup>9136</sup> **(Although the quotations and contexts are erroneous, see P794, p.3: what is more important is to make the territory that we get, nationally homogeneous as soon as possible, but not by means of ethnic cleansing and so on. Ethnic cleansings are palm offs /as written/. So, we should use the peacetime process of the exchange of inhabitants, in other words migration and immigration, which will flow. What is important is that life in that future Bosnia becomes impossible and that everybody understands that individually, that they rush off to their original provinces. This is a the words “in other words migration and immigration, which will flow” drastically differ from what is suggested in the Judgement. Mr. Jovanovic pleaded for a peaceful processes according to the will of the population. Nothing criminal in the Jovanovic’s words, and particularly nothing that could be allocated to the President.)**

2759. Jovanović also spoke of the need to ensure in an “indisputable way” a territorial link with Serbia and Montenegro.<sup>9137</sup> **(So what?)** Jovanović also cautioned against freedom of settlement which could result in the “mixing of the composition of the population to our disadvantage” and that what they had gained would “gradually erode”.<sup>9138</sup> **(The Chamber neglects the fact that Mr. Jovanovic said that a territorial link has to be ensured in an indisputable way, which means to be acceptable for all the sides. Also, a greed for territories would result in a non-Serb dominance, which was a legitimate concern!)**

2760. The Accused went on to say that “this which Jovanović is talking about, has already happened to a huge extent. There was fifty-fifty of us in Zvornik. The number of inhabitants of Zvornik is now the same, approximately 50,000, and they are all Serbs. More than 24,000 Serbs from Zenica and Central Bosnia have arrived and stopped in Zvornik.”<sup>9139</sup> The President also stated that there will not be a unitary BiH of the civic type or one in which the Muslim majority will come to the

<sup>9133</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court p. 3; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4284–4285.

<sup>9134</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court p. 3. *See also* Herbert Okun, T. 1824–1825 (28 April 2010). Jovanović acknowledged that this meeting took place but that when he spoke about developing an area which would be as “nationally homogeneous” as soon as possible, this was to be achieved by allowing people to freely move to other cantonal units if they did not want to live in a particular canton. D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), paras. 53, 64; Vladislav Jovanović, T. 34318–34319 (26 February 2013). The Chamber notes however, that Jovanović’s testimony was marked by indicators of evasiveness and bias. In addition, the Chamber considers that he had an interest in characterising his own words in a favourable light. The Chamber therefore does not find his evidence to be reliable with respect to the voluntary nature of the movement of population which was envisaged. **But together with what the President said that the things are going in this direction by itself, corroborates what Jovanovic said, as Mr. Jovanovic himself confirmed while testifying, see T... ..**

<sup>9135</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court p.3.

<sup>9136</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court p. 5; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4284–4287.

<sup>9137</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court p. 3.

<sup>9138</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court p. 3.

<sup>9139</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), p. 4; *See also* Herbert Okun, T. 1823–1824 (28 April 2010); P4518 (Excerpts from Robert Đurđević’s diary, 7–25 September 1993), p. 2. Jovanović’s assessment was that the Accused had merely been pointing out undesirable and unavoidable consequences of any war, which was that the Serbs had been fleeing the Muslim-dominated and heading to the regions where the Serbs made up a majority. D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 53. The Chamber refers to its credibility assessment in fn. 9139 in concluding that it does not find Jovanović’s evidence to be reliable in this regard. **Unbelievable and unacceptable! Such a high official why would he lie? Or be evasive?**

fore.<sup>9140</sup> (The President wanted to corroborate Jovanovic's advise against a forcefull moving people, since the people moves by themselves anyway! Beside that, was the President responsible for the arriving 24.000 Serbs from Zenica. Yet, the President didn't accuse the Muslim side for having 24,000 Serbs escaped from Zenica, because this was understandable, because of fear! What the President said in many occasions neither was his wishes nor his intentions, but just the state of cause. The Chamber makes wrong inferences!)

2761. The Accused further stated that Serbs must fight for these territories to get a quality piece and said "we want some of our rich areas to belong to us".<sup>9141</sup> (So what? This was an inter-ethnic war, and what is wrong in having the Serbian rich areas to belong to the Serb Republic?) The Accused also said that the Neretva was disputable and that they could live without it, but that they could not give up Podrinje and Posavina.<sup>9142</sup> So what? This was a discussion about what was going to be claimed for on the conferences. Let us see how the dialogue was going on, P6164, p.65:

No, these borders will be great once we make some small corrections. What is the percentage of the territory of Bosnia and Herzegovina that is within these borders?  
Radovan KARADŽIĆ:

Approximately 40%.  
Slobodan MILOŠEVIĆ:

That is going to be increased to over 50% because there is 20% that is disputable.  
Radovan KARADŽIĆ:

Posavina and Podrinje are disputable.

Neretva is disputable but we can live without Neretva. However, we cannot live without Podrinje and Posavina. Without them we have no chance of establishing the state and integrating in the future. There are several problems. If they allow us to amend the paper so that it does not prevent us from achieving something, we can talk about it.

(Th  
ere is no any doubt that this pertained to the ongoing Geneva Peace Conference, and had nothing to do with any military matters, or any use of force. The issue was whether to sign the peace paper, or to seek for more changes! Irrelevant, and can not be used against the President, because the UN-EC mediators proposed a territorial arrangement tyat was discussed among the Serbs! But, whatever the Serbs say, it is a sort of crime!) Further, the President agreed with Slobodan Milošević and Kantić that they could not invoke the democratic principle if they abandoned the "ethnic criterion".<sup>9143</sup> (So what???) The President said that they would gladly exchange prisoners but would no longer make unilateral releases.<sup>9144</sup> (So what? Should the Serbs continue to release prisoners unilaterally, while the Serbs imprisoned in the Muslim camps to stay there?) Slobodan Milošević also expressed the view that had there not been the war, the changes on the ethnical basis would not have taken place, but that now they had the changes based on the ethnical principle.<sup>9145</sup> (#Nothing criminal is in this considerations of the situation and academic discussions!#. For heaven's sake, why this academic discussion is important to this Chamber? Does it mean that anything could be good to charge a Serb?)

<sup>9140</sup> D4765 (Notes from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), p. 3.

<sup>9141</sup> D4765 (Notes from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), pp. 7-8.

<sup>9142</sup> P6164 (Excerpt from notes of enlarged session of Council for Coordinating Positions on State Policy, 9 January 1993), e-court p. 65.

<sup>9143</sup> D4765 (Notes from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), p. 43.

<sup>9144</sup> D4765 (Notes from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), p. 43.

<sup>9145</sup> P6164 (Excerpt from notes of enlarged session of Council for Coordinating Positions on State Policy, 9 January 1993), e-court p. 41.

2762. Krajišnik said that what was important was not how big the territory was but the “quality of that territory” and that they had to seriously consider the issue of maps.<sup>9146</sup> **(So what? Krajišnik, as the President, pleaded for a moderate attitude towards the territorial claims!)** Krajišnik also stated that they had to “solve one part at a time – something through politics, something else through migration, and some things through settlement”.<sup>9147</sup> **(The same pertains to Mr. Krajišnik’s words: #all of it was a preparation for the Geneva Conference#. And why the #Chamber incriminate the political talks and the legitimate claims that were to be posed as a negotiating position?# What does it mean? The negotiations were organised and mediated by the same United Nations which founded this Tribunal, and does it mean that the UN are under the suspicion too?)** He also emphasised that the continuity of the territory which they had was very important to allow for the unification of Serb territory in the RS and also spoke in favour of connection with their motherlands in Serbia and Montenegro.<sup>9148</sup> **(So what? #This attitude was communicated to the mediators as a condition to accept the peace agreement. How it is forbidden?#)** Koljević stated that they would have to “develop the activity of settlement homogenisation” while there was still time.<sup>9149</sup> **(At that moment there were more Serb refugees than the Muslim and Croat together. So, professor Koljević didn’t have any hope that these Serbs would ever return to their homes, and thus suggested to have settled them. But, all of that was a preparation for the Conference. What is to be objected, let alone incriminated in it?)**

2762. In 1993, Velibor Ostojić also referred to their goal of “ethnic – geographical continuity of Serb population” and that they were “building new demographic politics for the RS” and the need to have Serbs settle in areas which they held.<sup>9150</sup> Ostojić was responsible for the Commission for Refugees and Humanitarian Aid which organised this settlement of Serbs and did not provide for the return of Bosnian Muslims or Bosnian Croats.<sup>9151</sup> Ostojić was the Minister of Information and was trusted by, and had direct contact with, the President.<sup>9152</sup> **So what? #Words of others#! Everyone had contacts with the President, but the President could be liable only for what he proposed, or accepted, signed, did or did not, but in no way could be liable for any informal, or even formal words of anyone, unless it was built in a document that the President had to sign. But, anyway, let us see what Mr. Ostojić really said: P01379, pp.212-213: #**

<sup>9146</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court pp. 5–6.

<sup>9147</sup> P794 (Excerpt from expanded session of Council for Harmonising State Policy Positions, 21 January 1993), e-court p. 6.

<sup>9148</sup> P6164 (Excerpt from notes of enlarged session of Council for Coordinating Positions on State Policy, 9 January 1993), e-court p. 51.

<sup>9149</sup> P794 (Excerpt from the session of the Council for Coordinating Positions on the State Policy, 21 January 1993), e-court pp. 8–9; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4292 (testifying that in his assessment, this “settlement homogenisation” referred to “ethnic cleansing”).

<sup>9150</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 212–213. Vladimir Lukić testified that the Bosnian Serb Government sought the return of refugees regardless of ethnicity. D3563 (Witness statement of Vladimir Lukić dated 18 May 2013), paras. 33, 46; Vladimir Lukić, T. 38787–38790 (28 May 2013). See also P3129 (Minutes of the 66<sup>th</sup> session of RS Government, 20 March 1993), p. 8. The Chamber finds that Vladimir’s Lukić’s testimony with respect to this issue was marked by evasiveness and indicators of insincerity particularly when confronted with the speeches made by Ostojić which suggested that the Bosnian Serb policy on refugees was connected with its goal of achieving ethnic geographic continuity of the Serb population and did not make provision for the return of Bosnian Muslims and Bosnian Croats. The Chamber therefore does not find his evidence in this regard to be reliable.

<sup>9151</sup> P1388 (Transcript of 39<sup>th</sup> session of RS Assembly, 24–25 March 1994), pp. 168–169; D3588 (Minutes of 89<sup>th</sup> session of RS Government, 18 January 1994), p. 4. Radoslav Brđanin was tasked along with Velibor Ostojić with preparing a programme for the accommodation of refugees in the RS. D3588 (Minutes of 89<sup>th</sup> session of RS Government, 18 January 1994), p. 4; P1392 (Transcript of 41<sup>st</sup> session of RS Assembly, 31 May to 1 June 1994), p. 50.

<sup>9152</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 10. See also D422 (19<sup>th</sup> session of SerBiH Assembly, 12 August 1992), p. 38.

Mister OSTOJIĆ :

Mister President, Your Excellency, deputies of the president, members of the parliament and guests. I will also mention only the things that are not in the report, taking your time into consideration I am mentioning that I was leading the committee as a minister without portfolio. We were aiming to achieve our goal, which was ethnical - geographical continuity of Serb population, while accommodating the refugees, and actually we were building new demographic politics for the RS. With this aim, we had two tasks. Those are to as soon as possible shelter and accommodate displaced persons and to find them jobs so that the economical consolidation and later on political integration of their lives in the area would move on. This geographical continuity was accomplished in several points that were prioritised by a Government and in its program. Those points are Stara Hercegovina, Birač and Posavina which could be connected and become integral territory of Serb nation, first of all I think of Hercegovina, Romanija, Krajina and Semberija. In this process, which is completed now, I did not mention in the report, but I can say it, having in mind that all this is for documenting only, in accordance with the plan for this year, from the beginning of March until now approximately 57 thousands of people were accommodated in this area. SRJ has probably accommodated 130-140 thousands of people. People are **Therefore, so far, so good. Mr. Ostojic reported that Yugoslavia is accepting three times more Serb refugees, while the RS is accommodating much less, and exclusively in the traditionally Serb areas. The Serbs held those areas for a centuries, and there was nothing illegal to accommodate the Serb refugees, expelled from their homes in the Muslim/Croat areas. Further: P01388, p. 168**

Velibor OSTOJIĆ:

Mr. Chairman, gentlemen members, although the issue of the refugees has been raised many times here, I want to point out the complexity of this problem that has to be prioritised. I want to inform the members of Parliament in order to clarify one thing first. This is not the Ministry, I am actually managing the commission for planning and co-ordination of work of the institutions that are working on the accommodation and shelter for the refugees. I took over this job in the end of January last year, and almost 2/3 of the population that had migrated, had already been accommodated somewhere, in a quite unorganised and chaotic way. The refugee centres are in the jurisdiction of the Commission for Refugees and Humanitarian Aid. The government suggested to the Commission where to establish the refugee centres. We suggested Sokolac, Lopare, and Prijedor. First we suggested Ključ and then

**First, the President not greeted, means he wasn't present. Second, Ostojic nowhere mentioned Muslim/Croat return. See p. 169**

exists in the field. I am trying not to present ugly events and ugly things that the refugees are doing and which the displaced and migrated Serbian population is doing, because I do not want to speak in this way about my people. But many individuals and groups made a business out of their refugee status. And it is true that there are groups of refugees who are walking around like nomads from town, from municipality to municipality, usurping properties, looting them, selling them etc. **The more honest self-criticism is not possible. The Serb refugees were a big burden for the local and central authorities, as well as, the most probably, for the local Muslims and Croats, but all against the will and intentions of the authorities. But, let us see what Ostojic said further, p.168-69:**



Government has put efforts and tried to organise the administration and establish the full co-ordination of the municipalities regarding this issue. Mr. BRĐANIN pointed out those things that the municipalities were doing self-willingly. And now we will make the resolution but I think that without a decision and order to the municipalities, we probably will not be able to finish this job. But if it is centralised now, then probably we can continue working on its solution. But there is a limit in the financial

**So, as usually, the Assembly gathers for making decisions, documents, and it is clear that the session was planned to adopt a resolution on this issue. #Is anything in this resolution unlawful, criminal, or even morally unacceptable?#**

This process of settling Serbs was done with a view to filling a particular area so Bosnian Muslims did not have a place to return to.<sup>9153</sup> This was in contrast with statements made at sessions of the Bosnian Serb Government in March and May 1993 where they emphasised the need to create conditions for the return of refugees who had left the RS during the conflict.<sup>9154</sup> **So, the speaker was criticising the “state and political leadership”, calling on them to “consider once again the issue and to find the option”... how possibly any reasonable chamber could neglect this criticism, and a separate and opposite opinion allocate to the authorities? Otherwise, the care of the refugees was an obligation, and the Serbs didn’t chase those Serbs from the central BiH, but somebody else. The authorities never adopted what this speaker proposed “to be considered again”.**

2764. In April 1993, in discussions with international representatives, the President stated that he could not persuade Bosnian Serbs to remain in the Posavina and that they were asking for new land and territories.<sup>9155</sup> **It seems that nothing from the Serb political life was innocent. The situation in Posavina was as a matter of fact the situation of the Province No. 3, according to the Vance-Owen plan. #How Karadzic could have been liable for the fact that the Serbs didn’t dare to stay in Posavina,# if it become the Province 3? This was not the President’s sentiment, or decision, it was a complaint of the Posavina Serbs. We have seen how the Serbs from Sarajevo left their centuries old homes and properties because it was assigned to the Federation. Otherwise, it is no more correct, and even decent to rely upon such a short notes of Okun, Mladic or anyone else, after Mr. Okun admitted that his notes could be red and understood differently, see, Okun, T1819-1820 A. That’s correct, yes. And your point -- the earlier point you make, that the readers of the note-books could draw different conclusions from them, is also correct.** Mladić also spoke at this meeting and suggested that all sides sit down to resolve the problems.<sup>9156</sup> The President also explained why the proposals at the time were absolutely unacceptable to the Serbs and questioned whether they could set up a regime to identify areas where they had to withdraw from and areas where they would have to resettle Bosnian Serbs.<sup>9157</sup> In April 1993, Krajišnik also expressed his opposition to “any kind of joint state with the murderers of Serbian people, Muslims and Croats”.<sup>9158</sup> In August 1993, Krajišnik noted with respect to Banja Luka that the Muslims and Croats had asked for the municipality during negotiations, but he stressed that the Bosnian Serbs did not accept that “because we must have that territory clean”.<sup>9159</sup> **(The Chamber is picking up a pieces of a parliamentary discussion about which part of the RS to leave to the other side. Obviously, both the discussion in the Assembly and Okun’s diary speak about the Conference, and the Assembly and leadership are trying to find out what to do with the people who are going to leave their areas that would belong to the other communities. This kind of “salade” and melange of sentences and**

<sup>9153</sup> P1419 (Transcript of 56<sup>th</sup> session of RS Assembly, 17 December 1995), pp. 94–95.

<sup>9154</sup> P3129 (Minutes of the 66<sup>th</sup> session of RS Government, 20 March 1993), p. 8; P3112 (Minutes of the 71<sup>st</sup> session of RS Government, 26–27 May 1993), pp. 10–11.

**polemics are something that no reasonable chamber would put in a judgment. Of course, the Serbs were ready to facilitate the Muslims and Croats to form their municipalities in Banjaluka or elsewhere before the war broke out, even when the war started, but after such a long war (30 Sept. 93) there was no longer this readiness!)**

2765. The President also suggested that Krajina would “take on an appearance of a rotten apple” if their enemy was in Krajina.<sup>9160</sup> **This kind of #abuse of materials from a free parliamentary discussions# is without precedents. This was a discussion on the Assembly session about the peace plan of Contact group. Here is what the President said: P01394, p. 12**

immemorial until the genocide in the First and the Second World War. It is expected from us to give in for good some twenty bigger and smaller towns into the possession of our irreconcilable enemies and terminators. According to this plan, we should hand over Krupa on the Una River, Sanski Most, Kupres, Srbobran, that is former Donji Vakuf, Jajce, Doboje, Derventa, Brod, Odžak, Šamac, Brčko, Višegrad, Serbian Goražde, then Petrovo with entire Ozren, Ustiprača, Ustikolina, Borci, Zijemlje, and the entire Neretva Valley, Ripač, Kulen Vakuf, and to harm to a large extent, the territory of many of our municipalities: Prijedor, Novi Grad, that is, former Bosanski Novi, Teslić, Rogatica, Han Pijesak, Nevesinje, Modriča, Sokolac, and the others.

The Muslim territory, presently in several enclaves, would get its appearance, entirety and continuity, while the Serbian state, presently in continuity, would end up in enclaves. Serbian Krajina and Banja Luka Krajina would be separated from the other parts and turned into Nagorno-Karabakhs. Our Krajina is the nucleus of Republika Srpska; it is round as an apple and sound as an apple. With enemy’s pulling into Ključ and Jajce, Krajina would take on an appearance of a rotten apple, and in the extension of the war, or in a new war, the enemy would get an opportunity to cut off and separate Drvar Krajina from Banja Luka Krajina.

**So, it was not, as the Chamber suggests, if the enemies are in Krajina, but if the parts of the territory deep in Krajina are given to the Muslim side’s constituent state. Nobody said that “the enemies” were those Muslims and Croats who lived with the Serbs in RS, and fought against the fundamentalist’s concept of Bosnia, but those who incited and waged the war against us past three years. And why the President was against this part of the Contact Group plan, can be seen just from the next para:**

We would have to create conditions for humane relocation of about 400,000 Serbs from the territories which we would have to abandon in order to avoid chaos, breaking of lines, massacre and commotion. Less important, but not an unimportant issue is how would these Serbs make a living and where would they live. Or is it perhaps planned that all of them, all other Serbs from the Republika Srpska and the Republic of Serbian Krajina, escape to Serbia, creating thus chaos and commotion so that Serbia could be more easily finished? However, even without these gloomy predictions, let’s also think about the mildest implications of this plan, about the fact that we should reclaim so many territories and towns, once for all time.

**(#The Chamber is not supposed to judge the peace conferences discussions#, or the parliamentary discussions, or any political speech, since the parliamentaries are free to talk whatever they found**

<sup>9155</sup> P792 (Ninth notebook of Herbert Okun’s ICFY diary), e-court pp. 46–48.

<sup>9156</sup> P792 (Ninth notebook of Herbert Okun’s ICFY diary), e-court p. 47.

<sup>9157</sup> P792 (Ninth notebook of Herbert Okun’s ICFY diary), e-court pp. 48–49.

<sup>9158</sup> P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 34.

<sup>9159</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 48. See Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4293, 4295.

<sup>9160</sup> P1394 (Transcript of 42<sup>nd</sup> session of RS Assembly, 18–19 July 1994), e-court p. 12.

suitable, and not to answer to anyone but to their voters. That is how it is in all the democratic countries! And others, while fighting by words for another look of a peace plan are just presenting their fears and concerns. This #Judgment is relying on a several foundation on which no judgment should be founded, such as the discussions of parliamentaries, a short handwritten crippled notes of journalists or a side negotiators, like Okun, or a note takers and a fifth row note taking clarks, like Harland and Banbury, or a dishonest journalists like Van Linden and other dishonest journalists who participated in a satanisation of the Serb people, or a “free thinkers” who were there accidentally and had their own “understanding of the situation”.# This never happened so far in the human history, not even in the Hitler’s courts, where Georgy Dimitrov was acquitted!) Similarly the Accused spoke about a “green stain” which had appeared on maps given that there were proposals for portions of territory to be allocated to Bosnian Muslims and that the Serbs in that area would not allow that to happen.<sup>9161</sup> (So what? This was a matter of negotiations, and only Serbs were supposed to give the concessions. How possibly that could be a subject of this litigation? Why the Chamber is attempting to problematize and resolve the negotiations so much time after it ended? The existence of such an island-like enclaves of territory was possible before the war, because it would be in a peaceful environment, but after the Muslim side rejected all the Serb peaceful proposals, there was no more such a possibility, particularly since many Serb enclaves in the Muslim-Croat territory hadn’t been given the same opportunity! Otherwise, the local Muslims would have their administration, but within the Republic of Srpska, which was not offered to the Serbs in Muslim territory!)

2766. At the 37<sup>th</sup> session of the Bosnian Serb Assembly on 10 January 1994, Mladić addressed the assembly on the issue of lack of resources and material support for the VRS.<sup>9162</sup> He went on to describe how the Bosnian Serbs had an historical chance to create an “all Serbian state” with as little enemies as possible and that the Muslims and the Croats represented a danger.<sup>9163</sup> He thus recommended to keep on fighting as the enemy the Bosnian Serbs were facing was getting stronger and stated: “They started the war at first, they are heading this war, but that is not my concern. My concern is not that they will create the state. My concern is to have them vanish completely.”<sup>9164</sup> (The reference to the Serb state without too many enemies must be understood in the light of the forming of the first Yugoslavia. Namely, the Serbs had been offered by the Western allies to form the Serb state composed of the traditional Serebian territories. The Serbian Government pleaded for the liberation of all the South Slaves. By the end of the WWI the Allies wanted Serbia to make a big state, including all the South Slave countries. This caused an enormous number of casualties during WWII, 95% of which were killed by the Croats and Muslims. #Words of others#! But, what does it mean what somebody speaks, if it is not taken into a document and realised. A military “bravado” is expected from a military people, but it was not decisive or of any influence on the political process.

2767. At the same session, Krajišnik stated that “the biggest tragedy would be if the Muslims accepted to live with us now. [...] That is the only thing I would never accept, and I would rather accept that we get a smaller percentage of the territory than it is the case now, provided that we remain separated from the Muslims and that we have our country”.<sup>9165</sup> (This is a political speech aimed to persuade some representatives to accept some of the territorial solutions. Anyway, why Mr. Krajisnik would be obliged

<sup>9161</sup> P6134 (Video footage of interview with Radovan Karadžić, with transcript), p. 2. See also Jose Cutileiro, T. 33964–33967 (19 February 2013).

<sup>9162</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), p. 43.

<sup>9163</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), p. 47.

<sup>9164</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), pp. 48–49.

<sup>9165</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), pp. 121, 124. See also P796 (Excerpt from 37<sup>th</sup> session of RS Assembly, 10 January 1994), p. 2; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4298 (testifying that the comments of Krajišnik were consistent with what they heard during international negotiations about the position taken by the Bosnian Serb leadership with respect to ethnic purity and the creation of a Bosnian Serb state).

to live with the Muslims, since they have changed their political views approaching the Fundamentalism?) The main point in the Krajišnik's statement was *"a smaller percentage of the territory than it is the case now"* and it was the part of persuasion of the Assembly to accept that some Serb territories would belong to the Muslim-Croat Federation!) He also spoke about their goal being "to separate from the Croats and Muslims forever".<sup>9166</sup> Krajišnik continued to make similar statements and by 1995 spoke about their first Strategic Goal being to separate from the Bosnian Muslims and Bosnian Croats.<sup>9167</sup> (If anything what the Croatia and the Muslims in BiH intended and did was legitimate, the Serb decisiveness not to live in such a states is completely legitimate. And it was never about not to live with the Muslims, but not to live under their authority. They were very welcome to stay in Yugoslavia, but they didn't want to. For the same reason, nobody was entitled to force the Serbs to live in a new state that was to be formed against their will and their interests. And all the international documents, and all the peace conferences recognized these Serb objectives as legitimate, and finally it was sanctioned in the Dayton Agreement!)

2768. At the same Bosnian Serb Assembly session on 10 January 1994, the Accused noted that they were now a "state and what we hold is 100% ours".<sup>9168</sup> The President also acknowledged that "[i]f we are going to divorce from the Muslims, we must give them something. It is impossible to make the Muslims vanish, and that we keep the entire territory".<sup>9169</sup> (#EXCULPATORY#!) The Accused also noted that they could not declare a ban on the return of refugees according to international law and that in principle they would say that all refugees could return on a reciprocal basis.<sup>9170</sup> (#That was not "on a reciprocal basis", it was said that it has to be a comprehensive process, see in Serbian#:

се вратити избјеглице, у принципу све избјеглице се могу вратити, али ја сам додао једну реченицу: "И то мора да буде свеукупан процес".

. All other quoted by the Chamber is #EXCULPATORY#! That was a #political speech and persuasion of the MPs to be more flexible on the territorial issues of the peace plan#. But, the entire paragraph is an illustration of what and how the Chamber erred, by using the Assembly discussions as a deeds and as a facts. The President was explaining to the MPs, and fighting in favour of a peace through a territorial generosity towards the Muslims, which should be in his favour before any court, not against him. A reciprocity is the most legal and legitimate. Let us see what he said: P01385, p. 107

I beg you, I know what I am talking about, I know what actions are ongoing and I know how difficult their execution is. Do not count on finishing the enemy off, it rarely happens in local wars. You saw Palestine and Israel, you saw Iraq and Iran, there is no winner there. Local wars are long and exhausting and there is no winner. We can consider ourselves as winners after occupying this land, since the land is 100% Serbian now. Therefore, even if we come down to around 50 per cent, we should be more than happy and satisfied, it is Dušan's empire. If we are not happy

(Wrong translation, it is not "occupying this land" but rather "pressing" or "keeping" so much territory, and continued to advise that the Serbs could return a

<sup>9166</sup> P1477 (Ratko Mladić's notebook, 14 February–25 May 1992), p. 262; P1479 (Ratko Mladić's notebook, 16 July–9 September 1992), pp. 140, 144.

<sup>9167</sup> P1419 (Transcript of 56<sup>th</sup> session of RS Assembly, 17 December 1995), p. 104.

<sup>9168</sup> P1385 (Transcript of 37<sup>th</sup> Session of RS Assembly, 10 January 1994), pp. 107, 110.

<sup>9169</sup> P1385 (Transcript of 37<sup>th</sup> Session of RS Assembly, 10 January 1994), p. 132.

<sup>9170</sup> P1385 (Transcript of 37<sup>th</sup> Session of RS Assembly, 10 January 1994), p. 132. The Chamber places no weight on Vladimir Lukić's assessment about the meaning of this statement. Vladimir Lukić, T. 38794–38796 (28 May 2013). In doing so the Chamber refers to its credibility assessment in fn. 9155.



half of it, and still be happy with the rest. So, the President was advising a halt in fighting, and in the ambitions it terms of territories or in terms of a final victory. Further, the President was persuading the MPs that even 50% of what the Serbs controlled would be sufficient for the sake of peace. See further: at the same session, P01385, p. 109, the President was fighting against the further waging war:

Today we must agree whether we will sign it if those 33,3% remains the percentage required, considering the fact that we saved the majority of our territory. It is true what Mr VJEŠTICA said, not to accept it, but to force them to cave in. But in that case, it must be the decision of this Assembly. I have no power to make such a decision and neither do Mr KRAJIŠNIK, KOLJEVIĆ, or BUHA, and all those who participate in our negotiations. It is a tremendous and far-reaching decision. It means shedding blood until one of us is destroyed. The balance of forces in Yugoslavia, i.e., on the battlefield is in our favour to some extent - not the manpower but the war

If the Chamber didn't learn anything about the President from this speech, then there is no chance for any international justice. The President said that "we saved the majority of our territory." Means, not all of it, but the majority of the Serb traditional territories, not the Muslim, or Croat territories. The President opposed the MP's opinion to "force – the Muslims – to cave in", advocating non-victory, a "win-win" solution! Let us see further: P01385, p. 112:

It is a bit wider in the mountain area. Believe me, we cannot get separated, and we cannot end the war, and we cannot have the sanctions lifted unless we give those 33,3% of the territory to those unfortunate Muslims. Yet, the document reads that it can be less than that, and especially in Sarajevo it can be different, but it is important to fulfil this so that we could have the sanctions lifted and get the peace. I guarantee to you that it is not possible to preserve 70% of the territory, when you have the entire world against you, it is surely impossible.

(#Flexibility on territorial issues presented as "ethnic homogenisation#! So, the #President continued to fight for a flexibility on the territorial issues#. And the sentence about the "some territory" in the Central Bosnia that the Serbs and Croats must find for the Muslims was a task given by the Co-Chairmen of the Conference, so that the Muslim community has at least one third of the BH territory. (see comment on para 2750) But, the Chamber takes it against the President, as seen in para 2750.

2769. In April 1994, Mladić was quoted as encouraging VRS operations because "[t]he Turks must disappear from these areas".<sup>9171</sup> Michael Rose testified that he and other international representatives had thought that the objective of the combat operations in Goradže was to move the Bosnian Muslims out of the right bank of the town and therefore he suspected the reference in the order to "[t]he Turks must disappear from these areas" to mean just that.<sup>9172</sup> However, all know that the Serbs consider the Muslims to be Serbs of the Muslim religion. Only those who fight against the Serbs were called the Turks, and it was through the centuries. The same is with Ustashas and Croats. Those Croats who do not kill the Serbs are merely Croats, other who kill the Serbs, Jews and Gipsies are Ustashas. If Mladic said "Turks", he as any other Serb, meant "armed Muslims". But, the President never used a real derogatory name for the Muslims as "balijas", and very rarely the Turks, which the Muslims preferred to be called for a centuries, and recently, Reis Cerić said in Rogatica, on a public meeting, that the Muslims and Turks were one, not two! If the Defence knew that it will be important, it would tender this evidence.)

<sup>9171</sup> P1645 (Order of Višegrad Tactical Group, 11 April 1994).

<sup>9172</sup> Michael Rose, T. 7274–7275 (5 October 2010).

**2770.** In July 1994, the aCCUSED in an address before the Bosnian Serb Assembly, spoke about achieving our primary strategic aim, which is to get rid of the enemies in our house, the Croats and Muslims, and not to be in the same state with them any more. Every divorce has a price, we have to give something up, but we are the winners, we have a majority of the territory now, not only under our control, but also in our ownership.<sup>9173</sup> **#Political speech, because the President persuaded the Assembly to give back territories, and not to cry for Yugoslavia#, which was “our common home”, not the Republic of Srpska. But, again, this was a #parliamentary discussion, and the President was under a criticism for being too flexible#. Let us see the entire paragraph, P01394, p.**

Dr. KARADŽIĆ:

I fully accept the part of the criticism regarding the negotiating team. We do not have our own proposal, we do not have a proposal because it is impossible to cut off one's finger, or to say: “I want to cut off this finger” and do it in advance, if it is possible to keep the whole hand. Enormous areas in the former BH are now Serbian or used to be sacred Serbian land, and it is very difficult for us to say: “We offer you this map.” I made some experiments to mislead this Contact Group a bit and to show them what we shall not give up, so I showed them where we could perhaps permit them to impose some map on us. We also said, half joking and half seriously, that if it is 49% of everything, 49% of municipal seats, resources, etc., let's talk then and agree to this proportion. According to the Owen-Stoltenberg plan, we had 53 municipal seats and three halves of towns, that is 56 out of 109 municipalities, we had 56 at the time and that was a map in the creation of which we and the Croats had the leading roles, so that if something were to be imposed on us, it should be like that. We know for sure that we have to give something up, that is clear beyond a shadow of a doubt, if we wish to achieve our primary strategic aim, which is to get rid of the enemies in our house, the Croats and Muslims, and not to be in the same state with them any more. Every divorce has a price, we have to give something up, but we are the winners, we have a majority of the territory now, not only under our control, but also in our ownership, and if the proportion is exactly 49%, then it is the winners who should choose which 49%, although we would find it hard to say, every mountain is dear to us, every mountain is our history and cemetery and church, and so on, but it would be much easier for us to keep what is important, our towns and our holy places, our traditional mountains, such as Kozara, Grmeč, Ozren, etc. That is why we find it

**So, if the Serbs wanted to “divorce”, they had to sacrifice some dear territories out of a great amount of what is their ownership and under their control, which is guaranteed by every international convention.)**

2771. In August 1994, in video footage taken of Mladić and Milan Lešić, the founder of a Canadian charitable organisation called “Serbian Humanitarian Public Organisation”,<sup>9174</sup> in a car as they drove through Han Pijesak and Crna Rijeka, Mladić boasted that he “kicked the hell out of the Turks [...] who gives a fuck about them!” and commented that Lešić should film what they had done to the Turks and pointed to abandoned Bosnian Muslim houses.<sup>9175</sup> **(What does it have to do with the President. A military are boasting frequently, how come it is important to the Chamber, particularly against this Accuse? Mladic didn't want the war, he didn't initiate it, that was the Muslim side, and Mladic used a #military language, which was without any relevance!#)**

2772. At a Bosnian Serb Assembly session in November 1994, the President gave a speech in which he explained that “[w]e have created new realities” and that Zvornik used to be 60% Muslim but that Bosnian Serbs from Zenica arrived, occupied Kozluk and the Bosnian Muslims left.<sup>9176</sup> He went on to say that they were requesting Zvornik “which comes out of a new reality. [...] This war has created the new reality, there are now the Serbs from Zenica here. [...] We request

<sup>9173</sup> P1394 (Transcript of 42<sup>nd</sup> session of RS Assembly, 18–19 July 1994), e-court p. 76. See also P1387 (Transcript of 38<sup>th</sup> session of RS Assembly, 17 January 1994), p. 67.

<sup>9174</sup> Milan Lešić, T. 25010 (21 February 2012).

<sup>9175</sup> P4442 (Video footage depicting a conversation between Milan Lešić and Ratko Mladić, with transcript); Milan Lešić, T. 25030–25032 (22 February 2012).

<sup>9176</sup> P1403 (Transcript of First Part of 46<sup>th</sup> session of RS Assembly, 9–11 November 1994), p. 157.

Zvornik according to this right'.<sup>9177</sup> (#This "syntagma" the "new realities" was imported by the International community as an explanation for their support for a forceful destruction of Yugoslavia, saying: "Yes, you may be right, but now we have a new realities" Before the war, and without the war, Zvornik would be a unique city with the two ethnic municipalities. Since the Serbs didn't want the war, the Muslims pursued the war, and the new realities got created. Within these new realities is the one that there was no Serbs anywhere in the Central Bosnia. But, what does it mean, if the President from time to time qualifies the situation that occurred? It doesn't mean it was his will, or his plan, or he was happy about it.) At this same session, Krajišnik stated that "the primary strategic goal of our people and this Parliament is partition and separation from Croats and Muslims. And the partition can only be made if they will have their state while we have our own. How big these states will be is another issue. We cannot get entire Bosnia".<sup>9178</sup> (#EXCULPATORY#! It was the cause of the war, because the Muslims wanted the entire Bosnia only for themselves. Krajisnik was preparing the MP-s to give back some territories, it is so obvious. But all of this is about the poilitics of only one side in the political process, as well as in the conflict. This is what Mr. Krajisnik said, P01304, p. 262:

The third, I saw that the Members of Parliament applauded to you when you said that we wanted whole Bosnia. I would like somebody to explain to me how are we going to do it.

If somebody believes that we can conquer whole Bosnia by expelling and killing the Muslims, that is just one variant.

The other variant is to stay with them after they capitulate. And the third is something which I do not understand, those are not our strategic goals....is that some new version? I am not trying to be sarcastic but I do not understand it. Gentlemen, the primary strategic goal of our people and this Parliament is partition and separation from Croats and Muslims. And the partition can only be made if they will have their state while we will have our own. How big these states will be is another issue. We cannot get entire Bosnia. I know what General TOLIMIR is saying. He is saying that we have to go on and fight probably until either they or we win this war. There are different kinds of victory but (#EXCULPATORY#!!! This is now quite clear that Mr. Krajisnik was advocating the peace and flexibility towards the Muslims and Croats in the territorial terms. How possibly any chamber could read this speech so selectively? But, the translation of this document is not correct. Mr. Krajisnik didn't use the word "partition" but "division", "separation" and a same for the Muslims and Croats, to have their own states. Only in a political court, which would try to preserve some ideology this could be noticed by a chamber. But, when noticed, it only can be inferred in favour to the President and his associates!) The President in 1995 confirmed this objective when he stated that if they were able to secure the territory they decided on and if it was "nearly 100% Serbian", they would be great victors and would have realised their ultimate dream, a Serbian State west of the Drina.<sup>9179</sup> But, again, the Chamber is selective! What motivated the Bosnian Muslims to force a unilateral secession, if not their "ultimate dream" to have their own state, which would be legitimate if they didn't want the Serb and Croat territories in their state. We know that the Prosecution made a selective persecution, but the court as a whole do it. Let us se #what the President said about that what the

<sup>9177</sup> P1403 (Transcript of First Part of 46<sup>th</sup> session of RS Assembly, 9–11 November 1994), p. 157.

<sup>9178</sup> P1403 (Transcript of First Part of 46<sup>th</sup> session of RS Assembly, 9–11 November 1994), p. 262.

<sup>9179</sup> P1417 (Transcript of 55<sup>th</sup> session of RS Assembly, 22–23 October 1995), p. 60. See also P5608 (Intercept of conversation between Todor Dutina and Radovan Karadžić, 29 June 1995), p. 2 (where the Accused continued to emphasise the importance of the Strategic Goals into 1995).

**Chamber “noticed” as a felony: P01417, p. 59#:**

We lost some Serbian areas, but it would have been better if some municipalities where the Muslims accounted for 70% and the Serbs for 30% of the population, it would have been better if they had belonged to them and that those in which the Serbs accounted for 90% belonged to us, but from the point of view of state-building, compactness, communication, future, it may not be better. It is better for our generation emotionally, but believe me, much more of us are refugees than it seems. I had a most beautiful apartment, Professor KOLJEVIĆ knows. When I moved

We should realise that many people have lost everything. We will take back everything we can. If we offer something in the east in exchange for something in the west and the Muslims do not accept it, that is what the Croats should give back to us, under international pressure, that after the NATO bombing we are being forced to accept this plan, when we accept it, which does not mean that we can go to a referendum, we must go to a referendum, but I am confident that a solution accepted by us will also be accepted by the people, because we are in great difficulty, but it seems to me that we have a chance to make a way out for the future generations, to say, all right, we will accept the solution, but in unequal circumstances and so on.

**The entire speech is a sort of mourning for the traditional Serb territories that had been lost, but the President was trying to heal those wounds, and the Chamber shouldn’t take some parts of it to present it as the President’s political will, or program, or intention for a future doings. And now, the “critical sentence of the President:**

certainly raise a lot of objections and we, too, will raise a lot of objection. As someone said, if the State, Boro SENDIĆ spoke well at a meeting of the Banjaluka Municipal Committee, he spoke like PAŠIĆ, we are moaning, but if it is 49% and if we mostly decide what 49%, that is nearly 26,000 square kilometres, .... Montenegro, four times richer than Montenegro, if it is nearly 100% Serbian, we are still great victors, we will have realised the dream of all dreams, a Serbian State west of the Drina. We had to go

**(So, a mere political speech aimed to mitigate the resistance of the MPs against the peace plan, according to which a many traditionally Serb territories had to be handed over to the Muslims, or Croats.)** The President also acknowledged that they had undertaken military operations to expand the territory but that after the Bosnian Muslims had been packed into small areas, “thus achieving their concentration”, there was not much more that could be done.<sup>9180</sup> **(How this is relevant? The President described what happened on the battlefield, in order to mitigate any militant wish for a total victory. How possibly this can prove any guilt of the President?)**



**2773.** At a meeting of the Supreme Command on 31 March 1995, the President made reference to the danger posed by Bosnian Muslims who remained in their territory and stated that “Muslims remaining there in any way is disastrous for us”, and that their policy had been the “separation of peoples, of cultures, of worlds”, based on the idea that “birds of a feather flock together”.<sup>9181</sup> **(It was in the occasion of the disclosure of the complicity in BL and Teslic – Tesanj zone, where the Muslim military units were invited to attack, and once they attack, they will be helped by the domestic Muslims, see the pasted part below!).** He also spoke about turning a blind eye to private agencies and arrangements through which Bosnian Muslims left for western Europe because in those situations “no one can accuse us”, whereas if a state institution was involved they would be President of “ethnic cleansing”.<sup>9182</sup> Krajišnik stressed that freedom of movement was allowed in order to pull Serbs out of Muslim territory and “if the Muslims want to go from our territory, then we enable them to leave our area, without coercion, because we do not have the right to do that, nor should anyone take on himself their ethnic cleansing, but there would be no crying if they left from here”.<sup>9183</sup> **The #picking up only one sentence is not correct##. There was a long argumentation between the GHQ od the VRS and the Supreme Command about many things. But only one of it was about the able bodied Muslims in our territory, who are prevented to leave. Karadzic and the civilian authorities were in favour to allowe them to go to the other countries. The Army people opposed it, because they may become a spies, or return and fight against us. On the ather side, those able bodied Muslims, deprived from the freedom to leave, are rady to meet their troops. Here is why it was a subject: P03149, p. 65**

**Dr. KARADŽIĆ:**

Let me first say something. This is what it is. Srda SRDIĆ keeps pestering us that this should be done by his CK /Red Cross/, that state agencies etc. should do it. Muslims remaining there in any way is disastrous for us. We know exactly their plan which MURATOVIĆ communicated to President KRAJIŠNIK, He said that this eastern part was Serbia, but west from Brčko you will never get, what do you mean we won't. Just what I say. We will come to Ključ and to Sanski Most, there are 300 thousand of us there, there are 8 thousand of us in Prijedor, 18 thousand in Banja Luka, 5 thousand in Teslić, this many here, that many there, in five years Krajina will be ours. It is the standpoint of our policy, there has been a separation of peoples, of cultures, of worlds, /?birds of a feather flock together/, what Vojkan did is not allowed, for Vojkan too worked illegally, he was excluded from the State Commission, etc. What do private agencies do, they find, probably for big money, they secure him a foreign visa and secure him a passport to travel to that foreign country. What happens now, if that were being done by a state institution, we would be accused of ethnic cleansing. A private arrangement between a Muslim and a private firm is absolutely none of our business, absolutely none of our business, and of the 100 Muslims who go to Europe only ten will come back, there is no patriotism in them, they are simply looking to take to their heels. He would ask to go to Travnik if he felt like fighting, but he does not feel like fighting. He got a visa for a third country. We told those .... Croats /?why/ don't you let them pass, why don't you let them go, they will scatter all around the world and that is that. Five thousand Muslims by the line in Teslić are waiting for an attack to join in and to slaughter our people. Five thousand, of whom 1000 to 1500 are Muslims fit for combat, that is why we had to say that they should be pulled in the depth to guard them like civilians lest they come to harm, because we expect that an attack on Teslić can take place and we asked, someone requested from the GŠ, someone asked where labour brigades /?details/ were necessary, put them to work, they too have to work.

**At the same time we had the whole entirely Muslim units in the VRS, but those who lived in the different cities, not working nor doing any civil obligation, were angry for being prevented to leave. And this is a high risk for my country. The Chamber easily forget that we were in the middle of the bloodiest war, were civilians suffered a lot. The Muslims returning in Bijeljina on the apeal of the President, got the message from their fellow Muslims: “just come, not need to carry weapon, we have it. See P1478, p.40**

<sup>9181</sup> P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), p. 65.

<sup>9182</sup> P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), pp. 65–66.

<sup>9183</sup> P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), p. 28. See also D3565 (RS Government conclusion, 26 January 1993).

- In Bijeljina the Muslims are settling  
(Message intercepted: No checks,  
weapons arriving you don't need to) –

So, the issue was whether to allow the Muslim able bodied men to leave to the third countries until the war is over, so not to have them joining the Muslim Army! And they could have joined the ABiH either if the Serbs allowed them to move to the Central Bosnia, which they had a right to do, or to allow them to go to the third countries, from which only 10% of them may return and join the Army! These concerns are justified and appear as a military and security necessity! The Chamber should have demanded that the Prosecution prove that some moves were mean and criminal, and not a military or security necessity!)

(b) Territorial claims and control

2774. On 23 December 1991, the President spoke about the plebiscite which had been conducted and stated that in principle, even if Serbs constituted only 5% of the population, “everywhere where Serbs live and where they have voted against secession, or to remain in Yugoslavia, no one can break away there. In other words, there remain only five municipalities that could separate from Yugoslavia”.<sup>9184</sup> In a conversation with Koljević in December 1991, the President stated that there was great media interest in whether the Serbs wanted war but they had said that “we want war by no means” and that “we have no aims, we don’t want to take what belongs to someone else”; “we just don’t want them to take ours”.<sup>9185</sup> (The example about 5% was an illustration of the “constitutivity” i.e. if one community is a constituent part of society, it was not important how numerous it was, if the community had a “veto right” it had it no matter how numerous was it. Of course, as any hyperbola, it was not in a literal sense of words, but it is not serious of the Chamber to put it in the Judgment. As the Chamber knows, the Serbs made a concession and accepted the possibility of the BiH independence, with some safeguards for the Serb community!)

2775. In February 1992, Krajišnik suggested that the Serbian people had two options, to either fight by political means or to “break off the talks and go for what we have done over the centuries: win our own territories by force”.<sup>9186</sup> In this regard, Krajišnik said “[y]ou know what our profession has always been – to wage war”.<sup>9187</sup> (#Jokes! Sayings! Is the Chamber really serious?# What is the third way? There is no a third way, but only a political means, and if it is denied by the force, the only way is securing the rights by resistance to the force implemented!)

2776. In March 1992, Krajišnik also stated that “[s]ince municipality borders may be adjusted, we have already made some adjustments and we plan to include all parts that will be Serbian territory in our municipalities, and what remains to be discussed, the discussion will be about where it is going to be, where are we going to put our lines” and that for strategic reasons “we could start implementing what we have agreed upon, the ethnic division on the ground. That we

<sup>9184</sup> D4555 (Intercept of conversation between Radovan Karadžić and Maristela Lučić, 23 December 1991), pp. 1–2; D86 (Shorthand Record of 4<sup>th</sup> session of SerBiH Assembly, 21 December 1991), pp. 37–38.

<sup>9185</sup> P5789 (Intercept of conversation between Radovan Karadžić and Nikola Koljević, 21 December 1991), p. 1.

<sup>9186</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), p. 21.

<sup>9187</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), p. 64.

start determining the territory”.<sup>9188</sup> **(#In context of Conference, legal, obligatory, agreed#! This is a worse and more cunning than it was in the Indictment. It is proven that in March 92 the Conference on BiH was in a final phase and what could we do with the municipality boundaries unless it was agreed? This is when nobody thought that there would be any war. How this can be incriminated? There was a constitutional right of inhabitants of any settled place to reconsider where, to which municipality it wanted to belong, and to change it's affiliation. If there is an accord on the issue, a referendum is not necessary, but if necessary, nobody could deny this right. Remember, the group of the Croatian villages Dobratci did it far before the war, and before this Krajisnik's words, in the presence of the ECMM, concluding an agreement with their former municipality Skender Vakuf, see d3980, OF 17 December 91, far before the war:**

**DOBOJ**

The team today visited the village of DOBRETIC, 4800 Croatian inhabitants, within the Serbian-dominated municipality of SKENDAR VAKUF.

Present at the meeting were:

████████████████████	Mayor
████████████████████	Chief of Police
████████████████████	Vice-Pres of Assembly
████████████████████	Pres of HDZ
████████████████████	Local community President

The President of HDZ and the president of the local community expressed the wish to leave the municipality of SKENDAR VAKUF and join either the municipalities of JAJCE or TRAVNIK, or be an independent municipality.

The Mayor and Assembly of SKANDER VAKUF have no objections against this plan.

The necessary procedures will be started up in the next months.

...

**And this adjustment of the municipal boundaries was #the only instrument to achieve the ethnic homogeneity#, established and agreed among the sides before the war, when it was meant that there will be no any war. See Mr. Krajisnik's sentence: "we could start implementing what we have agreed upon, the ethnic division on the ground. That we start determining the territory." What the Chamber concluded, in March 1992, with whom the Serbs had agreed the ethnic division? Obviously, with the two other sides and in the framework of the Conference! This could only be #EXCULPATORY#!** Krajisnik, in interviews, also spoke about the borders and territory held by the VRS but refuted the suggestion that they were holding territories populated by other national communities, although he acknowledged that it may have been the case with certain enclaves within their territory.<sup>9189</sup> **(It is quite different to talk about the determination of territories in peace time and while the Conference was regulating the territorial arrangements, that to talk about the same during the fierce war. And what is criminal in it? The Serb side always kept saying that it was ready to return a substantial portion of the territory, see P941, but not before the peace is established!)**

**2777.** In March 1992, the Accused explained that SerBiH existed, **(Right, it was proclaimed on 9 January 1992, and Mr. Badinter recognised it when decided that BiH can not get independence as other republics, since there is the Republic of Srpska established, and the Serbs have a different attitude, see Opinion No. 4 of Badinter Commission!)** that there would be no return to a unitary BiH and the only contest was of "quantity, there is a tug of war about who will have more. We won, we have drawn the rope to a certain point and we are not going to yield it back".<sup>9190</sup> **(#No connection with the war, it was achieved at the Conference!#)** The President stated that the goals of the Bosnian Serbs were being accomplished stage by stage.<sup>9191</sup> **(Here is**

<sup>9188</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 13.

<sup>9189</sup> P797 (TV Belgrade interview with Momčilo Krajisnik), p. 1. See also Herbert Okun, P776 (Transcript from *Prosecutor v. Krajisnik*), T. 4306-4307.

<sup>9190</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 43.

<sup>9191</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 43.

**D90, p.43, what the President said:**

Dr. Radovan KARADŽIĆ:

I will have to provide at least a digested response to what has been said so far.

What we have here is a process. And the mistake that Dobrivoje VIDIĆ is making has to do with the fact that an unfinished process should not be assessed as if it were a finished one. We have entered into this process with our strategic goals and we are accomplishing them stage by stage.

You remember what a hullabaloo was raised about a simple regionalisation. Today, IZETBEGOVIĆ did not appear at the press briefing. Instead, his people appeared pretending to be pleased and saying that all the Muslims should be happy and pleased and so on.

They were forced to accept that the BH was divisible, along national lines at that, and into three constituent units, instead of 15. In this stage we have succeeded in achieving our strategic goal. If the BH wishes to change its position towards Yugoslavia, then the same process should be applied to the BH too.

I assure you that there is no such Krajina which would be recognised by the world, but the world has already recognised Serbian Bosnia and Herzegovina. We have preserved the Serbian people as a corpus, in its entirety, in the BH and detached it as an entity, and now it is a matter of quantity only. We have achieved the quality. This is what Europe recognises: Serbian Bosnia and Herzegovina exists. The only remaining question is the one of quantity, there is a tug of war about who will have more. We won, we have drawn the rope to a certain point and we are not going to yield it back. There is no return to a unitary BH, we can go forward and obtain more power for the constituent units. So, we have led them into "the waters" into which we wanted to lead them. The fact that it is not up to here (showing at his neck) but only to the waist, that has to do with quantity.

**p.44.**

And it will happen according to our political will, our right to self-determination and organisation, it will happen according to the actual conditions which are up to you to create.

What still remains /to be done/ is to have contacts with other republics and organisations, to establish new and maintain old contacts that suit us. Of course, in such a way that it would not harm the BH interests, and there should be some proof of that too.

We shall provide proof that it is in the interest of the BH that the Serbs maintain strong links with Serbia and the Croats with Croatia.

And this is a process, too.

**That was almost the entire report about the achievement of the Carrington-Cutileiro Conference on Bosnia and Herzegovina. All achieved by political means, has nothing to do with the war, or with any crimes, all legal, legitimate and peaceful. Had the Muslim side stick to the Agreement, there wouldn't be any war, see D2981, Cutileiro's letter:**



"Letters" part of *The Economist*, on 9-15 December, 1995.

In your article on Bosnia (November 25th), you say that in February 1992, before the war had started, Lord Carrington and I "drafted a constitution that would have turned the country into a confederation of Swiss-style cantons. The Muslims refused to accept what they considered to be the disintegration of Bosnia." Not quite.

After several rounds of talks our "principles for future constitutional arrangements for Bosnia and Hercegovina" were agreed by all three parties (Muslim, Serb and Croat) in Sarajevo on March 18th 1992 as the basis for future negotiations. These continued, maps and all, until the summer, when the Muslims reneged on the agreement. Had they not done so, the Bosnian question might have been settled earlier, with less loss of (mainly Muslim) life and land. To be fair, President Izetbegovic and his aides were encouraged to scupper that deal and to fight for a unitary Bosnian state by well-meaning outsiders who thought they knew better.

Jose Cutileiro,  
Secretary-General,  
Western European Union,  
Brussels

The Accused also said that the Bosnian Muslims were forced to accept that BiH was divisible along national lines, **(The same as the Serbs had been forced to leave Yugoslavia, and for the secession of BiH, which was a painful Serb concession for the peace and the Serb entity!)** and that the Bosnian Serbs would "decide what our constituent unit is" based on "what conditions we establish on the ground".<sup>9192</sup> **(#All EXCULPATORY# Before the war, without any war, achieved at the Conference#! The Chamber should have already known what happened on 18 March 1992. The Chamber should not decide on any evidence unless put it back in the context, the time frame and a chain of causes-consequences! All what had been said in this paragraph was the President's report of what had been achieved on the Conference the very same day. The President recommended the Agreement to the Assembly with all his skilfulness. This was achieved before the war, without a war, pure politically and under the auspice of the EC, with the contribution of the UN. Once the Muslim/Croat coalition expressed their will to secede from Yugoslavia against the Serb will, they had to accept that BiH would not be a unitary state any more, and it was recognized by the Badinter commission, by the EC, by the UN. This is the crucial proof that the Serbs did have their rights for which they didn't have to wage a war. A war was needed to those who wanted to deny the Serbian rights.)**

**2778.** On 23 April 1992, Mandić was informed that Višegrad had been taken.<sup>9193</sup> **Prior to this, there was a year of the Muslim terror over the Serbs in Visegrad. The dramatic development was broadcast on TV live. At a first moment, the Muslim terrorists had taken over Visegrad and expelled the Serbs out of the town. Then, they attacked the JNA too, and lost! How come both, the Prosecution and the Chamber is not interested in the "whole truth", i.e. in what really happened?)** On 30 April 1992, the Bosnian Serb Government was informed about the situation in Foča and that Bosnian Serb authorities had control over "liberated areas".<sup>9194</sup> **(The then there was a war lasting already four weeks. The Muslim/Croat war coalition started the war, what is illegitimate, in order to put the places under their own control? General Mladic still was the JNA officer, not the officer of the Republic of Srpska, because the VRS didn't exist at that time. Was it a crime of the President or any other official to know the outcome of the local skirmishes?)**

**2779.** In meetings with international representatives in April 1992, the Accused showed maps on which the ethnic composition was marked, as was Bosnian Serb claimed or controlled territory; in

<sup>9192</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 43.

<sup>9193</sup> P5701 (Intercept of conversation between Momčilo Mandić, Zorica and Traparić, 23 April 1992), p. 5.

<sup>9194</sup> P4986 (Report of SerBiH Government, 30 April 1992), p. 1. See also P2716 (Notebook of Radovan Karadžić), p. 28.

total, this amounted to approximately 70% of BiH.<sup>9195</sup> This was consistent with earlier speeches by the Accused where he stated that it would be impossible for Izetbegović to establish authority in 70% of the territory in BiH.<sup>9196</sup> **(#Far before the war the Serbs settled and controlled 70% of the territory of BiH, which directly rebuts all the allegations and “findings” that the Serbs “took-over” the territory by force.# As of the elections 1990 the Serbs did have their legal and legitimate authorities on all of this 70% of the BiH territory. Some of the settled places and towns may have some Muslim majority, but the area was with the Serb majority. Also, many settled places in the Muslim-Croat areas had the Serb majority, but both of it was to be negotiated.)** Many of the areas which the Bosnian Serbs claimed included municipalities along the Drina River and in the Posavina area which had a majority Bosnian Muslim population but later became Bosnian Serb controlled areas with very few Bosnian Muslims remaining.<sup>9197</sup> **(This is erroneous consideration and conclusion. First of all, until that time there were a well known several maps of ethnic distribution, submitted by the sides in the talks and one submitted by Ambassador Cutileiro on behalf of the European Community. The witness (H. Okun) didn’t discover anything new, and couldn’t testify on the subject already considered at the Conference. Showing the pre-war ethnic map was an obligation before the Conference, which was a precondition for a territorial allocation to the agreed three states in BiH. Already in April 92 there was the war going on. This map didn’t deal with the municipality boundaries, but with the settled places, and that was why it looked like all Serbian. It is well known, and easy to check that the Serbs were living in the rural areas surrounding the urban cores. But, presenting the status quo didn’t mean that the Serbs demanded everything marked as a Serbian to be in the Serb unit. This is well known to the main envoys and negotiators, not to their note-takers!)**

**As far as it is concerned the Izetbegovic’s inability to establish his authority in 70% of the territory in BiH, well in advance he was told that he can not make a new state against the will and interests of the one of the three constituent nations, and that was recognized by the EC, and by the Badinter commission, and that was why we did have the Conference. A state can not be recognized if it doesn’t have people, territory within borders and efficient control on the entire territory. And a control can have only in democracy, if a vast majority of all of the three nations accept the state and its power. If anyone would find it other way, then it would be a new era in history. Why everything concerning the Serbs is criminal before this Court?#)**

**2780.** The Accused had previously spoken about territorial issues. For example in an intercepted conversation in September 1991, the Accused spoke about negotiations regarding territories and the plan to free Bosanska Krajina, Semberija and Doboje and said that Eastern Herzegovina and Romanija were “clean”.<sup>9198</sup> **(It was #Drastic abuses! far before the war, before even the war in Croatia, when it was meant that there will be no any war, but only a political talks. So, there could not be any talks about “the plan to free Bosanska Krajina”#! Here is what was it about: there was the regionalisation going on, and it was discussion about what would be #“clean” which was “clear”, i.e. undisputed in belonging to one of the ethnic communities. #Linguistic mess#! Let us see, P05864, :**

Karadžić Radovan:	That they accept the principle (?), then we will negotiate everything, OK.
----------------------	--

<sup>9195</sup> [REDACTED]. See also P797 (TV Belgrade interview with Momčilo Krajišnik); Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4300–4301; Herbert Okun, T. 1477–1483, 1485–1486 (22 April 2010); P784 (First notebook of Herbert Okun’s ICFY diary), e-court p. 45; P802 (Map of BiH marked by Herbert Okun); P788 (Fifth notebook of Herbert Okun’s ICFY diary), e-court p. 29; P780 (Seventh notebook of Herbert Okun’s Vance Mission Diary), e-court p. 27.

<sup>9196</sup> P958 (Radovan Karadžić’s speech at the Plebiscite of the Serb People, November 1991), p. 11.

<sup>9197</sup> Herbert Okun, T. 1487–1488 (22 April 2010), T. 1498–1499 (23 April 2010); P783 (Ethnic map of BiH).

<sup>9198</sup> P5864 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 19 September 1991), p. 1.

o, it is clear that something had to be negotiated with the other sides, and once they accept a principle, all other would be subject to the negotiation. Let us see further:

UI man::	I think that, out of tactical reasons, Ozren should be proclaimed, now, before Semberija, one more surprise, for...
----------	---

Clear, the proclamation of a new SAOs was going on, after the SDA reneged on the Historic Serb-Muslim Agreement. Meanwhile the ARK was proclaimed, without any influence of the central SDS, and the process accelerated, because the SDA have chosen not to make any agreement. See further:

Karadžić	Yes, fine. Err, and then Eastern Herzegovina and Romania, that is clean.
----------	--

And if somebody suggested to the Chamber that this conversation had to do something with an ethnic cleansing, it must be an insane person. There was no any idea of war, there was negotiation how BiH was going to look like, whether to stay in Yugoslavia, or to secede, and in this case, what would be it's internal structure.) In November 1991, the President had a conversation about the situation in Novo Sarajevo and said that they would teach the SDA "the law pretty soon" given that they had blocked the work of the Municipal Assembly and that they would "probably carry out some kind of reorganisation of the city".<sup>9199</sup> **The SDA was cheating in this city municipality with the Serb majority, and it was unlawful, and the President was obliged to secure a lawful conduct.** The President then said, "[a]nd they can go to fucking hell".<sup>9200</sup> **But, let us see what had been said (D0090) during the Assembly session on 18 March 92. What the OTP, and now even the Chamber constructed out of this is not only a selective persecution, it is also a selective deliberation. Let's start from the beginning. This is the Agenda of this session:**

<p><b>AGENDA:</b></p> <ol style="list-style-type: none"> <li>1) Information on the latest session of the Conference on solutions for the crisis in Bosnia and Herzegovina, and the political situation in BH and in Yugoslavia;</li> <li>2) Questions raised by deputies.</li> </ol>
--

**Everyone knows that the 18 March 92 was the date when the Lisbon Argeement was agreed upon. This Assembly session was held in this occasion, as it can be seen from the Agenda. Then, on p. 43. responding to a MP.:**

<p>What we have here is a process. And the mistake that Dobrivoje VIDIĆ is making has to do with the fact that an unfinished process should not be assessed as if it were a finished one. We have entered into this process with our strategic goals and we are accomplishing them stage by stage.</p>
--

**It is clear that the Serb side did have their "strategic goals" before the war, and those goals were to be achieved through the negotiations, on the Conference.**

<p>I assure you that there is no such Krajina which would recognised by the world, but the world has already recognised Serbian Bosnia and Herzegovina. We have preserved the Serbian people as a corpus, in its entirety, in the BH and detached it as an entity, and now it is a matter of quantity only. We have achieved the quality. This is what Europe recognises: Serbian Bosnia and Herzegovina exists. The only remaining question is the one of quantity, there is a tug of war about who will have more. We won, we have drawn the rope to a certain point and we are not going to yield it back. There is no return to a unitary BH, we can go forward and obtain more power for the constituent units. So, we have led them into "the waters" into which we</p>
---

**(#EXCULPATORY#! This is a reporting of the negotiating team to the Assembly. The Serbs accepted that BiH will be independent, provided it consists of a three units based mainly on**

<sup>9199</sup> P2574 (Intercept of conversation between Radovan Karadžić and Žarko Đurović, 19 November 1991), p. 2.

<sup>9200</sup> P2574 (Intercept of conversation between Radovan Karadžić and Žarko Đurović, 19 November 1991), p. 2.

**the ethnic principle. Finish! No war was needed, all was within the political framework, under the auspice of the EC. Nobody has any right to criminalize the Serbian legal political activities.)** The President also asked where Bosnian Muslim settlements were in Novo Sarajevo and questioned how many Bosnian Muslims lived in specific areas and in the municipality generally.<sup>9201</sup> **(#Not a crime#! How this collecting of information about the ethnic composition of this municipality could be a crime? It was necessary for the purpose of delineating between the two municipalities, so that no one be allocated in the unwanted municipality.**

**2781.** On 6 May 1992, Mladić was at a meeting where he was informed that “Foča has been finished”.<sup>9202</sup> **(It was exactly a month of the beginning of the war. Mladic still was a JNA officer!)** At the 16<sup>th</sup> Session of the Bosnian Serb Assembly on 12 May 1992 the President stated that the conflict in municipalities, including Foča, Zvornik, and Višegrad, had ended successfully.<sup>9203</sup> **So what? The Muslim side wanted the war, and initiated it along the Drina River, and wasn’t successful. How come the Chamber was so desperate to pick up every single sentence of the President and try to milk anything wrong out of it?)** On 19 May 1992, in an intercepted conversation, Mićo Stanišić said that Foča had fallen along with Višegrad and that all those who had left these municipalities were in Goražde.<sup>9204</sup> Stanić reported to Mladić that in contrast to what it was before the conflict, the percentage of Serbs in Foča was 99%.<sup>9205</sup> **(#Serbs controlled only Serb partys#! But to have in mind that the Muslims all the time controlled a big portion of the Foca municipality. So, Stanic may have been talking about the town itself, where the Serbs had always been a majority! Anyway, #how the President may be liable for a conversation of the two other persons, although it was not a crime#?)**

**2782.** On 8 May 1992, the National Security Council tasked the Ministry of Justice with proposing the state borders of SerBiH.<sup>9206</sup> On 24 May 1992, Prime Minister Branko Đerić wrote a letter in which he stated the Serbs in BiH were “not an invented people as we have been living on this land for thirteen centuries”. **(Right! But, what is the meaning of this paragraphs that deal with history? This is the #politics, not a crime#! All what had been said is correct! Since the Constitutional principles had been agreed on 18 March, the determination of the boundaries was a task given to the sides by the mediators at the Conference. No any other conclusion could be inferred out of this fact!)** He also wrote that the Bosnian Serbs held title to 64% of the arable land, and that they used to be a majority in BiH before the genocide jointly carried out against Serbs by Muslims and Croats during World War II.<sup>9207</sup> **(Right! What is criminal in it? That would be as if a #Jewish minister was indicted for remaining of the genocide and holocaust?#)**

**2783.** The Accused also stated “[w]e must prove to the international factor that [...] we hold no siege over Sarajevo. Basically, we are protecting our territories and here it is visible that Sarajevo sprung up in Serbian territory, as Serbian property, and the entire surrounding of held Sarajevo is

<sup>9201</sup> P2574 (Intercept of conversation between Radovan Karadžić and Žarko Đurović, 19 November 1991), pp. 2–3; Radimir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641–16645.

<sup>9202</sup> P1477 (Ratko Mladić’s notebook, 14 February–25 May 1992), pp. 253, 255.

<sup>9203</sup> P956 (Transcript of 16<sup>th</sup> Session of Assembly of SerBiH, 12 May 1992), p. 12. See also D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), p. 51 (where a deputy in the Bosnian Serb Assembly referred to the struggle for Serbdom and the fighters in Foča who had liberated 98% of Serbian territories).

<sup>9204</sup> P5671 (Intercept of conversation between Mićo Stanišić and Janković, 19 May 1992), e-court pp. 8, 11–12.

<sup>9205</sup> P1480 (Ratko Mladić’s notebook, 10–30 September 1992), p. 66.

<sup>9206</sup> P3078 (Minutes of meeting of the National Security Council and the SerBiH Government, 8 May 1992), p. 1.

<sup>9207</sup> P1094 (Letter from Government of SerBiH to James Baker, 24 May 1992). See also D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), paras. 45, 51; D3026 (Article from Yugoslav Daily Survey entitled “Montenegrin President: Decisive Step towards Peace in Bosnia”, 21 June 1993), p. 1; Nedeljko Prstojević, T. 13639–13640 (17 March 2011); P5063 (Video footage depicting interview of Radovan Karadžić on “Ask the President”, undated, with transcript), pp. 5–7.



Serbian”.<sup>9208</sup> **(So what? That was a very known fact. But, even if the Serbs held the siege of a capital of the state that declared a war against the Serbs!)** The President spoke about Serbian villages, towns, and settlements which were beyond dispute and that they should seek to solve issues where ethnic areas and maps overlap.<sup>9209</sup> **Right! WHAT IS UNLAWFUL IN THIS? All of it was true, and it was an #argumentation for the political talks, why it is used as a proof against the President, and for what#?**

**2784.** At a meeting of the Bosnian Serb leadership on 6 June 1992, Krajišnik stated that “we have to conquer what is ours and be prepared to defend our state” and that the goal was to form and unite the “Birač-Romanija area”.<sup>9210</sup> **(#Conquer what is ours and... defend our state#! This was all the Serb rights, because they were pushed into the war, and denied their rights to influence the changes of our state. In the same “document” (as much as a notebook may be it) the President said what was the European standpoint on BiH, p. 95:**

- \* Europe's political concept is is a BH composed of three parts. —**
- \* In the political field, this is the maximum that could be done. —**
- \* We have to protect our territories militarily. —**

**2785.** After a meeting on 30 June 1992 when he received reports on the combat success of voluntary formations, the Accused stressed that the Bosnian Serbs had “by and large outlined their territory” and the most pressing tasks involved successfully establishing democratic civilian authorities and that the Serb side was ready for a political outcome and negotiations.<sup>9211</sup> **(#EXCULPATORY#! What is wrong with that? The others decided to have the war, and the military outcome, or the first to defeat the Serbs, and then to talk. But, the Serbs “outlined” their territories, and were ready for a talks. What else the Serbs were expected to do? To surrender?)** At a meeting on 30 June 1992 attended by the President and General Mladić, a municipal leader from Vlasenica reported that part of Cerska would be liberated in the days to come and if they brought back their forces from Kalesija they “would liberate everything” and that “[w]hoever controls Vlasenica, controls eastern Bosnia”.<sup>9212</sup> **So what? This is a legitimate wartime subject. Is it still forbidden to the Serbs to run their politics. All of that looks like a ieological-political lecture from the communist regime. And #while the war goes on, to control everything is legitimate. WHAT IS UNLAWFUL IN THIS#?)**

**2786.** At the 17<sup>th</sup> session of the Bosnian Serb Assembly held in July 1992, Krajišnik stated that there were territories which were not under their control but which should be part of SerBiH “due to them being ethnic territories” and over which the Bosnian Serbs claimed their rights.<sup>9213</sup> **(So what? Before the final settlement, any side is entitled to claim what does belong to it. Even if it will not be included in a respective entity, it is important to see how much territory this side gave up. In other word, a bargaining chip. Also, the population of this territory would object why the leadership “even didn’t try” to include their areas in the Serb unit. How this is proving a guilt even of Krajisnik, let alone of this President?)** Krajišnik on this issue explained that the territories they held constituted the SerBiH and were indisputable to them,

<sup>9208</sup> P2578 (Excerpt of transcript of movie entitled “Bosnia 1992-Serbian Epics”), p. 5.

<sup>9209</sup> P2578 (Excerpt of transcript of movie entitled “Bosnia 1992-Serbian Epics”), p. 5. See also Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16694–16698.

<sup>9210</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 93–94, 108–109.

<sup>9211</sup> D3658 (TANJUG news report, 30 June 1992); D3654 (Witness statement of KW317 dated 26 September 2012) (under seal), para. 70. See also D2149 (Aide mémoire of Manojlo Milovanović), p. 40.

<sup>9212</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 246, 261–262.

<sup>9213</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 49.

“[w]hat is ours, is ours. We do not want to take the territories of others and we cannot give away what is ours”.<sup>9214</sup> He also emphasised that the final goal was the formation of a state and that the “single space” of the SerBiH “must be achieved”.<sup>9215</sup> **So what? #EXCULPATORY, not UNLAWFUL?# The Chamber missed to point out what Mr. Krajisnik said further: D92, p. 49:**

this standpoint because this Assembly has already given one such strategic goal. Also, there are territories which are not under our control now but which should be part of the Serb Republic of Bosnia and Herzegovina due to them being ethnic territories. So, we should say that these are non-debatable areas and these are debatable areas, since we are not alone in Bosnia and Herzegovina /as written/. Then we should say that this is the proposal of the leadership, the parliament, the Government and all state-political organs of the Serb Republic of Bosnia and Herzegovina to the two other national communities because our real strategic goal is to have us divided, to have the three national communities divided. Let them give their proposals about debatable issues, we will lead the discussion. There is no negotiator, I would never take part in it, none

**Mr. Krajisnik said that beside “non-debatable” areas, (which meant non disputed, nobody contested) and a “debatable areas” which meant, somebody else claimed the same rights on it, and it had to be negotiated. It couldn’t be more clear, and nothing wrong was in it. Mr. Krajisnik also said that “since we are not alone in BiH” which meant that the others also have their rights to be respected.)**

**2787.** At the same session, the Accused reported that “we control all of our territories, and perhaps also some territories that will be given to other national communities once a deal is reached” but that those territories could not be handed over during the war.<sup>9216</sup> **(#Right! Understandable! Rationale! Legal!#)** The President gave credit to the JNA, the TO, and the army of the SerBiH and stated that the borders of their state had been marked by a difficult and bloody battle.<sup>9217</sup> Koljević also acknowledged how much had been achieved militarily.<sup>9218</sup> The President emphasised the significance of controlling territory and the factual situation on the ground.<sup>9219</sup> At this session there was a statement made about the danger of losing Foča which would allow the creation of the “green transversal”.<sup>9220</sup> **(All #legal and legitimate#. It was the war, and a Muslim secret strategy of the “Green transversal” is reality, and the whole Europe is watching it now. Taking into account the war: WHAT IS UNLAWFUL IN THIS?) Particularly since the other side rejected the President’s Platform of 22 April, which proposed that a forcefully taken territories wouldn’t be recognised, and continued to fight!)**

**2788.** Prstojević also spoke at the 17<sup>th</sup> Bosnian Serb Assembly session and said that after the President visited Ilidža and encouraged them, “the Serbs from Sarajevo retained control over the territory, and even extended their territory in some areas, driving the Muslims out of the territories where they had actually been the majority”.<sup>9221</sup> **Mr. Prstojevic said something about this allegation during his testimony, and clarified it. But, the main issue is, when speaking about “driving out” somebody, whether it pertained to civilians, or the armed forces. #In the military vocabulary it is always meant that the armed forces had been chasen out!#)@.**

<sup>9214</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 50.

<sup>9215</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 50.

<sup>9216</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 14, 19.

<sup>9217</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 14, 21.

<sup>9218</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 32–33. *See also* D2149 (Aide mémoire of Manojlo Milovanović), pp. 7, 25, 27.

<sup>9219</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 87. *See also* Anthony Banbury, T. 13307, 13310, 13338–13339, 13341 (15 March 2011) (testifying about the importance of the “facts on the ground” in international negotiations); P5063 (Video footage depicting interview of Radovan Karadžić on “Ask the President”, undated, with transcript), p. 19.

<sup>9220</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 41.

<sup>9221</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 66.

2789. At the same session, the President said that the conflict had been “roused in order to eliminate the Muslims. [...] They think they are being nationally established, but in fact they are vanishing. **The Chamber doesn’t understand what was been talked about. The creators of this war were, according to the Serbian understanding, the West, and in particular Vatican, and those who persuaded the Muslims to abandon the Lisbon Agreement.**) If that’s the case, then we have our interests for our historical territories”.<sup>9222</sup> Right after making this statement, the Accused went on to say:

I think we have to save the Serb people in their ethnic and also historical territories [...]. We’ll have for sure, we’ll have in the beginning so many Serbs, but I think that they will leave those states, both the Muslim and the Croat state. In the state that we are building, we have to ensure that they have all the rights that we have, under the condition that they are not hostile and that they leave the weapons.<sup>9223</sup> **(It is more than clear that it pertained to the Muslims and Croats who will live in the Serbian state. What is wrong with that? The President reaffirms the Muslim and Croat rights in the RS. #EXCULPATORY#!!!**

2790. At the end of the 17<sup>th</sup> Bosnian Serb Assembly session in July 1992, the Bosnian Serb Assembly adopted the “Decision on establishing disputable and indisputable borders of its territory” and identified where those borders would run, which could be subject to corrections and verifications in accordance with international agreements.<sup>9224</sup> **(#EXCULPATOR#Y!!! All legal and in cooperation with the international community, and EC! WHAT IS UNLAWFUL IN THIS?**

<sup>9222</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 86.

<sup>9223</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 86.

<sup>9224</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 103–104.

2791. The Accused acknowledged with time that during negotiations they risked losing traditional and “centuries-old Serb territories”.<sup>9225</sup> These historical territorial claims were also reflected in the proclamation of the Bosnian Serb Assembly in January 1992 where reference was made to “areas in which the Serbian people is now a minority due to the genocide carried out against it in World War II” and in the statements to the international observers that these areas should be part of the RS.<sup>9226</sup> **(#Politics, not crime#! At the beginning of any negotiable affair the sides involved always put the highest price, knowing that there will be concessions. Also, the people on this territories were a very sensitive to this subject, since they have lost their families, and now they are supposed to give up the areas because they a minority due to the genocide! But, instead of #collecting a patchwork of “here-and-there sentences of the President#, or even worse, of the other people that spoke for themselves, the Chamber should stick to the binding documets that the President signed or proposed#! Only documents are relevant, not a parliamentary discussions which were a free speeches, and if didn’t prevail and influenced documents adopted, all of these speeches are IRRELEVANT# for this case!)**

2792. The objectives which the Bosnian Serb leadership spoke about in the lead-up to and during the conflict were also reflected in VRS reports. **(#Malignant distortion#! The Serbian objectives were originally pure political, see: D90 of 18 March 92. once the Muslim side decided for the military outcome, the Serb objectives had to adjust to this Muslim decision, see the Assembly session on 12 May 92.)** For example, the VRS Main Staff analysis of armed activities in 1992 noted that the declaration of independence by BiH and its premature recognition threatened the Bosnian Serbs and made them a national minority that faced the prospect of being “subjected to genocide”.<sup>9227</sup> **(So what? Every relevant contemporaneous world leader expressed own concerns about the premature recognition without a safeguards for the ethnic communities!)** This report noted that in order to prevent this “humiliation”, the Serbian people organised itself politically and when it was attacked, “it started a defensive and liberating war” with the SDS taking on the most significant political role in the organisation of the Serbian people.<sup>9228</sup> **(Right: #when attacked politically, defended politically, ##when attacked militarily, defended militarily!#)**

2793. The VRS reported that during the early phase of the conflict in the RS there were units of the Serb TO which had been “formed on the initiative and under the leadership” of the SDS and had been able to protect the Serbs until the formation of the VRS.<sup>9229</sup> **(To have formed, prepared and trained TO units, it was a #law binding obligation#, and all in BH had the same. The Muslim side expelled the Serb component from the TO on 6 April 92 and the Serbian municipalities and companies had to refresh and reestablish their units. #Every single municipality had to have a TO unit#! No matter what party exercised the power, it would have to be the same! The Chamber should have known something about the domestic laws, or such a courts shouldn’t be formed to try in another system!)** The VRS reported however,

<sup>9225</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 11. See also D1278 (Transcript of Radomir Nešković's interview with Karadžić's legal associate, 8 October 2009), p. 26.

<sup>9226</sup> P6444 (Declaration of the Assembly of Serbian people in BiH, 9 January 1992), p. 2; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4165–4168, 4188–4189, 4370; Herbert Okun, T. 1489–1491 (22 April 2010). See also P6540 (Excerpt of video from Banja Luka, 3 March 1991, with transcript); **(This meeting in Banja Luka happened 13 months before the war!!! How this is relevant, unless the Chamber incriminate the crime against peace, but in this case the Defence would have additional evidence!)** Milan Babić, P742 (Transcript from *Prosecutor v. Krajišnik*), T. 3400; KDZ240, T. 16068–16069 (5 July 2011) (closed session); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8617; P5746 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 15 February 1992), p. 5. Čeklić testified that the Bosnian Serb leadership did not want to occupy territories but instead wanted to protect Serbian people in those territories. Savo Čeklić, T. 41227–41229 (11 July 2013). However, the Chamber does not find Čeklić's evidence to be reliable in this regard. In reaching that conclusion the Chamber noted that Čeklić's evidence was marked by evasiveness and contradictions and as such did not find his evidence to be reliable in this regard.

<sup>9227</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), pp. 46, 152, 159.

<sup>9228</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 46.

<sup>9229</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), pp. 69, 75.



that these units failed to achieve the “main strategic objectives of the armed struggle of the Serbian people” in BiH.<sup>9230</sup> They failed to open and secure the required corridors and to “gain control over a considerable part of the territory of former [BiH] which historically and ethnically belongs to the Serbian people”.<sup>9231</sup> This report further noted that the VRS was capable of protecting the Serbs and “liberating territories which by [historic] birthright are ours” and that this would lay the foundations for a Serb state.<sup>9232</sup> **(This came out of a rivalry of the VRS and the TO component. #Not relevant#. That is why armies exist, and every single nation has its rights to have an army. The JNA was supposed to protect every single settlement which considered itself a part of Yugoslavia, but the Yugoslav state had been deliberately weakened. The TO is only one of the components that constitute the “armed forces”, but the main must be an army!)**

**2794.** This report noted that the strategic objectives of the war were promptly defined and formed the general guidelines for their operations.<sup>9233</sup> **(#Every single local commune, let alone municipality, or a bigger company, and finally Republic was obliged to have prepared the war plans#, to renew them from time to time, and it was introduced after 1948, after the dispute with the SSSR. See: Kapetina testimony. See All-peoples defence law! @@@)** Mladić reflected this sentiment and said that the people and the VRS had carried out most of the tasks and the Strategic Goals set for them.<sup>9234</sup> He noted that the VRS had “liberated the territories we consider our own” which had created conditions for the Bosnian Serb leadership to go to negotiations in a stronger territorial position.<sup>9235</sup> **(That is how every single state function. An Army is doing a military job, and a state and political leadership negotiate. Where it is another way?)** The report further noted that the President, as the Supreme Commander, orally assigned a number of tasks which were vital to “protecting the Serbian people and its territories” and the Main Staff “translated the set objectives and tasks into general and individual missions”.<sup>9236</sup> The Accused spoke in favour and praised the military successes of the VRS under Mladić.<sup>9237</sup> **(A horrible crimes?!?! What is wrong with that? Should the Serbian people be deprived from the rights for self-defence, self-organisation and survival? This is a grave responsibility of the United Nations to have it’s courts to criminalise a basic, ancient rights of a people!)**

**2795.** On 26 August 1992, in a meeting with Vance and Carrington at the London Conference, the President stated that following the recognition of BiH, “Serbs had been forced to act in order to protect the Serbian population” and that they wanted full autonomy.<sup>9238</sup> **(So what? a #commendable and # EXCULPATORY#! A mere #legitimate and democratic political position, that had to be accepted without any war!#)** The President further stated that the Bosnian Serbs were willing to negotiate and even return some territory as part of an overall agreement, as long as Serb property rights in predominantly Croat and Muslim areas were protected.<sup>9239</sup> When the President spoke about Bosnian Serb territory being geographically continuous, Vance asked how this could be achieved without “moving people”.<sup>9240</sup> **Nothing impossible. There was no this need for continuity before the war, but since the war broke**

<sup>9230</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 69.

<sup>9231</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 69.

<sup>9232</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 159. *See also* D232 (Directive 1, 6 June 1992), p. 1; D2149 (Aide mémoire of Manojlo Milovanović), p. 40.

<sup>9233</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 159.

<sup>9234</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 66. *See also* D2149 (Aide mémoire of Manojlo Milovanović), p. 27; D232 (Directive 1, 6 June 1992); D593 (Directive 2, 22 July 1992), pp. 1, 3; D235 (Directive 3, 3 August 1992); P977 (Directive 5, 25 June 1993), p. 2; P3039 (Directive 6, 11 November 1993), p. 6.

<sup>9235</sup> D593 (Directive 2, 22 July 1992), p. 1. *See also* D235 (Directive 3, 3 August 1992), p. 7.

<sup>9236</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 159.

<sup>9237</sup> P4440 (Excerpt from video of Radovan Karadžić’s speech, with transcript).

<sup>9238</sup> *See para. 347; P941* (London Conference record of a meeting with Radovan Karadžić, 26 August 1992), p. 1.

<sup>9239</sup> P941 (London Conference record of a meeting with Radovan Karadžić, 26 August 1992), p. 1.

<sup>9240</sup> *See para. 347; P941* (London Conference record of a meeting with Radovan Karadžić, 26 August 1992), pp. 1–2.

out, the Serb constituent unit had to have a continuity. Why people would be moved, when it was clear that in every constituent units would be villages of the other ethnicity. It is clearly shown in this paragraph, under the fn 9249. WHAT IS UNLAWFUL IN THIS? The same document P941 clearly proves that as early as in August 1992 the President took a commitment to return a substantial amount of territory, and pleaded for the rights of the refugees to return!)

2796. At an international press conference in September 1992, the President stated that Bosnian Serbs owned, possessed, and controlled 64% of BiH and that they were only a minority in BiH because of the genocide during World War II.<sup>9241</sup> (But, this is a historic fact, and could be checked in the censuses of population. Is the President guilty for this was a historic fact, or for spelling out this fact? Only in communist regime it was forbidden to spell out a truths which the communists didn't like. There are too many similarities between the communists and the contemporary West!) When questioned about whether those in the "wrong part of the territory" (Just let us see how this "wrong part of the territory" found the place in this Judgement: see P809, p.7

Reporter:

Does that mean that the people, who are in the wrong part of the territory right now, will have to leave their villages, their home and to go where you think...

Karadžić:

No, no, no. We have to respect and to guarantee minority rights, not only on reciprocal way, but according to international standards.

It

was pronounced by the journalist, but it is in the Judgement as if it was pronounced by the President. However, the President publicly took a commitments to guarantee minority rights, not only reciprocally!) would have to leave their homes, the Accused denied the suggestion vigorously and stated that they had to guarantee minority rights.<sup>9242</sup> (#EXCULPATORY#! Before the war here was no any mentioning of a population exchange, except what the Croats proposed, and the President commented as a nightmare (tel. convers. With S. Milosevic), and even after the war broke out this was not an option, see.... Politika, response of the President on a journalist question, early May 92 See P01478, p. 97-98,

- We must not put pressure to have people displaced. —

2797. The Accused told Van Lynden in September 1992 that the Serbs had to have the northern areas and Banja Luka. He also said that Eastern Bosnia was all Serb and that the enclaves of Goražde, Srebrenica, and smaller enclaves were unacceptable and had to become part of Serb territory.<sup>9243</sup> (Why the President would talk to a journalist about that? The #only relevant was what the President talked to the official mediators#, and what he handed over as a Serb official propositions. This is an abuse of journalists, by both, the journalist and the Tribunal (Prosecution/Chamber.) Nothing that the Accuse said or not said to the journalist pertaining to the political aims or solutions was irrelevant, because it was not official, and maybe never happened. There was a sufficient amount of the official, binding documents submitted, proposed or accepted and signed under the auspice of the Conference mediators! But, this UN Court rather pays an attention to a gossips and "hear-say" evidence than to the official UN documents!)

2798. Šešelj, on behalf of the SRS, also expressed his support for the formation of the SerBiH and his view that the Bosnian Serb authorities should demarcate Serbian territory, proclaim its own TO and police in territories under its control, and simultaneously "liberate" those areas which

<sup>9241</sup> P809 (Video footage of Radovan Karadžić's Press Conference at ICFY, 18 September 1992, with transcript), p. 6; Vladislav Jovanović, T. 34309–34310 (26 February 2013).

<sup>9242</sup> P809 (Video footage of Radovan Karadžić's Press Conference at ICFY, 18 September 1992, with transcript), p. 9.

<sup>9243</sup> P926 (Witness statement of Aernout van Lynden dated 26 February 2010), para. 71; Aernout van Lynden, T. 2419 (19 May 2010).

were not under Serbian control but which were “part of the Serbian territorial corpus”.<sup>9244</sup> **(#The same what Mr. Seselj proposed was proposed by the European Community at the Conference, and the Conference had been facilitated only for that purpose and far before the war!#)** In April 1992, Šešelj spoke about the necessity of dividing BiH, where Serbs would end up with the majority of the area.<sup>9245</sup> In an interview in September 1992, Šešelj recognised that it was “obvious that Serbs hold larger territories today than they would have if there had been a peaceful demarcation of borders with Croats and Muslims”.<sup>9246</sup> He further stated that Serbs would continue to gain more and more territories and Muslims would end up with nothing.<sup>9247</sup> **(Again, the #opinion of Mr. Seselj was shared by the EC and the UN#. Why it is contested now, particularly since the Tribunal is not dealing with the responsibility for the war? Mr. Seselj was expressing his academic, scientific and political opinion, what is wrong with it? The Seselj’s Serb Radical Party had always take care of the legitimate interests of the Muslim population, although somebody created another reputation of him. The man was acquitted, and he should be, because those are political speeches. And what does it mean, to bring a statement of another man, from another country and another party, to prove something about the President?)**

**2799.** In November 1992, in a meeting attended by General Morillon, Piers Tucker, Mladić, and Koljević, the Accused showed maps with the ethnic distribution in BiH and claimed that “Bosnian Serbs had only seized those territories to which they had a right, which [were] territories where the population was more than 50 per cent Bosnian Serb” and they had “no wish to live with the Muslims”, whom he called “Turks”.<sup>9248</sup> **(This must be a lie, because the President used this term only several times with soldiers, in order to be closer to them, although a “Turks” can not be derogatory, because the Turks are a great nation. But the Bosnian Muslims wanted to be considered Turks anyway, we have evidence about it. Anyway, this was a legitimate right to declare what territories the Serb community in BiH claimed for itself. Why the Chamber needed witness Tucker to confirm something that was publicly known from the beginning of the crisis? And why it was a crime?)** On 7 November 1992, at a meeting attended by Đerić and other ministers, the situation in a number of municipalities was discussed and it was reported that the largest part of the municipality of Vlasenica was “free”.<sup>9249</sup> **(So what? #Free from another armed forces#. Many other places, towns and cities, were free from the adversary forces, but not from the minorities, which lived in the Serb areas to the end of the war!)** In January 1993, the Accused also spoke about how they had created a state with their own forces.<sup>9250</sup> **(So what? #By their own forces# doesn’t mean by military forces!!!# It was the first anniversary of the Republic of Srpska, which was created by the political means, and was accepted by the international community and the two other sides, codified in the Lisbon Agreement, and finally denied by armed forces of the two other sides. And defended by the Serb own armed forces!)**

**2800.** The Chamber recalls that on 15 January 1993, at a meeting with Okun and Vance, the representative for the Bosnian Serbs, Aleksa Buha, stated that the Bosnian Serbs needed the Posavina “corridor”, which was a road that connected Belgrade to Banja Luka via Bijeljina and

<sup>9244</sup> D3667 (Transcript of Vojislav Šešelj’s press conference, 26 March–16 April 1992), pp. 3, 8, 11; *See also* P6393 (Video clip of interview with Vojislav Šešelj, with transcript).

<sup>9245</sup> D3667 (Transcript of Vojislav Šešelj’s press conference, 26 March–16 April 1992), p. 27 (stating that “Serbian Herzegovina with a border on Neretva, Romanija to the Serbs, Ozren to the Serbs, Podrinje to the Serbs, Semberija to the Serbs, Bosnian Krajina to the Serbs. The Central Bosnia to the Muslims. The Western Herzegovina to the Croats. That is the best solution”). *See also* D3668 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), p. 1; Vojislav Šešelj, T. 39585–39586 (10 June 2013).

<sup>9246</sup> D3668 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), p. 7.

<sup>9247</sup> D3668 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), p. 7.

<sup>9248</sup> P4203 (Witness statement of Piers Tucker dated 12 May 2010), paras. 78–79; Piers Tucker, T. 23217 (17 January 2012).

<sup>9249</sup> D3696 (Minutes of RS Government session, 7 November 1992), pp. 1, 3.

<sup>9250</sup> D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), p. 7.

Brčko.<sup>9251</sup> **(SO WHAT? #How this could be a crime?# Before the war this was not a Serb claim, but since the war broke out, it appeared to be a necessity, and it was possible, since there was a continuity of the Serb territories in Posavina!)** For territories still under dispute, Buha noted the President's request for a resolution by referendum.<sup>9252</sup> **(Could it be more peaceful?)** The importance of certain municipalities to the political objectives of the Bosnian Serbs was underscored by statements in the Bosnian Serb Assembly in January 1993 to the effect that there could be no Serbian state or prospects for the Serbian people "without Podrinje [...] from Foča to Bijeljina".<sup>9253</sup> **(ALL THOSE #PARLIAMENTARY STATEMENTS ARE FREE FROM ANY BLAME#, AND THE SPEAKERS CAN NOT BE SUED FOR ANYTHING SAID IN THE PARLIAMENT. This was a discussion on the Vance-Owen peace plan, and let us see what the speaker really said: D00115, p. 42**

Secondly, about 15% of the territory of the former BH where the Serbs are the majority population inside the various municipalities, has not been included in what is our territory. The drastic examples are in the regions of Old Herzegovina, Birač, Posavina, Ozren and Dobož, where there live about 350,000 Serbs. These regions have been painted green. In the Birač- Central Podrinje region, the Serbian population numbers about 100,000, i.e. more than in the Herzegovina - Romanija region - the Serbs have an overall majority in 68% of the territory, and are the majority along the Drina, along 180 /km/ of the total length of the border which is 200 kilometres. The municipal ethnic principle singles out only Šekovići, the poorest section of Birač, in which 10% of the population of the region live. Zvornik municipality alone now has a larger Serbian population than Herzegovina, and Vlasenica municipality has more Serbs than Han Pijesak, Kalinovik, Ljubinja and Čajniče. On 65% of the territory of the municipality, the Serbs are an overall majority. In the area of the municipality of Milići, which was constituted by a special agreement and through municipal decisions as a new municipality before the war in agreement with the Muslims, the Serbs account for 98%. However, it is all painted green according to Vance.

**(#What does it have to do with this President?# A #free parliamentary discussion#, for which no MP could be indicted according to the domestic laws. And it was discussed to be achieved on the Conference, not on a battlefield!)** A deputy from Prijedor spoke against the proposal of sharing the municipality of Prijedor and stated that they had "conquered, actually restored only the Serb territory that they took away from us back in 1941".<sup>9254</sup> **(What does it mean, since it was only one opinion? What a connection of it is with the statement by the President? An MP was entitled to say whatever he found true, and this this was true: only fifty years before this moment the Serbs in Prijedor had been subjected to a genocide! Did the Chamber consider that there was no a genocide over the Serb people in BiH in WWII? A member of the Assembly was also criticising the President for a map that had been proposed, but the Chamber charge the President even for an opinion of his political oponents at this session, P00921, p. 42**

Also, from this place, I want to say that I was shocked with the map presented to us by our respected president, Mr. KARADŽIĆ. What do those renegades think, that we have spilled our blood and conquered what belongs to us all for nothing. We have conquered, actually restored only the Serb territory that they took away from us back in 1941 when they conducted a massacre over the Serb people. Gentlemen, I can

This sentiment reflected the statements by the Accused and the Bosnian Serb leadership regarding the historical crimes committed against the Serb people and their historical claim to the land which they viewed as belonging to them. **(No matter this "sentiment" existed, the President was in favour of the formation of the Muslim municipality in Prijedor. But, if the President is OK in some aspects, somebody of the Serbs wasn't, and therefore the President**

<sup>9251</sup> See para. 362.

<sup>9252</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4245 (opining that holding a referendum would benefit Bosnian Serbs in territories from which non-Serbs had been removed).

<sup>9253</sup> D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), p. 42.

<sup>9254</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), pp. 31–32.



**is responsible. To tell the truth, #this is not even decent to deny the Serb horrible victims in WWII#, as it wouldn't)**

**2801.** Following the ICFY, the Vance-Owen Plan was formally introduced on 2 January 1993 and provided for constitutional and military arrangements in BiH and a map of the provincial structure.<sup>9255</sup> Izetbegović objected to the map on the basis that regions from which the population had been removed could not come under the control of those who removed them.<sup>9256</sup> The President noted that certain territories were still under dispute and when the map was discussed, he asked for a larger Bosnian Serb territory and proposed his own boundaries.<sup>9257</sup> **(So what? Was it forbidden for the Serbs to negotiate? It is rather #EXCULPATORY#!)**

**2802.** In April 1993, the President also spoke about the importance of certain Serb areas in the context of international negotiations pertaining to maps of BiH.<sup>9258</sup> In the context of discussing whether or not to accept the Vance-Owen Plan, Brđanin at the Bosnian Serb Assembly stated “[e]verything we have liberated is Serbian land. No one will be able to convince the people of Prijedor, Sanski Most [...] and all the places under threat all the way to Foča that we have passed a just decision”.<sup>9259</sup> The President stressed for example that they could not give up on Sanski Most because it was in the middle of their territory.<sup>9260</sup> The President also spoke about Brčko being their “mutual concern” and that they would “finish with Brčko the way it should be [...] [a]nd if there is war we will be strong and repel them 50 kilometres to the south”.<sup>9261</sup> **(#Skipped sentence#! All of this was a parliamentary quarrel of the President with some local-patriots, a #pure political speeches and there was nothing criminal# in it. Let us see what the President said, P01379, p. 81.# “If there is a peace there will be no problems”# said the President, and this sentence is skipped by the Chamber.#!#! And if there is a war, naturally the sides would fight. What is wrong with it?)** with you will no longer be with you. It is disgrace to say we did this or we did that. Please, Brčko is our mutual concern and we will finish with Brčko the way it should be. If there is a peace there will be no problems /as written/. And if there is war we will be strong and repel them 50 kilometres to the south. But, to say that Krajina is The Chamber recalls that on 2 May 1993, the Accused signed the Vance-Owen Plan in Athens, but this was subject to ratification by the Bosnian Serb Assembly, which ultimately rejected the plan.<sup>9262</sup> **(What is criminal in all of it? The Muslim side decided to have a military outcome of the war, and it was impossible to neglect a complete status quo. This was a war, and it seems the Chamber was lecturing the Serbs morally and politically, but this doesn't have anything to do with anyone's crimes!)**

**2803.** At a meeting on 28 May 1993 between members of the Bosnian Serb leadership, including the President, and the leadership of the FRY, disagreements were voiced among the participants as to whether to continue fighting, or whether to negotiate a path towards peace.<sup>9263</sup> During this meeting, the Accused stated that there was “no other way but to fight”.<sup>9264</sup> **(So what? The Serbs had been offered a bad plan, particularly pertaining to the maps, and the Assembly rejected it. The international community didn't want to make a fair proposal. Although it often looked as a dictate, it was a negotiation, and the Serb side was not satisfied with the proposed**

<sup>9255</sup> See paras. 359–360.

<sup>9256</sup> See para. 363.

<sup>9257</sup> See para. 363. For more detail on the course of the negotiations the Chamber refers to Section II.E: International peace negotiations.

<sup>9258</sup> P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 8.

<sup>9259</sup> P1371 (Transcript of 30<sup>th</sup> session of RS Assembly, 5–6 May 1993), p. 93.

<sup>9260</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 80.

<sup>9261</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 80.

<sup>9262</sup> See International Peace Negotiations Section, para. 61.

<sup>9263</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), pp. 164–180.

<sup>9264</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), p. 175.

**solution, although the President initialled the plan, both the Assembly and population through a referendum rejected it! WHAT IS UNLAWFUL IN THIS? #Not of any concern of this court#!)**

- 2804.** At the 34<sup>th</sup> Session of the Bosnian Serb Assembly in August 1993, the Accused cautioned against the view that they had given up on their far-reaching goals with respect to the union of Serb states and explained that “[i]t is a phase we have to finish”.<sup>9265</sup> **(The Chamber is picking a #solitary sentences from a long arguing between the President and the deputies,# who were very free to oppose and deny many presidential opinions. Look at this sentence of the MP D. Djuric:**

Republic or any other does it. You will not drag around children from Krajina anymore to some territories to get killed and we do not know if it is going to be ours or not. The day before yesterday, for example, the president of the state said that it

**And**

**the President had to quarrel about every single village whether it will be included in the RS or not. Within those discussions the President had to give a wide explanations of the historic prospectiveness. But, the Chamber is, just as the Prosecutor, doing a #patchwork of some words and sentences,# while trying to convict a president of a country in making. Where are those documents, laws, orders of the President, which brought about any crime? This is ridiculous. Since the crime against the peace is not the subject of this Tribunal, all what is brought against this President so far is vain. How possibly a #political arguing could be taken for granted, particularly when it is an academic or historic reminiscence#?)** When the Accused refused to accept the Vance-Owen Plan, he claimed that the old BiH ceased to exist and that there was now a state with three constituent peoples.<sup>9266</sup> Given the Accused’s refusal, Owen stated “I weep for your country. The path you are heading on is bitterness, hatred and death”.<sup>9267</sup> **(Until that time the Serbs already had a year and a half of misery prepared to them by the European Community and the rest of the West, and this is a firm conviction of the entire Serb nation! And what kind of evidence against the President could be some meditation of the author of the plan that didn’t succeed? This is going to be remembered as a unique reasoning in the international jurisprudence. #Lord Owen’s concern was noble, but has no relevance for this case#! The mediators would be even more noble if discouraged Mr. Izetbegovic to wage a war, and offered the respect of laws and Constitution!# Or, at least, if the mediators offered more balanced and fair solution!)**

- 2805.** At this same session, the Accused stated that while he did not think there would be a broader war in Europe, if there was one “we shall be stronger” and that they would have a corridor again on the map of BiH.<sup>9268</sup> The Accused explained that “[i]f we want it by force, we could have taken some more, we can still do it”.<sup>9269</sup> **(#Crippled sentences#! So what? The President said it conditionally, because the Muslim side kept refusing any agreement. Let us see what the President said: P01379, p.62:**

Gentlemen, three sides are needed for the agreement and for the signature. Let the Muslims keep on not wanting, that is their business. This is why we need Croats. If we want it by force, we could have taken some more, we can still do it. We can even take Sarajevo. I am asking you, Sarajevo natives should speak about Sarajevo.

**This is what the President said in a discussion on the territorial concessions that the Serbs**

<sup>9265</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 93.

<sup>9266</sup> P791 (Eighth notebook of Herbert Okun’s ICFY diary), e-court pp. 76–77.

<sup>9267</sup> P791 (Eighth notebook of Herbert Okun’s ICFY diary), e-court pp. 76–77. See also P792 (Ninth notebook of Herbert Okun’s ICFY diary), e-court pp. 33–34, 50.

<sup>9268</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 62.

<sup>9269</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 63.

**had been giving for the sake of peace, see p. 63:**

and we still keep 72% of Bosnian territory. We shall not withdraw from anywhere until all of this is firmly agreed and until we are given guarantee that this is the solution. We wouldn't give an inch if it wasn't for the peace and for the /final/ solution. We need a solution, we don't want any more of war. We shall lessen our territory, we shall lessen our own, but we want it then to remain our for all the time that we can organize it in free, democratic society, economy, educational system, information, renaissance of the Serb society. This is why we made concession so that we don't have to do it in some 10 or 30 years. But we shall make no concession if it doesn't lead to the final solution. Concessions that we made, such agreement is in He went on to state that they were militarily ready and would not withdraw from anywhere until they had firm guarantees about the resolution of the conflict.<sup>9270</sup> **(#Logical, rational legal#!**

**Which army in the world would withdraw before a peace is guaranteed?)** He stated that while they did not want the war to continue and would be willing to lessen their territory, he wanted the land they retained to remain theirs "for all [...] time".<sup>9271</sup> **(#See above, what is skipped.#)** The Accused also suggested that the Serbs would vanish if they were weakened, but they would be given a state if they were seen as strong militarily, economically, and politically.<sup>9272</sup>

**(Now, let us see what this Chamber is doing. The President was defending the Owen-Stoltenberg peace plan, advocating against the selfishness and greed for the territories. He did it mixing his considerations with the strategic projections of the near future, as a president has to do. Here is the "incriminated" part of speech, P1379, p. 63:**

now. We could simply say now that we don't want any kind of union of the states, we want independence immediately. But we won't get it. I really don't know, I feel like sitting here and saying: Darn it, how come I am such a weak Serb that I keep on listening such good Serbs who know what they want. But, can that be, gentlemen?

Please, the citizens of Brčko are listening to us now and if they are listening, they must be upset. Yet, they have no reason for that. Look, here, under the assumption that we remain militarized and that we're the enemies, the Muslim forces are here, in this very city, the half of the city or whatever is allotted to the Muslim side. And this is where the Serb forces are. Should these Serb forces fear these Muslim forces over here? And Croatian ones from the north? We had all those forces on our back up until now and we shall continue to have them in the future. There will be no wars in Europe. If there will be one, we shall be stronger. Please, if there is war, the first thing that we'll do is that we'll cut off this thing here (indicates on the map). We shall have the corridor again. I see no reason for the Serb army and the Serb people who are positioned all over the place here, have the right because that is their territory, better than the forest that have no maneuver over here. This is what we'll discuss with our generals tomorrow. But, this panic and paranoia that doesn't allow us to see the correct situation /as printed/. This is all /done/ under the assumption that

**This is #the most illustrative example of the abuse of words, shifted out of context#. In this speech the President is persuading the deputies in the Assembly to accept the Owen-Stoltenberg Peace Plan, and in response to the "panic and paranoia that doesn't allow us to see the situation correctly" he is explaining that the Serbs should accept the map, because they are not as weak as they assume, and because there will not be wars in Europe... Instead of being commended for his efforts, the President is President!)**

<sup>9270</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 63.

<sup>9271</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 63.

<sup>9272</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 240.

**2806.** Koljević at the 34<sup>th</sup> Session of the Bosnian Serb Assembly stated his view that they had entered “this fight” not with the aim of winning the most territory but with the aim of the “spiritual and moral revitalisation of Serbhood”.<sup>9273</sup> **(#EXCULPATORY#! There could be no more justifiable reason to resist the violence over the people! Koljevic was fighting against the greed for territories too, and said that for us it is more important to be free and to revitalize our culture which suffered under the Communists, than to have more territories.)** At the same Bosnian Serb Assembly session, Mladić stated that if the negotiations and agreement failed, they would “have to find the means and organise ourselves for the continuation of the even bloodier war”.<sup>9274</sup> **(So what? If the army commanders are not decisive, they are not commanders! #How this statement could be a crime of the President? Is it a position of the Chamber that the Serbs would be right and not guilty only if they surrendered?)** Another deputy spoke and recognised that they held 13 municipalities including Prijedor, Sanski Most, Ključ, Zvornik, Vlasenica, Rogatica, Višegrad, Foča and part of Brčko even though they “did not belong to Serbs, according to indicators of relative or absolute majority”.<sup>9275</sup> The Chamber recalls its finding that the control of municipalities, including Bijeljina and Vlasenica,<sup>9276</sup> was geographically important with respect to the Strategic Goals of the Bosnian Serb leadership. **(This is #another distortion. All of this political quarrelling in the Assembly# was within the acceptance of the Owen-Stoltemnebr Peace Plan (OSPP) and these arguments were pure political, aimed to get the Assembly consent for this plan. Before the war these municipalities with a balanced participation of the ethnic communities were proposed by the Serb side to be transformed into the two ethnic municipalities. Even at the first year of the war the Serb side kept offering this option. But after the war made a “new realities” on the terrain, there had to be some concessions. The quoted sentence pertained to the municipalities allocated by the Conference to the Serbs, although not majority, as a response to the objection why some of the 100% Serbian municipalities were allocated to the Muslims-Croats. Let us see the entire discussion of an expert, not an MP, quoted here: P1379:**

Mr. SKOKO:

Mr. President, what I explained here yesterday are really not some improvisations, this is really the fruit of a hard work. I used the statistical analysis for the year 1990. I maybe do not no how to do many things, but I’ve been doing this for 12 years and I’ve been taking care of the development of the economy for 12 years, and I know each and every industrial facility in Bosnia and Herzegovina. If Dr Karadžić will allow me – this is not for the public – I would like to say one thing. Don’t we, gentlemen, hold 13 municipalities which did not belong to Serbs, according to indicators of relative or absolute majority? Prijedor, Sanski Most, Ključ, Derventa, Bosanski Brod, Doboj, Bosanski Šamac, Zvornik, Vlasenica, Rogatica, Višegrad, Foča, and a part of Brčko, where these indicators are from. If you unfold the map of Herzeg-Bosnia and Muslim Bosnia, you’ll see that in Muslim Bosnia we have the following industrial centres: Tuzla, Travnik, Konjic, Zavidovići, Visoko... have a look at the municipalities which are empty, in Herzeg-Bosnia we have Mostar, N.Travnik and a part of Čapljina and nothing more. Zenica /mining industry/ is dead, Zenica is the greatest Bosnian loser and anyone who knows at least anything about the economy would gladly give Zenica to some foreign partner for free, so that he could employ some people there.

**And then the Prime Minister Lukic, who was an expert in geography, took the floor as an expert:**

<sup>9273</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 44, 46.

<sup>9274</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 66–67

<sup>9275</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 105–106.

<sup>9276</sup> See paras. 600, 1099.



Dr LUKIĆ, Prime Minister:

I would kindly ask you to be more precise about these areas. The first time that I was asked something about the territory of the former BiH was in 1971, when Military-Geographical Museum asked that question. That's when we started, of course not publicly, and we came to the area of 62,5%, 63%, later on 64%, so we rounded figures and said it was somewhere between 63 and 64% /of the territory/ that belongs to the Serbs. This means that these are Serb properties and state-owned property in their surroundings. Therefore, it's not a surprise that during the 90s – and even before – a figure that everyone is repeating right now occurred.

In Sanski Most, 73% of the land is Serb, and the rest belongs to Croats and Muslims, there is even some Jewish property. The percentage is smaller in Prijedor, but as far as the land is concerned, the ownership is considerable. Thank you.

**So, Mr. Lukic objected to the Skoko's analysis and rectified him. But# all of it was with the aim of persuading the Assambly that the mediators weren't the anti-Serbs, and that we should accept the peace plan!#) All the discussion was of a political nature! Although the crime against peace is not the subject of this Tribunal, the Chamber is making a "salade" of sentences of a different people in a different occasions, officials and non-officials, joking, alluding, a folklore sayings, poems, idioms, and whatever, in order to allocate it to the President and to prove his intentions. So many official documents didn't have any attention of the Chamber in comparison to this "salade" of words!)**

**2807.** The municipality of Brčko was an example of where the Accused and the Bosnian Serbs continued to emphasise their territorial and strategic interests. Brčko was considered of strategic importance by the Bosnian Serb leadership as it was viewed as necessary for the formation of a corridor in the Posavina region through to Bosanska Krajina; this was in accordance with the second Strategic Goal.<sup>9277</sup> Given the strategic importance of Brčko, despite the Bosnian Serbs constituting a minority, the Bosnian Serb leadership insisted that it would become a province of RS.<sup>9278</sup> The President also spoke about negotiations relating to Brčko and the importance of protecting Serb interests.<sup>9279</sup> A representative from Brčko acknowledged that it had never been a Serb town, but that even before the war there had been "strictly defined Serb areas within the town, separated from the areas in which the other two peoples lived" and by agreement this area had been defined.<sup>9280</sup> This representative spoke about the possibility of having to return "Muslim territories that we have liberated" but emphasised which areas of Brčko should be retained.<sup>9281</sup>

**(Exactly: there was the Serb varos (town in Hungarian) as a very core of the city. And the Serbs were ready to have the solution called "bridge-viaduct" so that the city and municipality be organised that every community governs it's own part of the municipality. And it had been accepted and built in the Owen-Stoltenberg Peace plan (OSPP) as a fair and sustainable solution. The Muslims had been given the Muslim parts of the town, the port on the Sara River, and a viaduct access to it over the Serb parts of the city. But, why the Chamber considers so many normal and legal political or military matters as if it was a crime?)**

<sup>9277</sup> P2888 (Brčko's War Presidency Summary of events in Brčko Municipality), pp. 1–2; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4244, 4258, 4265–4266, 4276, 4306; Herbert Okun, T. 1481–1482 (22 April 2010); P3023 (Witness statement of Đorđe Ristanić dated 15 June 2011), paras. 66, 229–231; Đorđe Ristanić, T. 16763, 16768–16769, 16819 (18 July 2011). While the Chamber notes that the only crimes charged in Indictment with respect to Brčko are limited to the Luka camp, it has had regard to this evidence as supporting the pattern of what occurred in the Municipalities and how this corresponded with the strategic interests of the Accused and the Bosnian Serb leadership.

<sup>9278</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4278; P2888 (Brčko's War Presidency Summary of events in Brčko Municipality), p. 2.

<sup>9279</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 13.

<sup>9280</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 37–38.

<sup>9281</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 37.

2808. At a meeting held in August 1994 between the President, Krajišnik, and Milan Martić, Krajišnik stated: “Everyone is telling us not to give up Brčko”.<sup>9282</sup> The President stressed that the corridor being offered to them through Brčko was too narrow and could not be defended.<sup>9283</sup> In a meeting with UNPROFOR on 19 August 1994, the President expressed his view that if an “arrangement” was reached for Brčko similar to the plan for Sarajevo, it should “not prevent the Serbs from transiting the area with their armaments” and that if the Bosnian Serbs kept “sovereignty in Brčko” they would seriously consider the proposal of not attacking Tuzla.<sup>9284</sup> **(#Again, “bla-bla”#. This is of #no relevance# for any crime committed in BiH, except the crime against peace! The Serbs had their legitimate interests, and had been ready for compromises for the sake of peace, but the peace was an issue that nobody except the Serbs had been interested in!).**

2809. At a Bosnian Serb Assembly session on 11 May 1994, the President stated: “We have never been [a] majority in Brčko, but we were always the third, but we have to solve that with a combination, we cannot call upon one principle, that is ethnic and historical. [...] This is not [an] important town for the Muslims, but it is important to us”.<sup>9285</sup> In meeting with Akashi in May 1994 the President warned of an ABiH offensive on Brčko and that they would not agree to withdraw Bosnian Serb troops to make Brčko a safe area because it was historically a Serb area and it had been under Bosnian Serb control since the beginning of the war.<sup>9286</sup> **(Another proof that the foreign judges couldn’t understand too many things. In BiH there was a #permanent “Gerry-manderism”, i.e. merging the Serb settlements with the Muslim, in order to avoid any Serb majority municipality#. In the very core of Brcko there was and stil is a “Srpska varos” an old Serbian downtown. Had it be normal situation as in any other European country, there would be a Serb municipality. Another matter is a military outcome of the crisis, which was a Muslim choice. In that case, everything is negotiable, because the current situation must be taken into account!).**

2810. When the President visited Foča to open a medical school, he gave a speech in which he said that he was “satisfied and happy that Foča has been preserved” and it was important for the citizens to know that the Bosnian Muslims had given up on Foča in negotiations.<sup>9287</sup> **(Let us first see what the President really said in Foca, P6206:**

This town, whose inhabitants managed to liberate it in a heroic struggle more than 16 months ago, was visited for the first time yesterday by the President of Republika Srpska, Dr Radovan KARADŽIĆ and his wife. [

.....]

We had no problems in Foča, which is why we have not visited before. Otherwise, we would have certainly found a way to come here. I am satisfied and happy that Foča has been preserved and that civilians are safe. May those who have lost their lives to save Foča rest in peace. We must not and never will forget their families. The orphans and disabled my personal belief that a great future is awaiting Foča. I can inform you that the Muslims gave up on Foča in these negotiations. They told me openly: “All right, we are not asking for Zvornik or Foča any more, but

<sup>9282</sup> P2563 (Minutes of meeting between Milan Martić and Radovan Karadžić, 20 August 1994), pp. 1, 10.

<sup>9283</sup> Patrick Treanor, T. 14056–14057 (1 June 2011); P2563 (Minutes of meeting between Milan Martić and Radovan Karadžić, 20 August 1994), p. 5.

<sup>9284</sup> D704 (UNPROFOR report re meeting with Radovan Karadžić, 19 August 1994), para. 9.

<sup>9285</sup> P1390 (Transcript of 40<sup>th</sup> session of RS Assembly, 10–11 May 1994), p. 40.

<sup>9286</sup> D3499 (UNPROFOR report, 4 May 1994), e-court pp. 7, 11. See also: P5422 (UNPROFOR report, 8 May 1994), p. 7.

<sup>9287</sup> P6205 (Excerpts of radio broadcast of Radovan Karadžić’s visit to Foča medical centre, with transcript), pp. 1–2. See Veljko Marić, T. 35595–33596 (19 March 2013).

give us Višegrad and Bratunac”. Of course, we could not have given them that, but it is important for the citizens of Foča to know that the Muslim republic has given up on Foča.

What the President said during this visit to Foca after 16 months of the war for the first time, was a greetings for preserving Foca and civilians. He also said that the Muslims “gave up on Foca in these negotiations (...) but it is important for the citizens of Foca to know that the Muslim republic has given up on Foca”. Therefore, that #concerned only with the political solution, a negotiations as which constituent republic Foca will belong to, and had nothing to do with the Muslim citizens rights to live in Foca#!!

Foca, the town itself had the Serb majority. There was envisage to have the two municipalities, the Serb and Muslim, both communities would have a part in the urban core, and the belonging hinterland. Since the Muslims abandoned already reached agreement, the outcome was to be military. In such a case, Foca belonged to the Serbs, but a large portion of it was kept by the Muslims, and even now it is a Muslim municipality of Foca, as in many municipalities, like Srolac (the town is Muslim-Croat, Borkovici is Serb) Foca, Zvornik, Pale, several Sarajevo municipalities, Doboj, Kljuc – Ribnik (Serbian) Skender Vakuf (Dobratric Croatian) Odzak (Vukosavlje) etc. In 1994, Krajišnik attended a celebration in Foča with other members of the Bosnian Serb leadership and delivered a speech in which he addressed the people of Srbinje, which was the new Serb name of Foča.<sup>9288</sup> In this speech Krajišnik said:

Today you are not as you were before. Now I see a true Serbian town. And you proudly bear your Serbian name. You are the example to every Serb. All that was coming from this town you’ve managed to eliminate you prevented it from happening. [...] Izetbegović said that this town would be another Mecca. But you did not let them. And for that, in the name of all Serbs, I thank you.<sup>9289</sup> (#Words of others, jokes, sayings#! Is it really significant, every joke? Anyway, so what, the city of Foca itself was the Serbian majority, and just in the eve of the war, the Serbs had been so humiliated and fired from Focatrans. The Muslims had been offered to make their own municipality of Foca, with a urban core for the Serb and Muslim municipality, and the rural areas to administratively belong to the respective municipalities. Since the Muslims reneged on the agreements and have chosen a war outcome, the Serbs were entitled to demand the Serb parts of municipality to belong to their republic within Bosnia. It is not clear what the crimes are this Tribunal after, a Serb political rights and a political struggle, or a crimes that weren’t within the military necessity, and had been committed wanton, just to damage the non-Serb population? Such a kind of courts, that prevent a presentation of the causes and consequences, a conduct of all sides involved – can never establish the truth and secure the law and justice!)

<sup>9288</sup> P6204 (Excerpt of video clip of Momčilo Krajišnik's speech in Foča, with transcript). See Veljko Marić, T. 35590–33591 (19 March 2013).

<sup>9289</sup> P6204 (Excerpt of video clip of Momčilo Krajišnik's speech in Foča, with transcript). See also Adjudicated Fact 2411.

2811. The Accused also noted that in Foča the Bosnian Muslims had a plan to “build a big Islamic centre” and that Foča was extremely important to the Bosnian Muslims but “it will never be theirs again”.<sup>9290</sup> **(Foča was planned to become a very aggressive Islamic Center for the entire Europe, against the consent of the Serbs. It had nothing with a religious needs of the population, it was aimed to be a springboard of the fundamentalistic Islam to influence the whole Europe, both politically, and in recruiting the so called “white Al-Qaeda” which would be easier to enter Europe and act there! This must not be done without a consent of the Serbs! Or the UN Tribunal considered that it should be done?)**

2812. In 1993 and 1994, commemorations were held to celebrate the anniversary of the “liberation” of Zvornik which were attended amongst others by the President, Koljević, and Arkan.<sup>9291</sup> The President in an interview also said that the Bosnian Serbs would “never leave Zvornik again, and the state of facts established by this war, by this one year of the war, will not be reconciliated without large crimes”.<sup>9292</sup> The Accused’s position was that Zvornik could not be given to the Bosnian Muslims because that would mean that the Serbs could not return and would be refugees.<sup>9293</sup> **(It is an incorrect interpretation: #not that Zvornik wouldn’t be given to the Muslims, but it will not be in the Muslim republic#, because the Muslims wanted the war, there were a lot of victims, and the Muslims kept even more than a half of municipality, but since they wanted the war, and lost urban part of Zvornik, it had to be in the Serb republic!)**

2813. The Accused stated that during the war he had placed the SDS on hold but that in the first 45 days of the conflict, the SDS had been instrumental in “practically defin[ing] the borders”.<sup>9294</sup> **(As of 12 May 92 the President was no any longer a Party leader, since the SDS was on hold, until February 93. However, the state officials acted not as a party officials, #but the state officials#. The SDS officials and experts gave a technical service to the negotiating team by providing it with the accurate data about population and settled places, which was a task given by the mediators in the Conference! But anyway, what does it mean? Is the Chamber after the SDS? It could have not been on hold, no any other party was on hold. Why the SDS wouldn’t be active? The putting SDS on hold was a good will of the Party towards the first prime minister Djerić, to help him to work independently. #The Chamber erred whenever considered the SDS and other political and state organs as a criminal organisation. This is wrong, and this is unacceptable!#)** In an interview in July 1995 the President stressed that everyone should accept the reality that BiH was completely Serbian. He went on to state:

We now possess 64% of the land and control 70% of the territory of that false State Bosnia, which does not exist, and we are not going to accept anything less than 50% We are not going to give up on our own State, the ultimate objective for any nation; it is like our home. And we are not going to end up homeless in a Bosnia dominated by Muslims.<sup>9295</sup> **So what? This was a political statement, in accordance with the 45 months of war. #Who authorised the Chamber to criminalise everything that is Serbian#. During the trial, the Chamber used to claim as if the Serbs weren’t indicted. However, we see that the entire Serbian people is indicted. Still the President said that the Serb side was ready to reduce the territory to 50%!#)**

<sup>9290</sup> P1385 (Transcript of 37<sup>th</sup> Session of RS Assembly, 10 January 1994), p. 110.

<sup>9291</sup> KW317, T. 39352–39353 (6 June 2013), 39353–39354 (6 June 2013) (private session), T. 39355–39356, (6 June 2013); P6371 (Photographs re celebration of anniversary of Zvornik liberation); P5167 (Report of Zvornik Brigade, 10 April 1993), p. 2. The Chamber notes that the Accused and Koljević are only reported to have attended the first anniversary in April 1993. The Chamber also received evidence that Arkan and the Accused both attended a celebration in Zvornik in 1995. Čedomir Zelenović, T. 40323–40326 (24 June 2013), T. 40338–40339 (25 June 2013); P6412 (Photograph of Radovan Karadžić); P6413 (Photograph of Željko Ražnatović aka Arkan).

<sup>9292</sup> P5591 (Video footage of Radovan Karadžić on SRT Talk Show).

<sup>9293</sup> Momčilo Krajišnik, T. 43782 (19 November 2013).

<sup>9294</sup> P5595 (Excerpt of video footage of Radovan Karadžić’s speech, with transcript), p. 1.

<sup>9295</sup> P2564 (Radovan Karadžić’s interview in El Pais, 16 July 1995), p. 3.



2814. In the same interview, the President stated that they were ready to end the war on the condition that the Bosnian Serbs' right to self-determination was recognised and observed that if "we are fighting and dying for certain places, we cannot hand them over afterwards. Nobody can expect us to guarantee the Muslims that they are always going to keep the same percentage of territory [...]. If they want a military solution, they will get to keep what they have now, at most. But if they want a political solution, we are ready to be flexible".<sup>9296</sup> The President also said that they would "never accept giving up a single Serbian place, especially if it was taken by force".<sup>9297</sup>

**(This is wrong, and the #President never said something like that#! There was no the Serbian places that had been taken by a Serb force. But, let us see what the President said, P05063, p.**

If the war would last 20, 30 years, the Serbs would be where the Serbs are, the Croats were the Croats are and the Muslims where the Muslims are. There would be some shifting of the lines left or right but we would never accept giving up a single Serbian place, especially if it was taken by force. So the war could go on for years and decades and the position would be the same as during the Lisbon conference. The Muslims do not have a legitimate goal. If the Croats and the Serbs have, to a substantial degree, legitimate goals, with some disputable territories overlapping, the Muslims have a completely illegitimate goal to have whole Bosnia for themselves. It is not possible. It is not possible neither in ethnical nor in historical terms and also in terms of factual conditions and I think that it is a tragedy for the Muslim people that their young men are dying for something that will never be theirs, and they could all have stayed alive and maybe, through negotiations, to do much better than they will do at the end of this crisis.

**(This is rather #EXCULPATORY#! Now, it is obvious that the President said that no matter how long the war would last, it would all be in vain, because if the Muslims take some Serbian place by force, the Serbs wouldn't recognise it. In no way it could mean that the Serbs took some of their settled places by force, and wouldn't return it. To whom they would return their own territory? If it was their, why would they have taken it by force?**

2815. In August 1995, Mladić issued a notice to the Main Staff of the VRS which, *inter alia*, praised the VRS and observed that it had thwarted "a planned and prepared genocide of the Serbian people, protecting the greater part of Serbian territories, and achieving victory after victory in the liberation of occupied historically and ethnically Serbian areas".<sup>9298</sup> **(So what? Why this court measures every Serb word, and contests every Serb right on political and democratic life? From the content of this greetings it is visible that Gen. Mladic praised the Army for protecting the people and territory, which relected exactly what was the task of this Army – to protect!)**

2816. At a Bosnian Serb Assembly session in August 1995, the President said: **(He was selling the Dayton plan out to the MP-s, justifyin why some ethnically dominant Serb areas had been envisaged to belong to the Muslim-Croat Federation.)**

To tell the truth, there are towns that we've grabbed for ourselves, and there were only 30% of us. I can name as many of those as you want, but we cannot give up the towns where we made up 70%. Don't let this get around, but remember how many of us were in Bratunac, how many in

<sup>9296</sup> P2564 (Radovan Karadžić's interview in El Pais, 16 July 1995), p. 2.

<sup>9297</sup> P5063 (Video footage depicting interview of Radovan Karadžić on "Ask the President", undated, with transcript), p. 7.

<sup>9298</sup> P2566 (Ratko Mladić notice, 5 August 1995), p. 1.

Srebrenica, how many in Višegrad, how many in Rogatica, how many in Vlasenica, in Zvornik, etc. Due to strategic importance they had to become ours, and no one is practically questioning it any more.<sup>9299</sup>

**(A reasonable chamber would see what was the context and reason to say that. It was within persuading the parliamentaries to accept the peace plan, in spite of the fact that many towns and cities with the clear Serb majority were given to the Muslim-Croat Federation, in spite of the fact that the Serbs defended all of them. Those municipalities were: Drvar, 99% Serbian, Bosansko Grahovo 95% Serbian, Glamoc 89% Serbian, Sanski Most, balanced proportion, Bosanski Petrovac 77% Serbian, Ilijas, only Serb part, 90% Serbian, Hadzici, only Serb part 90% Serbian, Vogosca, the Serb half, 90% Serbian, Rajlovac 90% Serbian, Ilidza, the Serb half, 90% Serbian, not to mention the Muslim settlements in many other municipalities, like Pale, Foca, Zvornik, Novo Sarajevo, Novi Grad in Sarajevo, a half of Doboj, a half of Odzak, and so on. Defending the peace plan, the President numbered several towns where the Serbs weren't majority, but got those municipalities, or at least the Serb parts of it. #How this political argumentation in the favour, and for the sake of peace may be used against this President#? Let us see what was the context of this discussion: P988, p.4**

Since things are going downhill for us, you no longer have any credit, gentlemen. Up until now it was possible. Now things are going downhill for us and now everything has to be at /word unknown/. I do not trust anyone anymore, except, I want for those of my fellow townsmen from Prnjavor who were killed, if they, my God, you must give your life for the state, but so that I can explain to the family why they were killed, how, how long it will be ours, then when you open the issue of the current political situation, military and security-wise, then we have to answer.

President Radovan KARADŽIĆ was not mandated by this Assembly to return this, the patriarch, I believe in God, but I am not a celestial Serb, gentlemen, but a worldly one. The state President did not have the right to annul his decision because the Assembly supported him. You did not annul it, you returned it. I don't want to live like this in nothing, like our former friend and probably present one like the Serb Brdo would say, there's no such thing as being a little pregnant and a lot pregnant.

**An MP Dragan Djuric criticised the President, alike many others, since it was an introduction to the final peace conference in Dayton. See further: now, on p.26 the President informed the Assembly on the importance of the Serb part of Sarajevo:**

exchange of Goražde for parts of Sarajevo is mentioned there. We absolutely cannot leave Sarajevo because then the Muslims would really have a good state, and they would /?reduce us to/ these three provinces, Eastern Herzegovina, Old Herzegovina and Romanija, nothing would be left there if we don't have our own Sarajevo and that regional centre, so people can go to school there, get treatment, trade and do business. Therefore we cannot, we have to get used to the idea that we would have to accept something, but we absolutely cannot make anybody think that we will accept something nor can we accept something that eliminates us as a state and as a people. We cannot accept that and there's no other way.

I wrote a letter to Carter. We adopted it a lot with his deputy, Ambassador Vance. That letter was forwarded to Holbrooke, Holbrooke accepted it and it was supposed to be published today, but this thing that happened, this massacre in Sarajevo that they are blaming us for, it is smothering the media, so Carter couldn't publish it today, but he will publish it tomorrow. However, Holbrooke already has that in the letter, that letter in his pocket, and he accepted what it said.

**and on p.67 the President, explaining a painful negotiation, said**

Contact Group plan, it means a lot. Believe me, in international relations, whatever is accepted will be applied, if not willingly, then by powerful force. No one has a chance of avoiding an international obligation. Prof. MILANOVIĆ, Prof. LUKIĆ are others are here, let them say what a *yes* means. Now we say yes to the US peace initiative, which is very fluid, we can always say, you were talking about a corridor, this and that Sarajevo, exchange, etc. So it's not the acceptance of the Contact Group plan that could ruin us if they wanted to secure the union, to secure that and the recognition of Yugoslavia itself, and then to come between us, and then to have the territorial issue resolved who knows when and how.

I would personally recommend to this Assembly and the people, less is better, but a defined status finally, and not a temporary one because the Serbs are moving out, leaving their homes in a temporary status. No Sarajevo in a temporary status, no temporary territory. Let's see what we can break off. A fox bites off its leg when it's caught in a trap, bites off its leg and goes. We'll have to bite off something, but let's decide about that together and stand behind it. No one from the army can /?score/

**The words #“less is better” pertained to the territorial issues, and the President pleaded for a humbleness in the territorial claims. In that context the President numbered out some municipalities that the Muslim have lost at the negotiating table, as the Serbs had to, see p.68:**

be accepted and what might not be. We know exactly what our priorities are. Getting Kupres back might not be a priority, if it's outside of our percentages that we can get, but the Una, Krupa and Sanski Most are priorities, the Sava and the corridor are priorities, Doboje and part of Ozren, Drvar and Petrovac, the meat of our territory is a priority. We cannot let someone /?put worms/ in our territory, to drill it with some channels and something. Part of Sarajevo must stay. We've drawn some maps into

**However, the Serb side was even more modest than the President pleaded: the Serbs defended several urban areas in the City of Sarajevo, i.e. municipalities: Ilidza (a Serb part) Blazuj, Hadzici (a Serbian part) Grbavica, Rajlovac, Nedzarici, Grbavica and Jagomir as parts of the municipality Centar, Vogosca (a Serb part) Ilijas and Trnovo, a Muslim part, but had lost all of it around the negotiating table! Not to repeat Glamoc, B. Grahovo, Petrovac, Drvar, Serb part of B. Krupa and Sanski Most in the western part of the RS.)**

a. Creation of a Bosnian Serb state

2817. In December 1991, the President spoke about how in some municipalities it was “really necessary to create separate municipalities” and to have dual municipal authorities.<sup>9300</sup> **(#Wrong inference. There are many cities with more than one municipality#. Who said there would be a “dual municipal authorities”? is such a situation in Brussels, or in Sarajevo with 10 municipalities? This is a #mean forgery#! The city of Sarajevo had ten municipalities, although many of them had been tailored (Gerry-manderism) so to prevent it to be a Serb majority. It was not about any “dual municipal authorities” but a separate municipalities, with a unique authorities. It was completely legitimate and legal, and in accordance with the Constitution and laws. That much even a foreign chamber should have known about the domestic legal system. Further, let us see what the President really said: D84, p. 13**

In connection with these municipalities: the fact is that the Serbs are nevertheless maintaining a balance in some municipalities even though they are a minority and sometimes just about there and managing to protect primarily their human and civil rights as well as their national, economic and other rights. But, in some municipalities, Olovo, for instance, they cannot do anything. All of them there were fired, even the manager of the gasoline station. They could not allow a Serb to be in charge of anything there.

**So, this was a matter of the human and civil rights, the ethnic, economic and cultural rights, and not about duality in power. Let us see further, p. 13:**

In some municipalities, for instance, they want to take the schools at any cost and change their names. For instance, the Vuk Karadžić school in Bratunac; of the two schools in the city they want both, to change their names, etc.

**Look at that!!!, pp 13-14,**

In this Republic the life of the three national communities overlaps in places, in places they have things in common. But to my mind, the more separate things there are the better it will be. Perhaps these three national communities will have three school systems, perhaps even three health care systems, etc. Perhaps in formulating this Recommendation we should state that in places where the Serbs are not able to preserve their civil, national, economic and other rights due to being vastly outnumbered, the Assembly of the Serbian people recommends that they form their municipality. In this way we would achieve what Mr. Milojević vividly described for us, that we must not lose what we have taken, what we have invested in.

Even the smallest municipality can have three municipalities if we agree on that. If that is agreed on at the Conference on Bosnia and Herzegovina, the Recommendation should state that this is not obligatory, but it should be done unless national equality cannot be secured otherwise.

**What is wrong with that??? It was a matter of the protection of the very basic rights, and all of it through the negotiations and agreements within the framework of the Conference, and without a war. Is the Chamber of an opinion that the Serbs are to be deprived of the rights that are guaranteed to every community by the International Covenants on Human Rights?.**

**2818.** The Chamber recalls that on 11 January 1992, the first session of the Council of Ministers was attended by Bosnian Serb leaders including the Accused, Krajišnik and Plavšić.<sup>9301</sup> At this meeting one of the identified priorities with respect to the declaration on the promulgation of the SerBiH was “the defining of ethnic territory, establishment of government organs in the territory and the economic disempowerment of the current authorities in the [SRBiH]”.<sup>9302</sup> On 17 January 1992, the Council of Ministers discussed the need to adopt the Constitution of the Republic as soon as possible and to consolidate and organise the territory of the regions, including through the formation of new municipalities.<sup>9303</sup> **(#What is illegal in this? The Serb Republic in BiH had been proclaimed on 9 January, the international mediators accepted it and organised the Conference, and the next steps were to organize a responsible authorities. #A legal and obligatory matter.#)**

**2819.** In February 1992, the Accused spoke about their hope that nearly 90% of the Serb population would be in their republic in BiH and that this would be a “sovereign area of the Serbian people”.<sup>9304</sup> **(#Due to the Conference results#! This was after the Conference established that an ethnic reorganisation of BiH was possible and acceptable. As far as it is concerned with the sovereignty, the Serb people was sovereign on the entire territory of BiH as one of the three sovereign peoples, but in a new organisation, and in a new situation of BiH as an independent state, with a new (Islamic) regime, the Serbs wanted to be sovereign only on their territories. There was no any idea that the Conference wouldn’t succeed, and that there will be a war. Nothing illegal in it. A fluid sovereignty of the Serbian people, an “ideal” participation in the assets called BiH, the Serbs wanted to convert into a “real” part. All legal and legitimate.** At a meeting of the SDS Deputies’ Club in February 1992, the Accused stated

<sup>9301</sup> See para. 104.

<sup>9302</sup> P1082 (Minutes of 1<sup>st</sup> meeting of Ministerial Council of SerBiH Assembly, 13 January 1992), pp. 2–3; P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990-1992”, 30 July 2002), para. 227.

<sup>9303</sup> See para. 105; P3111 (Minutes of the 2<sup>nd</sup> meeting of the Ministerial Council of SerBiH Assembly, 17 January 1992), pp. 4–5.

<sup>9304</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 14.



until two or three months ago we were hoping to be able to play the ‘Yugoslav card’[...]. This is slipping out of our grasp. That’s why we started on another track: a Serbian Bosnia and Herzegovina. Our sovereign right, our army. We are preparing the constitutional framework to be able to have immediately [...] to have a national guard, to have our own police force, to have a government, to turn the Yugoslav army into the army of the Serbian Bosnia and Herzegovina.<sup>9305</sup>

**(Let us first see #what was skipped and replaced with the brackets# and three points [...]):**

We are preparing the constitutional framework to be able to have immediately, and on the basis of the negotiations in Lisbon, to have a national guard, to have our own police force, to have a government, to turn the Yugoslav army into the army of the Serbian Bosnia and Herzegovina.

**Exactly this sentence #“and on the basis of the negotiations in Lisbon” is skipped#!#! Why this sentence was not worthy to be in the quoted text? Because then the President words couldn’t be interpreted as a criminal intent! Only this manipulation would be sufficient to dismiss the entire Indictment in all and every democratic country! This was a public consideration how the Serb community in BiH would respond to the illegal and anticonstitutional moves of the Muslim-Croat coalition towards the independence. In such a situation any nation, any people is entitled to express their view, and if neglected in an illegal manner, they are entitled to self-organize. But let us see which crucial parts of the President’s speech had been skipped, i. e. replaced with the brackets and full stops. The entire para looks like this:**

Please, until two or three months ago we were hoping to be able to play the “Yugoslav card” and to say, the Yugoslav army, Yugoslavia, legality, etc. This is slipping out of our grasp. That’s why we started on another track: a Serbian Bosnia and Herzegovina. Our sovereign right, our army.

We are preparing the constitutional framework to be able to have immediately, and on the basis of the negotiations in Lisbon, to have a national guard, to have our own police force, to have a government, to turn the Yugoslav army into the army of the Serbian Bosnia and Herzegovina.

**/#The**

**first skipped part of sentence is: “[t]o play Yugoslav card, and to say, the Yugoslav army, Yugoslavia, legality, etc., underlined was skipped. Next that was skipped is: “[t]o have immediately, and on the basis of negotiations in Lisbon...” what was the purpose and the meaning of this “omission” in quoting the President? Does this paragraph look a bit different? Is the brackets and three points a new legal instruments for avoiding the true meanings? And all of it was explained before the war, when it was meant that there wouldn’t be any war, and all what happened was a result of the International Conference on the Yugoslavia – ICFY, and there fore couldn’t be used in any criminal case#!#!)**

**2820.** At this meeting Koljević expressed his agreement with the Accused over the outcome of the recently held peace negotiations and the proposed division of BiH into a confederation.<sup>9306</sup>

**(Mr. Koljevic didn’t “propose division of BiH into a confederation” this was a subject of the Conference!) Koljević stated “our only chance is to draw borders, to tear them down. That’s what we have been doing in Bosnia and Herzegovina, what we have begun in order to be able to draw the borders and to create our own, and then not to give up on our goal until the times are better”.**<sup>9307</sup>

**(How it was of the interest of this Chamber, in this case? It all described a political fight before the war and without a war, and represented the Serb “red line” in concessions for the sake of peace!) Krajišnik stated with respect to the creation of a unitary Islamic BiH, “that will not succeed. We are a force to be reckoned with. We will not agree to that**

<sup>9305</sup> P938 (Minutes from SDS Deputies’ Club meeting, 28 February 1992), p. 37.

<sup>9306</sup> P938 (Minutes from SDS Deputies’ Club meeting, 28 February 1992), pp. 6, 8.

<sup>9307</sup> P938 (Minutes from SDS Deputies’ Club meeting, 28 February 1992), p. 39.

[...] there is nothing more important than Serbian freedom”.<sup>9308</sup> **(Big deal! What is wrong with this? Is it a communist political lecture? Why the Chamber is dealing with the issues that were a part of the constitutional rights of the Serbian people in BiH, discussed at the international conference? Should Krajisnik be right if he said that we will give up our freedom, and support an establishment of the Islamic regime?)**

2821. The President also spoke to other Bosnian Serb leaders about the chance to create “our independent state and our Army”.<sup>9309</sup> In this regard, the President also spoke about the preparation of their constitution and laws which would create “the basis to receive the Army on our territory”.<sup>9310</sup> **(#None of that was illegal#. The Conference on the future structure of BiH was going on, with this agenda, and the President was obliged to inform the Serb official instances about the course of the talks. 9 February 1992 was a time of the Conference, there was no a war yet!)**

2822. The President at Bosnian Serb Assembly sessions reported on the progress of international negotiations with respect to the situation in BiH and his view on what conditions and developments were unacceptable to Bosnian Serbs and what he viewed as attempts to prevent the Serbs from creating a state and exercising their right to self-determination.<sup>9311</sup> **No crime!** In March 1992, the President complained about the manner in which Bosnian Muslim leaders were conducting negotiations but stated that “[f]ortunately we have not been relying on those talks but have created preconditions for the security of the Serb people in their ethnic space within BiH [...] we have not passed the opportunity to complete all the actions necessary for the protection of Serb people”.<sup>9312</sup> **(So, the President was supposed to be #stupid and naïve and allow to the SDA to cheat and indanger his Serb community#, or he will be charged and sentenced? Let us see what had been said, P01353, p. 7:**

zero in Brussels. And that is our experience of talks with SDA, we have not been talking for more than a year, three months we are on one point and we consider that we have made some progress and then, tomorrow, they retreat to their starting point, to zero and annul everything. Fortunately we have not been relying on those talks but have created preconditions for the security of the Serb people in their ethnic space within BiH, thus they will not putting us around. They have not succeeded in this, as we have not passed the opportunity to complete all the actions necessary for the protection of Serb people.

**If we remind ourselves what Ajanovic said a few weeks later about the reason why the Muslims falsely accepted the Lisbon Agreement, to gain a time, than everything is clear: the President was obliged not to trust and rely on the false promises of the SDA. See: D00303, p. 3**

Asked by journalists why his party had accepted the recent agreement in Sarajevo, AJANOVIĆ answered that in a manner of speaking it had been a political game which would have ensured international recognition of a sovereign and independent Bosnia and Herzegovina. He further said that his party did not want to

<sup>9308</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 44–45.

<sup>9309</sup> P5754 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 9 February 1992), p. 2.

<sup>9310</sup> P5754 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 9 February 1992), p. 8.

<sup>9311</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 5–12, 16–19, 71–72; P1353 (Shorthand record of 10<sup>th</sup> session of SerBiH Assembly, 11 March 1992), pp. 4–10; P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), pp. 5–16; D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), p. 4; P1371 (Transcript of 30<sup>th</sup> session of RS Assembly, 5–6 May 1993), p. 10; D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 12, 56; D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 13. See also P5476 (Report of 1<sup>st</sup> Krajina Corps, 1 October 1992). Other Bosnian Serb leaders including Koljević and Krajišnik gave similar updates on international negotiations. **Did the BS leaders violate any law by updating on international negotiations?** P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), pp. 110–112; P6164 (Excerpt from notes of enlarged session of Council for Coordinating Positions on State Policy, 9 January 1993), e-court p. 9.

<sup>9312</sup> P1353 (Shorthand record of 10<sup>th</sup> session of SerBiH Assembly, 11 March 1992), p. 7.

**The Chamber had this exhibit in the case file, and still it blames the President for being cautious not be cheated!**

2823. In March 1992, the SDS Executive Board confirmed the objective of creating a Serb state in BiH, with its own army and media.<sup>9313</sup> Doyle testified that at the conferences he attended the general understanding was that “the overall objective of Serbs was to join physically the territories that the Serbs controlled in Bosnia to the territory of Serbia to create a Greater Serbia”.<sup>9314</sup> **(#“The general understanding” was their own assumptions, of an incompetent witness#!, but it must not be used against the President, as it wasn’t his “understanding”, nor it had been pronounced. Had it been, it would be in their reports to their superiors! This kind of merging the two states couldn’t be done without an agreement that would be accepted by the three Bosnian sides and the Security Council of the UN!)** Okun also testified that the goal of the Bosnian Serb leadership was to create an ethnically Serb state in BiH.<sup>9315</sup> The difficulty of this objective of ethnic separation was that BiH was highly intermixed.<sup>9316</sup> **What #Mr. Okun thought about it wasn’t relevant, since all those for whom he worked thought different#. Mr Vance thought different, and it was not a decent to ask for the Okun’s opinion on that subject. Also, the Chamber erred in reconsidering such a political question that had been widely agreed and accepted by all the participants in the ICFY, even in 1991 in the Hague, and the sub-conference on Bosnia. Those as Okun, Zepinic and others should tell what they allegedly said when the SDA forced towards the independence of BiH, which was much more “intermixed” than the future constituent units were to be. #Simply, the Chamber must not charge the President with the political issues based on the legitimate basis and accepted by so many participants#. Vitomir Žepinić, for example, warned Plavšić that if they tried to separate the ethnic communities “there would be violence and thousands of innocent civilians would be killed”.<sup>9317</sup> (Zepinic lied! Nobody was going to separate anybody unilaterally, but through the negotiations. And Zepinic wouldn’t have any basis or opportunity to address Ms. Plavsic, since she was his President, i.e. a member of the Presidency, and he was a deputy Munister!)**

2824. Krajišnik in March 1992 wrote to Cutileiro and emphasised that the Bosnian Serbs were opposed to the independence of BiH and the creation of a unitary state which could have “catastrophic consequences” and he advocated the creation of “three-national state entities”.<sup>9318</sup>

<sup>9313</sup> D1277 (Minutes of joint meetings of SDS’s General and Executive Committees and Political Council, 11 March 1992), pp. 1–2.

<sup>9314</sup> Colm Doyle, T. 2994 (28 May 2010).

<sup>9315</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4352–4355, 4414–4415 (further testifying that there was no way to achieve this objective and to separate the people except by forcible means). **The Chamber erred in inferring that on the basis of this testimony. #Okun wasn’t an expert witness, and it was not about separating individuals, but the ethnically defined areas, as it was envisaged by the EC and Amb. Cutileiro. There are more than enough evidence that in every constituent unit there would be a minorities, which meant that there was no envisaged any separation of people.** Similarly, other witnesses testified that (i) the SDS had “a policy of ethnically cleansing the territories which they conquered and removing the non-Serb populations from most of those territories”; **No witness could testify on this subject without any evidence. Their understanding of “a policy of ethnic cleansing” is a mere gossip and a reasonable chamber shouldn’t take it into account.** (ii) the identical pattern in which the Bosnian Muslim population was moved out of areas where the SDS was in power meant that it “could not have happened spontaneously” and that it was a planned, organised, and systematic operation in accordance with the policy of the SDS and that the local authorities were simply implementing the instructions they had been given; **This is not a serious inference, because there was no any model, there was a demand of the scared population to be allowed to leave, and the allegation that there were some instructions given to the local authorities is a baseless assertion. There must be something more in terms of evidence. M. Davidovic redefined his answers after being confronted with the President’s orders, and every reasonable chamber would mention it, either to discredit, or to accept it. Banbury and Kirudja were a shame of this court, and they could have expressed only their believes, nothing else, at least on this subject.** (iii) the forced expulsions could not have occurred without there being a policy or participation by Bosnian Serb authorities. Milorad Davidović, T. 15536–15537 (28 June 2011); D1450 (Milorad Davidović’s statement to Belgrade District Court, 26 December 2007), p. 21; Anthony Banbury, T. 13337–13338 (15 March 2011); P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 79.

<sup>9316</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4205.

<sup>9317</sup> Vitomir Žepinić, T. 33589–33590 (13 February 2013).

<sup>9318</sup> D2970 (Letter from SerBiH Assembly to Jose Cutileiro, 11 March 1992), p. 1. See also D2969 (Letter from Radovan Karadžić, Nikola Koljević, and Momčilo Krajišnik to Jose Cutileiro, 2 March 1992), p. 1.

Krajišnik also expressed their fear about becoming a national minority in a fundamentalistic Muslim BiH.<sup>9319</sup> **(So what? #Why the Chamber deals with such a questions which were legitimate political claims#? For what the President is accused, indicted? It was a legitimate claim, either against the independence, or towards an internal transformation of such an independent state. Is the Chamber of an opinion that the Serbs didn't have any rights to pose their political claims? Or that the Serbs weren't the constituent people in BiH, with the right to veto such a crucial decisions? It seems that the Chamber neglects all the constitutional and legal premises of the political system in BiH and Yugoslavia, particularly if the Serbs enjoyed these rights! Other ethnics were entitled even to a unilateral secessions and violations of the constitutions and the Serb rights!)**

**2825.** On 17 May 1992, the Accused, Krajišnik, and Mladić attended a meeting with the SAO Romanija and heads of neighbouring municipalities in Sokolac where the political and security situation was discussed and the President indicated that “[w]e are looking for results from the army [...] [w]e want our people to be kept safe”.<sup>9320</sup> **(This was a week after the Assembly decided to form the Army. What is wrong with it? It was the main task, to protect the people!)** The Accused went on to recall that creating a separate Serb state and taking that state out of BiH remained the priority and that they should continue with the transformation of the JNA.<sup>9321</sup> Krajišnik at this meeting indicated that the “time is ripe for a demarcation of the areas between Croats, Serbs, and Muslims because [...] a common state with them is no longer possible, not because we do not want that but because that is what they want. The Muslims leadership has imposed the war on us even though the Serbs wanted a political solution of all problems”.<sup>9322</sup> **(What is wrong with that?)**

**2826.** Even in August 1992, Krajišnik spoke about Serbs wanting a unified state: “We have our plan, which we must carry out by political, military, and other means, depending on the situation”.<sup>9323</sup> **(So what?) why Mr. Krajisnik should not express his own opinion after five months of the war, that was declared and waged against his community? That was a decision of the Parliament and the entire community supported it in at least one elections and one referendum? Would the Chamber be happier if the Serbs subjugated them to the Muslim fundamentalist regime?)**

**2827.** At a meeting of the 1<sup>st</sup> Krajina Corps in September 1992, attended by Mladić and Bogdan Subotić, and the commanders and presidents of municipalities, it was also noted that the temporary ceasefire “cannot replace the aims of our struggle to create a new Serbian Republic”.<sup>9324</sup> **(The new Serbian Republic was already created in January 92, by the political means and in the framework of the International Conference. Even Mr. Izetbegovic committed himself to an obligation to facilitate a wide authonomy for the Serbs and Croats, it the Serbs accept the cession from Yugoslavia. This is all in the documents of the ICFY in the Hague in 1991. Why it is not of any importance to this Court of the United Nations? Would the UN and international community back up the deceptions of the Muslim side, as described by Mr. Ajanovic, a high Muslim official, when they reneged on the Lisbon Agreement? The Republic of Srpska had been attacked in April 1992, three months after it was established, and it was attacked by a military means, and had to be defended by a military means. What is it that those sentences are serving for? What is it that the Chamber is hunting in a**

<sup>9319</sup> D2970 (Letter from SerBiH Assembly to Jose Cutileiro, 11 March 1992), p. 2.

<sup>9320</sup> P1477 (Ratko Mladić's notebook, 14 February–25 May 1992), pp. 349–351; P6254 (Article from TANJUG entitled “Serb Leaders Promote Ethnic Demarcation”, 17 May 1992), p. 1.

<sup>9321</sup> P6254 (Article from TANJUG entitled “Serb Leaders Promote Ethnic Demarcation”, 17 May 1992), p. 1; Milovan Bjelica, T. 36443–36447 (3 April 2013).

<sup>9322</sup> P6254 (Article from Tanjug entitled “Serb Leaders Promote Ethnic Demarcation”, 17 May 1992), p. 2.

<sup>9323</sup> P1357 (Transcript of 18<sup>th</sup> session of SerBiH Assembly, 11 August 1992), p. 19. *See also* P5476 (Report of 1<sup>st</sup> Krajina Corps, 1 October 1992), pp. 3–4.

<sup>9324</sup> D3702 (Report of 1<sup>st</sup> Krajina Corps, 14 September 1992), pp. 1–2.



**patchwork of the speeches of the Serbs, although they had all the international documents?)** At this meeting, a conclusion was reached to “[e]liminate sectarian feelings towards other nations” based on certain conditions, including their contribution to the advancement of the Serbian Republic.<sup>9325</sup> **(#EXCULPATORY#! that was in favour of the other nations, ethnic communities, why it would be wrong#? And this is the best proof that there was envisaged the existence of the ethnic minorities in the Republic of Srpska! Therefore, the key charge about a #“permanent removal of non-Serbs is rebutted#!)**

**2828.** In October 1992, the Accused outlined how before the international recognition of BiH they were able to declare their republic “a sovereign and independent state” and that he, along with Buha, and Koljević had insisted in meetings with diplomats on a constituent entity for the Serbian people.<sup>9326</sup> **(#Legal and legitimate#! This wasn’t something that the President introduced, it was so throughout centuries. In the BiH Constitution it was so, and the Serbs never gave up this right of their own! With such a #lack of knowledge of the domestic legal system#, this Court couldn’t do better!)** He expressed his view that the criteria for establishing provinces in BiH were unacceptable and noted that Serbs would only be a temporary majority in one or two provinces.<sup>9327</sup> During this speech, the Accused also outlined his view on the position to be taken during negotiations and that one of the provinces would be a Serbian state called Republika Srpska.<sup>9328</sup> **(So what? For heaven’s sake, what this Chamber was searching for? Those are a pure political questions, completely legitimate and legal! It was accepted by the international mediators, the UN – EC representatives from the very beginning of the crisis. And this was a known precondition for the independence of BiH, otherwise only the Muslims and Croats could have seceded from Yugoslavia! How this can be a crime?#Agreed at ICFY#!).**

**2829.** When the RS and RSK were unified on 31 October 1992, Bosnian Serb leaders including Plavšić emphasised the unity of the Serbian people and their right to self-determination and continued to make similar speeches emphasising this right.<sup>9329</sup> **(Again, nothing criminal in it, but there is a wrong assertion, and therefore wrong inference! The two Republics never united or unified, they only cooperated. Let us see what was this Declaration really:**

#### DECLARATION

#### on cooperation

#### and aspirations towards unification of Republika Srpska

#### and the Republic of Serbian Krajina

**So, the Declaration on cooperation, and about the unification there was only aspirations declared. But, again, this is a pure political question, without any criminal doings or influence on the criminal developments! It had been declared the wish of the two entites, so that the mediators have it in their minds!)** The declaration of unification **(wrong quoting)** also decided that a co-ordinating committee would consist of the presidents of the republics, the presidents of the assemblies of the republics and the prime ministers of the republics.<sup>9330</sup>

**2830.** In November 1992, Koljević stressed that “we should finish everything that’s necessary militarily as soon as possible, because that’s going to improve our political and diplomatic

<sup>9325</sup> D3702 (Report of 1<sup>st</sup> Krajina Corps, 14 September 1992), p. 5. See also D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 292.

<sup>9326</sup> P939 (Video footage of Radovan the Accused’s speech at the 21<sup>st</sup> Session of RS Assembly, 30 October 1992, with transcript), p. 1.

<sup>9327</sup> P939 (Video footage of Radovan the Accused’s speech at the 21<sup>st</sup> Session of RS Assembly, 30 October 1992, with transcript), pp. 3, 6.

<sup>9328</sup> P939 (Video footage of Radovan the Accused’s speech at the 21<sup>st</sup> Session of RS Assembly, 30 October 1992, with transcript), p. 4.

<sup>9329</sup> P1360 (Transcript from Joint session (21<sup>st</sup> session) of RS Assembly and Assembly of Serbian Krajina, 31 October 1992), p. 4; D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), pp. 20–21. See P5541 (Prijedor Declaration on the Unification of the RSK and RS, 31 October 1992), pp. 1, 4.

<sup>9330</sup> P5541 (Prijedor Declaration on the Unification of the RSK and RS, 31 October 1992), pp. 3–4.

position” and that once fighting calmed down, the media scrutiny and pressure would reduce and they would be able to postpone a political solution based on the territory they held.<sup>9331</sup> **(A horrible crime, Koljevic appealed for ending the military phase of the crisis, and turning to the negotiations. Is there #any sentence said by the Serbs, no matter officials or not, that is not criminal one#?)**

2831. In June 1993, the Accused spoke about recognition of the Bosnian Serb legitimate right to self-determination, that BiH would certainly be divided into three parts, and that Bosnian Muslims should be satisfied with the division because of the municipalities which they would obtain, but if they continued with the war the Bosnian Muslims could lose everything because the Bosnian Serbs would not allow themselves to be “subjugated and dominated” by Muslims.<sup>9332</sup> **(#”The Accused spoke about... various rights of the Serb people”# So what? Only in a case the Serbs had been forbidden to have any rights and any political life, it would be a felony. Is it an understanding of the Chamber? This is an insulting and humiliating approach to the Serbs and their existence, while the “internationals” i.e. European Community and some in the United Nations kept silent when the Muslim side violated all the constitutional and human rights of the Serbs in Bosnia!)**

2832. The Chamber recalls that, at a meeting with international negotiators on 11 January 1993, Krajišnik stressed the Bosnian Serb objective of territorial continuity and named three conditions from the Bosnian Serb Assembly: (i) BiH must be a “composite state community”; (ii) the Bosnian Serbs must have relations with other “states”; and (iii) they must have territorial continuity.<sup>9333</sup> Mladić told Okun and Owen that the Bosnian Serbs wanted “peace with justice” for all three peoples but that the Bosnian Muslims could not “beat”, “exterminate”, or “cause [the Serbs] to disappear”.<sup>9334</sup> **(#EXCULPATORY#)** The following day, at a plenary meeting, the Accused expressed his reservations about the ICFY’s constitutional principles and stated he could not accept them but that he would convey the ICFY’s proposals to the Bosnian Serb Assembly.<sup>9335</sup> **(So what? This was a #political negotiation, and Mr. Krajisnik, the President and other officials had been authorised by the Assembly to negotiate, to pose the Serb standpoints and fight for an acceptable solution. No need for a witnesses who were involved only partially and from time to time, there are a genuine UN-EC documents from the Conference!)**

2833. At a meeting with VRS commanders on 29 January 1994, the Accused stated that while everyone was aware of the Bosnian Serb objectives, “appropriate statements” should be issued to hand trump cards to other parties; he instructed not to make “war-mongering statements” but instead to discuss peace.<sup>9336</sup> **(So what?)** The Chamber recalls that in April 1994, UNPROFOR representatives went to Pale to speak to the President, who declared that the right bank of the Drina will be the Bosnian Serbs’.<sup>9337</sup> **(So what? It was a very small part of the Gorazde municipality. The Muslims literally expelled all the Serbs at the very beginning of the war, and the local Serbs declared that they would accept not to live on the left bank of the Drina River, which was the only urban area, provided they be allocated the suburb on the right**

<sup>9331</sup> P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), p. 112.

<sup>9332</sup> D3026 (Article from Yugoslav Daily Survey entitled “Montenegrin President: Decisive Step towards Peace in Bosnia”, 21 June 1993), p. 2.

<sup>9333</sup> See para. 361; P789 (Sixth notebook of Herbert Okun’s ICFY diary), e-court p. 43.

<sup>9334</sup> P789 (Sixth notebook of Herbert Okun’s ICFY diary), e-court p. 45.

<sup>9335</sup> See para. 361; P789 (Sixth notebook of Herbert Okun’s ICFY diary), e-court p. 48. According to Milovanović, in November 1992, the Accused issued a public statement that BiH should be made of its three constituent states with the RS as a “single whole” and rejected the Vance-Owen proposal for a “centralised BiH with ten cantons”. D2149 (Aide mémoire of Manojlo Milovanović), p. 12. **(If the Chamber wanted the accurate information, it didn’t need any Okun or Milovanovic, because there were the #official documents of the Conference#, and the main mediator such as Ambassador Akashi, who would present the Serb position in the most accurate way! But, this UN Court prefers the arbitrary impressions of the people who stepped by from time to time!#)**

<sup>9336</sup> P1485 (Ratko Mladić’s notebook, 9 January–21 March 1994), pp. 51, 78–79.

<sup>9337</sup> See para. 393.

**bank of the River. What is wrong with that? The Muslims wanted the entire BiH (sto posto Bosnia, 100% of Bosnia) only for themselves. Was it correct?)**

2834. The Chamber recalls that on 7 July 1994, the Contact Group unveiled a new peace plan under which 51% of BiH would be administered by a newly formed Bosnian-Croat Federation and that 49% be administered by the Bosnian Serbs.<sup>9338</sup> On 19 July 1994, at the Bosnian Serb Assembly, the Accused spoke about the Contact Group's proposed plan stating that the acceptance of the plan would not be a guarantee for peace.<sup>9339</sup> **(So what?)** The Bosnian Serbs rejected the plan stating that the plan was unfair and their demands were not met and in a later referendum in Bosnian Serb-held territory, 96% of voters rejected the plan.<sup>9340</sup> **(So what? The Chamber erroneously concluded that the plan was rejected by the President, which was wrong. The President conveyed all the plans to the Assembly to accept it, or not. Not only the Assembly, but the entire population in the referendum rejected it only because of the unfair and mean maps?)**

2835. The Accused met with Ronald Hatchett in 1994 to discuss a proposal to end the war and asked Hatchett to bring back the proposal to the highest level that he could reach in the United States of America.<sup>9341</sup> The Accused proposed that: (i) BiH would remain a single country; (ii) it would be comprised of two autonomous republics; (iii) each republic would have its own constitution and government; and (iv) he would be willing to accept a division of BiH which would give Bosnian Serbs 49% of the territory so long as it was contiguous and that there would be some trade of areas held by Bosnian Muslims and Bosnian Serbs.<sup>9342</sup> **(So what? At least #EXCULPATORY#! This was a proto-type of the Dayton Agreement that was negotiated and concluded a year and a half later. Still, the Serbs sacrificed many areas and interests, but the President did fight in the Assembly that the Dayton Agreement be accepted! The President and Richard Holbrooke were the two main creators of the Agreement!)**

2836. At a meeting held in August 1994 between the Accused, Krajišnik and Martić, the President of the RSK, the President advocated that "we should unite in essence, and use formal unification as a threat. Our unification is not enough to arrive at a complete solution. The right solution is unification of all Serbian lands".<sup>9343</sup> **(So what? The President tried to postpone a real unification, which could have caused troubles in the region, but to develop an essential cooperation instead. A formal unification would have been interpreted as a violation of the territorial integrity of the two countries, Croatia and BiH. How possibly this can be used against this President? It is rather #EXCULPATORY#!)** Krajišnik also stated that the "[t]he objective is a single Serbian state to be agreed upon between the Republic of Serbian Krajina and Republika Srpska. We must work towards that objective without ever losing ties with Serbia".<sup>9344</sup> **(Not criminal!!! The Serbian people in Srpska Krajina in Croatia were extremely concerned about their destiny, as now we see, with a very good reason. The people saw the only security if the R. Srpska and R. Srpska Krajina united, but the President and his associates advised the essential closeness, equalising school system, legal system and economy, but to avoid territorial and political merging, because it would be against the integrity of the two countries. Certainly, all the Serbs would like to see the Serb question resolved smoothly and democratically, but not a reasonable Serb would risk an instability in the region. There are a**

<sup>9338</sup> See para. 398.

<sup>9339</sup> See para. 399; P1394 (Transcript of 42<sup>nd</sup> Session of RS Assembly, 18–19 July 1994), pp. 15–18. See also D2149 (Aide mémoire of Manojlo Milovanović), pp. 45–46.

<sup>9340</sup> See paras. 401–406.

<sup>9341</sup> D2741 (Witness statement of Ronald Hatchett dated 13 January 2013), para. 15.

<sup>9342</sup> D2741 (Witness statement of Ronald Hatchett dated 13 January 2013), para. 16; D2744 (Article from Dallas Morning News entitled "Don't Ignore the Serbs' Peace Plan", 4 August 1995). See also D2149 (Aide mémoire of Manojlo Milovanović), p. 12.

<sup>9343</sup> P2563 (Minutes of meeting between Milan Martić and Radovan Karadžić, 20 August 1994), p. 7.

<sup>9344</sup> P2563 (Minutes of meeting between Milan Martić and Radovan Karadžić, 20 August 1994), p. 11.

**plethora of evidence on how the President tried to please the people in the both Republics, but to avoid anything that could cause another war. Commendable, rather than blameable!)**

In September 1994, when discussing the possibility of tightened sanctions on Pale with international representatives, the President said "if the international community treats us like a beast, then we will behave like a beast".<sup>9345</sup>

**First of all, Mr. Harland wasn't in this delegation at Pale, see what his superior Andreev said: P00834:**

1. I have just returned from Pale, where General Rose and I met with the Serb leadership. General Rose and Mr Harland have since met with President Izetbegovic.

**Therefore, Harland was with Izetbegovic, not with the President. Second, there were the two main events against the Serbs in Bosnia: the Muslims just had exercised an attack on the Serb Sarajevo from their part of Sarajevo, and the border between the RS and Serbia had been sealed, and the Serbs in BiH "cornered", see P00834**

2. Dr Karadzic and his colleagues (Prof Koljevic, Mr Krajisnik, Gen Milovanovic) began the meeting in Pale with an angry statement about the Bosnian attack out of Sarajevo on Sunday (18.9.94). Karadzic said that "there could be no talks on demilitarization after such an attack," and that he would "flatten the Presidency" if there were a repetition of the episode.

**Further:**

3. The Serbs then entered into a lengthy discussion on the closing of the border with the Federal Republic of Yugoslavia. They are clearly anxious about this, and are threatening various retaliatory measures. They are also concerned about the possibility that the Security Council will soon tighten sanctions on Pale. Such a move, Karadzic stated, would put UNPROFOR in the position of having sided with the enemy. In his words, "If the international community treats us like a beast, then we will behave like a beast." He specifically mentioned, in this regard, the use

**And that is one of problems with the linguistics. There is a saying in the Serbian: if one tells you that you are drunk, but you weren't, just laugh a bit, if another say the same, just think a bit, and if a third one tells you that you were drunk, start to stagger. Finally, the Chamber skipped to mention that the President "mellowed somewhat"**

like a beast." He specifically mentioned, in this regard, the use of utilities as a means of war. As the afternoon progressed, he mellowed somewhat, indicating that he might consider restoring electricity, water and gas to Sarajevo if this were done in the context of repairs to utilities in Bosnia as a whole. He

**This is how the #Chamber is exploiting (and abusing) a negotiating tactics# of the President (which is always harsher at a beginning) to establish and maintain a dark image of him!)**

The Accused made a similar observation in an interview when he said that if they were treated as animals or "wild beasts in a cage" they could not be expected to "act in a tolerant and correct manner".<sup>9346</sup>

**2837.** Through Directive 7, issued on 8 March 1995, the President continued to call on the VRS to "by force of arms, impose the final outcome of the war on the enemy, forcing the world into recognising the actual situation on the ground and ending the war".<sup>9347</sup> In this same directive, the President called for full support for the creation of a "free and unified Serbian state".<sup>9348</sup> The Chamber recalls that at a press conference in April 1995 in the context of further international

<sup>9345</sup> See para. 402.

<sup>9346</sup> P5063 (Video footage depicting interview of Radovan Karadžić on "Ask the President", undated, with transcript), p. 13.

<sup>9347</sup> P838 (Directive 7, 8 March 1995), p. 8.

<sup>9348</sup> P838 (Directive 7, 8 March 1995), p. 14.



negotiations, the President stated that if peace was not possible through political means, the Bosnian Serbs would put an end to the war by military means.<sup>9349</sup> **(All of that was entirely legitimate, although it was not written by the President. The Chamber had a sufficient evidence to infer that the President only signed it bypassing the VRS Main Staff, while several elements of the document, like the protocol number and seal, prove that it was not created in the President's office,! The President could be relaxed because the first subordinate would read it carefully and correct any incorrect matter, as Gen. Subotic always did. In this case it was done by Gen. Mladic, and the operative form of this directive, the Directive 7/1 didn't have the critical sentence. It should be known to the Chamber that the President handed the operative and tactical competence of command to the Main Staff, and thus none of his orders were operative directly, without elaboration of the Main Staff as a professional body!)**

**2838.** The Chamber recalls that the Dayton peace talks began in November 1995 and even though the President had been removed from the RS negotiating team he played a central consultative role in regards to RS negotiations.<sup>9350</sup> **(So what? First of all, nobody removed the President, he removed himself because of the Indictment before this court, but he didn't cease to exercise his duties. Because of his absence in Dayton, many agreed elements of the Agreement, and all the "gentlemen agreements" had been erased!)** These talks concluded in the Dayton Agreement, however, the RS delegation was unsatisfied with specific details of the agreement and refused to attend the final plenary session of the peace talks as well as the ceremonial initialling of the peace agreement.<sup>9351</sup> The Dayton Agreement was initialled by Tudman, Slobodan Milošević, and Izetbegović on 21 November 1995 and signed on 14 December 1995.<sup>9352</sup> **(Wrong! The President initialled the Agreement after the delegation returned to Belgrade. Although it was a case of fait accompli, the President didn't want to deteriorate the situation, and later on he defended the Dayton Agreement before the Assembly, which was not happy with many elements of the solution!)**

# 1. Conclusion

**2839.** The Chamber finds based on this evidence that the Accused as early as September 1991 was identifying territories which were to be claimed by Bosnian Serbs. **(That happened as a part of the Serb concessions, without which there wouldn't be any independence of BiH! It was rather commendable, because the President gave up the idea to prevent the Muslim and Croat community from seceding from Yugoslavia, which could be achieved through the Constitution, and accepted a painful compromise. Beside that, an identifying and claiming territories is not a crime, nor the Indictment pretended to it!)** It is clear that the Accused and the Bosnian Serb leadership advocated and worked towards a territorial re-organisation which would allow the Bosnian Serbs to claim control and ownership of a large percentage of the territory in BiH. **(The Chamber presumed as if the illegal steps of the Muslim-Croat coalition towards the independence was legal and legitimate, although the authorised international arbitrage commission, the Badinter's commission found that BiH can not claim for the independence as other Yugoslav republics did, and that BiH needed a referendum! "Working towards a territorial re-organisation" is also a #legitimate conduct and legal intentions#, particularly after the Muslim part of the common Government decided to go towards an independence. Izetbegovic announced as early as in March 91 that the document**

<sup>9349</sup> See para. 415.

<sup>9350</sup> See para. 432.

<sup>9351</sup> See paras. 433–435.

<sup>9352</sup> See paras. 436–437.

**on independence will be adopted, with or without the Serbs, which couldn't be done legally!)**

In terms of establishing control over this territory, the Accused worked towards the creation of parallel institutions, organs of government, and military and police structures which could gain or retain control of those areas. **(Couldn't be more erroneous! There was no any idea that there would be any war, because the political process was mediated by the international community, and there was no any space to "gain" control. However, to "retain control" it was an obligation, since the Serbs won the elections 1990 in all the areas with the Serb majority, and this authorities remained on power until the 1996 elections! Therefore, the President and his Party had every right and all the obligations to establish and retain this control. But, unlike the Chamber's suggestion, it was an obligation, not a crime. Now, when the Chamber deals with the political issues, the un-fairness of the trial is more visible for another reason: the Chamber prevented the Defense to present the reasons for the political measures of the President and the Serb side, i.e. the conduct of the two other sides#. Either the President and his side had those reasons, or he and his side were mad. In either case, it must be considered: #if they did have reasons, these reasons had to be known to the Chamber, to see whether the President's conduct was adequate and legal, or not.# If the President and his 1,500.000 Serbs didn't have any rationale reason for their fears, concerns and actions, they must have been either born criminals, or had been mad, and therefore not liable!)** The Chamber's findings with respect to the creation of these parallel structures will be further elaborated in Section IV.A.3.ii. **(Whatever the Chamber concluded about the political action of the President, there is a fundamental question: how come #the UN court is contesting everything that the same UN initiated, led and ended in Dayton, and by its SC Resolution?#)**

2840. Having considered this evidence, the Chamber finds that from November 1991 the Accused and the Bosnian Serb leadership spoke against Bosnian Muslims being allowed to stay in Bosnian Serb claimed territory and emphasised the importance of taking control of power and the creation of separate municipalities and municipal structures. **(#Criminal distortion#! The inference is wrong and impossible, and #contradicts to a huge amount of evidence#. There was no a simple evidence to that direction, nor it happened in reality. First, "against Bosnian Muslims being allowed to stay in B.S. claimed territories": what evidence it was based upon? There was no any mentioning of such a feature. The Serb side, after being offered by Mr. Izetbegovic, to divide Bosnia (see D01282) and being confronter with the illegal and anticonstitutional actions of the SDA towards independence, decided not to accept it, and to use its constitutional rights to selforganize. This self-organisation was clearly in accordance with the Constitution and laws, and pertained to the corrections of the composition of municipalities, so that every ethnic community could govern its own affairs. The list of evidence contrary to this inference will be added! @ @!)** The Chamber considers the Accused's statement in February 1992 and the supporting statements of both Koljević and Krajišnik to be highly probative in terms of explaining the changing objectives of the Accused and the Bosnian Serb leadership. The Chamber finds that this speech by the Accused confirms that until late 1991, the Bosnian Serbs were still hopeful of maintaining Yugoslavia, **(This approach was the only legal and legitimate, in accordance with the Constitution and laws!)** but when it became apparent that this objective was slipping away, **(It "was slipping away" because of an illegal interference of the western countries, which supported the unilateral, illegal and violent secessions!)** they changed course and made preparations for the creation of their own sovereign Serb entity in BiH which would include its own political, civilian, and military structures. **(Insufficient and erroneous inference: before the elections both SDA and SDS, i.e. the President and Mr. Izetbegovic were for the preservation of Yugoslavia, which was the basis for their coalition Government. #The SDA changed the position, the SDS didn't.# The entire 1991 was full of events and political negotiations about the future of BiH. The SDS and the**

President kept giving the concessions for the sake of peace and good relations within BiH, among others giving up the Serb plans to form the regions within BiH, which was in accord with the Constitution and laws. Only after the Muslim side maintained its secessionist plans, the Serb side posed before the Conference its own proposals and conditions under which the Serb community would accept the independence of BiH. This was acceptable to the EC, and later to the UN mediators. As far as it is concerned with the Serbian “political, civilian and military structures” all of it already existed in every municipality, and in the central organs within the common structures, were the Serb side had at least one third of every structure. A so called “ideal one third in ownership in everything in BiH” the Serb side decided to turn in a so called “real one third ownership of assets” because the Muslim side unilaterally changed the structure of the Bosnian Republic by introducing the Islamic Declaration of Mr. Izetbegovic as a program!)

2841. The Accused’s rhetoric and discussions with international representatives also made it clear that he advocated the separation of people and believed that co-existence with the Bosnian Muslims and Bosnian Croats was not possible. **(Wrong inference! #Deliberately distorted, and properly quoted, it would be: “a co-existence in a unitary Bosnia under the Muslim fundamentalist regime was not possible”!#There was no this kind of decision among the Serbs in BiH. It didn’t pertain to co-existence with the people, and to corroborate that, it is sufficient to remind ourselves what the Serbs were ready to accept if only the two other ethnic communities remained in Yugoslavia, where they would live together with the Serbs, as they did until that moment. The crucial element was a new political and judicial system, the independent state under the Muslim domination. So, it wasn’t a question whether to live together, but under what system. Even the Croats, who at the beginning were allies of the Muslims in seceding from Yugoslavia, didn’t accept the Muslim concept of the unitary independent Bosnia, and expressed a solidarity with the Serb claims. This kind of negligence of the facts, known to everyone after the eight years of the trial, is unbelievable and unacceptable. This kind of a simplistic inferences must not be accepted.** His rhetoric also emphasised that they were fundamentally different people who had been forced to live together. **No matter what we all may think about it (the President, as well as Lord Owen, thought that all the three communities were Serbs) the truth is that the three communities were extremely antagonised throughout centuries, with many armed clashes and civil wars. There are three religions, two languages (some said even three languages, as the President said, see@...) and whenever the central authorities, whether in Istanbul, in Vienna or in Belgrade, collapsed, these ethnic communities fought against each other. This fact will not be changed by any inference of this Chamber, or anything in the world. The President’s “rhetoric” was rather a loud meditation within the circles of politicians, in form of an academic discussion, but still the President was ready to give up any Serb plans for the sake of the preservation of common life, which wasn’t possible and wasn’t safe for the Serbs in a unitary Bosnia under the Muslim domination, not even without the new fundamentalist ideology!)** The Chamber finds that this ideology was repeated and used by the Accused and the Bosnian Serb leadership as justification for the creation of ethnically homogeneous entities in BiH and for minimising the number of Bosnian Muslims and Bosnian Croats who would remain in Bosnian Serb claimed territory. **(#Wrong inference and simplistic, and even malicious approach, and CRIMINAL IN SUBSTANCE#! 1. There was never any claims or intentions for a “ethnically homogeneous entity” but for a ethnically based entity#! 2. This was not any President’s ideology, but a very heavy burden of heritage of historic developments, and anyone minimally educated knew that, see what L. Eaglbarger said about it: Lawrence Eagleburger:” I think the major lesson here is when you got involved in something like this with a thousand years of history underlying it all, you need to understand that once the dam breaks, the viciousness can be pretty awful – on all sides. Yugoslavia, the Avoidable War, Part 1, at 46:00.)**

It was closely tied with the Muslim decision whether they insisted on the independence, which they couldn't achieve lawfully or not. A "minimising the number of Bosnian Muslims and Croats, who would remain in the B.S claimed territory" as well as "homogenisation" of the territory are falsely depicted in the Judgment. In spite of a plethora of evidence that a #homogenisation pertained only to the territories that would or would not be included, a process of including-excluding settled places from a certain constituent unit.# The only instrument in homogenisation was to respect the free will of the settled places, villages, even entire municipalities or its parts, to join a constitution unit with its majority! And this happened even before the war, in a presence of the ECMM, see D...@ (Dobratnici from Skender Vakuf – Knezevo, to join Jajce)... There is no a piece of evidence that there was any other mechanism of homogenisation, that would pertain to individuals, it is not found and submitted, and will never be found. The Chamber had seen an original speech of the President on 12 May 1992 in the Assembly, in which he underlined that it is going to be a "state separation", see P956, p.3:

KARADŽIĆ: Ladies and gentlemen, deputies, honourable guests, we find ourselves in a situation created by the historical fate of the Serbian people and its geo-strategic and geo-political position. It seems as if something new is happening to us, but in fact we are experiencing something that has happened to us before, only this time our answer is different, if I may say so, we are more prepared and more successful. The political conditions in Bosnia and Herzegovina in the last two years, since the foundation of the HDZ /Croatian Democratic Union/, first in Croatia and then in Herzegovina, and later in Bosnia too, with its militant and dangerous gatherings, with insignia of the Ustasha regime which committed genocide against us, and the setting up of the SDA /Party of Democratic Action/ at its founding assembly, with its militant Islamic fundamentalism and guests from Croatia who drew the Croatian border on the Drina river, the first defence line of Croatia on the Drina have been very crowded complex. The number of events in unit of time was enormous. These two events, which followed the breakup of the one-party system and the arrival of democracy, that is to say, the multi-party parliamentary system, were a great challenge for the Serbs. With their natural readiness for law, order, and peace, the Serbs were willing even to put up with a regime in which peace and order were for the most part paid from the funds of Serbian spirituality, culture, statehood and economy. However, as a people known for and inclined to democracy, we accepted the challenge of the time, accepted the multi-party parliamentary democracy and, as it was obvious that the Croatian Democratic Union and the Muslim national community were taking certain roads which aimed not only at the prosperity of their peoples, but would inevitably suppress the Serbian national interest in these areas, we set up our national movement, called the Serbian Democratic Party, entered the elections and, in these very tense times, you as deputies managed to keep pace with those who were destroying Yugoslavia while wishing to solidify Bosnia and Herzegovina and their positions in a Bosnia and Herzegovina under their domination.

This is the very beginning of the President's speech. Let us see further, first the explanation of the recent events, and then the part that pertained to the "strategic objectives" P956, p.4 in it. During that period, we gave our full contribution to the preservation of peace in Bosnia and Herzegovina, but in a way which did not sacrifice a single Serbian political or state interest. Our moves, which led to the setting up of our own State in this area were sequential, successive and always provoked by violations of the rules of the game, violations of the Constitution, human and written laws on the part of our partners. We remember very well how much care we took not to make moves which would undermine our neighbourly relations, undermine peace, and lead to unrest and a possible war conflict in Bosnia and Herzegovina. All our moves were provoked, they were well measured and they led us in the direction of establishing a balance that was disrupted by our partners and their unjust acts. That is how we came to this assembly, after the deputies from Muslim and Croatian national communities, assisted by some opposition parties, denied any meaning of the BH Assembly, after they had decided to enclose us in their own state, to make us wake up in a foreign state, whose signs and symbols are quite well known to us from our near and distant past, both under Croatian and Turkish occupation. We were forced to exercise our right to self-determination and set up our own state. The European Community became an ally, meaning that part of the European Community which was allied to our opponents in the Second World War, but they nevertheless accepted our proposal for a conference on Bosnia and Herzegovina, recognising that the Serbian people would not accept the

It was spoken publicly, and nobody ever denied the accuracy of it!) Now, see the part about the "separation", P956, p.9



The Serbian side in Bosnia and Herzegovina, the Presidency, the Government, the Council for National Security, which we have set up, have formulated the strategic priorities, that is to say, the strategic goals for the Serbian people. The first such goal is separation from the other two ethnic communities - separation of states.

**Therefore, there is no any confusion: a separation of states, not of population!) .** The Chamber notes that these sentiments were in contrast with public statements the President had made in 1990 when the President and the Bosnian Serb leadership continued to emphasise the unity of Yugoslavia and the existence of a common state. **(Wrong inference! This is in a complete accord! The Serbs wanted Yugoslavia to be preserved, with all the Republics in it, including a united Bosnia. However, the others changed their course, and the Serbs were entitled to pose their opposition to the secession of BiH. Finally, the Serbs made concessions, provided the internal organisation of BiH be changed. Therefore, no obstacle to a common life was advocated by the President, provided the Serbs-Muslims-Croats remained in a common and federalised state, with all the safeguards of everyone's rights protection. In Yugoslavia wasn't a unitary state, because the Muslims and Croats wouldn't accept it, why BiH would be a unitary state, while the Serbs had their rights?)**

2842. The Chamber further finds that the President made extensive use of maps to highlight the territorial claims of the Bosnian Serbs. These territorial claims included strategically significant areas where Bosnian Muslims were a majority prior to the conflict. #The Accused defended these claims and noted that they only seized territories to which they had a right. **(#It wasn't seizing, it was a legitimate controlling the areas in which the SDS won the elections and had the responsibility for it. The Muslim side had chosen the war as a mean of achieving their objectives militarily, otherwise, all the territorial issues would be negotiated.)** This rhetoric was also linked with the stated position of the Accused and the Bosnian Serb leadership that they had no interest in living with Bosnian Muslims. **(#Not, "living with Bosnian Muslims", but under the Bosnian Muslim domination, or under anyone's domination, as many European ethnicities do not accept to be minorities in their own state, and therefore have their entities, cantons (Switzerland) or other forms of a separate self-government like in Belgium, Flandreau, Valona, Norther Ireland, Scotland, Welles, Pharos Islands, and others#! Wrong inference!!! It was not only the Serb side that had the maps, every side had maps, and the mediators (Carrington, Cutilleiro, Vance, Owen) expected the sides to the talks to deliver their view of the territorial distribution of the ethnic communities. The first one who made the maps of the ethnic distribution was Ambassador Cutilleiro and his expert Mr. Darwin. But what the Chamber is trying is identifying the main villain for the war. In such a case, the Defence didn't have a fair and correct trial and possibility to depict who was doing what. Living with the Muslims was one thing, and another living under the Muslim domination, and that was unacceptable for both the Serbs and Croats, even without the fundamentalism!)**

2843. The Accused and the Bosnian Serb leadership repeatedly referred to and re-asserted the historic territorial claims of the Bosnian Serbs. **(There is an international provision that a #results of genocide and war crimes must not have a permanent effects, and the Serb side has a right to remind the world on this#. But, the President didn't demand those areas, he was only reminding everyone what happened to the Serbs in BiH and Croatia!)** In making these arguments and territorial claims, reference was also made to the historic crimes committed against the Bosnian Serbs, which meant they were no longer a majority in BiH and in areas which they claimed as a "birthright". The Chamber finds that the Accused's position with respect to these historic territorial claims was endorsed by the Bosnian Serb Assembly and formed a core aspect of the Bosnian Serb objectives in including these territories in the RS. **(#Wrong inference!!! There was anyway too much of territory that the Serbs wanted to return for the sake of peace.# The rhetoric was a part of political speeches and a preparations for**

**negotiations, not an ultimate claim!)** The Chamber finds that constant references to historic crimes committed against Bosnian Serbs were used as a means of justifying their territorial acquisitions which they viewed as belonging to them. **(#There was no any “acquisition”# without a war, it would be negotiated, and as the Chamber concluded, the claims of territory was not a crime. From the beginning of the war, the #Serb side was ready to return a big portion of their territories for a political solution#. There is a lot of evidence on it. But nobody, and certainly not this UN court is entitled to deny the Serb memories of the genocide which had been committed on them, the Jews and Gipsies only 45 years before the crisis in Yugoslavia started. That would be as if the Chamber advise that the Jews do not mention the holocaust any longer!)** The Chamber also finds that the Accused and the Bosnian Serb leadership referred back to historic attacks they faced from their “enemies” and the manner in which the Serbs became a minority in BiH to justify their objective of creating a Bosnian Serb State. **(#Wrong inference! The Chamber is criminalizing entire Serb political life, contesting the Serb rights to influence the process of secession and transformation of BiH# This is unbearable and shouldn’t be allowed to any court, let alone to the UN court#! Even if there was no any genocide against the Serbs, the position of a constituent nation, and also as a more that one third numerous population, the Serbs had right to veto the secession!# #The Serbs gave up all the plans, including the plan on regionalisation for the sake of the Historic Serb-Muslim Agreement. Had there wasn’t the illegal secession with the aim to form a unitary BiH under the fundamentalist’s control, there wouldn’t be any of the Serb claims and plans. In a new situation, created by the illegal and anti-constitutional acts of the Muslim side, the Serbs had every rights to declare their interests and a legal basis for it. Although the Serbs became a minority in the BiH as a whole, and although it was a result of the war crimes of an incomprehensible extent, the Serbs remained the majority in about 65% of the BiH territory, and nobody had any right to deny it to them! The Chamber is adopting the communist strategy, to ban the Serb memories on the genocide. Because of this communist ban, the Serb victims of the genocide were buried properly only after 1990, after the fall of communism!)**

2844. The Accused and the Bosnian Serb leadership also spoke about the importance of controlling Bosnian Serb claimed territories and how significant the factual situation on the ground in terms of controlling territory was for the purposes of international negotiations. **(#Even without any war, all the authorities in municipalities and local communes had both the rights and obligations to control the entire territory, particularly against any arms smuggling, an illegal military organisations out of the JNA control, and to maintain a full control in terms of prevention of any criminal activity.# The war in Croatia made it even more urgent. The domestic laws required it due to the All-peoples Defence Law, and the rules of the Social Self-protection! Not to mention that Bosnia was a lawlsss country, with a chaos and the civil war!)** The Accused and the Bosnian Serb leadership emphasised the Serb nature of the land which they claimed and controlled and the importance of those territorial claims in preventing the Islamisation of those areas. **(Not exactly! #It wasn’t a matter of “islamisation” it was a matter of an interethnic balance, which must not be changed artificially, through a planned re-settling of the people of other ethnicity#. The same is in any ethnically mixed territories, in Israel, West Bank of the Jordan River, in Northern Ireland, in Belgium, everywhere where an ethnic balance was established and preserved. So, the Chamber doesn’t have any right to expect the Serbs or any other etnic community to accept that kind of jeopardy for it’s survival! #That would be a colonial attitude of the UN court#!)**

2845. The Chamber further finds that the strategic objectives of the Accused and the Bosnian Serb leadership were also communicated to and formed a core element in the military strategy of the VRS which was to create the RS. **(#Wrong inference. The VRS didn’t have a task to “create the RS”, because the RS had been created on 9 January 1992 by the political means.**

The VRS wouldn't be even formed had the Muslim side kept its obligation towards the Lisbon Agreement#. The VRS was formed with the aim to defend the VRS, because the Muslim side did everything to deny the existence of the Serb entity, and did it by forming a secret army, the Patriotic League and the Green Berets, and finally by reneging on the Agreement and attacking the JNA and the Serbs. No reasonable chamber would neglect these facts! See D1598, p.5, General Milovanovic first interview with the OTP in 2001 about the task the political leadership posed before the VRS, D1598:

General MILOVANOVIC then said that the Tribunal should not try to prove the character of the war in BiH through such trials. At the beginning of the war, the Serbs wanted, above all, to stay in the SFRY, the Muslims wanted to form their Muslim state and the Croats wanted access to the Drina River. At the beginning of the war, he asked the leadership at the time to provide objectives of the war, which were the following:

1. to protect the Serbian people from destruction in order to avoid a repeat of events that took place between 1941 and 1945,
2. to stay within Yugoslavia, or as an alternative to this, have our own state.

No one in BiH has completely achieved their objective, and the Serbs have been given the alternative solution. There is an anecdote about the Serbs, that they won two wars

o, no a #military task before the VRS, only a defensive and protective ones#) These speeches and statements also demonstrate that the Accused and the Bosnian Serb leadership supported and endorsed the territorial acquisitions which had been achieved militarily by Serb Forces. (#There was no military acquisitions of territory!# Wrong inference! There was a very few places that had been "acquired" by the "Serb Forces" which wouldn't be the Serb majority territory. Even when the war started, the Serb side offered the Muslims to form their municipalities wherever they had enough population. Then, at the beginning, the Serb side even didn't try to take control over the Muslim settlements. So, in Zvornik there was more than 50% of the municipality under the Muslim control all the times, in Ilidza also, in Hadzici about 80% under the Muslim control, in Foca about 40%, in many other municipalities, particularly if there was no a war at the beginning, in April. #When it was clear that there is going to be a long lasting war, some of the location had been kept for the tactical or strategic reasons, and couldn't be handed over to the opposite side before the peace was reached#) The Chamber finds that while these military operations were described by the Bosnian Serbs as being "defensive" or for the purposes of "liberation", their purpose and effect was to take control of Bosnian Serb claimed territory in BiH and to expand the area which would be included in the RS. The Accused supported these military successes and viewed them as a means of defining Bosnian Serb territory and creating their own state which they would not relinquish. (#Wrong inference, not even close to a real.# First of all, the Chamber can not name any significant territory which the Serbs allegedly "liberated" with an aim to keep them after the final solution. On the contrary, there was always both declaration and conscious that the territorial issues were to be defined in the Conference#, see the President's Platform from April 22, 1992- D110,

5. Public commitment by all sides in BH that the policy of an accomplished act, even the one originated from the communist heritage, will not be accepted and territorial advantages gained through the use of force will not be recognized.

and all other documents. The fact that the Serbs had taken off several municipalities around Sarajevo that were almost 90% Serb proves that even defended areas were not guaranteed to any side! This UN court is not relying on the UN documents, accepted on the Conference in a different stages of it, but on a political speeches, gossips, intercepts of the telephone conversations and other fifth class documents. And this must not be done!!! Otherwise, the UN as such would be responsible for many negative precedents and a bad consequences!)

2846. While the Accused publicly claimed that he had no influence over the issue of war, it was clear that he envisaged that in a war, there would be bloodshed and all the communities would flee towards their “fully homogeneous” areas. In contrast to public statements where the Accused foreshadowed what could happen, the #Accused was simultaneously calling for seizing power in Bosnian Serbs claimed territories (#A typical mess of time frame and meaning. First, President Karad`i} said that if there will be a war, “we (all) would not be able to control it, but it would control us”, while the “seizing power” in the Serb areas has nothing to do with a war, because the Serbs got the power through the elections, and it was their obligation, and it was necessary to be done even when it was meant that there wouldn’t be any war! There a many more Serb municipalities in which the Serbs “seized power” and there was no any population movements, particularly in the municipalities with presidents who were the members of the Main Board of the SDS at the same time#!) which would result in the population movements which he envisaged. (Couldn’t be more wrong inference! It was not a clearvoyance, it was an experience from the previous wars, and particularly from the war in Croatia, which lasted to early 92 in a harsh form. In every civil war in this area the same happened always: the population fled to an area with their people in majority and under control of their own army. When the President “predicted” what would happen if BiH enters into a war, it was within a framework of his fighting for a political solution, and within a process of dissuasion of the two other sides to continue towards a war. In support to this efforts of the President there are many concessions made by him and his community, just with the aim to avoid a war. The bloodshed and movement of the population didn’t happen because the President predicted it, but because the two other sides wanted a war to achieve their objectives. At the end, the solution was as the EC and the President proposed before the war. Why the Chamber didn’t point out a single evidence that it was as it concluded? The Chamber finds that the Accused was not simply foreshadowing what he thought could happen, he was outlining the pattern which was actually put into practice. (Why it was “put into practice” in only one third of municipalities, and not in all of them? #”Seizing power”# wasn’t “taking-over, but a lawful obligation!# look at that sentence: #Accused was simultaneously calling for seizing power in Bosnian Serbs claimed territories //which would result in the population movements which he envisaged.// The second part of sentence is unbelievable, and presents a very mean distortion of meaning by the Chamber itself. “The population movement was envisaged in a case of a civil was and chaos, and to prevent it there was necessary to execute power efficiently, not vice versa!!!# The Chamber also finds that the Accused and Bosnian Serb leadership were aware and put on notice that the objective of ethnic separation would result in violence given the extent to which the population in BiH was intermixed and yet still proceeded to pursue this objective. (#Again, it is “ethnic separation”, although it was clearly underscored a “state separation#! How anyone could defend against this persistent distortion and manipulation???# Why some internationals encouraged the Muslims to secede and form a unitary Muslim state, in spit of the fact that the Christian majority didn’t agree? If there was a political solution at the beginning, as it was at the end of the crisis, there wouldn’t be any movement of population. The movement of population didn’t happen because the Serbs wanted their own authonomy, but because the Muslim leadership tried to militarily prevent the Serbs to achieve the objective which had been supported by the European Community and the United Nations! The Chamber is avoiding so obvious truth, that there wouldn’t be any population movement if the Muslims didn’t renege on the Lisbon Agreement! The Serbs are not responsible for the war, and only the war caused all misfortune and disaster! #And finally, there, even with the war, there was no movement of population in two third of municipalities, in which there was no the rebellion of a secret terrorist organisation!

# THIS PARAGRAPH 2846 IS A PARADIGMATIC FOR THE ENTIRE JUDGMENT, BECAUSE CONTAINS ALL THE TYPICAL ERRORS AND DELIBERATE MANIPULATIONS THAT LEAD TO A SENTENCING CONCLUSION AGAINST ANY LOGICS: 1. Time-frame shifted, “control over the issue of war” was said before the war, in advising against the war; 2. a “foreshadowing what could have happened” was said in the same



context, before the war, arguing against the war; 3. “...simultaneously calling for seizing power in Bosnian Serb claimed territories” was a legal obligation and in accord with the Conference (ICFY) and meant a responsible execution of the local power which anyway belonged to the Serbs since the 1990 elections; 4. *which would result in the population movements which he envisaged*, which has nothing to do with a chaotic “population movement” in a case of civil war. So, all the measures that President Karad`i} recommended to the local authorities had a completely **OPPOSITE MEANING AND AIM!#**)

2847. The Chamber finds that in international settings and press conferences, the Accused defended the actions of Bosnian Serbs and spoke in favour of the interests of minorities and denied the suggestion that people would be forced from their homes. **(And that is how it was not only in the two third of municipalities, but even in this one third – in the settled places where there was no fights and terrorists intrenched! Out of more than sixty Serb municipalities, #with more than 3,000 settled places, there were the armed confrontations only in about 50 to 70 settled places#!)** However, despite these public statements, the Chamber finds that the evidence demonstrates that the Accused and the Bosnian Serb leadership were informed when municipalities were taken over by Serb Forces and were also aware that their territorial claims and the military manner in which those claims were asserted resulted in the displacement of thousands of non-Serbs. **(Couldn’t be more wrong inference! There shouldn’t be a war, everything could have been settled down peacefully and through the Conference, as it happened at the end. The others decided to be a war. There is #no leadership and command that could order a defeat of people#. Once a war brakes out, the social processes can not be controlled. The public statements of the President were aimed to calm down the population and to make the people know what is the position of the leadership. “Being informed” means nothing. The municipalities that had been “taken over” wouldn’t be taken over if there was no a war, otherwise the Serbs had been interested in #only the Serb settled places in those municipalities#, and even when the war broke out the Serbs offered to the Muslims and Croats to form their municipalities too, and this process started, but was stopped by the SDA Centre. NOBODY CAN NEGLECT THIS FACT. When the SDA rejected it and ordered the war against the “aggressors”, meaning the domestic Serbs, all other went out according to the war axioms! But, the Chamber is accepting the Prosecution’s generalisation, although there are meny more municipalities without the events “found” in the Judgement than those in which the crimes happened. The only difference is: if the Muslims-Croats didn’t attack the Serbs in their municipalities, there was no these events!)** The Bosnian Serb leadership was also informed about the drastic demographic changes which resulted in Serbs becoming a majority in a number of municipalities. The Accused himself acknowledged the new demographic and territorial realities which they had created and that in undertaking military operations to expand their territory the Bosnian Muslim population had been concentrated in small areas. **(#This is an ogly forgery: it had been said about fights, which resulted with more dense Muslim lines, and had nothing to do with the demographic or territorial issues!#** This demonstrates yet again the difference between the public statements made by the Accused and the Bosnian Serb leadership and the reality on the ground, of which they were fully aware. **Wrong inference! What is the evidence? If the President said that the new realities had been created, those who know Serbian would see that it was an academic comment of facts, not any bragging or accomplishing any plan. Since the Muslims declared the war against the Serbs in Bosnia, the Serbs were entitled to defeat them on every inch of the territory, and then to negotiate. The Serbs didn’t do it, although that would be a military logics. The Chamber was able to notice that the President kept saying that he didn’t want a soldiers to die for some areas that hadn’t been Serbian and are going to be returned to the others, see...@.. Why the Chamber neglected it? The Chamber knew that the President kept saying from the beginning of the war (Platform of 22 April 92, i.e. D110, and public statements, see...@) that the forcefully**

taken territories shall not be recognised. The Chamber could have known that the President opposed this military logic and took a risk to have his people defeated and destroyed, see@....

(1) The sentence “the Muslim population had been concentrated in small areas” never pertained to the population, but to the forces along the frontlines. The shorter confrontation line, the more Muslim soldiers on a km. of confrontation line, and more the Serb soldiers needed. It was a mere conclusion after observing what was happening on the terrain. Such a conclusion didn’t mean anything else but a conclusion and explanation how this change influenced the war events, and didn’t pertain to the President’s will or conduct. The Muslim forces attacked, and lost, and retreated, and the population.

(2) To conclude that the Serbs “*in undertaking military operations to expand their territory*” is contrary to everything that happened, and the Chamber knew that. It is sufficient to see the official documents of the UN and EC adopted in the ICFY, and during the meetings with the mediators, such as P941. The Serb side knew from the beginning that it can not comprise all the Serbian territory, that they will return a substantial amount of territory, and that the President prevented the Army (VRS) to fight for territories, which put him in a very bad relations with the military people

(3) #Being “aware” of the processes doesn’t mean being able to change the course of events. #Once an army is attacked, all the events afterwards depend of both, not of only one #side. There were the four warring sides, and no unilateral moves could help in any way. Should the Serb side surrender, because the enemies were losing?)

2848. The Chamber also finds that the Accused and the Bosnian Serb leadership were aware that some of the territory which they took over and controlled were areas where Serbs had not been a majority but the Accused emphasised that these municipalities had to be taken for strategic and/or historic reasons. (#Once the other side decided that the outcome of the crisis was to be military, it was fully legitimate# to say that. Even if it was temporary, until the war ends, no reasonable army, no reasonable warring side would hand over a tactically or strategically important spots. And if it was a perspective to have a long lasting conflict, the strategic importance is even more remarkable! The President never said that he was going to include such a places in the Serb entity, but while the war lasts, there could not be any retreat!)

2849. The Chamber notes that there were some speeches, statements, and announcements by the Accused which placed the blame on the Bosnian Muslims and Bosnian Croats for the separation of people and claimed that in contrast the Bosnian #Serbs were not creating “an ethnically clean state”. However, the Chamber finds that these statements and announcements were used as a means of creating a narrative, particularly for the international audience in which the Bosnian Serbs would not be blamed for the separation and the movement of people. (This is a #very mean, and completely wrong conclusion-finding#. There is a serial of evidence from the closed meetings of the Serb leadership with this kind of conclusions, without any possibility to be public. See: P1478, p.313:

KARADŽIĆ:

\* Unlike the Muslims and Croats  
we are going to build a law-abiding rather than  
an ethnically clean state.-

This was communicated only to the VRS officers, and would never be seen public if the Mladic’s diaries hadn’t been included in evidence. On the same meeting Professor Koljevic said, the same page:

KOLJEVIĆ:

- We should take a stand → discuss law-abiding versus national state and make our policy known.

\* STAND TAKEN – LAW-ABIDING STATE –

So, Mladic wrote down that the final decision on the stand was – #LAW –ABIDING STATE!- concluded at a strictly confidential meeting#! : In this regard the Chamber notes for example that the President made it clear that the Bosnian Serbs were making preparations for their own “ethnic space” in BiH regardless of the tone of negotiations between the parties to the conflict at that time. (This is completely misunderstood! It was the Serb “*condition sine qua non*” any BH independence, and the Serbs gave the last concession. The Serbs had their “ethnic space” in BiH from immemorial times, they had been the oldest population in BiH. This “ethnic space” was inhabited mainly by the Serbs, a rural areas of a great extent, but economically much poorer than the Muslim areas. So, to conclude that the Serbs made preparations for their own “ethnic space” is out of mind. The Serbs negotiated already in a good faith, and there could be no other solution without this minimal Serb condition! What the Serbs wanted was either the entire Bosnia to remain in Yugoslavia, or a new administrative distribution of power, so that no ethnic group dominate over the other. There are many such examples in the western world, and that is why the European Community immediately recognised the problem and gave its proposal about three autonomous republics within BiH. The way the Chamber treats the core of the crisis, it appears as if the Serbs came from somewhere and wanted to secure their own “ethnic space” on the account of the others! How it is possible to defend against such a cosmic lack of knowledge about a very essence of the problem, and a cosmic reluctance to hear about this essence, and about the domestic legal system?) The Chamber finds that this is indicative of the position taken by the Accused and the Bosnian Serb leadership and that their public statements often directly contradicted the plans which they had for ethnic separation. (#Wrong inference and a very mean position of the Chamber#. #There was never any plan for “ethnic separation” – but only for a “state separation”#! If the Chamber deals with this issue, then there must be considered the conduct of the two other sides, because the President’s statement got this qualifications. Now, we see how unfair was it to prevent the Defence to depict the conduct of the other two warring factions. #The Chamber can not deny that already in September 92 there was no a single Serb settlement in the Muslim-Croat territory#, while there was many Muslim and Croat settled places in the RS; that The Serbs emptied the M/C territory in a hasty way, leaving everything behind them, and being killed meanwhile, while the Muslim and Croat civilians that demanded the transfer to “their” territory formed a list and got a transport vehicles and police escort; that there was more Serb refugees than the Muslim and Croat refugees together; if the Chamber is contesting the President’s assertions, frankness and accuracy, it must check whether it was so by finding out what the two other sides were doing, particularly if it influenced the events on the Serb territory.

Since the Muslim/Croat side wanted to change the nature of Bosnia, the Serbs publicly and legitimately declared that either they will stay in Yugoslavia, or will demand another internal organisation of the state. “Regardless of the tone of negotiations” means nothing, because this was a “*condition sine qua non*” the Bosnian independence. It was clear to everybody, no cheating.

The public statements never contradicted to the plans for a “state separation” because it wasn’t an ethnic separation in a personal terms, see what the President said on 12 May 92, P956. There was no contradiction, the three states based on the ethnic majorities, with the minority rights guaranteed and protected reciprocally. No other clandestine plan existed. And there was no any legal way that the Muslim side impose to the Serbs this hostile and

unacceptable regime. The outcome was known, but the ways and nuances had to be negotiated, or Bosnia should return to Yugoslavia, or at least let the Serbs stay in Yugoslavia!)

**2850.** The Accused also issued public announcements which promised respect for the rights of all citizens, promised the free movement of people, prohibited the forcible detention or movement of people, and guaranteed the right of return of refugees. However, the Chamber finds that these public announcements were also in stark contrast to the reality on the ground which was marked by the unlawful detention and forced movement of thousands of people.<sup>9353</sup> (#As if the Chamber concluded: “He promised to give the umbrellas, but still there was a rain, and a wind in addition”!# Wy would President Karad`i} “promise” protection against something what didn’t happen??? But, the President DIDN’T PROMISE, HE ORDERED PROTECTION AND ANNULED ALL BAD PRACTICE IF HAPPENED!# “The unlawful detention” didn’t happen. It must have been established whether somebody had been detained in spite of the evidence that there was no liability for some crimes, including the participation in the armed rebellion. Nobody can say it was unlawful detention in a cases the investigations were conducted by the highly educated professional state officers, which resulted in releasing many of those detained, at least more than 50% of those captured in the combat areas. In any country there are “taking in” of the suspects – and releasing, or indicting, how could it be different in Bosnia and the RS during the war? Nobody without any criminal liability was detained a day longer. Why the authorities would do that, particularly since there was no adequate facilities, food, medicines and other necessities? And if the President’s public statement and secret orders were in a “stark contrast to the reality on the ground” it didn’t mean that the President wanted that his orders be neglected, but rather that the state apparatus was not capable of conducting all the orders!)

The Chamber finds that these public announcements were also issued by the Accused following repeated protests at an international level about the treatment of non-Serbs in Bosnian Serb controlled territory. (Wrong inference-finding! That weren’t “announcements issued by the President following repeated protests...” #that were the top secret reports of the UN or EC representatives#! There was no any mistreatment of non-Serbs, but there was a treatment of a suspects regardless of their ethnicity. The Chamber could have known it even from document of the international community representatives. Let us just remind ourselves on the #document D02424#:

Subject: visit protection officer to Orbavica on 9 March 1993.

## 2. General observations.

Outward appearances basically same as rest of Sarajevo (under B-H control); no electricity nor running water, damaged buildings, more weapons to be seen on the street, several tanks.

**The same sufferings and shortages in the Serb parts of Sarajevo as in the Muslim parts.**

## 3. Displaced persons.

According to Mr. Prijic, there are no DP centres in Sarajevo, as most people who lost their house had left to areas outside Sarajevo, mainly Lukavica, or Belgrade.



**Nobody have chasen anybody, but people displaced themselves because of circumstances.**

#### 4. Minorities.

There are appr. 1200 Muslims still in Grbavica. The males are not drafted, but those of a certain age have to "do work". (follow up). Between 100 and 150 Muslims have indicated a willingness to leave to "the other side". They signed a declaration, stating that they will voluntarily leave their property behind. What will actually happen to their property will be "discussed" after the war is over. The departure of these people will be part of an exchange for a similar number of Serbs from "the other side".

**Why those Muslims weren't "mistreated"? The same as the Serbs, who is not drafted, has a working obligation.**

Talked to a Muslim mother and daughter who happened to pass by the president's office. Clearly pro-Serb (husband/father killed by Muslims during WW II), well to do and friendly with the president. Asked about ID cards, still the same as before the war, Pale is working on passports and ID cards. Interpreter told me afterwards that reference was made to a declaration of loyalty, but the 2 women were advised (by Prijic) not to further discuss this (will follow up).

**The President of the RS had a Muslim friends, and it was publicly known!**

Visited Muslim professor at home, son in B-H part of Sarajevo, wants to evacuate to Belgrade for medical treatment. Was recommended by president of Republika Srpska as important citizen of the republic. Is financially supported by his son. In this regard, interesting reference was made to...

**The #President protected the prominent Muslim#, professor, and other Muslim intellectuals as a vulnerable! A small and unnoticed document brings us a remarkable evidence against many Chamber's inferences.**

#### Further observations.

Regarding position of Muslims: impression that those with known loyalties to the Republika Srpska face no difficulties. Position of those who want to leave or have not signed declaration of loyalty needs further investigation. Will try get copies of a/m document and document of voluntary (temporary) release of property.

Have agreed follow up visit on 17 March and NFF will follow.

P. Janssen, 11 March 1993.

**Similar document of the international representative visit to Grbavica in 1994 had been lately disclosed, and will be submitted. Almost with the same wording Edward Vulliamy #described the situation of the Muslims and Croats in Prijedor municipality#, in August 1992, after all the skirmishes in Prijedor had taken place, see D1898, p. 6:**

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

"These are the people who accept the Serbian republic," explains Maj. Milovan Milutonic from army headquarters in Banja Luka. "If they do that, we just leave them alone."

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**Why the Chamber of a UN court neglected such a genuine evidence obtained by the UN personnel, and by thje Prosecution's witness? Is it clear that there was #no any persecution of those who were loyal to the RS, and even of those who weren't loyal, but didn't do any**

**crime while waiting to be approved to cross to the Muslim side of Sarajevo#? Or, let us see another document about visit of the internationals to the same Grbavica, later in the course of the war, see: D00163, a Muslim mil. Intelligence document, April 3, 1994**

♦ According to information from the SVB /Military Security Service/ of the 1<sup>st</sup> Corps, General Michael ROSE visited the zone of responsibility of the 2<sup>nd</sup> Battalion of the 102<sup>nd</sup> mtbr /Motorised Brigade/, escorted by four officers. Visiting the feature that the soldiers are using as preparation to go to the line, Mr ROSE spoke to the soldiers present and explained to them that the part of the city controlled by the Army has begun to live a different sort of life ("it is starting to wake up") and that it is receiving more supplies than Grbavica, which is abandoned and without food.

**Or another document, a news note about a Muslim propaganda alleging the Jews sufferings in Grbavica, 23 June 92, D886:**

Datum: 23<sup>rd</sup> of June 1992  
Sarajevo

Jews are safe on Grbavica

The delegation of Sarajevo Jews, residents of Grbavica settlement visited today the barrack of Lukavica and denied yesterday's news by Sarajevo media on alleged capturing of the Jewish group and their detention in this barrack.

Blanca Romano, leader of this delegation stated that the Jews, residents of Grbavica feel completely safe, having so far no problems whatsoever with the members of the Serbian BH Republic army and therefore, do not want to move from this settlement.

/signed and stamped/

**or another news note about a visit of internationals to Grbavica, see the SRNA and other news agency reports how the #UN personnel was surprised that many Muslim families rejected to go to the Muslim Sarajevo, because they had been treated fairly.#)** The Chamber finds these announcements were issued as means of easing that political pressure but did not translate into a real improvement in the situation on the ground given that the pattern of mistreatment, detention, and forcible transfer continued. The Chamber also finds that these expulsions were discussed at Bosnian Serb Assembly sessions by deputies who warned that they could only talk about these issues amongst themselves but could not speak about it to the rest of the world. **(Reference???)**

2851. The Chamber also finds that these announcements were inconsistent with the Accused's continued emphasis and rhetoric on the importance of a division of BiH along ethnic lines and the dangers and impossibility of living with Bosnian Muslims. **(Wrong conclusion! #There was no an issue of impossibility of living "with Muslims," but of living in a unitary Bosnia UNDER THE MUSLIM DOMINATION"!#** There was no the approach of "division of BiH along ethnic lines" but there was a proposal and a general accord of the internationals and at least two out of three sides in BiH, that BiH should form a three ethnically based entities, so that the sovereignty of the three communities be preserved, and existence of BiH in the existing borders secured. The President and no one else ever said that it was impossible to live with the Bosnian Muslims in Yugoslavia, or in the Republic of Srpska, but it was unacceptable to live in a Bopsnia as envisaged by the new political team, the Islamic fundamentalists that were irreconcilable with anything that wasn't Islamic, as established in the Islamic Declaration by Mr. Izetbegovic. The Chamber is neglecting a big amount of evidence that there was in question only a Serb opposition to unitary state under the Muslim domination, and nothing else. There is a lot of evidence that the Muslims and Croats had been welcome in the RS, and particularly by the President!) The Chamber finds that while the aCCUSED did envisage some minorities in the state the Bosnian Serbs were creating, his position was that this number should be kept at a minimum and that the Bosnian Muslims and Bosnian Croats should have their own entities in BiH #and should be moved out of Bosnian Serb territory#. **(#Wrong**

and impossible inference. On what evidence is it founded? On some testimonies of an incompetent witnesses as was Harland, Bandury, while their chiefs and the main negotiators, who were familiar with the President's views, never said such a thing! #The only "instrument" of TERRITORIAL (not "ethnic") homogeneity of all the three ethnic republics was a flexible approach to the inclusion-exclusion of a settled places in a republic-entity contrary to the will of their inhabitants!# There is plethora of evidence that the President advised a moderate claim for territories, and public statements that the municipal boundaries are not bible, and should be adjusted to the will of the inhabitants#! Even before the war the Serb authorities in Skender Vakuf (Knezevo) approved secession of the group of villages and hamlets Dobratci and it's merging with the neighbouring municipality of Jajce!@) The Chamber finds that the Accused disseminated propaganda about demographics and the Bosnian Muslim birth-rate as a further justification for ethnic separation even after he had issued public announcements guaranteeing that nobody would be forced to leave Bosnian Serb territory. (Again, #the Chamber is mixing "babe i zabe" (grannies and frogs, apples and oranges) because the birth rate the President was talking didn't pertain to the Republic of Srpska, but the whole Bosnia, and it wasn't a natural birth rate, but an artificial one, motivated by political ideas of changing the ethnic balance, with the aim of taking over the whole Bosnia#. In the Serbian there are two terms for birthrate, with and without attribute "natural". If there is no "natural" – this "birthrate" is a manipulation, and in Serbian it is not literally "birthrate" but rather "prirastaj" which would be more accurately translated as "growth". If it was not said "prirodni prira{taj", i.e. "natural growth", then it was meant an artificial enlargement of population. The Defence submitted the evidence about three sources of this artificial increase of population: re-settling the Muslims from Sandzak, Serbia; re-settling up to four millions of Turks allegedly descendants of the Bosniaks, and the "fatwa", a religious order that every woman deliver at least five children, in order to sacrifice one for Bosnia. The whole Europe should react on this horrible plan, but certainly the neighbouring nations, as the Serbs and Croats wouldn't like to see this development, and for their protection the two ethnic communities needed their constituent units, their autonomy and self-government, as Mr. Izetbegovic committed in the Hague in 1991, and in Lisbon in 1992!)

1. The Chamber also finds that the Bosnian Serb policy on refugees was connected with its goal of achieving ethnic geographic continuity of the Serb population and did not make provision for the return of Bosnian Muslims and Bosnian Croats. (Wrong inference, without any basis! It had nothing to do with a "continuity of the Serb population", but it concerned the #territorial continuity of the Serb entity regardless of the composition of population#! Even before the war the Serb side accepted that the Serb republic may not have the continuity, but after the war broke out, the continuity was a "condition sine qua non" of the Serb survival. There would be so many skirmishes and incidents, that would indanger the stability, if some Serb areas remained encircled and without territorial connection with the ehtirety of the Serb entity!) The Chamber finds that with respect to the right of refugees to return, the Accused was aware that from a legal perspective they could not declare a ban on their return but that they should insist that it occur on a reciprocal basis. (#Why the Muslims would have the right to return and the Serbs wouldn't#? The reciprocity was envisaged by the international mediators, as a normal issue, amog others because of a technical matters: where to house so many people, if the Serbs are not entitled to return, while the Muslims were to return, as happened in reality, that many more Muslims returned to the RS than the Serbs to the BiH Federation. If the Serbs had been banned to return, the two groups of ethnic refugees would rise the tensions and maybe a conflict!) The Chamber finds that this is instructive in terms of interpreting statements or declarations which ostensibly guaranteed the right of return of refugees. It demonstrates that the Accused and the Bosnian Serb leadership were conscious of making public statements which were in accordance with international expectations and obligations, but

which were at odds with the reality on the ground. (#If it was “at odds with the reality on the ground, it meant that the state instruments weren’t sufficient enough to secure the implementation in all and every settled place, but in the bvast majority did. Also, many of (un)implemented depended on the conduct of the other side#! #This UN Court permanently neglects the most relevant documents created by the UN agencies and signed by the Accused and his associates under the UN-UNHCR-ICRC auspice, and judges on the basis of a gossips, telephone intercepts of even unofficial persons, and on the basis of public announcements, by minimising the sincerety and interpretations of it to the contrary meanings#. Beside that, the Chamber had the most convincing evidence that was in accordance with the “public statements” on the Serb proposals, and a Serb signature to every single agreement of a rights of refugees to return, which at the same time obliged the Muslim-Croat Federation to do the same. And the President communicated his devotion to these right not only in the public statements, but in all the confidential meetings, even with the Army commanders, see: P1478, p.358

#### KARADŽIĆ

- 1.- The agreement envisages a 14-day truce / not to reply to provocations
- 2.- All heavy artillery to be presented to the UN for inspection -
- 3.- All refugees are allowed to return to their homes

It was the President’s meeting with General Mladic and other commanders of the VRS, and it was an equivalent of a written order, and far away from any publicity! But it must have been that the judges didn’t compose this Judgment, but some inexperienced associates, because it is so wrong, that couldn’t be done by responsible professionals!)

2853. The Chamber finds that there was a clear disjuncture between the public announcements and statements made to international representatives and the continued speeches and policy of the Accused and the Bosnian Serb leadership which advocated ethnic separation and the creation of an ethnically homogeneous Bosnian Serb state. (Again, the Chamber is making a wrong inferences, although it had all the evidence that the ethnic separation pertained only to the state separation, not personal. Look at the President’s speech in the Assembly, a first strategic objective was a state separation, see P956, p. 9

The Serbian side in Bosnia and Herzegovina, the Presidency, the Government, the Council for National Security, which we have set up, have formulated the strategic priorities, that is to say, the strategic goals for the Serbian people. The first such goal is separation from the other two ethnic communities - separation of states.

#Neither

the claim for territories, nor for authonomy are a criminal actions, but a natural rights stipulated in the ICFY in the Hague in 1991, with the Izetbegovic’s commitment that the Serbs and Croats are going to have a high degree of autonomy if Bosnia would be independent. But, this Chamber is persistent in numbering the President’s attitude to achieve this authonomy, in a new situation and a new circumstances produced by an illegal secession of BiH, as if it was a crime itself#.) In this regard the Chamber finds that the Accused spoke about the importance of the Strategic Goals to the creation of their state and how they had succeeded in forcing acceptance of the division of BiH along ethnic lines. (The #allegations about a “forcing acceptance of the division of BiH” deserve a separate elaboration, now first about the political objectives: What is wrong with that? The entire International community understood and accepted the concept, which resembles the system in several European countries#! #Why the Chamber is against the political issues, while it was not the subject of the Indictment, and the political claims hadn’t been a crime, so more since the liability for the war is not incriminated before this Court#? That is why this #Judgment looks like a communist propaganda and ideological invective#! #The war didn’t appear because of the Serb political claims, but because of the Muslim attempts to deny it#! After all, it was the original proposal of the ICFY before the war, see: D88, p. 7 of 25 February 1992:



**the President was explaining to the Serb Assembly what had been achieved on the Conference:**

people, that we would be extremely harsh. This was followed by bilateral talks in which we were offered a draft document which envisaged "that after /the proclamation of/ independence BH would become an independent federal state made up of three constituent states which would be called ...".

(called ... whatever we agree).

Second, BH would continue to exist within the present borders and neither the federal (Bosnian) government, nor the governments of the three national republics would encourage or support any territorial claims over any part of BH made by neighbouring states.

Third, members of the three nations: Muslims, Serbs and Croats would exercise their sovereign rights in part at the level of the Republic of Bosnia and Herzegovina, and partly at the level of the national states making up Bosnia and Herzegovina.

This meant that they would have a certain degree of sovereignty as they had had in Yugoslavia because we exercised our rights in part at the level of the federal Yugoslav state. Therefore, in this respect they projected the Yugoslav model on Bosnia and Herzegovina, which would become federalised in that sense.

Then followed the general principles describing what /rights/ Bosnia would guarantee, freedom, and so on, what the responsibilities of the BH Assembly and Government would be, and what would be the responsibilities of the assemblies and governments of the constituent republics of BH.

This division of powers is rather a question of quantity than of quality. The quality is evident in the very existence of assemblies and governments of national units, or states, and at the same time the existence of some type of federal, in our view more like confederate, republic at the BH level. What remains is merely a question of quantity: how much overlapping there would be and/or where and what /rights/ one would exercise.

**#So,**

**"we were offered a draft document" in which there was a picture of the new look of BiH, and everything the Chamber is putting on the President's liability was proposed by the international community before the war and without the war#! There is the allegation about "forcing acceptance of the division of BiH, quoted in this paragraph of the Judgment! Why the Chamber is dealing with this question, or if it is dealing with it, why the Chamber doesn't see that the Serb claims weren't a source of any "enforcement", nor of the war and accompanied crimes, but that all of it originated from the Muslim attempts to deny these Serbian (and Croatian) legitimate rights for autonomy, and this denial was pursued by a military means. #The Chamber should have known that there was no any possibility for BiH to become independent without the Serb consent! And the main Serb condition to give this consent was an existence of the Serb state entity within BiH, for which the Muslim side agreed, but later attempted to cheat and deceive! As any other truth, this one is as simple, that the Chamber should have realised it!) The Chamber also finds that the Accused continued to advocate a military solution to achieving the Bosnian Serb objectives and issued orders in this regard towards creating a unified Serbian state. (Wrong finding-inference! The President and the Serbs in Bosnia never needed any military solution to achieve their rights on self determination, but they needed a military protection when the Muslim secret army attacked the Serbs and JNA. The federal state of Yugoslavia and it's JNA hardly protected themselves, let alone to protect the rights of the Serbs to remain a Yugoslav citizens! There is an enormous amount of evidence that the Muslim side reneged on the Lisbon Agreement which envisaged a democratic transformation of BiH into three constituent states, and that the President wanted to avoid the war "at any cost" as Mr. Vance communicated to Mr. Genscher, see: D1833!)**

**2854.** The Chamber also finds that the Bosnian Serb leadership was conscious of the international attention and were warned by Jovanović that they should be conscious of taking steps which would be construed as "ethnic cleansing" but that they should still persist with ensuring that their territory was as ethnically homogeneous as possible. **(A #deliberate darkening of the evidence. The very same words of Mr. Jovanovic: "as ethnically homogeneous as possible" meant only TERRITORIES, NOT POPULATION#! there is a proof that there was no talks**

about any forceful approach to homogeneity. If he meant to achieve it by force, there wouldn't be "as possible". The Chamber had a sufficient evidence that the homogenisation had nothing to do with population, but only with territories. It comprised a humble approach to the territorial questions by the Serb negotiators, and the President spoke about it in the Assembly many times, advocating modesty in territorial matters. No reasonable chamber could make such an inference on the basis of evidence! On the contrary!) It was also clear from these meetings and speeches that the Accused and the Bosnian Serb leadership were not only aware of but also supported the demographic changes and ethnic homogenisation which had occurred in Bosnian Serb claimed territory. The Accused and the Bosnian Serb leadership in 1994 and 1995 continued to speak about removing Bosnian Muslims and Bosnian Croats from the state they had created and the continued importance of the unification of all Serbian lands. (Couldn't be more wrong!# A completely false assertion#, without any corroboration even in a circumstantial evidence. When and where the President said a single word in favour of "removing" Muslims and Croats from the Serb territory? Never and nowhere! What the President said was that the Serbs should stop crying for Yugoslavia as a common home of the South Slavs, because the common state was the reason for a long lasting animosities and a fratricidal wars. The #President said it even before the war and during the war, pointing out that the Serbs and Croats hadn't being enemies before 1918, before the foundation of the common state#, see@ ! therefore, there is no a single evidence that the "enemies in our own home" pertained to the Republic of Srpska, because this was the President's attitude far before the war, as his reaction on the Serb, and the only Serb, sentiments about preserving Yugooslavia! The Chamber had the evidence that the President advocated a sort of "Skandinavisation" of Yugoslavia, and the transformation of BiH after the Switzerlan model!)

2855. In the course of international negotiations into 1993, 1994, and 1995, the Аццусед continued to emphasise the territorial objectives of the Bosnian Serbs and the territories which were still in dispute but were vital to the Bosnian Serb interests. (So what? There were many disputed territories, and certainly the President knew that the Serbs will not get all of the disputed, but also not lose every disputed territories. Is the Chamber of an opinion that the President was not entitled to represent the RS interests?) The Accused also adhered to the basic position that the Bosnian Serbs wanted a separate Serb entity in BiH. (Wrong inference! # It was the last acceptable solution#. The first was to stay in Yugoslavia as a whole Bosnia, second that the Serb parts of Bosnia remain in Yugoslavia, and the third, the list favourable solution was to have the Serb entity in BiH. And this wasn't any crime, the internationals understood, and the UN mediated to find such a solution which resembled the Serb proposal. But, why this court is considering the legitimate political questions? If the Serbs didn't have the right to influence the future Bosnian structure, neither the EC nor UN, nor the greatest countries would support these political programs, and facilitate the conferences to achieve it!) The Chamber also finds that in speeches before the Bosnian Serb Assembly the President and the Bosnian Serb leadership spoke strongly against having "enemies" in their state and also indicated that they would not allow certain areas to be allocated to Bosnian Muslims. (As if the Chamber is deliberately erring, since everyone in the coartroom have learned that it #pertained to Yugoslavia as a common home#, because too many members of this "common home" were against it. This was the Serb standpoint that nobody should be forced to be in this common state, and it never pertained to the Muslim or Croat population in the RS. If the Chamber, and this Court as whole is not capable of understanding the Serbian language and to differentiate the meannings, they should have an expert for semantics. If the Chamber is capable of understanding, it must not make such a mistakes in inferring and concluding, because it is the worst violation of the rights of the Serbs and President persons, and is very poisoning for the future!) The Chamber finds that the Accused and the Bosnian Serb leadership

adhered to a primary objective of partition and separation from Bosnian Muslims and Bosnian Croats who would have their own entities in BiH and that the Bosnian Serbs would control territory which was “nearly 100% Serbian”. **(#Every ethnic community in BiH tried to leave as less of their members in another constituent unit as possible#. Mr. Izetbegovic asked the President to try to make it possible (in creating the maps) that as less the Muslims stay in the Serb, and as less Serbs in the Muslim state. Ajanovic was jubilating and celebrating a fact that the Muslim community went the best in negotiating the Lisbon Agreement, see D00302, of 18 March,92**

### **Muslims satisfied with the agreed upon statehood**

Commenting on tonight’s fifth round of the Conference on the future of Bosnia and Herzegovina, the spokesman of SDA, Irfan Ajanovic, estimated that the Muslim nation in its constituent unit or future ethnic canton would be a majority of 82 percent, while the Serbian nation would comprise 50 percent of the Serbian unit. He said that the approved document that has not yet been signed will allow Bosnia to remain indivisible and unified in its current borders and that after the fifth round of talks it practically became a “state with all of the attributes of a state”. He supported that with a statement saying that at the meeting with Jose Cutilleiro, it was agreed, among other things, that this republic would get its own national currency, a single defense system, unified foreign affairs and court system, and the protection of human rights and freedom.

The possibility that the Serbian Assembly would reject tonight’s agreement with Jose Cutilleiro, Ajanovic commented in his own way by saying that that would be the latest ridiculous act coming out of the Serbian kitchen. “In that case it will become clear as to who is not for peace in Bosnia and Herzegovina and who is cheating the European Community and the Chairman of the Conference on Bosnia,” said Ajanovic.

**Therefore, if the Serbs rejected the Agreement, they would be “cheating the EC”, and they wouldn’t be in favor of the peace in BiH. Since the Muslim side (SDA) rejected already agreed arrangement, it didn’t concern them!)**

**2856. Even until 1995 the Bosnian Muslims and Bosnian Croats continued to be portrayed as the enemies of the Bosnian Serbs and their state. The evidence also shows the importance that the Bosnian Serb leadership and the President placed on territorial acquisition and control. (Wrong, wrong, wrong inference and assertion. #The entire Yugoslav crisis was about the ethnic territories#. Slovenia and Croatia wanted to secede from Yugoslavia on the strictly ethnic basis, not on any class, or racial, or any other basis. The Muslims wanted to do the same, but didn’t have a precondition to keep the whole Bosnia as their and only their state, because the Serbs and Croats had their constitutional rights on this Republic, equal to those the Muslims had. And if any ethnic community in BiH wanted to change it’s position in relation to Yugoslavia, and to change it’s nature as a state, the two other communities had a decisive vote to approve or deny it. The Serbs had every right to influence it, they could prevent it on a two bases: as a constituent people, and as a people that represented more than one third of voters, both in the Parliament and in population. Does the law and constitutions have any value before the UN Court?).**

## **(E) Strategic Goals**

### **1. Analysis of evidence**

**2857. The Chamber recalls that during the 16<sup>th</sup> session of the Bosnian Serb Assembly on 12 May 1992, the President presented the Strategic Goals.<sup>9354</sup> The Strategic Goals were adopted**

<sup>9354</sup> See para. 57 See also Branko Đerić, T. 28067–28068 (25 April 2012) (testifying that the Strategic Goals were presented by the SDS leadership and that the Bosnian Serb Government was not involved in developing these goals).

by the Bosnian Serb Assembly at the same session.<sup>9355</sup> **(Wrong! There was no any voting, not even discussion, since it was an exegesis of the new negotiating position of the Serb delegation before the ongoing ICFY!) These goals were:**

- a. **separation from the other two national communities and the separation of states; (#Forgery#!It was not “and the separation of states” it was only “the separation of states”!)**
- b. **creation of a corridor between Semberija and Krajina;**
- c. **creation of a corridor in the Drina Valley thus eliminating the Drina as a border between Serbian states; (Wrong! #Abuse of translation#! It was said “between the wworlds” meaning the East and West, see P956, p. 9**

The third strategic goal is to establish a corridor in the Drina Valley, that is, elimination of the Drina as a border between two worlds. We are on both sides of the **If the editors changed this wording, it is not the President’s responsibility, but the Chamber was served with the original#!!**

- d. **creation of a border on the Una and Neretva Rivers; (This speech was held on 12 May 1992, but several months prior to that the Ambassador Cutileiro on behalf of the EC and Lord Carrington proposed a preliminary ethnic map, with the boundaries between the ethnic communities just on these rivers, see: D91:**



- e. **division of the city of Sarajevo into Serbian and Muslim parts; and (#Coloquially, but in the essence it had never been meant a physical division, but an administrative re-organisation after the model of the Brusseles, see P1478, p.315:**

**\* Sarajevo will not be divided into Serbian and Muslim parts, opt for Brussels, not Beirut (urban regime → administrative division) . . .**

**:) there are many documents confirming the President’s attitude towards the transformation of BiH and Sarajevo in a manner known to the European Community!#)**

<sup>9355</sup> P955 (SerBiH Assembly Decision on Strategic Goals of Serbian People in BiH, 12 May 1992). Prstojević was evasive as to whether the Bosnian Serb leadership had established a goal of division from Bosnian Muslims and why. In addition his evidence was marked by indicators that he was trying to mislead the Chamber. The Chamber therefore does not find his evidence with respect to this issue to be reliable. Nedeljko Prstojević, T. 13244, 13247 (11 March 2011), T. 13619–13620 (17 March 2011), T. 13748, 13850–13851 (21 March 2011).



f. access of the SerBiH to the sea.<sup>9356</sup> (Why not? BiH had 24 km of the sea coast in Neum, and the Serb state within the BiH was entitled for one third of this coast! Even US President Villson established in his “14 points” that the Serbs will get unimpeded access to the Adriatic Sea! But, it should be achieved by negotiations, and President Tudjman of Croatia had promised this to the President, a swap of a strip between Trebinje and Dubrovnik for an access of the RS to the sea. The Serbs have given this strip, but didn’t get what was a bargain. Anyway, the Serbs in BiH never fought for that goal!)

2858. The Accused stated that the Assembly of BiH had neglected all other tasks and moved towards “gaining independence for Bosnia and Herzegovina as a unitarist state under Muslim domination” and that the Muslim and Croatian national communities with the assistance of opposition parties “decided to enclose us in their own state, to make us wake up in a foreign state”, which forced the Serbian people to exercise their “right to self-determination and set up our own state”.<sup>9357</sup> (So what? The #Badinter’s Commission for Arbitrage gave the Serbs the support, and on that basis the EC and UN organised the sub-Conference on Bosnia within the already existing ICFY#! Why this Court is questioning a merely political issues that had been agreed before the war? This is untenable, and should have been forbidden, because the Prosecution was dealing with the political matters, agreed among the sides!) The Accused also stated that they would finally “finish the job of the freedom struggle of the Serbian people. That job is not finished. Anything in history that is not properly finished does not die but it returns to the agenda again, each time with many more casualties.”<sup>9358</sup> (Anything the President said, even such an #academic consideration, is us#ed against him. Naturally, since there is no any substantial evidence for his guilt!) The Accused also cautioned against the “Serbian megalomania of trying to include as many of our enemies in our areas as possible”, and that while their brave people had taken as much as they could, this “could put us in danger of including in our state too many of our enemies, who will again work against that state”.<sup>9359</sup> (#This is the first class evidence that the President was against the greed for territories where the other communities made majority, and that a humble approach to the territorial question was the only instrument of the homogenisation of territory#! It was a very famous approach of the President, not to fight for the territories with the non-Serb majority, and not to include a settlements in which the inhabitants would rather be in a neighbouring entity! See P1478, how the President stopped a military action towards Gorazde, 14 July 1992: P1478, p.332

Major General MILOVANOVIĆ:

- The situation on the front is stable
- send a group for demining to ŽIVANOVIĆ.
- KARADŽIĆ —> suspend further operations against Goražde. —

No

army would be happy with such a kind of President and Supreme Commander!)

2859. With respect to the first of the Strategic Goals, the separation of the national communities, the Accused emphasised that separation from their “enemies” was necessary and that their goal

<sup>9356</sup> P956 (Transcript of 16<sup>th</sup> Session of SerBiH Assembly, 12 May 1992), e-court pp. 8–10; P955 (SerBiH Assembly Decision on Strategic Goals of Serbian People in BiH, 12 May 1992); P2561 (Map of BiH re six strategic objectives). See also P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 14–15.

<sup>9357</sup> P956 (Transcript of 16<sup>th</sup> Session of SerBiH Assembly, 12 May 1992), e-court p. 4.

<sup>9358</sup> P956 (Transcript of 16<sup>th</sup> Session of SerBiH Assembly, 12 May 1992), e-court p. 10.

<sup>9359</sup> P956 (Transcript of 16<sup>th</sup> Session of SerBiH Assembly, 12 May 1992), e-court pp. 10–11. See also Ewan Brown, T. 21720 (22 November 2011).

was the “separation of states”.<sup>9360</sup> In this regard the Accused stated that their enemies had attacked them at every opportunity in the last century and would continue to do so if they lived in the same state.<sup>9361</sup>

**(#First of all, a “separation of states” clearly indicates that there was no any idea of separation of population, but determines the separation of state organisation and system of authority#. The minority existed in all current republics even before 1918, but was not causing any killings. Only when a community is “locked” in a state against its free will, without consent, this is a scenario for catastrophe. Unlike minorities with their maternal country in neighbour, every ethnic community, particularly of the constituent peoples, are legitimate not to accept an imposed state. There should be their consent to be included in a national state of other nation. Croats and Slovenians asked to be included in Yugoslavia 1918, because they had been defeated in WWI, but later they wanted to secede, but unilaterally and forcefully!)**

In a similar fashion the Accused explained the importance of each of the Strategic Goals by reference to the interests of the Serbian people.<sup>9362</sup> The second Strategic Goal outlined by the President was the importance of a corridor between Semberija and Krajina to allow for an integration of Serbian lands with unimpeded flow from one part of the state to another.<sup>9363</sup> With respect to the Strategic Goal of creating a corridor, Krajišnik stated that the “size of the corridor depends on you. Whether it will reach to the Sava river or be five kilometres wide, if it is five kilometres wide we will not be able to defend it, but if it is 30 km we will defend it”.<sup>9364</sup>

**(However, the Chamber neglected the fact that before the war the #President and the Serbs in Bosnia accepted that their republic may not have the territorial continuity#, and it wasn’t an imperative for the Serbs if there was no any war. See: The President’s speech before the Serb Assembly on 25 February 1992, i.e. before the war, D88, p.11:**

A constituent unit may consist of a number of separate parts. This means that the Republic of Serbian Bosnia and Herzegovina may not have continuous territory. It may have several separate territories and, although the map we have drawn up would connect all the parts, the whole of the Serbian Bosnia and Herzegovina, it would leave the Muslims in five to six enclaves, Croats in two to three.

In the event of doubts arising in any area with respect to the delineation of units, assistance would be sought from an Arbitration Commission. Sarajevo would be the capital of BH in addition to being capital for one of the constituent units.

**#No unsolvable question, nobody needed a war#. But, after the war broke out, due to the Muslim will, the Serbs wouldn’t dare to live in an enclave surrounded y the hostile Muslims, who wouldn’t be hostile if there was no war. In Switzerland there is no continuity of the French, German or Italian speaking groups, but in Bosni after the war nobody would dare to live such a way!)**

**2861.** With respect to the third Strategic Goal the Accused stated that the belt along the Drina must belong to the SerBiH and that this would not only be strategically useful to them but also damaging to the “interests of our enemy” and would prevent the Muslims from connecting to the “Muslim International”.<sup>9365</sup> Part of the fear of the Bosnian Serbs was to prevent the creation of the

<sup>9360</sup> P956 (Transcript of 16<sup>th</sup> Session of SerBiH Assembly, 12 May 1992), e-court p. 9. The Chamber places no weight on Brown’s opinion that the implementation of the first Strategic Goal would involve the creation of a Serb state and the movement of a significant part of the non-Serb population out of that state. P3914 (Ewan Brown’s expert report entitled “Military Developments in the Bosanska Krajina – 1992”, 27 November 2002), para. 1.43. *See also* Patrick Treanor, T. 14052 (1 June 2011); P2561 (Map of BiH re six strategic objectives). The Chamber places no weight on Treanor’s opinion as to the reasons behind the Strategic Goals or the way in which the Strategic Goals formed part of the objectives of the Bosnian Serb leadership. For example, *see* Patrick Treanor, T. 14019, 14051, 14054, 14067–14068 (1 June 2011), T. 14378 (7 June 2011). The Chamber also does not rely on Bulatović’s understanding that the first Strategic Goal did not involve physical separation of people or his belief that the expulsions did not result from any policy. D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 19–20.

<sup>9361</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 9. For further evidence and discussion on this issue, *see* Section IV.A.3.a.i.B: Identification of historic enemies.

<sup>9362</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 9.

<sup>9363</sup> P956 (Transcript of 16<sup>th</sup> Session of SerBiH Assembly, 12 May 1992), e-court p. 9; P2561 (Map of BiH re. six strategic objectives). *See also* Patrick Treanor, T. 14052 (1 June 2011).

<sup>9364</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 45.

<sup>9365</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 9.

so called “green transversal”.<sup>9366</sup> The President also spoke about the “elimination of the Drina as a border between two worlds. We are on both sides of Drina, and our strategic interest and our living space are there”.<sup>9367</sup> This objective was also reflected at a municipal level, where in Foča for example, Stanić stated the Bosnian Serb position that “the Drina would never become a border but a windpipe between two lungs”.<sup>9368</sup> **(#Making Drina River a border trough the Serbian areas, without the Serb consent and contrary to the Serb constitutional rights is a crime. However, there was a way to reconcile the Serb and Muslim interests, so that Bosnia become independent, and the Serbs to maintain this loose tie to Serbia. The Muslims were offered to have their municipalities along Drina River#. No matter it was going to be a Serb republic. But, the most important mater is: the Chamber doesn’t see any difference between the peace time statements and objectives, and the same subjects after the war broke out due to the Muslim illegal, unrealistic and irrational ambitions to have Bosnia as only their national state!) There is another evidence, which even wasn’t noticed by the Chamber. The President, having a live TV interview together with Krajisnik in early 1993 explained what did it mean “not to have a border on Drina”, see: D1936;**

**Risto Đogo:** A viewer from Salaš Crnogajski: if we managed to realise the boarders that would separate us from Muslim and Croatian provinces, would those boarders last?

**Radovan Karadžić:** Well, you see, I think that boarders in Europe will never be that important, even though their existence is necessary. And if there are no wars, those boarders will be administrative, if there are some customs or monetary unions, there won’t be much restriction on those boarders. It all depends on whether the relationship is neighbourly or those boarders are...they can be tightest in the world or semi-restrictive, that is restrictive in the way boarders are in present day Europe. What is important is that we know exactly what is ours, we live there, we have our economy, our culture, our education, our media, and that is what each nation in the world is asking for, and should have, and has a right to, and we’ll see what will that neighbourly life be like. If, to use an old expression, the good forces prevail, if a constructive atmosphere geared towards quick recovery prevails, among Serbs, and Croats, and Muslims, I think that the economists will soon start cooperating and loosen up those boarders.

**Yet another President’s prediction (Maastricht before Maastricht) should be punished!?! That**

<sup>9366</sup> Radomir Nešković T. 14378 (7 June 2011). Bosnian Serbs also expressed fear about Izetbegović’s Islamic Declaration. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 4, 25–26, 30. See also D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), para. 28; Milorad Dodik, T. 36834–36835 (9 April 2013).

<sup>9367</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 9.

<sup>9368</sup> P3476 (Video clip of interview with Miroslav Stanić, with transcript), p. 2; KDZ379, T. 18831–18834 (15 September 2011).

**was the real meaning of the border on the Drina River# further, the same D1936: Radovan Karadžić:** Well I think that the Muslim leadership, when they requested that borders be controlled by the central government, referred to the borders between Herzegovina and Croatia, as those borders don't exist, where there are no restrictions, rather than to the Drina border. We'll never allow, and that is one of the strategic aims we adopted at the Assembly, we'll never allow the border running along Serbian territories to become real, restrictive, although that was the case for a while, because of the situation...economic relationship was such that it had to be imposed, but things will change. Which ever way we deal with it, Serbian areas in the former Bosnia and Herzegovina will enjoy great freedom of economic and other communication with whom ever they choose. That is in accordance with the Lisbon document and other documents, that is, in accordance with the current European trend. The Germans and the French have that freedom, Alsace and Lorraine have that freedom, those rights will have...Serbs living on both sides of the Drina will have to have those rights.

2862. The Accused concluded that the achievement of the Strategic Goals would allow them to finish the freedom struggle of the Serbian people and that they should avoid including too many "enemies" in their state.<sup>9369</sup> **(#How could the Serbs "include too many "enemies" in their state", and how they could have it avoided? #The only mechanism was to be moderate about the territorial issues, not to insist in including the Muslim and Croat settled places in the Republic of Srpska, if they didn't want it, and if they could be added to their entity. All the bordering settlements could have their choice where to belong, and that was the only tool for a homogenisation of the three republics. There is a huge evidence about that, and none about any other way, particularly not by expelling the population!#)**

2863. At this session, Mladić advocated a path which would involve fighting and waging war.<sup>9370</sup> Mladić stressed that there would be victims, but that the other option was one of chaos, passivity and empty talk and would be the "path to our extinction".<sup>9371</sup> **(So what? Wouldn't it be the Serb extinction, as it was in Croatia, Kosovo and BH Federation? And what is criminal in an oral consideration of the options of people in it's Assembly?)** Mladić also stated that "we cannot cleanse nor can we have a sieve to sift so that only Serbs would stay, or that the Serbs would fall through and the rest leave" and that he did not know how the Accused and Krajišnik would be able to explain this to the world and it would be "genocide".<sup>9372</sup> **(#General Mladic was speaking generally in favour of a common life and a good relations among the ordinary Serbs and Muslims, he praised Colonel Hasotic, a Muslim, who stayed in the VRS, he described Minister Ostojic and his encounter with the Muslims from his native place, where they live peacefully, although surrounded by the Serb settlements. General Mladic didn't refer to anything that had been said, he have spoken generally against any differentiation and discrimination, not in reaction to anything, but agains the general climate of nationalism in Yugoslavia. This can not be used against this President, unless shown that it was Mladic's reaction to something Karadzic or Krajisnik said, but that was not the case! The very same occasion, the President made his very known public speech before 50,000 citizens, stating**

<sup>9369</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 10–11.

<sup>9370</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 31.

<sup>9371</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 31–33.

<sup>9372</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 35.



**that the Muslims and Croats will be safe and secure in the RS, and 50,000 people greeted that by applauding!)**

2864. Mladić stated that there are ways of neutralising the Muslims which do not mean that they have to be expelled or drowned.<sup>9373</sup> **(#EXCULPATORY#!!! This was in accord with the policy of the RS leadership!)** In this regard, Mladić identified a common enemy and described them as Muslim and Croatian “hordes” and that they had to determine whether “to throw both of them out employing political and other moves, or to organise ourselves and throw out one by force of arms, and we will be able to deal somehow with the other”.<sup>9374 9379</sup> **(The #“hordes” meant the armed and organised paramilitaries and terrorists deep in the Serb territory! #Every single country would do that, because it was legal and obligatory! Such a terrorists, who are not declared, structured and marked as an army, but live as a false citizens and kill the soldiers, policemen and their civilian neighbours, do not have any rights that belonged to the POWs, but stil the Serb side treated them that way!)** At the same session, Mladić also spoke about the importance of defining their goals and the territory of SerBiH and having the forces to achieve this.<sup>9375</sup> **(So what? To “defend” is a universal right! What Mladic described already existed, didn’t have to be achieved, just to be defended!)** He also said that their goal should be to have “a state of our own where we have left our mark, the bones of our fathers, and that is the goal we must fight for”.<sup>9376</sup> Mladić stated that if “we have taken something in this war that was not ours, we need to keep hold of it so that in political negotiations we can get those things that were ours, and that we cannot get in any other way”.<sup>9377</sup> **(So what? No army would leave any strategically important places before the final settlement!)** Mladić advocated that the actions of the Bosnian Serbs should remain secret and recommended that they adopt a common rhetoric towards the public.<sup>9378</sup> He also stressed the importance of identifying enemies and that on this basis, “we must make our move and eliminate them, either temporarily or permanently”.<sup>9379</sup> **(So what? Should the Serbs nourish their enemies? But, the main issue is: why the Chamber is inferring about the President’s mens rea from the words of other persons, even of a completely different ideological views, which the President was not suppose to confirm or deny? Mladic was loudly meditating, it was his first appearance before the Assembly of a new, non-communist parliament, he didn’t say anything unacceptable, and this is irrelevant for the case against the President!)**

2865. Towards the end of the same session on 12 May 1992, Krajišnik acknowledged that “we will surely go to war” and that “it will be possible to solve this thing with Muslims and Croats

<sup>9373</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 35.

<sup>9374</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 41.

<sup>9375</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 32–33.

<sup>9376</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 39.

<sup>9377</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 32.

<sup>9378</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 33–34 (stating “[t]he thing that we are doing needs to be guarded as our deepest secret” and “[o]ur people must know how to read between the lines”, and suggesting that they “adopt such a wisdom that we are against the war but that we will fight if attacked, and that we do not want a war against the Muslims as a people, or against the Croats as a people, but against those who steered and pitted these peoples against us”). **(What the Chamber had expected from a commander of an Army which was declared a war ant attacked, except to pleade for a care of secrecies. All other that Mladic said was #EXCULPATORY! SIMILARLY SPOKE President Karadzic next day before 50,000 cinizens of Banja Luka, see the transcript from the public meeting on 13 May 92 in Banja Luka D494, S. @upljanin#:**

**I am glad that I can point out from this place that the majority of authorised employees, 85% of them, have signed the solemn oath. Among them a great number are professionals of the other ethnicity that remained to work in this CSB and they are among us now. /applause/**

**Kara'i):** **fires / truce. We in Bosnia and Herzegovina are not in conflict with Croats and Muslims. We are in a conflict with militant leadership which would like to impose their state to us, the one in which they would dominate and we would be second class citizens, that is to say the escort people to the leading people**

**Serbian Republic of Bosnia and Herzegovina. We are proud to say that Muslims and Croats are not and will not be endanger on the territory of Serbian Republic of Bosnia and Herzegovina. /applause/**

<sup>9379</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 33.

only by war” but that they should select the political solution because it would not look good if the conclusion of Assembly was that they had chosen the option of war.<sup>9380</sup> **(So what? #The issue “war vs. political solution” didn’t depend only on one out of the three sides. This kind of #“fishing” for sentences freely communicated as a political discourse, while there is so many relevant documents, is not fair, and should not be relevant it such a cases#! It was done because in the documents there was no evidence about any criminal intents or deeds!)**

**2866.** Other deputies supported the Strategic Goals and indicated that in order for them to be realised they could be “developed further and presented as variations” and that the borders would be established “when we make them a fact” and that peace could “only be achieved by war”.<sup>9381</sup> They also emphasised the importance of finding a way to “keep in peace what we have won in war” and in areas where they were a minority there would need to be a resettlement of the population.<sup>9382</sup> **(Here is the entire discussion of a guest at the Assembly session, not deputy, but a guest, professor of Economy at University and a well known expert P956, .29 – 30:**

Prof. MILOJEVIC: I shall be very brief, and I would like to say first of all that it will be very difficult to speak, take the floor, after hearing the captain’s speech. However, I want to and I am concerned about one issue, our Serbian historical question. I want to put emphasis on this, no matter how it will be understood. Serbs have often won in war and lost in peace. I wish to advise us how we can keep in times of peace what we have won in the war. The war cannot last long. We need to make, right now, a lasting solution. The lasting solution to keep this in times of peace, to make an option for peace. I would just like to outline it briefly. After the war, democracy will start. Voting starts, a majority and minority start. We need to define now how to endure in the areas where we are a minority. Just imagine, we hold enormous areas which now, in the war option, are ours, but which, overnight, may cease to be ours, where we comprise up to 30 %, and then we will start asking ourselves why all these people died and what is happening to us. Just remember, the best minds of our people have been explaining why it is that the Serbs win in war and lose in peace. This time we cannot allow this. We must make an option enabling us to keep in peace what we have won in war.

need them, where lives will obviously be lost for nothing, places we cannot hold, because we only incite anger amongst our own and other peoples, and that is why we believe, if we set the state border as our goal, and we do, this border needs to be reached and this implies resettlement. Shall we give a hint to our Serbs who will remain deep within the enclaves that they simply have to move from there and that a solution must be found for them, and in the institutions of the government we must seek for solutions for the resettlement of population. It seems to me that we are waging a war, establishing a state border, without having defined within the institutions of the government what is going to happen with the people who shall remain in enclaves, who tomorrow may find themselves encircled, slaughtered, killed and so on. We must tell these people in due time that we simply will not be able to hold this. The government simply must seek for solutions so that they can get out in time instead of provoking the situation in general. In conclusion, I propose that maybe today we form some kind of a group to come up with the borders very quickly, but for our eyes only, so that we know very soon what the goals are of our army and our political leadership in establishing the Serbian Republic of BH. So, a commission for borders, but for our eyes only and in secrecy. Thank you!

<sup>9380</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 45, 47.

<sup>9381</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 27. This speech was delivered by Velibor Ostojić.

<sup>9382</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 29–30.

**(#Words OF Others#A! lthough neither the President, nor any other official could be responsible for a greeting words of a guest at the Assembly session, there is no a single resemblance to what is “found” in this paragraph of the Judgement#. A “resettlement” had been mentioned only when the guest was expressing his concern about the Serbs that may remain in the Muslim-Croat territories, “in the areas where we are a minority”, suggesting that if they do feel insecure, they must be enabled to resettle to the Serb republic. This was the Chamber who liked this unofficial words, because had the Prosecution pointed out to this piece of evidence, the Defence would ask this guest at the Assembly session, who was the witness who testified, to explain what he meant, although it is clear that a possible “resettlement” pertained only to the Serbs, not a non-Serbs in the Serb areas!)**

**2867.** At this session, Brđanin explained that in areas where Serbs were a majority, “most of them are still asking whether they should injure the Muslims, whether they can hold certain posts, whether loyal Muslims and loyal Croats exist”.<sup>9383</sup> **(#There is no such a sentence on this address!#)** Brđanin was one of the Bosnian Serb leaders who engaged in anti-Muslim rhetoric and this rhetoric created a great deal of animosity, mistrust and hatred towards the Bosnian Muslim population.<sup>9384</sup> For example, Brđanin said that he did not know why the Muslims were pickling cabbage for the winter because they would not be there to eat it.<sup>9385</sup> **(#A protected lie#! “protected witness statement!”)** Brđanin at a meeting for Serb unity in August 1994 attended by Krajišnik said “[t]hose leftist forces which are offering us co-existence again must know that it is the obligation of Serbs over the next hundred years to wipe their feet from the foul non-Christians who have befouled this soil of ours”.<sup>9386</sup> Krajišnik then took the stand and praised the words and patriotism of those who had spoken before him.<sup>9387</sup> **(#Out of courtesy # #A words of MP-s#! Mr. Krajisnik praised “those who had spoken before him” which meant nothing in relation to what Brđjanin said. However, Brdjanin was a deputi, directly elected, and neither Mr. Krajisnik, nor the President were entitled to “educate” or control, or correct what deputies were talking, until and unles it was going to dominate and be adopted as an official standpoint. The Prime Ministers Djeric and Lukic testified that there always were some extreme opinions, but none of them prevailed. It was very known to the Chamber how the President was critical of the Brdjanin rhetorics and how often he criticised him, but still it charges the President for a free-floating repliques or statements of a deputy!?)**

**2868.** On 7 May 1992, a week before being presented before the 16<sup>th</sup> session of the Bosnian Serb Assembly, the Strategic Goals were discussed in the presence of the President, Mladić, and Krajišnik.<sup>9388</sup> Krajišnik acknowledged that he had taken part in adopting the Strategic Goals and that the first goal was the most important and that the remaining goals were sub-items of this goal.<sup>9389</sup> Mladić also stated that he had “read, mulled over for a long time and discussed with the most select circle of comrades whom we convened, the strategic goals that are of substance”.<sup>9390</sup> **(#So what?# The Muslims wanted to secede from Yugoslavia, the Serbs didn’t, and the only compromise was to have the three ethnic states within Bosnia. Before the war, the strategic objectives of the Serbs were different. But, all of it was legal, even proposed by the UN – EC mediators, aand no court should question these political issues! Neither these political claimes of the Serbs and Croats for their entities in BiH caused the war, nor caused any crime. Both the war and crimes were caused by the Muslim try to dictate how the future**

<sup>9383</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 25.

<sup>9384</sup> [REDACTED].

<sup>9385</sup> [REDACTED].

<sup>9386</sup> P14 (TV footage of Serb unity meeting in Banja Luka, 21 August 1994, with transcript), pp. 5–6.

<sup>9387</sup> P14 (TV footage of Serb unity meeting in Banja Luka, 21 August 1994, with transcript), p. 8.

<sup>9388</sup> P1477 (Ratko Mladić’s notebook, 14 February–25 May 1992), pp. 262–263.

<sup>9389</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 45.

<sup>9390</sup> P956 (Transcript of 16<sup>th</sup> session of Assembly of SerBiH, 12 May 1992), e-court p. 32.

**independent Bosnia was to look like in it's internal structure, i.e. to impose a unitary state with an Islamic regime to the Christian majority!)**

2869. At this same session a deputy from Brčko referred to the tasks set by the President, and noted that one of the first priorities “is establishing communication between Semberija and the Bosnian Krajina” and that while military operations had been completed to some extent, there were still Bosnian Muslim forces in Brčko, and that Brčko “remains uncompleted”.<sup>9391</sup> He noted that in order to have “definitive clearing of the area it will be necessary to have many more forces there” and called on the President and Krajišnik to promote general mobilisation of the Serbian people and referred to the “conquests that are currently necessary”.<sup>9392</sup> **(#So what? The Brcko deputy in Parliament pointed out to the Muslim forces, not to the civilians#. And he claimed for an additional mobilisation, which would be senseless if he meant about civilians. Since there was already six weeks of the war, why that what the deputy from Brcko would be illegal? The Chamber is mixing up the temporal plans, the times when something had been said! What had been said before the war and repeated during the war, would have a different meaning. In addition, the Chamber is allocating so many words said by so many peoples to the President, no matter he agreed or not. The President was not a teacher to correct deputies, he could only refuse to sign an Assembly document that wasn't lawful, and nothing else. He wasn't even obliged to attend the sessions!)**

2870. At this same session, Dragan Kalinić, the health minister, spoke in favour of choosing the “option of war” and that their enemy was perfidious and “cannot be trusted until they are physically, militarily destroyed and crushed, which, of course, implies eliminating and liquidating their key people”.<sup>9393</sup> He further noted that “only what has been conquered militarily can be really and truly ours” and that there was no point in making maps until they had “succeeded in defining and marking our territory militarily”.<sup>9394</sup> **(At that moment Dr. #Kalinic was an opposition deputy#, and the Accuse had even less possibility to warn a deputy of the opposition, that would be a grave violation of the parliamentary rules!)**

2871. Kalinić also noted that since they were in closed session, he could make it clear that when they called for cease-fires this was only done to demonstrate that they were in favour of negotiations and a peaceful solution but these statements were for “external, public use” and that cease-fires could be used to consolidate their armed forces.<sup>9395</sup> **(That was right, but still, the #President was not a school teacher, to correct everybody#!)** Kalinić also spoke in favour of the destruction of radio and television facilities and medical facilities “so that the enemy has nowhere to go for medical help”.<sup>9396</sup> **(It is only an evidence that Dr. Kalinic was very angry with his Muslim colleagues who grabbed all the hospitals in Sarajevo, denying the Serbs to use at least one of them. But, this outburst of anger of Dr. Kalinic was recognized by everyone as a moment, and everyone knew that he didn't mean it!)** Bosnian Serb leaders often proposed cease-fires at times when they already controlled a large percentage of the territory in BiH.<sup>9397</sup> **(#The Chamber didn't need the Okun's opinion on this subject, since the Chamber should have known, after more than 500 day of trial, that the Serbs had always controlled this amount of territory, and that the Serbs didn't took the control by a military actions,**

<sup>9391</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 12.

<sup>9392</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 12–13.

<sup>9393</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 17.

<sup>9394</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 18.

<sup>9395</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 18.

<sup>9396</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 19.

<sup>9397</sup> Herbert Okun, T. 1779 (28 April 2010). See also Anthony Banbury, T. 13397 (15 March 2011); D1146 (International Conference on Former Yugoslavia report, 8 June 1994).



although they defended it militarily. What was wrong with the offers of cease-fires? The Serbs had been against the war from the beginning of the crisis!#)

2872. A deputy who spoke in favour of the Strategic Goals noted that in Bosanska Krupa, “there are no more Muslims in the Serbian Municipality of Bosanska Krupa” and that they had been “evacuated” and that it was unlikely that they would have a place to return to given that the President told them “the happy news that the right bank of the Una is the border”.<sup>9398</sup> (Although the Defence pointed out in the Defence Final Brief that the #Prosecution have “castrated” this sentence#, the Chamber didn’t pay any attention to this undoubted fact. First, Bosanska Krupa about which the witness had been spoken, was only one third of the Bosanska Krupa Municipality, i.e. #only the Serb part of it#. Second, the rest two third of Municipality was the Muslim Municipality of Bosanska Krupa, without a single Serb. But, the most important is the fact that the Serb authorities of the Serbian Krupa evacuated the Muslims within their municipality, from an embattled village or area, to a peaceful area, or, in one case, they evacuated the Muslim civilians to another municipality, but in the same entity, in Sanski Most. But, the most important is the most drastic manipulation with the witness’s crippled sentence. Let us see the critical part: P956, p.20:

Muslims. As our president has said, we in the Serbian Municipality of Bosanska Krupa did not want the war, but there was nothing else we could do. One could not live any longer in the Serbian Municipality of Bosanska Krupa with all the insolence, military exercises, and many other things, with forcible take-overs of firms with guns in hands, with every single Serb thrown out of his job in the municipality of Bosanska Krupa, with not one Serbian teacher wanting to sign an oath of loyalty, as a matter of fact, not one Serb in the municipality of Bosanska Krupa. That is why we were forced #Th

is was a “take-over” of the Serb municipality, i.e. the Serb part, in addition to the Muslim two third of Bosanska Krupa#! It is pitty the Chamber didn’t have any interest in the entire discussion of this deputy. Further, p. 20 :

operations? Thank God, we did get to our borders, because that was how we had envisaged them and drawn them, and you, people’s deputies, know well that we had said that the right bank of the Una river would be our border, and that the right bank of the Una river must be the border. After all, the natural border of the Serbian Republic of BH runs from Bihać via Bosanska Krupa to Bosanski Novi. That was what we always said and that was why we did get to the right bank of the Una river. This was where we stopped and we dug in. We have mined the right bank, we have

That the Una River was a natural boundary of the Serb parts of BiH, it was known to the European Community, and Ambassador Cutileiro realised that and marked it in his preliminary map, which was to be discussed further. Now, the critical sentence, p.20

What are our adversaries doing? At the moment, they are all in Cazin Krajina. On the right bank of the Una river there are no more Muslims in the Serbian Municipality of Bosanska Krupa, all the enclaves that were there, Rapuša, Veliki Vrbovik, Ostrožnica, Babić, Muslim Jasenica and Zavir, we have evacuated them, so that there will be none there for the duration of war operations. Will they have a place to return to? I think it

“#we have evacuated them, so that there will be none there for the duration of war operations.”# Why this small part of the sentence, but the very crucial for understanding, was skipped both in the Indictment, but in the Judgement too, although the Defence notified about this forgery?p.21

Will they have a place to return to? I think it

is unlikely after our President told us the happy news that the right bank of the Una is the border. Unfortunately, our villages of Perna, Podbran and Ljusina have remained on the left bank of the Una river. Let me say here that we are capable of entering

So, this was a witness’s prediction that the Muslims will not return if the right bank of the Una River was going to be in the Republic of Srpska, because they would prefer to live in their

<sup>9398</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 20–21. While the Chamber notes that the events in Bosanska Krupa are not charged in the Indictment, the Chamber has had regard to this evidence as it supports the pattern of the Accused’s involvement in setting objectives which were implemented at the municipal level.

area on the left bank of Una River. Therefore, nothing in these sentences relates either to the witness's intentions or wishes, let alone with the President's intentions or doings!) :

2873. These Strategic Goals were also communicated to and discussed during Crisis Staff meetings at a municipal level.<sup>9399</sup> On 18 May 1992, the SDS Municipal Board in Prijedor was informed about developments at the Bosnian Serb Assembly and informed about the main guidelines for future activities which related to the Strategic Goals.<sup>9400</sup> **(So what? #There was the war declared against the Serb community# in BiH by the others, and all the legal measures were at the disposal of the attacked side!)**

2874. The Strategic Goals were more than mere theoretical objectives and they were concretely discussed at meetings. For instance, at a meeting of 1<sup>st</sup> Krajina Corps commanders and Banja Luka leaders on 2 June 1992, the implementation of the second goal, *i.e.* creating a corridor between Semberija and Krajina,<sup>9401</sup> was discussed.<sup>9402</sup> At the same meeting which was attended by the President and Mladić, Brđanin stated that “everything in the ARK is done at the [Crisis Staff] level”.<sup>9403</sup> The Accused also referred to the Strategic Goals at a meeting with Bosnian Serb representatives on 10 June 1992 at which he said that “[w]e have full control of many of our territories”#, **(...#we have full control of many of our territories, controlled by the Serbs, so what? Not anyone's else, but their own territories!#Why it was wrong? Does the Chamber know what is a civil war?)** that Bosnian Serbs had strong support from the Serbian DB, and that they had formed their own army.<sup>9404</sup> **(Nobody formed the Army of the Serbs in Bosnis, but they themselves! There is no a single evidence of that! #Here is the reference to which the Chamber refers: P1478, p.133**

- We have not set up a military organisation for 2 reasons:

- 1.- The army asked us not to.
- 2.- We had strong support from the State Security.-

**(It is not enough just to say that this kind of deliberation must not ever been exercised, through a wrong translations, or through a #crippling the sentences to the absurdity#! The two reasons why the Serbs in Bosnia didn't create their own military organisation are as follows: 1. “The Army asked us not to”, which meant the JNA wanted the Serbs in Bosnia not to make any party or ethnic army, and 2. “The State Security was severely watching us.” That meant: “the Bosnian State Security, while secretly forming their secret ethnic and party army The Patriotic League, watched the Serbs to prevent their response to the Muslim secret moves”. How possibly this was translated so that a severe surveillance was presented as a “strong support of the Serbian DB”? Is this kind of manipulation allowed in the countries of the origin of the Judges? Or the Judges had an unlimited confidence in their Balkans assistants, who fought against the Serbs even this way? If the Chamber evaluated the entire entry in the Mladic's diary, it would have seen that the Serbs in Bosnia from the beginning decided for a defensive strategy. The Strategic goals werent any secret document, that was a new negotiating platform, immediately communicated to the EC negotiators and made public, see D428 of 9 June 1992, a decision of the Presidency, which clearly indicated that the Strategic**

<sup>9399</sup> See P3431 (Handwritten diary of KDZ192), p. 14 (under seal); KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11526–11527 (under seal). See also Nedeljko Prstojević, T. 13245–13246 (11 March 2011); Nedeljko Prstojević, T. 13564–13565 (17 March 2011). The Chamber places no weight on Donia's opinion that the Strategic Goals were published again in 1993 given an “assessment of the leaders that these were important goals that should be publicly known and that they had not changed”. It also places no weight on his assessment about the significance of and the ideological basis for the Strategic Goals. Robert Donia, T. 3073–3075 (31 May 2010).

<sup>9400</sup> P6589 (Minutes of Prijedor Municipal Board meeting, 18 May 1992), p. 1. See Boško Mandić, T. 45774–45775 (21 January 2014); Simo Mišković, T. 45382–45383 (18 December 2013).

<sup>9401</sup> P955 (SerBiH Assembly Decision on Strategic Goals of Serbian People in BiH, 12 May 1992).

<sup>9402</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 53, 60.

<sup>9403</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 53–54. See P6514 (Excerpt from military diary), pp. 2–3 (under seal); Radoslav Brđanin, T. 43679–43684 (18 November 2013), T. 43685–43689 (18 November 2013) (private session). See also D4056 (News report on Ratko Mladić and Radovan Karadžić visit to Banja Luka, 2 June 1992) (confirming that the Accused was on a short working visit on 2 June 1992).

<sup>9404</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 130, 132–133.

**goals were primarily a platform for negotiations with the EC and the sides:**

10. That the strategic goals and map of Serbian BH be published and sent to the European Community;

/encircled: 11./ Write instructions for the Serbian Army to abide by Geneva Conventions in its treatment of prisoners of war.

President of the Presidency  
Dr. Radovan KARADŽIĆ  
/signed and stamped/

**2875.** At another meeting in June 1992 of the Bosnian Serb military and political leadership, the Accused noted that the Bosnian Serb Assembly had defined the strategic aims and further reiterated the importance of those objectives and that the Bosnian Serbs had to protect their territories militarily.<sup>9405</sup> **(#Because these territories had been attacked militarily, how else to protect it#? How this is criminal, and is not criminal to attack the Serb territories? Throughout the huge evidence there is many confirmations that the #Serb side controlled only it's own territories#, although not all, and that the Serb military actions were always defensive!)** He also noted that “the birth of a state and the creation of borders does not occur without war” **(#Sayings#! So what!?! This was a paraphrase of an old saying that neither a child nor a state could be brn without blood. But, anyway, this was rather sad meditation that this rule had been confirmed in this case too, a completely neutral meditation and description of the development! Is everything the President said a crim? Or the Chamber produces as much quantity of nothing, to reach an illusion of quality?)** and that according to the map they had 66% of the territory in BiH.<sup>9406</sup> **(#That was not a result of the war, nor the Serbs intended to claim for the entire amount of it#!)** At this same meeting, Ostojić reported that there were no Muslims in Bratunac.<sup>9407</sup> **(Mr. Ostojic reported to the military commander about the military, not the civilian, situation in Bratunac, and Gen. Mladic made a very short notes, incomplete, and as any unfinished sentence, could be red differently. Anyway, the Serbs controlled only 20% of the territory of Bratunac, and from this part of municipality the Muslim civilians demanded to be escorted to Tuzla, and this happened! The combatants had been captured and transferred to Pale and further to Visoko. No killings! See the testimony of a protected witness KW12.)**

**2876.** On 17 June 1992, Mladić issued an order raising the combat readiness of the Birač Brigade and emphasising that the order was to allow for full control over Birač, to secure the corridor between Romanija and Semberija, and maintain a link with Serbia.<sup>9408</sup> **(What is wrong with that? If the Chamber allowed the Defence to present the #conduct of the Muslim side, cutting any traffic and killing drivers of the Boxite mines and civilians#, it would be clear that it was a military necessity. Even if there was no such a huge criminal activity, since the Muslim side declared and started the war against the Serbs in Bosnia, the militaries were entitled to secure it's own communications!)** In November 1992, Mladić issued Directive 4 to “cleanse the free territory of RS of the remaining enemy groups and paramilitary formations”.<sup>9409</sup> One of the tasks of Directive 4 was addressed to the Drina Corps which was instructed “to inflict the heaviest possible losses” on the “enemy” and force them to leave certain areas such as Birač, Žepa, and Goražde with the Bosnian Muslim population.<sup>9410</sup> **(#EXCULPATORY#! #The**

<sup>9405</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 93–95.

<sup>9406</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 97.

<sup>9407</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 101.

<sup>9408</sup> P3238 (Order of the VRS Main Staff, 17 June 1992), p. 1.

<sup>9409</sup> P976 (Directive 4, 19 November 1992), pp. 3–4.

<sup>9410</sup> P976 (Directive 4, 19 November 1992), p. 5. While Krajišnik had in his own case testified that this was an “order for ethnic cleansing” he somewhat qualified this during his testimony in this case. The Chamber therefore does not find his evidence to be reliable in this regard. Momčilo Krajišnik, T. 43823–43824 (19 November 2013).

civilians were not the target of the VRS#! The Defence pointed out the linguistic problem with this Directive: if the civilian “population was to leave certain areas with the military” that would mean that the military would take the civilians with them. But, if the militaries were to leave with the population, that meant that the population was taking military with themselves. It is necessary to connect this order with the previous one, two weeks prior to it, when the Muslim combatants from Vecici, Kotor Varos municipality, demanded that the VRS let their civilians leave the area, while the armed units would stay and continue to fight. Gen. Mladic agreed that the civilians may leave, but that they had to take the combatants with them too. There was a very cnown confusion, because the President approved the first demand, which probably was wrong, but the civilian rights were prioritised. This time Gen. Mladis demanded that the civilians, who anyway wanted to leave once their army was losing, take te military with them. See: D3914

President Nedeljko ĐEKANOVIĆ made an introductory statement about the problem of the evacuation of civilians from Večići with a view to reaching agreement on this issue, as well as about the problems arisen as a consequence of the Corps Command’s prohibition against allowing civilians out of Večići before all had laid down their arms. He informed the War Presidency about KARADŽIĆ’ s position that civilians should be allowed to move out from Večići as well as that conditions should be provided for that. He also informed the Presidency of a written document which he had signed at the Corps Command at the request of General TALIĆ, in which TALIĆ distanced himself from /the issue of/ releasing civilians from Večići. He urged that it was upon the War Presidency to decide whether it would allow the evacuation of civilians while assuming all responsibility for any subsequent consequences despite General TALIĆ’s reservation, or abandon such a course of action with respect to the question of Večići altogether.

So, a #permutation of these two wards drastically changes the meaning#! Two weeks after that Gen. Mladic issued Dir. No. 4, which certainly wa influenced by the Vecici events, because the combatanst “didn’t leave with the civilians, and there was a severe fighting and loses on both sides!)

2877. On 8 November 1992 at a meeting of Corps Commanders attended by the President and Mladić, Krajišnik expressed his admiration for the military successes and noted that they had a “disproportionate engagement of the army in relation to the strategic objectives”.<sup>9411</sup> (So what? A politician was flattering to the Army. Anyway, here is what Gen. Mladic put down from what Mr. Krajisnik said, P1481, p.146:

11.- \* KRAJIŠNIK:

- I admire the military successes. —
- It is very dangerous to seize their territories.-
- The /River/ Drina and the Neretva...
- We have a disproportionate engagement of the army in relation to the strategic

So,

Krajišnik pleaded for a restrain from “seizing their territories! He also said that the Army was more engaged than the results showed) Krajišnik also reminded the attendees of the progress made in relation to the Strategic Goals and noted that the most important objective had been assigned to Milenko Živanović, namely to mop up the Drina and repeated that the most important task was the “separation from the Muslims” and that the “Muslims must not stay with us”.<sup>9412</sup> (As a matter of fact, Mr. Krajisnik didn’t say that the Muslim civilians shouldn’t stay with the Serbs, but shouldn’t stay with their state, not even autonomy, see, P1481, p. 147:

<sup>9411</sup> P1481 (Ratko Mladić’s notebook, 5 October–27 December 1992), pp. 141, 146–147.

<sup>9412</sup> P1481 (Ratko Mladić’s notebook, 5 October–27 December 1992), p. 147. Živanović acknowledged that separation from the Bosnian Muslims was discussed but testified that his task was not to engage in “ethnic cleansing” and there was no mention of killing. Milenko Živanović, T. 42585–42590 (30 October 2013).



- We must bring the war to an end
- The most pressing thing is to mop up Orašje, and then to solve the problem of the Podrinje area and the Neretva river valley as soon as possible. –
- The Muslims must not stay with us and they should not be given any kind of autonomy.-
- The most important objective is the task assigned to ŽIVANOVIĆ – the mopping up of the Drina.-
- \* The most important task is separation from the Muslims. -

**Mopping up Orasje was only meant removing the military, not even the Muslim, but Croat, the same is with Drina, always meaning the enemy armed groups! There are at least two reasons why the Chamber shouldn't do that with such an evidence: it is not clear what Mr. Krajisnik really said and how accurate is Mladic's note, and why the President would be liable for anyone's words except for his own? #This is nothing but a patchwork#!)**

2878. At a session of the Bosnian Serb Government on 20 March 1993, a debate on the draft law on the territorial organisation of municipalities was held, during which the criteria for the establishment of municipalities was decided.<sup>9413</sup> **(#So what? Was it a crime, that the Government established an administrative conditions for exercising the authority, given through the democratic elections#?)**

2879. At a meeting of 19 June 1993 in Pale with members of the Supreme Command with, *inter alios*, Krajišnik, Koljević, Lukić, Mladić, and Milovanović in attendance, the President gave an update as to developments in relation to the Strategic Goals and the territorial situation in BiH.<sup>9414</sup> **(So what? Here is what the President said:**

1. \* KARADŽIĆ:

- In our assessment and the assessment of the rest of the world, we have won, and we will be given a state.
- Both the Croats and we should do something, so that the Muslims get some territory in Central Bosnia; first there was talk about 38, then 34 municipalities, and now we are talking about the treasures of Bosnia in 30 municipalities. –
- America must find someone to blame (in Germany) to change policy.
- Last week Germany suffered two defeats (it was blamed for the war in BH and the requests of Germany and Japan

<sup>9413</sup> P3129 (Minutes of the 66<sup>th</sup> session of RS Government, 20 March 1993), p. 5.

<sup>9414</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), pp. 212–213.

for a permanent seat the SC /Security Council/  
with the right of veto have been turned down. —

\* BH is being envisaged as a confederation,

it'll be good that it consists of three states. — A confederation  
will not have the right to hold elections ...

\* Thanks to ~~elections~~ our weapons  
we will probably have a state within  
a few weeks.

\* The Croats will have to make further  
concessions. —

**The President reports his own knowledge about the course of events in the world in connection with the BiH crisis, and advocates three states, so that all the three communities be satisfied! What is wrong with this description of the local and world situation?? “The Serbs blinked with their eyes”!) In June 1993, Mladić issued Directive 5 and noted that given the developments, a unified BiH was no longer an option.<sup>9415</sup> (Mladic only conveyed the political position to the soldiers!) Directive 6 was issued by the President in November 1993 and included specific instructions with respect to the strategic goals of the VRS.<sup>9416</sup> Directive 6 referred to the goals of (i) liberating Sarajevo; (ii) defining the borders of RS on the Neretva River and gaining access to the sea; (iii) defining the borders of RS in the Una River basin; and (iv) expanding the borders of RS in the north-east and establishing firmer ties with Serbia.<sup>9417</sup> (So what? Since the war didn't end, for the rest of the war the President was obliged to outline a prospective to the military. However, the Tribunal presumes that the President would do the best if submitted his own population to defeat and slavery!)**

**2880.** Bosnian Serb leaders, including the President, discussed the Strategic Goals openly with international representatives who were told that RS would be ethnically “pure”<sup>9418</sup> and that their aim was to redistribute the population in BiH to allow Bosnian Serb control of a “single continuous block of territory” which also included “traditionally Serb-inhabited areas”.<sup>9419</sup> **(This is #below any taste and even decency to rely on these two witnesses and their free interpretations of the President's political standpoints# . Neither these two witnesses had ever been solely in contact with the President, nor had ever been the principal negotiators, to be privy of the President's opinions, unlike their superiors, Lord Carrington, Ambassador Cutileiro, Secretary Vance, Lord Owen, Ambassador Akashi, Mr. Stoltenberg, and many other interlocutors. These distinguished persons had never reported or testified anything similar to what these two favourite witnesses of the Prosecution. To be honest to Okun, he was number two or three in the delegations that met the President, but he himself admitted that his notes weren't a verbatim minutes, but rather an amalgam of what was said, and what he thought about it, see Okun's testimony, T.1819-1820 A. That's correct, yes. And your point -- the earlier point you make, that the readers of the note-books could draw different conclusions from them, is also correct. #So, how the UN could back this kind of manipulations aimed to sentence an innocent man and denigrate the entire nation and region#?)**

<sup>9415</sup> P843 (Directive 5, 25 June 1993), p. 1.

<sup>9416</sup> P3039 (Directive 6, 11 November 1993), pp. 1, 6.

<sup>9417</sup> P3039 (Directive 6, 11 November 1993), p. 6.

<sup>9418</sup> Herbert Okun, T. 1474–1475 (22 April 2010); Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4157–4158, 4169.

<sup>9419</sup> P820 (Witness statement of David Harland dated 4 September 2009), paras. 267–270. While Harland also stated that this required the removal of very large numbers of Bosnian Muslims as they were a majority in certain areas, this appears to be his own assessment and not to be what the Bosnian Serb leadership said. The Chamber therefore does not place any weight on this aspect of his evidence. See also P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 33.

2881. The Chamber also recalls that during the negotiation process at the ICFY, Bosnian Serbs pushed for an agenda consistent with the Strategic Goals and identified the areas of BiH they wanted to be under Bosnian Serb control while the Bosnian Muslims maintained their position for the creation of a unitary state with centralised powers.<sup>9420</sup> **(Why the Serb position would be wrong, so more since there was #no any need for a force to achieve# it, while the Muslim position needed a war to be achieved? And the Muslim (SDA) side waged three wars for this “strategic goal”, against the Serbs, the Croats and against the Abdic Muslims. Beside that, the Muslim attitude towards the inner structure of BiH was in a sharp contrast to the commitment of Mr. Izetbegovic made on the ICFY in the Hague in 1991, when he committed and accepted that the Serbs and Croats in BiH will have a high degree of autonomy!)** The position of the Bosnian Croats was to take BiH out of the FRY, to declare independence, and to establish their own state called the Community of Herceg-Bosna with territorial contiguity with Croatia.<sup>9421</sup>

2882. In January 1993, the President reported to the Bosnian Serb Assembly on disputes the Bosnian Serb leadership had at international negotiations with respect to disputed territories in municipalities including Prijedor, Sanski Most, Ključ, Rogatica, and Srebrenica.<sup>9422</sup> The President also noted that in municipalities including Zvornik, Vlasenica, and Rogatica the municipal authorities agreed to the legitimate division of those municipalities before the war with the effect that “there are areas that are [i]ndisputably Serb, Croat or Muslim”.<sup>9423</sup> **(#EXCULPATORY#! Had this process been continued, there wouldn’t be any war, any crimes, any movement of population. Every ethnic community would have it’s own administration and a mutual respect of the basic rights!)**

2883. At a meeting held at the Presidency of Serbia on 8 November 1993, with *inter alios* Slobodan Milošević, the President, Krajišnik, Martić, Mladić, and Perišić in attendance, the following common objectives were discussed: (i) unconditionally strengthen the integrity of Serbia, (ii) set up the RS as a completely independent state; and (iii) ensure Serbs have complete power in the Krajina.<sup>9424</sup> Emphasis was placed on reinforcing co-operation between the armies and unity in the Krajina.<sup>9425</sup> **(#All legal and legitimate goals, for which there was no any need for an offensive approach! At the same meeting President Milosevic presented his analysis about the German strategy of exhaustion of the Serbs and their engagement the USA to lead the process which was not in the US interest. Because of this “exhaustion strategy” Pres. Milosevic meditated about endig the war as soon as possible, with the results acceptable to the Serbs in BiH and Croatia. It should be noticed that it was a period of the Owen-Stoltemberg Peace Plan at the Conference. #Let us see what else had been said and advised: P1483, p. 20.**

**\*Do not attack the Muslims with the Army anywhere except where they attack first, but punish them energetically. -**

**\*Defend the RSK with the help of RS and the FRY**

**Why this part was not worthwhile of any attention of the Chamber? Why a selectivness in prosecuting and deciding is the main characteristics of this Court?#)** At the end of the meeting, conclusions were presented, one of which was to “work out offensive moves to correct frontlines in the RS, but go quietly and without noise as soon as possible”.<sup>9426</sup> **(#Commendable#!**

<sup>9420</sup> See paras. 354–356.

<sup>9421</sup> See para. 355.

<sup>9422</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), p. 8.

<sup>9423</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), p. 9.

<sup>9424</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), pp. 19–20.

<sup>9425</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 28.

<sup>9426</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 27.

**But, the Chamber misses the main point: Pres. Milosevic was in the middle of preparations for elections, and the main purpose of this meeting was a creation of an image of the All-Serb support to his Party!)**

**2884.** On 1 October 1993, the Accused held a meeting with VRS generals, during which he declared: “Our fundamental ideology is Serbdom and the Serbian state”.<sup>9427</sup> Mladić asked that further goals of the war and tasks of the army be defined at the level of the state and the Supreme Command.<sup>9428</sup> **(What was wrong with the President’s attitude? The Chamber had already known that the main Serb problem was an ideological rift in the line #with communism – royalism, a so called “partisan-cetnik” rift#. At that time there was a communist agitation in the VRS by some old-fashioned officers, as the President said at the meeting on 8 November, P1483, p. 24**

**- There is a very unfair agitation in our Army, people are saying that the SDS /Serbian Democratic Party/ is pro-Chetnik ...**

**Nothing illegal in this attitude of the President! As opposed to the Serbdom there were a communist-internationalist, even pro-yugoslav looking ideas, and each and every of them caused a catastrophic consequences for the Serb people. The President wanted to prevent any division in the VRS!)**

**2885.** In December 1993, Krajišnik noted that at the beginning of the war the Strategic Goals were “one of the most important documents” and that the Bosnian Serb Assembly endorsed these objectives and “organised the people to implement them”.<sup>9429</sup> He also noted that the first and most important objective had been achieved and that the RS now existed with its own state organisation and territory.<sup>9430</sup> **(#This the very basic objective was not contested by the EC – UN mediators, but contrary, it was proposed by the leaders of the ICFY Lord Carrington and Ambassador Cutileiro.# It should have been achieved without any war, by sticking to the Lisbon Agreement! That was a political strategic objective, and it became a war objective because the war was imposed to the Serbs!)** Krajišnik noted that in the first months of the war, efforts were directed towards “establishing full unity throughout the territory of [RS]” and that they had created the organisational and personnel conditions to allow the state to function normally and to allow “a more stable defence and the liberation of Serbian ethnic spaces”.<sup>9431</sup> **(So what? Was it an illegal endeavour? It is clear that Mr. Krajisnik spoke with the full conviction that the objective was just and correct to the other communities in BiH)** Krajišnik noted that in defining the borders of the RS in accordance with their strategic objectives they “did not violate the like rights of the Muslim and Croat communities” and what remained was to struggle for “just borders of our Republic, to be internationally recognised”.<sup>9432</sup>

**2886.** At a meeting in Belgrade on 13 December 1993 with the Bosnian Serb and Serbian leadership in attendance,<sup>9433</sup> the President stated that the end of the conflict was close and that the Bosnian Serbs were holding 75% of the territory, some of which he noted would have to be returned as the international community would not allow it.<sup>9434</sup> The President then listed the

<sup>9427</sup> P1483 (Ratko Mladić’s notebook, 2 April–24 October 1993), p. 369.

<sup>9428</sup> P1483 (Ratko Mladić’s notebook, 2 April–24 October 1993), p. 372.

<sup>9429</sup> P1383 (Transcript of 36<sup>th</sup> session of RS Assembly, 30–31 December 1993), p. 12.

<sup>9430</sup> P1383 (Transcript of 36<sup>th</sup> session of RS Assembly, 30–31 December 1993), pp. 12–13.

<sup>9431</sup> P1383 (Transcript of 36<sup>th</sup> session of RS Assembly, 30–31 December 1993), p. 13.

<sup>9432</sup> P1383 (Transcript of 36<sup>th</sup> session of RS Assembly, 30–31 December 1993), p. 13.

<sup>9433</sup> From Serbia, *inter alios*, Slobodan Milošević, General Perišić, and Jovića Stanišić were present. From the RS, *inter alios*, the Accused, Krajišnik, Mladić, Milovanović, Miletić, Salapura, and Mićo Stanišić were present. P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 53.

<sup>9434</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 53.



Strategic Goals.<sup>9435</sup> **(#Another confirmation that a territorial issues weren't so important when the war ends!#)**

2887. At the 37<sup>th</sup> Bosnian Serb Assembly Session on 10 January 1994, the President stated: "We can consider ourselves as winners after occupying this land, since the land is 100% Serbian now. Therefore, even if we come down to around 50%, we should be more than happy and satisfied, it is Dušan's empire."<sup>9436</sup> **(#First, the term "occupying" was not used, but rather "secured" or "pressed". How the Serbs could have occupied their own territory. See P1385, p. 80 in Serbian: побједника, ми можемо сматрати да смо побједници када смо притиснули оволико земље рачунајући да је та земља сада 100% српска макар и да спаднемо на 50 и који проценат ми треба да будемо пресрећни и презадовољни то је Душаново царство, не будемо ли били задовољни због**  
**In the same sentence the President said that the Serbs should be satisfied even if they fell down to 50% of it. However, this is a regular practice that those who assisted the Chamber in assembling this Judgement #pull some sentences out of context and depict it as an independent position#. This Assembly session went in the attempt of the President to gain a support of the deputies for an acceptance of the proposed proportions 1%, 33% and 49% and to end the war. In defending his own peaceful attitude the President underlined that the Serbs should have been satisfied and accept the international proposal. Let us see the discussion of deputies prior to this sentence of the President: P1385, p.102**

Mr VJEŠTICA:

I will be brief, I am against this ratio 33,3%: 17%:49%, we all know that. At the beginning of this session, when we included this item as the last one, I said that if we continued with the negotiations, we would come down to 20%, and not 40%. It is obvious, because the more co-operative we are, whatever that means, the worse the things get for us, that is obvious. An ultimatum after an ultimatum is issued against us, and we must end this agony. Although I would rather be wrong, I know that Geneva will not change anything, the negotiations are useless, we will not solve the

**This sort of a deep dissatisfaction with the "double-criteria" policy of the internationals was total and shared by all the Serbs, and unfortunately they were right. Many other deputies said similar criticism to the Predisend and negotiating team, and in response to this criticism the President said that the territory must not be the main issue, but the peace and formation of the three republics. :** In this speech the Accused also stated that their first Strategic Goal was separation and not the occupation of 60% of the land and they had also achieved their second objective, which was to have a contiguous territory connected by a corridor.<sup>9437</sup> The Accused later that month delivered a speech in which he stressed that they had not lost any vital territories and had "kept everything that was important for the Serbian people".<sup>9438</sup> During a meeting with VRS leaders, the Accused recalled the substance of the six Strategic Goals and declared that "they have been defined with the highest level possible of brazenness".<sup>9439</sup> **(Every single political speech of the President was used as a plan or intention! This was his effort to persuade the deputies and military to accept the peace plan, because as he said in the same session of the Assembly, in the same context, a local wars do not end with the entire victory of one of the sides, see:P1385, p.**

<sup>9435</sup> P1484 (Ratko Mladić's notebook, 28 October 1993–15 January 1994), p. 53. See also Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9064–9067 (confirming that the ethnic division of Sarajevo, drawn along the Miljacka River, was one of the political objectives of the Bosnian Serb leadership).

<sup>9436</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), p. 107.

<sup>9437</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), p. 108. See also P5748 (Intercept of conversation between Radovan Karadžić and Lukić, 13 February 1992), pp. 1–2; P5723 (Intercept of conversation between Jovan Tintor and Žika LNU, 7 March 1992), p. 5. Brđanin testified that the second Strategic Goal was absolutely necessary, otherwise, those in the ARK would not have survived; the separation was an unavoidable consequence and the Accused insisted that the Bosnian Serbs should only defend the regions where they were the majority; and that the Accused never wanted to take any territory that did not belong to Bosnian Serbs. Radoslav Brđanin, T. 43687 (18 November 2013) (private session). The Chamber does not find his evidence to be reliable in this regard. In reaching that conclusion the Chamber noted that Brđanin's testimony was marked by evasiveness and in addition the witness had a self-interest in portraying these measures in a positive light.

<sup>9438</sup> P1387 (Transcript of 38<sup>th</sup> session of RS Assembly, 17 January 1994), p. 75.

<sup>9439</sup> P5593 (Video footage of Radovan Karadžić speech).

107.

I beg you, I know what I am talking about, I know what actions are ongoing and I know how difficult their execution is. Do not count on finishing the enemy off, it rarely happens in local wars. You saw Palestine and Israel, you saw Iraq and Iran, there is no winner there. Local wars are long and exhausting and there is no winner.

**Even #the most commendable moves of the President are used against him#!!! So, the President was begging the representatives to get used to a moderate outcome of the war, and to a situation without winner, to a win-win result, and that the Strategic Goals had been envisaged with the highest level of brazenness, a maximalist, so that the Assembly deputies should get used to a possibility that some of it wouldn't be achieved! But, the Chamber didn't recognise the #EXCULPATORY# elements in this speech!)**

2888. At a meeting with VRS commanders held on 29 January 1994, the President stated that the "plan" was, *inter alia*, the following: (i) do everything to maintain the Croat/Muslim schism; (ii) separate from the Croats and the Muslims; (iii) let the boundaries of the territory of the Muslims be clearly "detained" if they do not want to stay in Yugoslavia;<sup>9440</sup> and (iv) be in conflict everywhere with the Muslims and the Croats.<sup>9441</sup> **(What is wrong with this considerations about**

**enemies?)** The following day, at a meeting of the Supreme Command, the President reiterated that their task was to defeat the Muslims and that they should be careful that the Muslims do not end up in the Bosnian Serb state.<sup>9442</sup> **(#To "end up" in the Serb state, means to be caught in it without their will#. Again, it was within the context of dissuasion of the military from capturing more territories, because there wouldn't be the three republics, and if the Serbs defeated the Muslims, that would again be a unitary state and nobody would be satisfied. A common states of the antagonised ethnicities in the Balkans appear to be the main problem of this region! However, the Chamber, or its assistants have carefully avoided the "whole truth" the sentence about where the Muslims may be situated pertained only to their state unit, not their population. See what President Karadzic said, carrying about the Muslims and Croats to be satisfied: P1485, p.88-89:**

**1. \*KARADŽIĆ:**

- Your thoughts, assessments and estimates are correct. We cannot respond to the way of thinking that the M/uslims/ and C/roats/ remain in tatters and enclaves rather than becoming state-building nations. \_ The question is what the world and Europe will support, whether a M/uslim/ state should be created, or that they should stay with the Serbs or Croats.
- \* In all variants we must be cautious so that the M/uslims/ don't wind up in our state. \_
- \* The fact that Serbs account for only 65% of Serbia makes it unstable. \_

**Therefore, President Karadzic is for the Muslim-Croat rights to be respected, while the West may decide to prevent existence of a Muslim state and add the Muslim unit to the Serbs or Croats. And this is EXCULPATORY, because the President mentioned Serbia which may be**

<sup>9440</sup> The Chamber notes the reference to a policy of "immigration" with a question mark in the English version of exhibit P1485. Having gone back to the original version, the Chamber cannot be satisfied that this is indeed the term referred to since this part of the original document is not sufficiently legible.

<sup>9441</sup> P1485 (Ratko Mladić notebook, 9 January–21 March 1994), pp. 51, 77. The part of the plan related to Sarajevo will be discussed further below.

<sup>9442</sup> P1485 (Ratko Mladić notebook, 9 January–21 March 1994), pp. 88–89.

**unstable because of to many minorities included in the state. #Another word, Karadzic was advocating a modest approach to the territorial issues!#)**

2889. At a conference in Vlasenica on 29 January 1994, the Accused delivered a speech in which he spoke about conquering the entire territory in which there is probably about a million or a million and two hundred thousand Muslims, if there are still so many out there. Here I mean not only those who were killed but also those who fled; in order that we achieve and realize it. It is very hard to imagine. [...] We must defeat them everywhere we can and keep the territory. If possible, we should try to expand the territory; [...] and we should force them to agree to a kind of political and military capitulation [...] the starting point will be the actual situation on the ground.<sup>9443</sup>

**(So what? But, let us first see who assembled this document, what the provenance if it is? Can not be established. Also, this was not a transcript of a recorded speech, nor was it a shorthand-stenographie, but a notes as much as cought. Finnaly, that was some “councelling” with the VRS commanders. Now, let us see what this speech, mainly political one, contains: P5581, p.1**

improve the situation. It is a big dilemma to know how to end this kind of a war.

These are local wars. There are not a part of a global war in which there are winning and loosing forces; when you are only trying to be on the winning side. Just as /sic/. For us to conquer the entire territory in which there is probably about a million or a million and a two hundred thousand Muslims, if there are still so many out there /as written/. Here I mean not only those who were killed but also those who fled; in order that we achieve and realize it /as written/. It is very hard to imagine. And, it is hard to imagine such a complete defeat of Muslim forces; that they will not stay in some corner and pretend to be a state or a government as well as to have independence and legitimacy in a sense that they continue to infuriate us till the end

**All of this hypothetical possibilities were presented by the President within the framework of dissuading the military people from taking to much of territories, depicting that in such a situation the Muslims may have pretended that they accepted the unity with the Serb state, but that it would be a life full of infuriation. See further:**

/sic/. What can we do? We must defeat them everywhere we can and keep the territory. If possible, we should try to expand the territory; although this presents a great problem, and we should force them to agree to a kind of a political and military capitulation in order that they end up accepting an agreement. In a moment, when the international community sees that it cannot help them it would decide to end the war.

**”To defeat them”... while “keeping the territory”... is also a #dissuasion from any offensive strategy#. A member of the VRS Main Staff, testifying in this case ...@ said that the President sometimes objected the military commanders for being “too militant” and that the commanders responded that an army must be militant particularly in a war, see:@**

**The President also said that “if possible, we should try to expand territory, although this presents a great problem...” Why would that be a “great problem” because of the fact that the Serbs couldn’t keep all the territory, but since the Muslim side doesn’t want to talk, it must be defeated in order to negotiate a solution. All of it had been handwritten down by an unknown author, imprecise and with insufficient sentences, and therefore should not be used in a criminal case. Therefore, President Karadzic presented to the military his political assessment that the war was managed by the “international community”, and that the IC may give up the political and military aid to the Muslims when it become evident that the Muslims can not achieve more militarily. To “force them to a kind of political and military capitulation” clearly meant that the objective was to secure that the Muslims wouldn’t be diluted within a Serb or Croat state,**

or to dominate over the Serbs and Croats, but to accept an agreement about getting what they were entitled to: their sovereignty on their own territories. And that was what happened in reality: The “International Community” supported ABiH to achieve what it could, for instance to try to win the Serbs around Sarajevo in June 1995, and other fronts, and then the UN-NATO forced a formidable bombardment of the Serb positions and approached the end of the war. A particularly important question is: whether this kind of a make-up of evidence, and avoidance of the “whole truth” is allowed in any judicial system? Will the United Nations through its courts establish a new standards, according to which all and everything is allowed to the prosecutors and chambers?)

2890. The Accused further stated “[f]rom the very beginning, I accepted entirely the view of all the commanders and [G]eneral Mladić. We must change the rhetoric. We must speak on TV, we must participate in live TV shows; we must motivate people for chivalry and prepare them for victories; and, of course, we must nurture their anger toward the enemy”.<sup>9444</sup> With respect to the Bosnian Muslims, the Accused also said:

We prepared ourselves better during the time of peace than they. We knew what they are doing but they did not know what we are doing. They were astonished by the way we organized #defense of the municipalities#. We were organized; [G]eneral Kovačević knows that, because we were supported by [G]eneral Adžić. He worked on distribution of ammunition, he knew about. General Subotić also knew about it.<sup>9445</sup>

**(This is #wrong translation#. There had been said” ...Kovacevic knows... he worked on dispersion of ammunition”. Not distribution, but “dispersion” out of the barrack that could have been surrounded. There are several orders, including some of the 2<sup>nd</sup> Military District, to disperse the military materials on a secure areas, see:D3679:**

1. Raise the combat readiness of commands, units and institutions of the 2<sup>nd</sup> VO to the highest level.
2. Be ready to defend military facilities.
3. Pull part of units out of garrisons so they can participate in breaking blockades of military facilities and carry out other tasks.
4. Stimulate retired military personnel and GLs to be ready to defend residential buildings.
5. Nobody may issue TO weapons without a special order and signature by the 2<sup>nd</sup> VO commander, and bear in mind warnings about the seizing of weapons from military depots, and to this end take all measures to prevent such activities in the most vigorous manner.

**of 4 April 1992, or see D3823:**

<sup>9444</sup> P5581 (Radovan Karadžić's speech at a conference in Vlasenica, 29 January 1994), p. 2.

<sup>9445</sup> P5581 (Radovan Karadžić's speech at a conference in Vlasenica, 29 January 1994), p. 4.



1. – The situation in Bosnia and Herzegovina is catastrophic. Absolute lawlessness reigns, with chaos and terror against the members of the JNA and the Serbian nation. The Muslim-Croat collusion at the top of the Republic and lower down is responsible for the situation. The members of the army are well aware of all this.

2. – On the basis of an assessment made three months ago, stating that the situation in Bosnia and Herzegovina would take a negative turn, we took a host of measures, so as to avoid or reduce to the smallest possible measure any possibility of an attack on the army. We relocated numerous units, lethal and other MTS /materiel and technical equipment/ to secure areas and locations. We also took a host of other defence measures against attacks from the violent fascist soldatesque in BH.

3. – With greater or lesser intensity, barracks and other military installations were constantly blocked, the men provoked and shot at.

4. – Unit commanders have done everything possible through the government, party leaders and otherwise to ensure correct treatment of members of the JNA, although aware that the government itself was behind the fascist attacks against us.

### **... and further:**

a) Based on experience gained in Slovenia, Croatia and Macedonia, at the level of the district command it was promptly assessed that difficult days lay ahead for the members of the army and that evacuation to secure areas must commence.

Furthermore:

- For months now, we have been relocating depots of weapons, ammunition, MES /mines and explosives/ and other assets to secure areas where prospects for the army are good.

- Numerous depots, barracks and garrisons (Kiseljak, Visoko, depots in Stojkovići and Čelebić, etc.) have already been abandoned, since their survival was absolutely no longer feasible.

- More than a month ago, a part of the district command moved to an IKM /relocated command post/ outside Sarajevo. Major parts of the 4<sup>th</sup> and 17<sup>th</sup> Corps were also pulled out of the garrison to new command posts.

- By 1 May 1992, a significant number of regiment and brigade commands and their units were relocated to new areas.

**There was no any “distribution” of ammunition or any war material to the Serbs in BiH, but only to the JNA, which didn’t interfere in the ethnic conflict for a long period, see: D4636 of 22 April 1992:**

Armed clashes continue unabated in Sarajevo, Bosanski Brod, Bosanska Krupa and Derventa. The situation is worst in Sarajevo where there is fierce fighting between the Serbian and the Muslim side, especially in the southern parts of the city and the Ilidža area. All the analyses show that the issue at stake is the demarcation of territory.

The Army was not used in any of the crisis areas today either. We have sent several armed vehicles to the area of Ilidža, where fighting is fiercest, in order to separate the warring parties and create a buffer zone between them.

The present Bosnia-Herzegovina authorities are doing nothing to pacify the warring parties. On the contrary, tonight’s statement by Alija IZETBEGOVIĆ in which he called on the citizens to hold out because aid from abroad would soon arrive was actually an open call to arms. In response, the media today launched a relentless anti-army and anti-Serbian campaign. They have begun employing new strategies by broadcasting statements by so-called “free Serbian intellectuals” who fit into their concept of an anti-Serbian campaign very well. Both the Army and the Serbian side are being accused of all the evils this Republic presently has to endure.

Starvation and a general lack of everyday basics is ever more present in the organs of Bosnia and Herzegovina.

For human casualties and property destruction people blame Šešelji’s Chemiks, who do not even exist here, and of course the JNA /Yugoslav People’s Army/, that has supposedly taken the side of the Serbian people, which is completely out of place. There is not a word of criticism about operations by other paramilitary formations, even though it is known for a fact that part of BH territory in no way belongs to the Republic, but to Croatia. During the day the relevant Mostar officials admitted this fact.

**How come this #genuine, contemporaneous and strictly confidential internal army document weren’t of any value to the Chamber, not even as any street gossip, which the Chamber accepts if against the Serbs#?)** The Accused also stated that he was certain that no territory except in Sarajevo would have to be returned.<sup>9446</sup> **(Why would the President confuse his commanders that some territories shouldn’t be defended,**

because it will be returned? #The Chamber equalised the jokes from intercepted telephone conversations, a statements of some unofficial persons, all the political speeches, and valued it more than contemporaneous document of the sides and even of the UN! This way it was possible to create a completely false picture of this conflict#! But, was it a fair trial???)

2891. At a meeting of Bosnian Serb and Serbian officials in Belgrade on 27 February 1994, the President initially declared that the Bosnian Serbs might agree for the Muslims to have 33.3% of the territory, the Croats 14 or 15%, and the Bosnian Serbs 52 or 53%; he then stated that the Bosnian Serbs could be satisfied with 49% of the territory.<sup>9447</sup> **(#EXCULPATORY#! A flexibility was another Serb concession, after all the previous one!)**

2892. At a Bosnian Serb Assembly session in March 1994, Ostojić identified four areas which he described as extremely sensitive in terms of establishing “geographic continuity of the Serbian population” in the RS.<sup>9448</sup> **(So what? Describing the #sensitive areas was not a crime!# This is a #patchworking of irrelevant sentences# because the Indictment didn’t obtain a relevant evidence, and the Chamber is criminalising everything in the Serb legitimate political life, as well as a necessary military responses!)** The areas included Rogatica, Vlasenica, Bratunac, Prijedor, Ključ, and Sanski Most.<sup>9449</sup> The Accused at this session again emphasised the importance of the actual physical control of territory and that there would be a division of BiH into three based on ethnicity and that he had been discussing before the war and making plans about which areas would form part of their state.<sup>9450</sup> **(The President didn’t invent it, that was an international proposal for BiH in order to secure it’s independence! A mere reporting to the Assembly is qualified as a crime? If not, why it is in the Judgement? As if it was in the list of crimes how the Serbs were doing many things that others do too, like “The Serbs blinked by their eyes”!)**

2893. At a meeting on 8 May 1994 with members of the Supreme Command, including Krajišnik, Koljević, Mićo Stanišić, and Mladić, Plavšić stressed the importance of Posavina—that the percentage is less important but that it could not “exist in two parts”.<sup>9451</sup> Mićo Stanišić responded: “49–51%, there is importance, especially if an association is to be entered in with them”.<sup>9452</sup> The strategic goals referred to in Directive 6, including the operations to reach the Neretva River and gaining access to the sea, as well as reaching the right bank of the Una River, were also discussed at this meeting.<sup>9453</sup> **(#Nothing of it was criminal or forbidden#! This was a legal and legitimate reconsideration of the military situation and the prospectives for the final solution. The territorial continuity became an imperative because of the war, while before the war there was a possibility that the entities would be without continuity! Here, the Serbs were coughing loudly, which is forbidden!”)**

2894. Even into 1995 the President continued to emphasise the Strategic Goals and stated that the “Drina should be clean” and that the “corridor must be wide”.<sup>9454</sup> **(To be clear, #“clean” in Serbian meant that it was not disputed#. In no way it pertained to any kind of purity, and it**

<sup>9447</sup> P1485 (Ratko Mladić notebook, 9 January–21 March 1994), pp. 134, 137–141 (wherein Mladić opposed the Accused’s position and commented that the Accused was denying the actual state of affairs).

<sup>9448</sup> P1388 (Transcript of 39<sup>th</sup> session of RS Assembly, 24–25 March 1994), p. 168.

<sup>9449</sup> P1388 (Transcript of 39<sup>th</sup> session of RS Assembly, 24–25 March 1994), p. 168.

<sup>9450</sup> P1388 (Transcript of 39<sup>th</sup> session of RS Assembly, 24–25 March 1994), e-court pp. 86, 88.

<sup>9451</sup> P3148 (Handwritten notes of Supreme Command meeting, 8 May 1994), p. 2.

<sup>9452</sup> P3148 (Handwritten notes of Supreme Command meeting, 8 May 1994), p. 2.

<sup>9453</sup> P3148 (Handwritten notes of Supreme Command meeting, 8 May 1994), pp. 3–5.

<sup>9454</sup> P988 (Transcript of 53<sup>rd</sup> session of RS Assembly, 28 August 1995), p. 68; P5144 (Interview with Radovan Karadžić on Banja Luka Srpska Televizija, 23 August 1995), p. 1. See also D1934 (Video interview with Radovan Karadžić and Momčilo Krajišnik, undated, with transcript), p. 5.

**was very easy to establish, since it had been said within the context of the Conference on the territorial issues. See: P988, p.67**

I would personally recommend to this Assembly and the people, less is better, but a defined status finally, and not a temporary one because the Serbs are moving out, leaving their homes in a temporary status. No Sarajevo in a temporary status, no temporary territory. Let's see what we can break off. A fox bites off its leg when it's caught in a trap, bites off its leg and goes. We'll have to bite off something, but let's

**The President recommended to the Assembly to accept less of the territory, for the sake of a definitive solution! No discussion of population, only of territorial issues from the standpoint what is generally accepted, and what is contested. Further:p. 68**

will accept what I arrange and not reject it. However, if we form a joint, not a single but a joint delegation where MILOŠEVIĆ will, of course, formally or informally, be the head, and he was also the head each time in Geneva, it's clear that he was the head. So even now when these people are coming to see him, we can have some of us go, if me and MLADIĆ cannot go for a start, KRAJIŠNIK, KOLJEVIĆ and BUHA can or if we include someone else in the delegation, so we can influence what might be accepted and what might not be. We know exactly what our priorities are. Getting Kupres back might not be a priority, if it's outside of our percentages that we can get, but the Una, Krupa and Sanski Most are priorities, the Sava and the corridor are priorities, Doboje and part of Ozren, Drvar and Petrovac, the meat of our territory is a priority. We cannot let someone /?put worms/ in our territory, to drill it with some channels and something. Part of Sarajevo must stay. We've drawn some maps into which a part of the Neretva Valley could be integrated, and, of course, access to the sea. The Drina should be clean. These are all priorities, the corridor must be wide. If we form a joint delegation, we must be breathing down MILOŠEVIĆ's neck all the time, looking over his shoulder to see what he is negotiating so we can influence it.

**As the Chamber recognised in the next sentence, Krajisnik was talking about #“a clear Drina”, which only meant – undisputed, and not “ethnically clear”#!)**

Krajisnik also shared this objective about a clear Drina.<sup>9455</sup> In another interview in May 1995, the Accused maintained that they had not given up and would never give up on the Strategic Goals and that they would “seek to achieve them either through political or military means”.<sup>9456</sup>

**(The entire Assembly session on 28 August 1995 was a #preparation of the RS delegation for the Dayton meeting#. How these discussions about what would be requested in the Conference be criminalised? Could the Serbs do anything, except surrender, that wouldn't be charged against them and against the President? This must not happen any time and anywhere, this is contrary to the very same idea of justice!)**

## 1. Conclusion

**2895.** The Chamber finds that the Accused played a central role in formulating, promoting, and disseminating the Strategic Goals. **(Every single political entity has own strategic goals. The Serbs in Bosnia had the prioritized objectives, all in accordance with the Constitution and laws, i.e. to preserve an intact Yugoslavia and Bosnia in it, but since the others violated the Constitution and went to an illegal and unilateral secession, the Serbs in Bosnia adjusted their strategic objectives, always making concessions to the other side. The international community supported these objectives and made the Lisbon Agreement, which was in accord with a just solution, acceptable for all and accepted by all the three sides. When the Muslims reneged on it, there the war broke out, and the Muslim strategic objective was to conquer the entire BiH, while the Serbs and Croats didn't accept it. So, the Serb Strategic Goals altered in accordance with the war realities, but it was rather a negotiating platform, communicated to the European Community and its mediators. What is wrong with it? Are the Serbs forbidden to protect their own basic interests? Does the UN support this approach of it's Court?)** In promoting the Strategic Goals, the Accused continued to emphasise not only

<sup>9455</sup> P1377 (Transcript of 33<sup>rd</sup> session of RS Assembly, 20–21 July 1993), p. 49. See also Herbert Okun, T. 1822 (28 April 2010).

<sup>9456</sup> P2562 (Radovan Karadžić's interview in Nevesinje), p. 1–4; Patrick Treanor, T. 14055–14056 (1 June 2011).

the #interests of the Serbs to self-determination but also the threat they faced from the Bosnian Muslims and Bosnian Croats who he continued to identify as their historic enemies#. Through these speeches, the Accused continued to disseminate propaganda against the Bosnian Muslims and Bosnian Croats which allowed him to promote the measures envisaged by the Strategic Goals. The Accused's rhetoric was also picked up by other deputies in the Bosnian Serb Assembly who similarly spoke about the danger posed by their enemies and used this to advocate taking military measures to protect their interests. (#This is an irrational and insane construction#. #First, to

say that it was a propaganda, would be the same as if the Jews protested for a Hitler allies won an election in Germany! Tsih is insulting!# As if the Serbs in Bosnia were trained a flock of sheep, knowing nothing about their recent history, and the President succeeded to inflame them and persuade them that somebody was their enemy, while it was not so!!! There is no a single Serb family in BiH that hadn't lost some of the civilian members of family in WWII. There was the most horrifying camp for civilians in Jasenovac, where more than 700,000 Serb civilian had been killed, among them several tens of thousands of children. Together with the Serbs there had been killed more than 20,000 Jews and 70,000 Romas (Gypsies) Even a German representative in Zagreb, Croatia Von Horstenau reported to Hitler that the Croatian state is exercising unimaginable bestialities against the Serb, Jews and Gypsies. Let us see what the two Prosecution witnesses testified: General Petar Skrbic, T.26014: Q.

*You said today that you also followed new political developments. Do you agree that there were new parties that appeared, especially in Croatia, and these parties had rhetoric that was frightening for the Serbs? They also had symbols from the Second World War, flags, coats of arms, and a particular kind of rhetoric that they would use which the Serbs found frightening?*

A. *There were symbols and a certain type of rhetoric in speeches, and this showed everyone that the Serbs were in danger in that territory. The survival of the Serbs was under threat. And these things could be noticed amongst members of the HDZ, the Croatian Democratic Party, which was established, I think, in 1991.* Q.

*Thank you. General, did you in Bosnia-Herzegovina know -- in the Federal Secretariat for All People's Defence, did you know that there were new parties that were being established and were you familiar with their programmes and rhetoric that they used, as well as the way in which they conducted themselves?* A. *Yes, we followed such events as well.*

*"The survival of the Serbs was under threat!" further, p. 26017* 1

Q. *I'll cut it short, General. Did you in the Federal Ministry of National Defence have concerns about the conduct or media reporting in Bosnia-Herzegovina and its impact on inter-ethnic relations and the stability of the country?*

A. *Yes, Mr. Karadzic. We were gravely concerned following the events in Bosnia-Herzegovina. We proposed our conclusions to the General, stating that should that situation continue, a result would be a bloody war. We presented it to him by way of a model, and we reminded him of the war in Lebanon which had a similar civil war.* Q. *Thank you. Were your concerns raised because you seemed to have viewed Bosnia and Herzegovina as a potential powder keg?* A.

*Precisely, Mr. Karadzic. I believe we even used that very phrase in a number of documents.* Q.

*Thank you. General, since I was not of any interest to you, do you agree that no Radovan Karadzic could manipulate or incite the Serb people given the fact that those people had fresh memories of the genocide of 1941? Were you able to observe that -- whether my conduct was aimed at manipulating and inciting?* A.

*Mr. Karadzic, I can only address your thesis of genocide. As for the rest of your question, I'd rather not comment. No person, including Karadzic or Raskovic or anyone, needed to tell the people of the dangers of genocide. The Serb people were well aware of it.*

**This witness was the Prosecutor's choice, in an ideological sense very far from the President, and he was surprised when asked this question! There is no living Serb, Jew or Gypsy who would need any additional information on this subject, but only the Prosecution and chambers of the UN Court do not know, and do not want to know it!) :**



**2896.** The Chamber further finds that the Accused promoted the implementation of the Strategic Goals as a means of creating a Bosnian Serb state and warned against including “too many of our enemies” in the state which they would create. (Not to “include” exactly meant it, # not to be greedy about territories of the others#, who wouldn’t like to be in the Serb entity. EXCULPATORY! This had nothing to do with any crime, or expelling of population. What has to be done to have a proper understanding of the terms in Serbian before this Court? Or maybe there shouldn’t be any processes before such a courts, where a very basis of language, culture and habits of these who are processed are so unknown and strange?) In doing so the Accused emphasised the first Strategic Goal and the importance of separation from the other two ethnic communities in BiH. (This kind of subtle alteration of facts doesn’t help the image of this Court, nor the UN. On the contrary: it was always matter of – #separation of their states, not population#!) The Accused was adamant that this ethnic separation was necessary and acknowledged that the “freedom struggle” of the Serbs had not been finished and would result in many casualties and again made reference to the historic crimes committed against the Serbs. (It had been made “necessary” by the illegal and anti-constitutional secession of BiH, and the “historic crimes committed against the Serbs are a facts! So far only the communist regime implied an anaesthesia of the Serbs, to forget the horrors they underwent, and now a UN Court is adopting this communist strategi, and thus its deliberations look rather as a communist flosculas, than a legal conclusions!)

**2897.** The Chamber finds that the first Strategic Goal and the separation of the national communities was the most important to the Bosnian Serb leadership and their objectives. (Why the Muslim-Croat “national separation” from the rest of Yugoslavia is favourable in this court? However, the international community represented in the Conference on Yugoslavia (ICFY) established a principle of an administrative separation of ethnics wherever they had been located, see “Treaty Provisions for a Convention ("Carrington Plan") from The Hague Conference” of November 4, 1991, pp.3 -4”

Those persons of the same national or ethnic group living distant from others of the same origin, for example, in isolated villages, shall be granted self-administration, to the extent that it is practicable.

The above principles shall also apply in areas where members of the main national or ethnic group of a Republic are numerically inferior to one or more other national or ethnic groups in that area.

**Further : p.4**

#### **c) Special status**

In addition, areas in which persons belonging to a national or ethnic group form a majority, shall enjoy a special status of autonomy.

Such a status will provide for:

- a. the right to have and show the national emblems of that area;
- b. (deleted)
- c. an educational system which respects the values and needs of that group;
- d.
  - i. a legislative body
  - ii. an administrative structure, including a regional police force
  - iii. and a judiciary
 responsible for matters concerning the area, which reflects the composition of the population of the area;
- e. provisions for appropriate international monitoring.

#All that the President and the Serbs in Bosnia and Herzegovina had claimed for, and had done, was already envisaged by the ICFY prior to the time the Serbs claimed for it or conveyed it to practice#. How it is possible that the Prosecution was not aware of it, and how

come the Chamber didn't task so many experts to take a look of these documents, nor accepted more that 230 Defence witnesses?)

**2898.** The President, in promoting the Strategic Goals, and more specifically the third Strategic Goal, emphasised the importance of eliminating the Drina as a border between Serbian states. (Why this subtle "shifting" of the meaning of the original words is needed? #In some paragraphs the Chamber correctly quoted: not to be a border between the worlds, which was a famous saying for centuries#! The Drina River was said to be a border between two or three worlds, Orthodox, Catholic and Islamic!) The Chamber finds that this Strategic Goal was a practical elucidation of the ideology of Serbian unity and the non-separation of Serbs which was repeatedly promoted by the Accused. (So what? #This unity had been achieved in 1918, and destroyed in 1941 and in 1991#, by the same elements, who were not ready to live in the same state with the Serbs. In both of these destructions of the "common home" of the Yugoslav ethnicities the Serbs had been exterminated, and this could have been stopped only by a democratic and peaceful separation, as it happened in Scandinavia in 1905, which the President used as an example to be followed! Will this UN Court keen to "find out" that the President didn't say the truth in this respect, i.e. that the Serbs (the Jews and Roma) people hadn't been systematically destroyed and exterminated in the 20<sup>th</sup> Century, as President Karadzic suggested? Is it now a turn for denial of the Holocaust by another *ad hoc* Court of the United Nations?)

**2899.** The speeches of other Bosnian Serb deputies and Bosnian Serb leaders demonstrate that they supported the Strategic Goals and the approach advocated by the President. It is also clear that war, the military conquest of territory, and the movement and resettlement of the population were envisaged by the Bosnian Serb leadership in the implementation of the Strategic Goals. The President promoted and shared the objective of creating a Bosnian Serb state which was ethnically pure and creating contiguous Serb areas which would require a redistribution of the population. (This is the most vicious, malicious and unfounded assertion of this Judgement. The Chamber neglected all the evidence about the original Serb objectives, to stay in Yugoslavia, as a whole and undivided Bosnia, or to transform Bosnia peacefully, which was proposed by the European Community and the United Nations envoys, and accepted by the President and the Serb community in BiH. It was absolutely impossible to skip such a formidable evidence, and embrace such an unfounded conclusion coined by the Prosecution and the Muslim propaganda! This manipulation with the truth must be fought always and forever, because it is also a manipulation with the destiny of the Serbian people! But, any "redistribution of population was completely excluded by all the documents of the United Nations and the European Community, which the President supported, accepted and even proposed! How possibly to this Chamber there were of a more importance some gossips than these original documents of the UN and European Community, which regulated the existence and rights of the minorities?)

**2898.** The Chamber also finds that the Strategic Goals not only reflected the objectives of the Accused and Bosnian Serb leadership but were also viewed as instructions to be followed at a municipal level in order to achieve those objectives. In this regard, the Strategic Goals were communicated to and discussed by municipal bodies and also formed the basis for military operations by the VRS. The President, in meetings with Bosnian Serb military and political leaders, continued to emphasise the importance of their Strategic Goals and that the creation of their Serb state required war and the military protection of territories. (It is difficult to believe that the Chamber is aware of what had been written here on behalf of them: #since when a military protection of own territories and freedom against a military jeopardy of the same is a crime#? Comment as the above. Hadn't the Serbs been attacked, there wouldn't be any war in achieving their legitimate goals, after the illegal secession and the violation of the Constitution! Such a denial of rights to defence of an attacked nation is unique in history, and certainly in the practice of the United Nations. Even Mr. Izetbegovic himself admitted

**that he could have avoided the war, but he needed it to achieve the unilateral secession, and if (ne) was responsible, then Karadzic is not!)**

2899. The Chamber also finds that there was a clear difference between what the President and the Bosnian Serb leadership were willing to say about the Strategic Goals in closed or confidential settings versus what they generally said to international representatives. The President in private meetings was far more candid about their willingness to pursue their territorial objectives even at the cost of lives and the displacement of thousands of people. The President went so far as to say that they had to motivate their people and “nurture their anger toward the enemy”. **(It is rather unacceptable to have such a serious allegations without any reference. The Chamber pretended to be naïve, without knowing that in the private sessions the President couldn't have behave as an indecisive and conciliatory, particularly about the objectives. And undecisiveness could have result in a leaving frontlines, desertion and crisis with a grave consequences. But, the Chamber had so many examples that the President was ready to express his readiness to give back more territory in the private sessions than in the official ones. All of it is irrelevant, since it was a political discours, while the only relevant were documents signed by the President and the Internationals!)**

2901. The Chamber also finds that the Accused received and also gave updates about developments and progress made towards the achievement of their Strategic Goals, including territorial control and the separation of people. **(#This is a criminal and unacceptable forgery and insult!# Where are the references? When and how President Karadzic was interested in “the separation of people”?)** He welcomed these territorial gains and spoke about the victory of the Bosnian Serbs in achieving their objectives and how they had retained control of all vital territories and continued to emphasise that they did not want Bosnian Muslims in their state. **(#All fake and distorted#! There was a war, and why the President would be indifferent to a victory-defeat matters? Who jeopardised the Serb “vital territories”, and why it shouldn't be a crime to protect it? A “Bosnian Muslims in the Serb state meant “a Bosnian Muslim state, or a significant settled places, within the Serb state against the Muslim free will was something President Karadzic didn't want, as many documents confirmed!)**

2902. The Chamber therefore finds that the President and the Bosnian Serb leadership not only formulated and promoted the Strategic Goals, they also took steps to ensure they were implemented through military operations and that organisational structures were created to allow for the creation of a Serb state. **(#All fake and distorted!# This form of the Strategic Goals had been modified after the war had been imposed on the Serbs, and could have been achieved before the war and without the war, because the Goals were more modest before the war, and were legitimate, as codified in all the international proposals of agreements, just to the Dayton Agreement, confirmed by the UN! No any international institution denied the Serb state rights as it did this UN Court!)**

2903. The Chamber finds that the Strategic Goals continued to be the central element with respect to the Bosnian Serb objectives for the duration of the conflict in BiH and the President continued to emphasise their importance into 1995. **(It is so even now, and would be forever, because an alternative to it would be a slavery of the Serb people, and it's eradication in BiH, as they had been eradicated in other areas of the former “common home” of Yugoslavia! And this didn't depend on any individual!)**

*ii. Bosnian Serb political and governmental structures*

2904. The Prosecution alleges that the Bosnian Serb political and governmental organs played a crucial role in the implementation of the alleged common criminal purpose of the Overarching

JCE, that the President had a pivotal role in establishing and maintaining these organs, and exercised authority and control over them.<sup>9457</sup> In this regard, the Prosecution argues that the President as the leader of the Bosnian Serbs exercised ultimate authority over these organs.<sup>9458</sup> In this section the Chamber will consider the creation of the political and governmental organs and the extent of the President's involvement in this process as well as the manner in which those organs were used towards achieving the objectives of the President and the Bosnian Serb leadership.

(A) Authority over political and governmental structures

1. Analysis of evidence

a. SDS

2905. The SDS party had a hierarchical structure and, from 1990 to 1995, the Accused was at the head of this structure as the *ex officio* president of the SDS Main Board.<sup>9459</sup> The Accused implemented his policies and the policies of the Bosnian Serb leadership through, *inter alia*, the structures of the SDS.<sup>9460</sup> The SDS policies were communicated to the SDS Municipal Boards through members of the Main Board.<sup>9461</sup> SDS Municipal Boards were obligated to implement the instructions issued by the Main Board or Executive Board.<sup>9462</sup> While municipal organs had some independence with respect to local issues they were obliged and expected to obey and implement the policies and decisions of the SDS at the higher level and the Accused insisted on respect for his own personal authority.<sup>9463</sup> **(#Wrong and fak#e! The President insisted that the decisions of the Party bodies had to be made democratically, but implemented without distortions or arbitrarily. Since there was a multi-party system, whoever wanted another policy, could form another party! Here is one of the documents which the Chamber accepted as a proof for this assertion of the OTP, P2572, p. 2**

KARADŽIĆ Radovan:	Are they introducing Chetnik ideas?	p.3
STANČIĆ Miroslav:	No. SPO and such ideas.	
KARADŽIĆ Radovan:	SPO can't mix with SDS.	

<sup>9457</sup> Prosecution Final Brief, para. 208.

<sup>9458</sup> Prosecution Final Brief, para. 206.

<sup>9459</sup> See Section II.B.1: Serbian Democratic Party (SDS).

<sup>9460</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16844.

<sup>9461</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16630–16632.

<sup>9462</sup> See Section II.B.1: Serbian Democratic Party (SDS). See also Milorad Dodik, T. 36872–36873, 36877–36880, 36887–36888 (9 April 2013); Izet Redžić, P3189 (Transcript from *Prosecutor v. Krajišnik*), T. 5071, 5075; P2571 (Intercepts of conversations between (i) Radovan Karadžić and Radomir Nešković; (ii) Radovan Karadžić and Mišković; and (iii) Radovan Karadžić and Srdo Srdić, 20 December 1991), p. 3; P2529 (Letter from Radovan Karadžić to SDS Municipal Boards, 15 August 1991); P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 3, 5, 8, 13, 16; P5550 (Report of the SDS Executive Board, 24 February 1993).

<sup>9463</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16623–16625, 16672–16676, 16751; P2572 (Intercept of conversation between Radovan Karadžić and Miroslav Stančić, 26 September 1991), p. 2; Radomir Nešković T. 14235 (6 June 2011); P2571 (Intercepts of conversations between (i) Radovan Karadžić and Radomir Nešković; (ii) Radovan Karadžić and Mišković; and (iii) Radovan Karadžić and Srdo Srdić, 20 December 1991), pp. 3–4; D1277 (Minutes of joint meetings of SDS's General and Executive Committees and Political Council, 11 March 1992), p. 2; P3118 (Minutes of meeting of the Club of Deputies from the SDS and SPO, 14 October 1991), p. 1.



KARADŽIĆ Radovan:	What do you mean, bribing people? What with?
STANČIĆ Miroslav:	Food and drink you know, sweet, salty and everything else.
KARADŽIĆ Radovan:	Tell them that I will dismiss the Board and appoint other people. You tell them that. I will, it wouldn't be the first or the last time. I will dismiss the idiots who are idiots/?/ and who are not implementing the SDS policy. Let them for SPO, I don't mind, but they won't do that in my party.

**The President said: “let them form SPO, I don't mind. The President of the Party was in charge of a verbatim implementation of a democratically adopted decisions and policy, no crime!)** It was difficult for other Bosnian Serb officials, particularly at a municipal level to openly contradict the President who had “undisputed authority”.<sup>9464</sup> For example, the President said that he would “dismiss the idiots [...] who are not implementing the SDS policy”.<sup>9465</sup> **(This is already commented above, but once again: this kind of distortion doesn't make a good service to the UN and this court of the UN. The President supported a municipal president of the SDS for opposing a smuggling of the ideology of another party, close to the “Chetniks” stating that nobody could exercise program of another party under the SDS umbrella, see P2572, p.**

KARADŽIĆ Radovan:	Are they introducing Chetnik ideas?
STANČIĆ Miroslav:	No. SPO and such ideas.
KARADŽIĆ Radovan:	SPO can't mix with SDS.

The Accused issued express instructions to the SDS Municipal Boards including a mandatory directive with respect to the structure and activities of all SDS Municipal Boards.<sup>9466</sup> **(This is a part of implementing the decisions and realising the party policy, and the President of the SDS, as in any other party, was responsible for a respect of the democratically adopted decisions, which couldn't be modified either by the President, or by someone on the terrain. This kind of misunderstanding of the rules of party-functionings could only be an ideological bad will! In doc. P2529 there is nothing alleged in this paragraph, but here is the entire D4658, also designated as a basis for this findings:**

**In view of information of which we have become aware and which concerns the planning of commando actions in order to incapacitate the roads in Bosnia and Herzegovina, please make sure to provide round-the-clock guards at all bridges located in your area.**

**The bridges on transit roads to Serbia and Montenegro should be particularly well guarded, as well as those which connect the Bosnian Krajina with Central Bosnia.**

**This task of utmost importance must be considered a priority matter and carried out in full and unconditionally. It should be implemented in cooperation with organs of the authorities, in such a manner that you improve the safety of travel and do not create chaos by setting up road blocks or intercepting traffic.**

**Maximum discipline and coordination with the police and military authorities is essential.**

**So, in the wake of war in neighbouring Croatia, President of the SDS demands from the SDS to get included in the “All-peoples Defebce” and Social self-protection, which was a legal obligation. In**

<sup>9464</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16625–16626, 16689–16690; P2557 (Intercept of conversation between Radovan Karadžić and Goran Babić, 24 June 1991), pp. 3-5; P2559 (Intercept of conversation between Radovan Karadžić and Radoslav Brđanin, 18 October 1991), pp. 2–3.

<sup>9465</sup> P2572 (Intercept of conversation between Radovan Karadžić and Miroslav Stančić, 26 September 1991), p. 3.

<sup>9466</sup> P2529 (Letter from Radovan Karadžić to SDS Municipal Boards, 15 August 1991). See also D4658 (Instructions from Radovan Karadžić to all Municipal Boards of BiH SDS, 11 September 1991).

doing so, the SDS had to work together with the common BiH police and other common institutions. There was nothing “Serbian” in it. Other parties had also been obliged to do the same, and there was an agreement among the ruling parties (SDA, SDS, HDZ) to coordinate and help the state organs in preserving the peace and control of terrain.)

2906. Top and local levels in the SDS communicated in both directions, and municipal leaders, members of Executive and Municipal Boards of the SDS would frequently visit, write to or phone the President to speak about municipal matters.<sup>9467</sup> For example, the Chamber found that there was a very close relationship between the Bijeljina branch of the SDS and the SDS party in Pale, and that the SDS leadership, including the President and Krajišnik, often visited Bijeljina.<sup>9468</sup> Similarly, the Chamber found that a line of communication existed between the Municipal Board of the Bratunac SDS and the SDS leadership, including the President.<sup>9469</sup> Another example can be found in Sanski Most where the SDS was extremely well-structured and disciplined, so that orders came from the top and were implemented without any objections.<sup>9470</sup> When there were problems in Banja Luka for example, the President told Krajišnik that they, along with Koljević, needed to visit to “establish some order there, separate the soldiers from the people, and appoint some sort of command for these soldiers and some sort of board for the people”.<sup>9471</sup> (Another example how anything could have been used against this Accused and against the Serbs generally, no matter it was a crime, or not. Here is P5798, of 15 December 1991, which was the basis for this conclusion, P5798, p. 1:

R: Congratulations! Listen, we should make a quick trip to Banja Luka.  
M: What for?  
R: There's complete chaos there. We must help establish some order there, separate the soldiers from the people, and appoint some sort of command for these soldiers and some sort of board for the people.  
M: Yes.  
R: The board, well...  
M: What is it?  
R: Well, a huge number of refugees are fleeing from above, you know, and I thought, well, I didn't want us to go because I didn't see our role. But now I see a role. This CVIJAN will come too. The prime minister from Western Slavonia will also come, or one of their members, so that we can open an office for them in Banja Luka and help them achieve something, you know.

Therefore, nothing in connection with the SDS, nor with the authority of President Karadžić. It was a matter of humanitarian endeavour of helping a huge number of civilian refugees from Croatia, West Slavonia, and a significant number of soldiers of the Serb Army of Krajina. So, these wandering soldiers needed some command, and the civilians some representatives who would communicate with the Banja Luka authorities. What is criminal in that?)

2907. The Accused also emphasised the importance of local SDS boards<sup>9472</sup> (Here is a part, p.3-4, of the P3431 exhibit:

<sup>9467</sup> See para. 71; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16632. See also D2265 (Srđo Srdić's interview with OTP), pp. 50–51. See also P5827 (Intercept of conversation between Radovan Karadžić and Trifko Komad, 2 November 1991); D4038 (Conclusions of ARK Crisis Staff, 18 May 1992).

<sup>9468</sup> See para. 606. See also P2929 (Witness statement of KDZ531 dated 25 June 2011) p. 4.

<sup>9469</sup> See para. 690. See also P3197 (Minutes of sessions of Bratunac SDS Crisis Staff and Municipal Board), e-court pp. 9, 13; Dževad Gušić, T. 17804 (24 August 2011); P1357 (Transcript of 18<sup>th</sup> session of SerBiH Assembly, 11 August 1992), pp. 5–6; P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 101.

<sup>9470</sup> P3634 (Witness statement of KDZ490, undated), pp. 6–8, 12 (under seal).

<sup>9471</sup> P5798 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 15 December 1991), p. 1.

<sup>9472</sup> P3431 (Handwritten diary of KDZ192), p. 4 (under seal).

- Our stand on the present state of affairs in the country;

Two versions:

- Above - Yugoslavia
- Below - Sovereignty

In both versions, support is given to JNA regardless of its difficulties.

AD2 - What stand on BH has SDS taken?

- A three-state confederation with separate government institutions for each nation and a common confederate government;
- The Serbian Republic will consist of cantons which will be very independent, yet function within the jurisdiction of the Republic's government.
- Problem: the relation of Bosanska Krajina to the Knin Krajina in Northern Bosnia;
- The stand KARADŽIĆ and KRAJIŠNIK have taken;

and there was #nothing illegal or criminal# in it! As a matter of fact, neither Karadzic nor Krajisnik were present, but somebody interpreted their standpoints, but even if they were there, what does it have to do with this case? "The Serbs were sneezing!") and in an interview, he indicated that the political life of Serbs in BiH "had been fully revived and established, which was the main purpose of setting up the party", and that in all places where Serbs lived they had set up municipal organisations with municipal and local boards.<sup>9473</sup> (Why it was of any interest of this Court, as the OTP as the Chamber? What is wrong with doing it or talking about it? This kind of attitude towards the Serb rights had only the communist dictatorship!) The President also took an active role in determining the organisational structure of the SDS at a municipal level and the appointment of personnel.<sup>9474</sup> On 31 October 1991, the President emphasised the importance of strong SDS leaders who would implement directions from the leadership, stating that whoever is "not able to be the boss in the municipality, to carry out the mobilisation and even to the full if necessary, should resign immediately".<sup>9475</sup> (So what? A leaders had to be capable, or not to be leaders, in such a case they may do something else. Is it different in any democratic country? Or it was not applicable to the Serbs? The Chamber should have known that the SDS had been composed of the people opposed to the previous communist regime, that many of them feared because of their engagement, and that it was not so easy to replace the regime, and in addition to that, to change the entire system of society and the state authority!)?

**2908.** The Chamber recalls that as early as February 1991, the SDS had considered specific actions to be taken should BiH move towards independence.<sup>9476</sup> The SDS envisaged that in such a case municipal authorities were to ensure that only Yugoslav (federal) law would apply, suspending the implementation of republican regulations.<sup>9477</sup> This policy was adopted by the SDS Deputies' Club and was made public in a document dated 10 June 1991.<sup>9478</sup> (All legal and legitimate, and public. The BiH Muslim-Croat coalition betrayed the coalition agreement with the SDS and opted for a secession, violating the Constitution, and the SDS publicly opposed this actions. What is illegal in it? However, the very same day, 10 June 1991, the SDA had formed the Supreme Command of the future secret Army, the Patriotic League, and Mr. Izetbegovic had been elected President of this political body for "defence of the Muslim people, although he was ex officio President of the Board of Defence of the entire BiH and all the three ethnic communities. Nobody from the international community saw anything irregular and significant in that?)

**2909.** ) The President in a conversation with Žepinić in September 1991, stated that "[e]verything we did so far and everything we are doing now is strictly according to the Law."<sup>9479</sup> (#EXCULPATORY#! Particularly since it was the truth which could be checked easily!) At a

<sup>9473</sup> P2539 (Radovan Karadžić's interview in NIN, 9 November 1990), p. 1.

<sup>9474</sup> P2570 (Book of minutes of Prijedor's SDS Municipal Board meetings, 1991), p. 40.

<sup>9475</sup> P5830 (Intercept of conversation between Radovan Karadžić and Veljko Džakula, 31 October 1991), pp. 2–3.

<sup>9476</sup> See para. 73.

<sup>9477</sup> See para. 73.

<sup>9478</sup> See para. 73.

<sup>9479</sup> D2926 (Intercept of conversation between Radovan Karadžić and Vitomir Žepinić, 18 September 1991), p. 3. Both Žepinić and KDZ020 testified that the subsequent measures taken, including the formation of the Bosnian Serb Assembly and a separate republic, were unconstitutional. D2923 (Witness statement of Vitomir Žepinić dated 11 February 2013), para. 51; KDZ020, T. 12575 (28 February 2011).

meeting of the SDS Municipal Board on 12 April 1991, it was agreed that instructions would be requested from the SDS headquarters “regarding the referendum, our behaviour and functioning” and that the regional redrawing of municipal borders, which was occurring in Banja Luka, was “fully supported, and those questions should be posed in our areas as well”.<sup>9480</sup> It was also noted that the Presidency of Bratunac should meet with the President urgently with respect to the questions raised.<sup>9481</sup> The President and Krajišnik took a leading role in using the SDS structures to call on all Serbs in BiH to boycott the referendum on the independence of BiH as it was against their interests.<sup>9482</sup> **(So what? #Why this court should back the Muslim illegal and anti-constitutional political moves#? How to avoid an assumption that this court is merely political instrument?)**

2910. The President led the SDS deputies out of the SRBiH Assembly on 15 October 1991; the HDZ and SDA delegates then reconvened without the Serb delegates and passed a declaration of sovereignty.<sup>9483</sup> **(It was only one among many, but a #drastic violation of the law, Constitution and the Assembly’s Rule of procedure#. Once the spokesman adjourned the session, it couldn’t be “reconvened” without the spokesman’s authorisation. There is no democracy without respect for the regulations and rules, but this court is justifying such a breaches of laws and democtaric normatives, by charging the Serb side for it’s opposing to that!)** Subsequently there was a meeting of the SDS Political Council, at which statements were made that it was necessary to “shed the illusion that a form of coexistence with the Muslims and the Croats can be found”.<sup>9484</sup> Koljević stated that they could not lose the momentum and had to announce their plebiscite the next day and that they should emphasise this was a peaceful act in contrast to the decision on the sovereignty of BiH, which was described as an act of “political violence”.<sup>9485</sup> **(Wasn’t it?)** The President and other Bosnian Serb leaders, including Krajišnik, emphasised the illegal and unconstitutional nature of the declaration of sovereignty by BiH and the threat it posed to Serb interests.<sup>9486</sup> **(So what? Wasn’t it?)** At this meeting, the following items were also discussed: (i) the aim of creating a Greater Serbia; (ii) the activation of parallel government bodies such as a Serb Assembly; (iii) the intensification of the process of regionalisation; and (iv) the military organisation at a local level.<sup>9487</sup> **(What was “discussed”, wasn’t adopted as a decision, or conclusion or any other act. Here is the first document used as a basis for this finding, D294, p.1**

<sup>9480</sup> P3197 (Minutes of sessions of Bratunac SDS Crisis Staff and Municipal Board), e-court p. 13.

<sup>9481</sup> P3197 (Minutes of sessions of Bratunac SDS Crisis Staff and Municipal Board), e-court p. 13.

<sup>9482</sup> See para. 1931. See also P3431 (Handwritten diary of KDZ192), p. 4 (under seal); P942 (ECMM report re the BiH Assembly meeting held on 24–25 January 1992), p. 1.

<sup>9483</sup> See paras. 46, 76. See also Vitomir Žepinić, T. 33654 (14 February 2013).

<sup>9484</sup> D294 (Minutes of SDS Council meeting, 15 October 1991), p. 1. See also Adjudicated Facts 1937, 1938.

<sup>9485</sup> D294 (Minutes of SDS Council meeting, 15 October 1991), pp. 1–2; P2581 (Minutes of meeting of SDS Deputies’ Club, 18 October 1991), p. 3. See also D3206 (Witness statement of Milovan Bjelica dated 30 March 2013), para. 11; D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 7; D4212 (Intercept of conversation between Radovan Karadžić and Simo Mišković, 15 November 1991), p. 4.

<sup>9486</sup> D294 (Minutes of SDS Council meeting, 15 October 1991), p. 2; P5631 (Intercept of conversation between Radovan Karadžić and Božidar Vučurević, 19 October 1991), pp. 2, 5; P5622 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 25 January 1992), p. 2; P5621 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 25 January 1992), p. 2; P5615 (Intercept of conversation between Radovan Karadžić and Nikola Koljević, 11 December 1991), p. 4; P5776 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 5 January 1992), p. 11.

<sup>9487</sup> D294 (Minutes of SDS Council meeting, 15 October 1991), pp. 2–3. See also P2581 (Minutes of meeting of SDS Deputies’ Club, 18 October 1991), pp. 2–3; see para. 46. Čeklić stated that regionalisation was not a secret grouping of Serb municipalities, nor was its goal to join Serbia and the Serbian Krajina, and in fact it was done in an effort to decentralise BiH. D3854 (Witness Statement of Savo Čeklić dated 7 July 2013), para. 15.



Todor DUTINA: /underlined by hand:/ This evening we must shed the illusion that a form of coexistence with the Muslims and the Croats can be found. Therefore I suggest the following:

1. Issue a proclamation addressed to the Party of Democratic Action and the Croatian Democratic Union (the leadership) asking them to withdraw, within seven days, the decision they have adopted, otherwise the Serbian Democratic Party will instruct its members to leave the existing government institutions and begin creating parallel ones.

2. Within seven days, organise a rally to demand equality, thus exerting pressure through the media.

Also emphasise that unless this decision of the Assembly is withdrawn, the regions will stop paying their obligations to the Republic.

**At that time Mr. Dutina, a known poet, was in the leadership of the Reformist Party, in all other matters except this one in opposition to the SDS. None of his proposals had been adopted! See further, what the President said, D294, p. 2:**

Radovan KARADŽIĆ: Yesterday, the constitutional and legal order in Yugoslavia and Bosnia and Herzegovina was toppled, and the Serbian people were deprived of their status. We must not shift to the opposition until the constitutional and legal order is re-established, because we should ensure the sovereignty of the Serbian people. Our people must follow us in all the bodies.

**nothing false or illegal! See further, D294, p.2**

ČANGAR: Today the President of the Constitutional Court stated that the decision adopted by the Assembly did not have any legal effect.

Radovan NEŠKOVIĆ:

1. /underlined by hand:/ Since they will not revoke their decisions, I suggest that a parliamentary crisis be provoked.

2. Demand new elections /underlined by hand:/ because in this way we would gain time, which suits us.

3. As regards ethnic-party outvoting, we were the first to use it at the local level, and they at the republican level.

4. /underlined by hand:/ Go for a change of policy with the aim of creating a Greater Serbia. Harmonise the change of policy with Belgrade, but not in the Assembly, because returning to the Assembly would mean recognising their decision.

**So, Mr. Cancar reported of the standpoint of the President of Constitutional Court, and Mr. Neskovic proposed “a change of policy” and turn to creation of a Greater Serbia. So far, it was not the policy, but he proposed to change this policy! Neither of his proposal were even commented, let alone adopted! #What is relevance of a free meditations of the members of the Political Council of the SDS, particularly those that hadn’t been adopted? Among the members of the Council there were several members of the Academy of Sciences and Arts of BiH, as well as two elected members of the BiH Presidency. How come every manifestation of the Serb political life is under the charges?)**

2911. With respect to the referendum the President said in an intercepted conversation that not only was this an illegal decision but through this action, the Bosnian Muslims “set everything up for us just perfectly; it’s all fallen right in place”.<sup>9488</sup> In this regard the President said they would be strong and establish their own state and that BiH would consist of three sovereign nations.<sup>9489</sup>

**(So what? The international community didn’t support the unity of Yugoslavia, supported the unlawfull conduct of the Muslim side, and finally had to accept the Serb compromise, to have BiH transformed into three states!)**

2912. On 16 October 1991, the SDS issued its “Announcement to the Serbian people” in which it stated that the SDA and HDZ had breached the constitutional order and reiterated its support for

<sup>9488</sup> P5622 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 25 January 1992), p. 2. See also P5754 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 9 February 1992), p. 4.

<sup>9489</sup> P5621 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 25 January 1992), pp. 2–3.

federal institutions, including the JNA.<sup>9490</sup> **(What was wrong with this President's calling for the legalities in conduct of the state policy?)** In an intercepted telephone conversation that day, the President assured SDS officials in Banja Luka: "We've worked out a scenario. We won't make a single move today. If necessary, we'll do it tomorrow, [...] it would be very useful. Everything's been worked out. You don't need to worry. [...] They can only start fighting us, killing us, but everyone knows what's gonna happen then!"<sup>9491</sup> **(So what? If the Serbs in Banja Luka had been upset with the events in the Assembly, the #President tried to calm them down#. Also, the Serbs in Srpska Krajina were upset, and desperate, and Milan Babic tried to proclaim a unification of the two Krajinas, and the President estimated that it would be illegal and damaging of the Serb interests. What is wrong with that? It rather should be commended, because the President fought for legality and for a peaceful means in achieving political goals, see DP2555, p. 1**

Andelko	Well, you see, last night, I met up with Milan here; he had been away, so we talked about certain things a bit and we wanted to consult you a bit. Milan suggested this, he's going to the Hague on Friday, for another meeting, not the one of the presidents of the republics, I think, and he suggests that he should represent our interests too on the basis of the declaration we have adopted in Grahovo...	p.3
Radovan KARADŽIĆ	Whose interests?!	
Andelko	...to defend ourselves from their invasion.	
Radovan KARADŽIĆ	Which invasion?	p.4
Andelko	Well, the thing that's happening now.	
Radovan KARADŽIĆ	Well, what can they do?! They've embarrassed themselves in front of the world, man. KRAJIŠNIK, KOLJEVIĆ and I have asked to be received by Lord CARRINGTON and we will be. We'll explain what the matter is, if that will be, er, well, I, every day /unclear/. Yesterday I spoke to a Frenchman here who told me exactly what the secret and public plans of France are; I can't talk about them over the phone...	
Radovan KARADŽIĆ	You see, VUKIĆ, I have to, I've just, I have to reveal many things and /words omitted/ over the phone. I've spoken to the Frenchman. He told me about their secret and public plans and he will help us a lot, I think, not to worry, both France and England are behind us, no doubt.	
VUKIĆ	All right, all right...that you know.	
Radovan KARADŽIĆ	But the other thing, there's no way we're gonna leave Bosnia and Herzegovina, because then there is another criterion for separation which would be terribly damaging to us.	
Radovan KARADŽIĆ	Well, I know, but you should come to Sarajevo too, you should...no you're not isolated there, you are scared. What are you scared of? Can they establish Bosnian rule there? Like fuck they can!	
VUKIĆ	They can't.	
Radovan KARADŽIĆ	So what are you afraid of then?! This is worthless. I'm grateful to them for having done that stupid thing. They've been co-operative, man. IZETBEGOVIĆ cannot appear in Europe anymore.	
VUKIĆ	All right.	
Radovan KARADŽIĆ	He's embarrassed himself so much. We're going to a press conference in the International Press Centre tomorrow ...	
VUKIĆ	Uh-huh, uh-huh.	
Radovan KARADŽIĆ	And that was sent from all around Europe, to all embassies, to VEJNANS /?/, CARRINGTON, VAN DER BROEK. Imagine when he appears up there on Friday and then they tear him into pieces; and MILOŠEVIĆ in particular points out Kosovo Assembly. That's Kosovo Assembly which held a session in front of the door, in an illegal way.	p.

<sup>9490</sup> See Adjudicated Fact 1939.

<sup>9491</sup> P2555 (Intercepts of conversation between (i) Radovan Karadžić and Andelko Vukić, and (ii) between Radovan Karadžić and Boro Sendić, 16 October 1991), p. 6. See also P5842 (Intercept of conversation between Radovan Karadžić and Vukić, 15 October 1991), p. 1 (in which the Accused tells Vukić to summon all members of the Executive Board from the Banja Luka region to make a very important declaration).

Boro SENDIĆ	I was asking for it out of desperation. The wounded are dying over there, remember when we were encircled, the army /JNA/ didn't intervene, remember.
Radovan KARADŽIĆ	Yes, yes. What's the situation now?
Boro SENDIĆ	Very difficult. People don't see the point in building houses. The enclave, I mean Okučani, I mean the villages around all the way down to Lipik, there's a war going on there, constant attacks, and err, they are in expectation /suspense/. But the worst still is this feeling of hopelessness, because the people feel that the enclave err, they are asking themselves can it resist the attacks at all. Unbelievable, I don't want to calculate.

**#"out of desperation" people asked what to do, and the President reassured them that nothing should be done, particularly nothing sudden. How this was wrong? The same page:**

Radovan KARADŽIĆ	It is most important not to lose hope, because the dawn will come. It's important...what we don't finish tonight we'll finish tomorrow. Perseverance of the Serb people is of the essence. The Serb people must not be volatile.
------------------	--

**#Contrary to the reality in which the President had to encourage people to endure instead of being volatile#, the Chamber is inferring that the population was calm and felt secure, but the President upset them by his stories####. Meanwhile, the very same days, the Serbs in the neighbouring Croatia were suffering as none of the peoples of Europe did! And there was nothing that showed that the same will not slip to Bosnia, as it did happen!)**

2913. The SDS Deputies' Club met again on 18 October 1991, and the Accused rejected the decision of the BiH Assembly because the Bosnian Serb deputies had not participated.<sup>9492</sup> **(#Legal, obligatory#! Not true! Not only that. The two other sides couldn't vote for anything if the group of deputies directed the issue to the Council for the National Equality, as was written in the Constitution, nor the BiH Assembly could vote to change the Yugoslav federal Constitution, nor they could vote to alter the BiH constitution without two third + 1 of the deputies, and finally, they were not entitled to reconvene the Assembly session without the authorisation of it's president, i.e. violating the Rules of procedure of the Assembly. All of it was violated! #A lawless country#! Why would the Serbs accept it? What decent people would?)** The Accused noted that a "team made up of the leading men of the party, the Government and the Political Council has been working day and night" and that he had decided to impose a state of emergency in the SDS.<sup>9493</sup> **(So what? It was a "cristal night" of Bosnia, and the ONO and DSZ (All-Peoples Defence, and Social Self-Protection) as a part of the Yugoslav legal and defence system obliged all the institutions and organisations to respond to that kind of violation of stability! The next that could be expected would be a physical violence, because after the constitutional there a physical violence of the security and life of the people!)** This state of emergency, which was declared by the Accused, was binding on all its members, bodies and officials.<sup>9494</sup> The Accused emphasised that there needed to be maximum discipline that they had to listen to their leaders and there was no room for a "single wrong step".<sup>9495</sup> As part of this state of emergency, the Accused ordered that there should be daily meetings of the municipal boards and that they would receive daily instructions on the measures to be taken.<sup>9496</sup> Following the Accused's order, an emergency meeting of the SDS Municipal Board of Bratunac was held where Miroslav Deronjić informed those present about the SDS Main Board

<sup>9492</sup> P2581 (Minutes of meeting of SDS Deputies' Club, 18 October 1991), p. 1.

<sup>9493</sup> P2581 (Minutes of meeting of SDS Deputies' Club, 18 October 1991), p. 4. See also P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 8–9; P5837 (Intercept of conversation between Miro Galić and Peda, 19 October 1991), p. 1.

<sup>9494</sup> P6238 (Radovan Karadžić's Decision, 18 October 1991). See also P5831 (Intercept of conversation between Radovan Karadžić and Miljana LNU, 17 October 1991), pp. 1–2.

<sup>9495</sup> P2581 (Minutes of meeting of SDS Deputies' Club, 18 October 1991), p. 4. See also P2716 (Notebook of Radovan Karadžić), p. 30; P5643 (Intercept of conversation between Radovan Karadžić and an unidentified male, 8 July 1991); P5749 (Intercept of conversation between Radovan Karadžić and Božidar Vučurović, 13 February 1992), pp. 3, 5; P5747 (Intercept of conversation between Radovan Karadžić and Gojko Đogo, 15 February 1992), pp. 3–4; P5730 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 1 March 1992), p. 2.

<sup>9496</sup> P6238 (Radovan Karadžić's Decision, 18 October 1991), p. 1.

instructions and said that they imposed a duty to “act accordingly”.<sup>9497</sup> The next day, Jovan Tintor from Vogošća stated in a telephone conversation that following the plenary session, only Serb Assembly decisions would be binding on the Serb population and that parallel institutions would be formed.<sup>9498</sup> **(#None of this is criminal, not even before the Muslim courts. Irrelevant for this case, because it is presenting the necessary measures and ultimate political defence as a crimes#! Was the Tribunal tasked by the UN to this approach?)**

2914. The Accused was the undisputed authority within the SDS for the duration of the war.<sup>9499</sup> Some people who resisted the President were expelled from the Main Board.<sup>9500</sup> On 24 June 1991, the Accused told a Bosnian Serb leader in Prijedor that if the party could not organise themselves, he will do it for them by introducing new people into the Prijedor SDS party leadership.<sup>9501</sup>

**(#REBUTTED #Irrelevant for such a case#! It is understandable why the Prosecution was desperate about the lack of evidence, but the Chamber was? Let us see the reference to an alleged evidence about the President as an autocrat, P2568, a testimony of Neskovic, who testified in this case too, but the Chamber didn't check this issue there, but rather exploited what Neskovic said in another case, in which nobody was interested in contesting or rebutting his testimony pertaining to this President. P2568, T16625 – 26 – 27:**

25 JUDGE ORIE: Would that mean that on the republican level of the SDS but also the municipal and the local level, wherever there were clear feelings or clear instructions, that it was difficult to resist him?  
THE WITNESS: [Interpretation] At the local level it was very difficult to resist him because there were no high-level political figures that -- no strong personalities, with the exception of a number of individuals whom I could mention. But at the republican level, in the Main Board it was a little different because Karadzic presided over the Main Board, but there were 45 of us there, after all, and the people there were slightly more prominent and capable, and at the Main Board there was resistance. Different opinions were expressed. So it was not that easy to implement the policies -- to get the policies through at the Main Board. At the Main Board, Radovan mostly tried to persuade everyone, and he went to great lengths to do so. Within the Main Board, it was a lot easier to put up resistance, a lot easier than it was at the local level.

JUDGE ORIE: Yes. But even in one of your earlier answers you said, "It was very difficult, and a great deal of diplomatic skill was called for in terms of either refusing to do something or to do something or doing something in a slightly different way." Was that limited to public debate? Because you say it was very -- "rather difficult to contradict him openly and publicly." That sounds a bit as if it was not that easy, even when you were in direct contact with him, such as at the republican level.

THE WITNESS: [Interpretation] At the republican level, when the Main Board was in session, various discussions would be held. There was nothing that you would have to do. You would just have to discuss matters,

<sup>9497</sup> See para. 701.

<sup>9498</sup> P5836 (Intercept of conversation between Jovan Tintor and Krunic, 19 October 1991), pp. 1–3.

<sup>9499</sup> Radomir Nešković T. 14218 (6 June 2011). See also Nedeljko Prstojević, T. 12963 (8 March 2011); P5730 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 1 March 1992), p. 1; P5722 (Intercept of conversation between Jovan Tintor and Žika LNU, 11 March 1992), p. 4.

<sup>9500</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16626–16627.

<sup>9501</sup> P2557 (Intercept of conversation between Radovan Karadžić and Goran Babić, 24 June 1991), pp. 3–5.



and you could express different opinions. But if you had a particular task assigned to you by Karadzic or the executive or Main Board, if your task was to go into the field and do something in particular there, then it was very difficult to put up resistance if you had a particular task. In order to avoid any misunderstandings, I wanted to know exactly what I had to do, what sort of authority I had, where I had to do it, and when, so that I could be held responsible for what I did, so that I could do what I had to do in a responsible manner. He did not treat me in a rough way. I had a certain amount of freedom to carry out tasks in an independent way. I didn't have the same problems that Srdjo and others had. I don't know whether it was because he had allowed me to act in this manner or whether he had managed to obtain such privileges. But in any event, if someone wanted to resist him, it was necessary to have a lot of courage, and this also meant losing one's position in the Main Board.

I'll provide you with the example of Milakovic, who publicly opposed him, resisted him, and he was expelled from the Main Board. And Sladimir Srebrov also resisted him in public before that, and he was also expelled from the Main Board. So you are quite right: It was very difficult to directly oppose him, and usually one would suffer the consequences, and you would be driven away. You would be expelled from that body.

So, even this witness confirmed that during the decision-making process, "there was nothing that you had to do..." and that "you could have expressed...." "it was easier to resist... the President "mostly tried to persuade everyone"... and so on. But, what was difficult to do, Neskovic explained: "But if you had a particular task assigned to you by Karadzic or the Executive or Main Board, ... it was very difficult to put up resistance..." it was clear that even this witness described that the decision making process was democratic, but when it came to the execution of the tasks on the terrain, there could be no resistance. There could be resistance that would not be legal, because it wouldn't be a resistance to the President, but to the bodies of the Party that made decisions democratically. This is ridiculous to charge the President for being meticulous in executing the decisions. Further the Witness mentioned Srdjo Srdic, who was a president of the municipal Board of Red Cross, and the SDS at the same time, and the deputy in the assembly. He was a dentist, and very old man, and it was a conflict of interests, and his colleagues from Prijedor made him to choose only one local post, and he had chosen Red Cross office. Milakovic was a criminal, deviant in many directions, and finally he founded an illegal brothel, and nobody wanted him to lead the SDS in Prijedor. V. Srebrov was also a deviant man, and he wasn't a member of the Main Board, and the President didn't remove him, but the main Board unanimously expelled him from the party, and if he was a member of the main Board, only Assembly of the Party could remove him. There was no any example like that. And the President sustained a sharp criticism for being "too democratic", which is very easy to check!)

In September 1991, the President intervened to replace the local SDS President in Prijedor, Srdo Srdić, with Simo Mišković, who promised to follow the policies of the SDS Main Board.<sup>9502</sup> **(This document quoted as a basis for this paragraph, we paste here, because it is the strongest proof how the Judgement is wrong: P2571: p.2 -**

NEŠKOVIĆ: And now they want, in a way, to create a party for their own taste. That they have more seniority, and the party would... serve them, approve everything they say, what do I know?

Radovan Well, that is totally unacceptable.

KARADŽIĆ:

NEŠKOVIĆ: So, there are great problems here. Then they go to the field and declare that they will bring Srda down, and so on. They have created a very unpleasant atmosphere, they have created two camps. Because they do not recognise any authority here, especially if you mention Sarajevo.

Radovan Let them fuck their mothers, let them make their own party, let them

KARADŽIĆ: resign. Whoever refuses to obey Sarajevo should resign. Write papers for them tomorrow and say: this is a party which has its top and its bottom, and nobody will fuck about under our name.

NEŠKOVIĆ: I won't give it to them, I didn't give it to them the last time either. I'll call VUKIĆ tomorrow to help me with this.

Radovan And please tell them this: please, whoever won't adhere to the

KARADŽIĆ: policies of the party and implement the policies of the party, but adheres to their own private policies...

NEŠKOVIĆ: Yes.

Radovan Let them sign here, let them leave their place in the municipality,

KARADŽIĆ: and we will put new people there. They can set up their own party, but not under this name. They have MILAKOVIĆ, let them...

NEŠKOVIĆ: Tell me, what should we do tomorrow? They called it at five o'clock, a lot of people will come. They have invited various managers, everyone who is someone in Prijedor, and so on.

Radovan I sent a telegram... a fax this evening. I don't know if it arrived, if it was received. Was it?

NEŠKOVIĆ: Well, I haven't seen it. Maybe Srda's got it, or...

Radovan It was sent to the party this evening, I only don't know if it was to

KARADŽIĆ: the party's fax. Yes...

NEŠKOVIĆ: ... here at Srda's, I take a look.

Radovan Where I wrote that you have our full trust, and I wrote that they

KARADŽIĆ: should refrain from electoral activities, to restore the party, to hold the ceremonial part, and so on. Now, things are changing if they want to set up the work group. If they won't set up the work group, make a list...

NEŠKOVIĆ: Let me tell you: here is an idea of mine for a solution. I have never

Radovan Then who called the meeting for tomorrow?

KARADŽIĆ:

NEŠKOVIĆ: It was called by the group of assemblymen, and they stamped the fax they sent us with the seal of the municipality, not of the party.

Radovan Well, they can't, the assemblymen club can't call a party meeting...

KARADŽIĆ:

Radovan                    Good evening. Please tell me, was it the municipal assemblymen  
 KARADŽIĆ:               club that called the assembly meeting tomorrow?  
 MIŠKOVIĆ                Yes.  
 Radovan                    They don't have that prerogative, the mutherfuckers ...  
 KARADŽIĆ:               Yes. Probably the main board, they know... I am not a member of  
 MIŠKOVIĆ                the Main Board. The Main Board probably gave them carte  
                                   blanche...  
 Radovan                    They cannot give them carte blanche. They are implementing the  
 KARADŽIĆ:               policies of the party, not the other way around.

**All the questions of the Party Statute, Neskovic and the others ask the President for advises and interpretations of the rules, because a small group of deputies in the Municipal Assembly made an usurpation of the prerogatives of the Party. The entire document is an example how the President tolerated the inexperience and confusion on the terrains, giving full support to the locals to resolve the problem, but in accord with the rules. In no way this document should be used against the President. So many irrelevant elements, findings and inferences, it is impossible to any Defence to respond to all of it. During the trial the Chamber rightfully didn't test so many small elements, and the Defence also didn't insist on it, but now we found all of them in the Judgement, although the Chamber didn't give any chance to the Defence to rebut it.)** : The Accused spoke with an SDS member in Banja Luka on 11 January 1992. When the President was faced with the suggestion that there were some individuals in the Krajina who wanted to act independently on certain issues, he insisted on party discipline and stated "they cannot. We have all of that in the plans. We have all moves in the envelopes. They must not do it before we do it in the whole of Bosnia. Why are they playing smart? They're explaining my policy to me".<sup>9503</sup> **(Not to copy-paste to many evidence, this is ridiculous, insignificant and irrelevant for this case. The President made a great deal of efforts to calm the Krajina inexperienced officials not to unite with the Serb Krajina, because tah would be a *casus belli* with both Croatia and BiH. In all of these examples, the President was decisive that under the SDS program there can not be smuggled a program of another party. Who wanted another program, should found another party. There is nothing more normal and natural, and the President of the SDS was responsible for the executions of all the decisions without any alterations resembling program of the other parties! See P2556, p. 3:**

RK:                        Well, it is a directive, of course it is a directive, a respected and distinguished deputy and the president of the Political Council of the Serbian Democratic Party came. They are not some foreigners. I will send them all to hell, I will suspend the Party in Krajina and make a new Party with new people, what do they think.  
 NS:                        Let me tell you, there are more serious people and they mentioned some problems now....  
 RK:                        No problem. When you are to create a State there are no problems, there must not be problems about it. The policy of the Serbian Democratic Party is the unified Serbianhood in Bosnia and Hercegovina and there is no problem- if someone wants to create other Party, he may do that and go to elections with that Party.

**p.4**

<sup>9503</sup> P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 2, 6, 10, 12. See also P6228 (Intercept of conversation between Radovan Karadžić and Božidar Vučurević, 2 September 1991), p. 3; P6229 (Intercept of conversation between Radovan Karadžić and Božidar Vučurević, 3 September 1991), pp. 6-8; P6230 (Intercept of conversation between Radovan Karadžić and Božidar Vučurević, 9 September 1991), pp. 3-6, 8-13.

NS: You know what has happened? It happened that there is one group of deputies who referred to you and did you a great disservice in that way, and then there was a discussion on all possible irrelevant things, while nobody spoke about the global /ones/, well one could not have stayed either aside or wherever in any way. Because, I say, we have a problem with the boards, which, it is very difficult to explain the Serbian Bosnia and Herzegovina to them, therefore you should go to Banja Luka as soon as possible, because this would not turn out good.

RK: However we are doing everything else, we will have a council of ministers today, there is, we have done everything today, we have plans for everything, they just keep running ahead, like oxen after sal..., after salt, let them stop for a while and let them, let them in, in, synchronise their work with the party.

NS: Allow me to say something, doctor, whoever and particularly these ten people at the Assembly today who, let me tell you, they have no respect, they are not people with weight, and they were hiding behind some opinion approved by Radovan KARADŽIĆ, a good work would not be done here with the people like that.

**It is more than clear that it was a political fight between the true SDS members and the local oligarchy of autonomists, who didn't have any influence in population, but wanted to abuse the SDS reputation to form their small principalities, they called every now and then for some senseless plebiscites, ruining the stability, and, as NS said, abusing the President's name during these games! No party all over the world would allow a rogue element to smuggle another program and ruin the policy of the existing party. What does it prove? Only that the President was a responsible official!**

The Accused also insisted that he would expel and discipline those who did not follow the SDS policies or acted without his approval or the approval of the Bosnian Serb Assembly.<sup>9504</sup> The President also spoke about having a council of ministers, and said "we have plans for everything" and that in the Krajina they had to "synchronise their work with the party".<sup>9505</sup> He also spoke about the importance of pursuing the Serbian policy in a synchronised fashion otherwise "the Serbs would not have a state".<sup>9506</sup>

a. Bosnian Serb Assembly and governmental structures

2914. The Chamber found that on 24 October 1991, the Bosnian Serb deputies of the SRBiH Assembly met and decided to establish a separate assembly, which was constituted the same day.<sup>9507</sup> Krajišnik explained that the Bosnian Serb deputies in the SRBiH Assembly were prompted to form the Bosnian Serb Assembly due to what they saw as a violation of the sovereignty of the Bosnian Serbs and a threat to their existence in BiH "where they had lived from time immemorial".<sup>9508</sup> Krajišnik also expressed the right of the Serbs to self-determination and remaining in their "historical and ethnic territories".<sup>9509</sup>

<sup>9504</sup> P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 2–5, 10–12, 15–18; P5732 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 25 February 1992), pp. 1–2; D4536 (Intercept of conversation between Nikola Koljević and Radovan Karadžić, 26 July 1991), pp. 1–2; P5841 (Intercepts of conversations between (i) Ljubo Grković and Radoslav Brđanin; (ii) Radovan Karadžić and Radoslav Brđanin, 16 October 1991), pp. 3–5. See also P5639 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 13 December 1991), pp. 2–4.

<sup>9505</sup> P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 6–7, 13–14.

<sup>9506</sup> P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), p. 8.

<sup>9507</sup> See paras. 47, 77.

<sup>9508</sup> P3121 (Stenograph of the session of the Club of Deputies from the SDS, 24 October 1991), pp. 5–7, 18; P1343 (Transcript of 1<sup>st</sup> Session of SerBiH Assembly, 24 October 1991), p. 6. See also Milorad Dodik, T. 36841–36842 (9 April 2013).

<sup>9509</sup> P3121 (Stenograph of the session of the Club of Deputies from the SDS, 24 October 1991), p. 5.



2915. Krajišnik was elected as the first president of the Bosnian Serb Assembly.<sup>9510</sup> On the same day the Bosnian Serb Assembly decided that the Bosnian Serbs would remain in the joint state of Yugoslavia and called for the conduct of a plebiscite to confirm this decision.<sup>9511</sup> In November 1991, Brđanin was quoted in a newspaper article as having stated that all directors and managers in the ARK who did not participate in the plebiscite should be urgently dismissed from their positions.<sup>9512</sup> Following the publication of this article, the President said that Brđanin was “out of order” in his statement about the dismissals of directors, but that he “wanted to get [him] off the hook” for the statement and ultimately told Brđanin that “it has to be done, but you mustn’t say that” out loud.<sup>9513</sup>

2916. The Accused was also involved in organising steps to be taken to carry out the plebiscite.<sup>9514</sup> **(What a horrible crime!?)** After the decision of the Constitutional Court of BiH and the Bosnian Serb Presidency declaring the plebiscite of Serb people unconstitutional and illegal, the plebiscite was launched and the President stated that the Serbs no longer had any duties towards the BiH Constitution, that they had obligations towards the Constitution of Yugoslavia which guaranteed their right to self-determination and the right for the people to organise themselves.<sup>9515</sup> **(The #Federal Constitutional Court declared all the secessionist moves illegal#, but no republic respected it. The BH Constitution didn’t exist after the famous Assembly session on 15 October 1991. All of a sudden, the Chamber is interested in a constitutional matters, while even didn’t notice all the previous violations of all and every rule, law and constitution on the Serb account!)**

2917. The Chamber recalls that on 9 and 10 November 1991, a plebiscite was held to determine whether Serbs in BiH wished to remain in a joint state of Yugoslavia with the overwhelming majority of Serbs voting in favour of remaining in Yugoslavia.<sup>9516</sup> On 21 November 1991, the Bosnian Serb Assembly proclaimed as part of the territory of federal Yugoslavia all those municipalities, communes, and settlements where a majority of registered Serb citizens had voted in favour of remaining in Yugoslavia.<sup>9517</sup> In an intercepted conversation on 23 December 1991, the Accused said: “A political principle is being introduced. In principle, everywhere where Serbs live and where they have voted against secession, or to remain in Yugoslavia, no one can break away there. [...] However, we don’t want to stop the Croatian and Muslim peoples from reorganising themselves, meaning that their links to Yugoslavia would be weaker than ours.”<sup>9518</sup>

**(Those are a pure political matters, and the Court had prevented the Defence in this case, and in other cases to deal with the political matters as an essence of the crisis and a cause of the war and consequently of the crimes. Now, the main issue against this President are the political questions that led to the war, although the President’s political actions were purely reactive, a responses to a political violence of other sides. Although all the President’s actions had been a chain of concessions, aimed to avoid a war, every single manifestation of the Serb political life is criminalised and depicted as a cause of war and crimes. But, an impartial**

<sup>9510</sup> P3121 (Stenograph of the session of the Club of Deputies from the SDS, 24 October 1991), p. 12. *See also* para. 77.

<sup>9511</sup> P3121 (Stenograph of the session of the Club of Deputies from the SDS, 24 October 1991), pp. 13–14, 16. *See also* Adjudicated Fact 1940; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4187–4188.

<sup>9512</sup> P1632 (Article from Oslobođenje, entitled “After the Plebiscite: You should better give yourselves up”, 12 November 1991); Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7373–7377.

<sup>9513</sup> P4 (Intercepts of conversations between (i) Radovan Karadžić and Vukić; (ii) Radovan Karadžić and Predrag Radić; (iii) Radovan Karadžić and Radoslav Brđanin), pp. 4–5, 10–11; Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7375–7377.

<sup>9514</sup> P2570 (Book of minutes of Prijedor’s SDS Municipal Board meetings, 1991), p. 63; P5840 (Intercept of conversation between Radovan Karadžić and Vukić, 16 October 1991).

<sup>9515</sup> P6249 (Excerpt from video of Radovan Karadžić’s statement, with transcript), p. 1.

<sup>9516</sup> *See* para. 47. *See also* D83 (Shorthand Record of 2<sup>nd</sup> Session of SerBiH Assembly, 21 November 1991), pp. 19–23; P5733 (Intercept of conversation between Jovan Tintor and unidentified male, 17 March 1992), p. 2; P3456 (Decision of SerBiH Assembly, 21 November 1991).

<sup>9517</sup> P5412 (Decision of SerBiH Assembly, 21 November 1991), pp. 1–2. *See also* Adjudicated Facts 1946, 1947; D3989 (Minutes of the SDS Main Board, 21 November 1991), p. 1.

<sup>9518</sup> D4555 (Intercept of conversation between Radovan Karadžić and Maristela Lučić, 23 December 1991), p. 1.

**court would adopt the Defence's most frequent comments: "So what? #Exculpatory#! Irrelevant! #Political in nature! Legal! Legitimate! Not criminal#!" or, at least, would demand a clarification of the Decence's position to this regard!)**

**2918.** The Bosnian Serb Assembly functioned as the central body representing Bosnian Serbs and was the mechanism through which other institutions and political structures were set up.<sup>9519</sup> **(This is a ridiculous characterisation of an Assembly, as if it was a criminal group, although it was a democratically elected body, with the main task to "give the democratic respons to the challenges posed before the Serb community", as the President described the reasons for the foundation of SDS 12 July 1990!)** This included a Council of Ministers, which was established on 21 December 1991 and replaced by the Bosnian Serb Government on 24 March 1992.<sup>9520</sup> In January 1992 the Accused spoke about how their republic had already started functioning, had its own authorities, structures organs and a Council of Ministers and that all Yugoslav institutions including the JNA "will back us up [...] Nobody can do anything about that. They cannot do anything, because that is 60% of the territory they would not be able to control as an independent state".<sup>9521</sup> **(So what? #All the Serbs had done in BiH was already envisaged during 1991 in the Conference in the Hague led by Lord Carrington (ICFY) with a special commitment of Mr. Izetbegovic that the ethnic constituent communities in BiH would have a high degree of autonomy.# The same was envisage at the sub-Conference on BiH led by Ambassador Cutileiro, and finally codified in Dayton and codified in the UN SC Resolution#!)**

**2919.** In addition, the National Security Council ("SNB") was established on 27 March 1992.<sup>9522</sup> The President described the SNB as an advisory body to the Bosnian Serb Assembly which would be composed of "all the important organs and institutions" of the Serbian people.<sup>9523</sup> The SNB was responsible for military matters during the war and matters relating to security.<sup>9524</sup> The SNB served, until the creation of the Presidency in May 1992, as the *de facto* Presidency of the SerBiH. The President was the *ex officio* president of the SNB,<sup>9525</sup> and the decisions of the SNB were made under the control of the Accused.<sup>9526</sup> **(A democratically established and maintained body couldn't be "controlled" by anyone, and it was not controlled by the President. However, this is one of many examples of the crucial manipulation in depicting only one side's conduct, removing all the events that caused the responses. The SNB was established on 27 March, after the Croatian forces, from Croatia proper, entered BiH in Bosanski Brod on 25 March, killing a father and son at a gasselin station, without anyone's reaction. Then, the same forces proceeded to a Serb village Sijekovac and killed entire several Serb families, again without any defence. It was possible only because the Minister for Interior in BiH was a Muslim, without whose order there could not be any mobilisation of the reserve police, although a forces from another country were freely killing the BiH citizens! The Serb cadres in the common MUP didn't have any authorisation to protect their citizens, and other DIDN'T WANT TO DO IT! The establishment of the SNB as an advisory body to the Assembly was a legal, legitimate, and a move of the ultimate defence!)**

<sup>9519</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16778–16779; Radomir Nešković T. 14274–14275 (6 June 2011). See also P5749 (Intercept of conversation between Radovan Karadžić and Božidar Vučurović, 13 February 1992), p. 2.

<sup>9520</sup> See paras. 87, 103.

<sup>9521</sup> P5620 (Intercept of conversation between Radovan Karadžić and an unidentified male, 21 January 1992), pp. 2–4. See also P5618 (Intercept of conversation between Radovan Karadžić and Slobodan Vidović, 27 December 1991), p. 5 (where the Accused spoke about the importance of only having the JNA in BiH); P5746 (Intercept of conversation between Radovan Karadžić and Dobrica Ćosić, 15 February 1992), p. 5.

<sup>9522</sup> See para. 88.

<sup>9523</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 14. See also Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9124–9125.

<sup>9524</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9125.

<sup>9525</sup> See para. 89.

<sup>9526</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 28.

2920. At a meeting held in the Presidency of the SFRY in Belgrade on 9 December 1991, the Accused stated that Europe “does not accept legality but the factual status. Therefore we have to be wise enough and prepare both legality and the factual status”.<sup>9527</sup> **( Here is what, and why, had been said by the President, P2554, p. 78:**

Radovan KARADŽIĆ:

Yes, the Constitution is being violated. And now, therefore, it is accepted because the Krajinas have existed for so long and have become a reality. You can see the behaviour of Europe: when it is suitable, Europe accepts legality, when it is not – it does not accept legality but the factual status. Therefore, we have to be wise enough and prepare both legality and the factual status. We always have to act from the standpoint of legality and of factual status. We have to be that way because that’s the way Europe is – inconsistent, that is, consistent in following its own interests.

**(Therefore, #Europe is inconsistent, and when it fits their interests, the Europeans say that the Serbs are legally right, but there are new factual states, and when it fits their interests, they rely on legality. President Karadžić warned on this duplicity and had every right to respond in a same manner!)** The Accused declared: “We have made a list of moves. Ten moves in the direction we want, so that there are results. [...] But we don’t do anything until Alija messes something up.”<sup>9528</sup>

**Here is this exhibit, P2554 what the President said. It should be noticed what was skipped in the brackets: “....so that there are results: Bosnia remains in Yugoslavia, either as a whole or our areas.” Why this short part of this sentence had been skipped? Because it was aimed to be understood that the results were some crimes of the Serbs and the President. The brackets [...] served to replace a mitigating or exculpatory elements, and those who assisted the Chamber, made a bad service to the Court!**

made a list of moves. Ten moves in the direction we want, so that there are results. Bosnia remains in Yugoslavia, either as a whole or our areas. But we won’t do anything until Alija messes something up. When Alija messes something up, we make move number 5. And then, we wait. When Alija messes something else up – we make move number 6. For example, we held the plebiscite now. Had we held it when our “hawks” suggested, not more than 60-70% Serbs would have voted. But since we waited for Alija and that illegally adopted Memorandum and then announced the plebiscite, even people on their deathbeds got up to vote. So, we must all play the same string.

2921. On 11 December 1991, the Bosnian Serb Assembly adopted a recommendation that SDS deputies in municipal assemblies in BiH in which the SDS did not have a majority establish “municipal assemblies of the Serbian people”.<sup>9529</sup> The recommendation stated that the assemblies would be composed of SDS deputies and “other deputies of Serb nationality who make a statement on joining the Assembly”.<sup>9530</sup> Attached to the recommendation was a model decision on the establishment of “municipal assemblies of the Serbian people” to be adopted by individual municipalities.<sup>9531</sup> These decisions were to be verified by the Bosnian Serb Assembly.<sup>9532</sup> **(So what? Since the Chamber knew how the other side mistreated the Serbs in such a**

<sup>9527</sup> P2554 (Notes from SFRY’s Presidency meeting, 9 December 1991), p. 78.

<sup>9528</sup> P2554 (Notes from SFRY’s Presidency meeting, 9 December 1991), p. 78. See also Patrick Treanor, T. 14038–14039 (1 June 2011). See also P5774 (Intercept of conversation between Radovan Karadžić and Vladislav Jovanović, 5 January 1992), p. 2.

<sup>9529</sup> See para. 131.

<sup>9530</sup> D84 (Shorthand Record of 3<sup>rd</sup> session of SerBiH Assembly, 11 December 1991), p. 11.

<sup>9531</sup> D84 (Shorthand Record of 3<sup>rd</sup> session of SerBiH Assembly, 11 December 1991), pp. 11, 18–20.

<sup>9532</sup> D84 (Shorthand Record of 3<sup>rd</sup> session of SerBiH Assembly, 11 December 1991), p. 29.

**municipalities, it would admit that this democratic move was justified. And it was a recommendation, not obligation!)**

2922. Municipal level leaders reported to the municipal bodies on developments at a republican level including the formation of the Bosnian Serb Assembly and noted that the assembly had been created as a means of resisting attempts to divide the Serbian people.<sup>9533</sup> The SDS Municipal Board in Prijedor, for example, was informed on 28 October 1991, that Serb assemblies had to be formed in all the municipalities, that they were establishing their own state with their own forces and preparations had to be made for the plebiscite of the Serb people and military organisation.<sup>9534</sup> The SDS Municipal Board in Prijedor also referred to the position of the President that given the secession of BiH arranged by the SDA, they were forced “to form ethnic communities in our ethnic territories”.<sup>9535</sup> They also discussed the importance of establishing control over their territories.<sup>9536</sup> **(Those who assisted the Chamber in the assembling this Judgement missed to point out that the two other ethnic communities had been offered the same opportunity, to form their own ethnic municipalities in the Serb territories, which would serve their social and security needs!#Two municipalities – peace#!)**

2923. The Chamber found that on 20 December 1991 the SRBiH Presidency, Koljević and Plavšić dissenting, voted to apply to the Badinter Commission for the recognition of SRBiH as an independent state.<sup>9537</sup> Members of the Bosnian Serb Assembly met on 21 December 1991, expressed their strong opposition to the Badinter Commission process, and approved preparations for the formation of a Serb Republic.<sup>9538</sup> On 5 January 1992, the Badinter Commission recommended that SRBiH be required to hold a referendum to determine the will of its people regarding independence and the SRBiH Assembly voted to hold such a referendum on 29 February and 1 March 1992.<sup>9539</sup> **(Such a distinguished Court and it’s chambers should be precise, #not to skip a crucial elements. One of the crucial elements of the Badinter’s Fourth opinion# was that there are the Serbs in Bosnia, who do not agree to the secession.) To paste Badinter’s 4<sup>th</sup> opinion@**

2924. On 9 January 1992, the Bosnian Serb Assembly proclaimed the SerBiH.<sup>9540</sup> This proclamation noted that the territory of the SerBiH was composed of the SAOs and “additional territories, not precisely identified but to include areas where the Serbs had been in a majority before the genocide of World War II”.<sup>9541</sup> **(This was rather a #form of strengthening the negotiating position! Anyway, this fact didn’t have any negative consequence, it was before the war, and in context of the Conference – ICFY#!)** The area which would comprise the territory of the SerBiH would include all areas where a majority of Bosnian Serbs had voted in the plebiscite to remain in Yugoslavia.<sup>9542</sup> On 13 January 1992, the Council of Ministers identified the priorities emerging from the declaration of the promulgation of the SerBiH of 9 January 1992, which included defining the ethnic territory and the establishment of government organs in the

<sup>9533</sup> P2570 (Book of minutes of Prijedor's SDS Municipal Board meetings, 1991), p. 60.

<sup>9534</sup> P2570 (Book of minutes of Prijedor's SDS Municipal Board meetings, 1991), pp. 62, 64, 73.

<sup>9535</sup> P2570 (Book of minutes of Prijedor's SDS Municipal Board meetings, 1991), p. 90.

<sup>9536</sup> P2570 (Book of minutes of Prijedor's SDS Municipal Board meetings, 1991), p. 91.

<sup>9537</sup> See para. 48.

<sup>9538</sup> See para. 50.

<sup>9539</sup> P971 (Robert Donia's expert report entitled “The Origins of Republika Srpska”, 1990-1992, 30 July 2003), e-court p. 36. See also P1349 (Transcript of 6<sup>th</sup> session of SerBiH Assembly, 26 January 1992), p. 16.

<sup>9540</sup> See para. 50; Robert Donia, T. 3564 (9 June 2010); P1346 (Minutes of 5<sup>th</sup> session of SerBiH Assembly, 9 January 1992), pp. 2-3. See also Adjudicated Fact 394.

<sup>9541</sup> Patrick Treanor, T. 14027 (1 June 2011).

<sup>9542</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4188.



territory.<sup>9543</sup> The Accused and Krajišnik participated in the discussion on the execution of these tasks.<sup>9544</sup>

**2925.** In an intercepted conversation on 13 January 1992, the Accused informed Kuprešanin, President of the ARK Assembly, that “[w]e have a complete concept of a polycentric development. Therefore, centres must exist, and the centres will be developed more powerfully” and that “not a single move should be made which will not be a hundred percent agreed on”.<sup>9545</sup> **(So what? The Chamber already knew that the President fought against the localisms and merging of the two Krajinas, which would be only an empty declaration, but would justify and legitimise a military coalition of President Tudjman and Izetbegovic against the Serbs. The Chamber never takes into account a time-frame in assessing an event. This conversation happened in January 1992, when it was meant that there was not going to be a war, and that a transformation of BiH would be political and calm, for which a hundred percent agreement was needed!)** In another conversation, the President also spoke of the territorial claims of the Bosnian Serbs and in particular that regionalisation should not disrupt the authority of the Bosnian Serb state, namely that “I want Serbs to organise themselves in those Krajinas [...] but that the unified Serbian [BiH] still exist”.<sup>9546</sup> **(So what? An #irrelevant political issue!)**

**2926.** On 17 January 1992, at a session of the Council of Ministers, a draft programme of its work was presented.<sup>9547</sup> It called for the adoption of the Constitution and for the organisation of the territory in such a way so as to “enlarge the territory of the regions and encompass a larger number of inhabitants wherever possible in order to consolidate the regions both ethnically and economically.”<sup>9548</sup> **(So what? That was a Serb precondition to accept the BiH secession!)** At that same session it was decided that draft legislation to enable the SerBiH to start functioning would be prepared by 15 February 1992.<sup>9549</sup> The Bosnian Serb Assembly also authorised the Council of Ministers and other Bosnian Serb representatives, including Krajišnik, to prepare a Constitution and “other relevant documents in order to regulate further state organisation of the Serbian people” in BiH.<sup>9550</sup> Krajišnik was elected to the commission appointed to prepare a Constitution.<sup>9551</sup> The President and Krajišnik discussed the timing of the announcement of the Bosnian Serb Constitution.<sup>9552</sup> **(It is another #political issue, irrelevant for any criminal responsibility#, unless the Prosecution is “smuggling in” the crime against peace, which is not subject of this Tribunal. It is well known that when a complex sovereignty falls apart, the part of it are entitled and obliged to self-organize and secure a rule of law. Beside that, all the Serbs had done had been agreed in the Hague in 1991, within the ICFY. If the other side in BiH meant to deceive the Serbs by speaking one thing in the Hague, and another in BiH, the Serbs didn’t agree to be deceived)**

**2927.** On 26 January 1992, during an extraordinary session convened to discuss how to respond to the moves towards the independence of BiH,<sup>9553</sup> the Bosnian Serb Assembly adopted a series of conclusions. This included a conclusion that the decision to hold the referendum on the

<sup>9543</sup> P1082 (Minutes of 1<sup>st</sup> meeting of Ministerial Council of SerBiH Assembly, 13 January 1992), p. 2.

<sup>9544</sup> P1082 (Minutes of 1<sup>st</sup> meeting of Ministerial Council of SerBiH Assembly, 13 January 1992), p. 2.

<sup>9545</sup> P5678 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 13 January 1992), p. 2. *See also* P5803 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 11 December 1991), p. 1.

<sup>9546</sup> P5819 (Intercept of conversation between Radovan Karadžić and Gojko Đogo, 11 November 1991), p. 11.

<sup>9547</sup> *See* Adjudicated Fact 1964.

<sup>9548</sup> Adjudicated Fact 1965. The Council of Ministers placed “particular stress [...] on the need for political and territorial organization of the regions by the formation of new municipalities in border areas of these regions. *See* Adjudicated Fact 1966.

<sup>9549</sup> *See* Adjudicated Fact 1967.

<sup>9550</sup> D1185 (Conclusions of SerBiH Assembly session, 26 January 1992). *See* Adjudicated Fact 1951.

<sup>9551</sup> *See* Adjudicated Fact 1951.

<sup>9552</sup> P5744 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 23 February 1992), p. 2.

<sup>9553</sup> Momčilo Krajišnik, T. 43870–43871 (20 November 2013).

independence of BiH was brought about illegally and that it was therefore not mandatory for the Serb people.<sup>9554</sup> The Chamber recalls that the referendum on the question of independence was held on 29 February and 1 March 1992. It was largely boycotted by the Bosnian Serbs and yielded an overwhelming majority of votes in favour of independence.<sup>9555</sup> **(No a reasonable and decent chamber would accept that the referendum was legal and legitimate. Since Mr. Badinter posted the only condition to get a peoples opinion at a referendu, without prescribing any specitic criteria, the referendum had to be held in accordance to the domestic laws and Constitution. That meant the following chain of steps! #why referendum was illegal#?:**

- 1. A two third votes in the Assembly for appointing a ereferendum pertaining to a constitutional issues; This wasn't done!**
- 2. A consent of the Council for the ethnic equality after the appellation of 20 deputies. This hadn't been obtained;**
- 3. To have a two third of all the voters, all the electoral body voting in favour of the required question. This never happened. Not even two third of the voters voted, let alone voted in favour of independence! So, an "overwhelming majority" was not sufficient for any constitutional matters, but only for some communal matters, line a water pipelines, or depodition of garbage;**
- 4. After obtaining all of these preconditions, to return to the Assembly and obtain a two third plus one deputies voting in confirmation of the results of referendum! None of these unavoidable and inevitable preconditions and moves hadn't been obtained, and therefore, none of the actions towards the independence were legal and legitimate! A UN court should not sanction such an illegal conduct with so detrimental consequences. If it was not as the Defence is claiming, the Prosecution-Chamber would be obliged to rebut it legally, not politically!**

**Beside that, 26 January 92 comes after 25 January 92, after an unsuccessful session of the common BiH Assembly, at which the Muslims proposed, and then had withdrawn a compromise agreement: to postpone the referendum until the regionalisation be accomplished, which the Serbs accepted. After this, one of the series of deceptions, the Serb side didn't have any illusion any longer, and went it's own way. Why would this Court support such a flagrant violations of the internal and international legal norms of the Muslim side?)**

**2928. One of the Bosnian Serb deputies spoke about the immense duties they had "because we are setting up our own state" and called on the Bosnian Serb Assembly to set deadlines for the completion of this plan.<sup>9556</sup> The Accused was also asked to "give us an order [...] that the #Serbs should occupy their territories so that no other forces could enter them".<sup>9557</sup> **#(To #“occupy their own territories so that no other forces could enter them” was a legal obligation due to the existing legislation on the All-people’s Defence and Social self-Protection#, but moreover, that was a pure defensive measure, particularly since the forces from Croatia shelled the Serb settlements in the RS, and theatenned to enter BiH and kill the Serbs, as it really happened! Is thi Court of an opinion that every nation, all peoples, all living beings are entitled to self-defence, except the Serbs! If the Court is dealing with the politics contrary to it’s mandate, then the UN should see what kind of politics this UN Court is preferring and backing!)****

<sup>9554</sup> See para. 53.

<sup>9555</sup> See para. 54; see Adjudicated Fact 395.

<sup>9556</sup> P1349 (Transcript of 6<sup>th</sup> session of SerBiH Assembly, 26 January 1992), p. 12.

<sup>9557</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 39.

2929. In February 1992, before the Bosnian Serb Assembly, the President spoke about the Bosnian Serb strategic aims beginning to materialise and the importance of establishing internal borders “as wide as possible”, and that if those internal borders are wider than the external borders of BiH they would be able to say “[w]ho cares about external borders”.<sup>9558</sup> **(This is wrong for several reasons. First, the translation is wrong, it was not said for the internal borders to be “as wide as possible” but to be “as thick as possible, se D88, in Serbian:**

**Mi prihvatamo i kažem BiH mora ostati u ovim granicama. Odlično. Hajde sada da radimo na unutrašnjim. Pa kada se to uradi, da budu deblje od vanjskih, onda je to baš naša briga što imaš vanske. Važno je da one koje su unutar B i H budu deblje. Što kaže narodna poslovice: “Ako te**

**Let us see how it was translated and presented in the Judgement! It is reasonable to assume that an ordinary reader of this Judgement can not open all the documents to check whether they are translated accurately and used properly. So an ordinary reader should have a confidence that the Chamber did it for all the people and for all the times. Let us see how this Chamber did it, D88, p. 20:**

This task is comparable to the task Pašić /Serbian politician, died 1926/ faced. Are we as smart as Pašić was? Not as individuals. I do not think that I am nearly as clever as Pašić was, but our combined efforts may produce an intelligence comparable to Pašić’s. If our platform and decisions spring “from the minds of the entire nation” then we shall achieve Pašić’s intelligence.

Do not be fooled if a deputy, any deputy, or a party leader who does not follow his party (he should be expelled from the party right away) presumes that he is smarter than Pašić only because he wears a beard. I will not name him. For heaven’s sake, folks. We do not have Pašić. But the people is – Pašić.

Our strategic goals are beginning to materialise. The opposition in Serbia is not right, our people here in BH are also not right.

We accept, and I say BH must remain within these borders. Great. Now let us turn to internal /borders/. And once that is done, once they are wider than the external borders, then we can say, “Who cares about external borders”. What matters is that the ones within BH become as wide as possible. As the popular saying goes, “If kicked out the door go back through the window”. You will still be in the same place.

We must decide at this session today our minimal demands below which we will not go.

We think that we still have to agree about the bank, the Army, to build a platform which will accomplish in two years what the 1974 Constitution accomplished in twenty. In other words, to establish complete freedom, constitutional freedom for the Serbian people in BH.

Thank you. I am prepared to answer any questions you may have.

**The discussion was within a preparation for the Conference on BiH, and the #President was persuading the deputies to accept that BiH would remain within the existing borders#, if the Serbs secure a high degree of autonomy#, i.e. that the internal borders would be thick enough, so that no one could dominate over the Serbs. There are mentioned other elements to be negotiated. Why the Chamber extracted this discussion out of the context, and presented it as a criminal planning?) :** In March 1992, the President called for frequent sittings of the Bosnian Serb Assembly to “accelerate our preparations for the events that will follow”<sup>9559</sup> and “because we are now entering the final stage of a process”.<sup>9560</sup> **(#All in accord with the**

<sup>9558</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), p. 20.

<sup>9559</sup> P1349 (Transcript of 6<sup>th</sup> session of SerBiH Assembly, 26 January 1992), p. 8.

<sup>9560</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 4.

ongoing Conference under the Carrington – Cutileiro auspice#! Without the time-frame and context, the interpretation of such a “findings” sounds like a crime!!!# What the Chamber is suggesting was this process? Any outsider would presume that it had something to do with an illegal accomplishment, or a war, or crimestss... But in March still there was a Lisbon plan which secured a peaceful transformation of BiH, and that was “the final stage of a process!” It was only 25 March whenm the Muslim side (SDA) reneged on the Lisbon Agreement for a peaceful transformation of BiH, but still the Serb side remained faithful to this Agreement! The Chamber is equally using an exculpatory, as well as a commendable, or a neutral and political sentences of the President in a foggy and obscure context, so that any reader would conclude that it was something that corroborated the Indictment and justified the Judgement. But it is either neutral, or a highly exculpatory! And this sentences and approach of the President are highly EXCULPATORY, because President Karadzic was persuading the representatives that there could be a safe life within Bosnia’s external borders, since there would be an internal borders between the ethnic autonomies!)

2930. The Bosnian Serb Assembly also concluded that the “[p]lace of the Republic of the Serbian People in [BiH] is in the common state of all Serbian people. Democratic transformation of Yugoslavia must be [a] parallel process with the state organisation of the Serbian people into the Serbian federation or alliance of the Serbian states.”<sup>9561</sup> (So what? That was the standpoint of the Assembly, a sort of declaration of a political wishes, legal and legitimate in the middle of illegal and illegitimate unilateral secessions of the Yugoslav republics!) On 15 February 1992, the Bosnian Serb Assembly discussed a draft constitution, according to which the SerBiH would become part of federal Yugoslavia, and not BiH.<sup>9562</sup> (So what? That was an interim “draft”, prior to the Lisbon Agreement, after which the Serb side corrected this “draft”. At that time the entire Bosnia was within Yugoslavia.) On 28 February 1992, the SDS Deputies’ Club recommended that the Bosnian Serb Assembly pass the constitution that day as “a form of protection against the referendum”; the Bosnian Serb Assembly then unanimously adopted the Bosnian Serb Constitution.<sup>9563</sup> The Constitution provided for equal rights and freedoms before the law for all citizens of the republic regardless of, *inter alia*, their race, ethnicity and beliefs.<sup>9564</sup> (Commendable and # EXCULPATORY!#!)

2931. On 24 March 1992, the Bosnian Serb Assembly elected Branko Đerić as the Prime Minister, Aleksa Buha as Minister of Foreign Affairs, and Mićo Stanišić as Minister of Internal Affairs in the Bosnian Serb Government.<sup>9565</sup> As recalled earlier, while the Bosnian Serb Constitution provided that the prime minister propose candidates for ministerial positions to the Assembly, in fact it was the SDS and the SDS President that chose the nominees.<sup>9566</sup> For instance, the Accused, as president of the SDS, asked that Đerić nominate Mićo Stanišić and Buha.<sup>9567</sup> (So what? Djeric himself was nominated by the SDS, to implement the policy of the Assembly which had more that two third of the SDS deputies. All this about the Government was in accord with the Lisbon Agreement that was reneged by the SDA only a few hours after this session of the Serb Assembly!)

<sup>9561</sup> D1185 (Conclusions of SerBiH Assembly session, 26 January 1992).

<sup>9562</sup> See Adjudicated Facts 1989, 1996.

<sup>9563</sup> P938 (Minutes from SDS Deputies’ Club meeting, 28 February 1992), pp. 15, 17. See also para. 53; D89 (Shorthand Record of 9<sup>th</sup> session of SerBiH Assembly, 28 February 1992), p. 14; P1351 (Transcript of 7<sup>th</sup> Session of SerBiH Assembly, 15 February 1992) (containing lengthy discussions on the draft constitution); Adjudicated Fact 414.

<sup>9564</sup> See Adjudicated Fact 1997.

<sup>9565</sup> P1354 (Minutes of 13<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 4–7; P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990–1992”, 30 July 2002), para. 223.

<sup>9566</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 7–9; P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), p. 12. The SDS and the Accused exercised control over personnel appointments more generally, including to assistant minister positions and in public enterprises, though the Government could propose candidates. See Vladimir Lukić, T. 38760–38764 (23 May 2013); P6338 (Letter from RS Government to SDS Executive Board, 29 August 1993); P6339 (Letter from SDS Executive Board to RS Government, 28 December 1993); P6340 (Letter from RS Government to SDS Executive Board, 12 March 1994).

<sup>9567</sup> Branko Đerić, T. 27942–27943 (24 April 2012); P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 9.



2932. With regard to Ministers Mićo Stanišić and Mandić, Đerić testified that they kept visiting the Accused and failed to attend government's sessions as they felt that "the government could be pushed aside" and "thought themselves as belonging to the top leadership".<sup>9568</sup> **(This falls within a #psychological crap of a rivalry, # but in a war situation these two Ministries are particularly closely tied to the President, who was supposed to know what was happening on the terrain, so to be ready for the negotiations! #What importance and relevance this has for the Judgem#ent?)** As described by Đerić, the SerBiH was a "party state" where the President as the president of the SDS held all the power, took control of all functions of the SDS and was practically the government too.<sup>9569</sup> **(A worthless to comment matter. The other four Prime Ministers didn't have this opinion! #Not relevant for this case!)** Đerić added that "the government was there just as a kind of technical attachment, not a body that should create policies" and that it was a state in which the government did not have any opposition.<sup>9570</sup> The President himself said: "But, believe me, the Government is mine. I am responsible for its functioning. I appoint and propose".<sup>9571</sup> **(#Irrelevant, since no a crime appeared because of such an experience of the first and unsuccessful Prime Minister, who was a professor without any experience in managing or in any executive branch! But, anyway, the Government didn't create the policy, it was the Assembly, while the Government proposed, and implemented the adopted policy! Let us see what was the context of this President's standpoint, P1379, p.254-255:**

First, let me say something about the party. We have benumbed the party. It was suggested by the then Government. The Government suggested it, and the suggestion was wrong. The then Government was composed of lovely people, loyal people, but they were all theoreticians. I have been trying for 5 months to have things in the Government changed. The Government found itself in a tight corner. It did not do a single efficient thing. They created laws, regulations. Most of it was copied from elsewhere. But something had to be changed. As per the party, the party is responsible. These people are in fear. All of them have been declared as war criminals by Alija Izetbegović. There are 45 people in the Main Board; they were legitimised by the party assembly which consisted of 240 representatives. I can state that these people are loyal and honest. Some of them are skilful when it comes to politics, some of them are not. But, rest assured that so far they have not exerted any pressure. Now, they have come out with some fears and certain trepidation. My position was that the Government was not to be changed but rather reconstructed, because we should not interrupt continuity.

And now something as per what I do. The only thing which I have been doing and which does not belong to me, is the work of Aleksa Buha. But be convinced that I am doing it only because they do not tolerate that the head of a delegation should be absent. If I did not come, they would simply say - this one is sabotaging things. We would be under pressure, etc. Even today, I told the American Ambassador: I do not want to show up any longer, I want to dedicate my self to internal matters only. He requested that the talks be opened and continued. He wanted to know if the Serb delegation would come. I told him: The Serb delegation will come with the authority to sign. I trampled on him a little bit. They want the parcel to open. I gave him other messages as well, about partition in two parts, etc. Everything else that I do is my job.

<sup>9568</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 22

<sup>9569</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 13–14. *See also* Milorad Dodik, T. 36877–36880 (9 April 2013).

<sup>9570</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 13–14. *See also* Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16844. Skoko stated that he never noticed that the Accused attempted to influence on the work of the Government and the decision-making that was within his power. D3321 (Witness statement of Milorad Skoko dated 1 April 2013), para. 30. However, the Chamber does not find his evidence to be reliable in this regard given that his testimony was marked by multiple contradictions and indicators of partiality and bias. Krajišnik testified that it was inaccurate to say that the Bosnian Serb Government and the Ministerial Council were subordinated to him or the Accused and that these structures were answerable to the Bosnian Serb Assembly. Momčilo Krajišnik, T. 43358–43359 (13 November 2013). While the Chamber accepts that these structures may not have been formally subordinated to the Accused, the evidence demonstrates that he did play a significant and influential role in the way in which they operated. **(It is hard to believe that the Chamber uses this "instrument" – that a reputation and influence of President Karadžić (or Krajišnik) equal to a formal and substantial ingerence and authorisation which comprises a criminal liability?!? According to the Constitution of the RS, the political system was a half-presidential, because president was to be directly elected. As same was hard to believe an understand how the Chamber rejected more than 230 testimonies of the Defence witnesses, under a foggy explanation that they had contained "a multiple contradictions, and indicators of partiality and bias." The Chamber never even attempted to explicate the "impressions" of their, nor to corroborate it by any evidence, or justification!)**

<sup>9571</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 255.

tragedy. I rarely occupy myself with tactical matters. My role is about the strategic usage of the army, but only in situations when things go wrong, when it comes to minor interventions, warnings etc., and when it comes to possible cease-fire orders which mean survival for us. I usually do not do other things, except for representing the Republic and watching over the internal politics. But, believe me, the Government is mine. I am responsible for its functioning. I appoint and propose the Government mandator. I have a brilliant relationship with Vlado Lukić; we are often together; he often comes to my cabinet. But I do not see the Government. I attended Government sessions twice; I am even entitled to be in the lead of the Government, to schedule sessions. This is how I became aware of the opinion of the Main Board, as well as the people in the field, and the representatives as well. According to this opinion, we are not getting any better off, we are getting worse. And I am not afraid about how the situation looks today, but about how it will be the day after tomorrow. I fear November more than I fear October. To be honest, even in Germany things are

**That as the President's standpoint. According to the law and Constitution, President Karadzic was authorized to appoint the Government sessions, to preside it and to produce the Governmental decisions, but he rarely did that. Djerić was a good professor, but inexperienced in executing power, and obviously didn't know the President's authorisations regarding the Government!)**

2933. On 28 February 1992, Koljević proposed that the Assembly be convened immediately after the referendum and "divide up the Television" and steps be taken to establish a Bosnian Serb newspaper.<sup>9572</sup> **(#Legal#! So what? In Serbia other ethnicities did have their own TV programs and their own newspapers, magazines and cultural institutions since 1918, and refreshed in 1945. It pertained to the Albanians and Hungarians as the most numerous ethnicities, but also Romanians, Slovaks, and others. Only the Serbs in BiH didn't have any of it until 1992. Meanwhile, the "common" media terrorised the Serbs with such a propaganda and lies that no nation experienced!)** These proposals were accepted by the SDS Deputies' Club.<sup>9573</sup> Similar measures had already been taken to establish a separate structure for Bosnian Serb propaganda and the media. For example in September 1991 the SDS Executive Board adopted the decision on the appointment of the Commission for Information and Propaganda.<sup>9574</sup> On 27 September 1991, in an intercepted phone conversation, the President issued an instruction to replace the Bosnian Muslim director of Radio Banja Luka, stating "replace him immediately. Appoint a man of yours. These are war times."<sup>9575</sup> In October 1991, the President advocated the creation of their own radio television network which would unite Serbian information as well as their own news agency.<sup>9576</sup> **(So what? #Legal, defense reasons#! #Would the Great Britain, or the USA during a war keep a Hitler's follower in the BBC or the Voice of America as a general manager#?)**

2934. On 7 April 1992, the Bosnian Serb Assembly declared the independence of the SerBiH and Plavšić and Koljević resigned from their positions in the Presidency of BiH.<sup>9577</sup> The Ministry of Defence was set up around April 1992.<sup>9578</sup>

2935. On 8 May 1992, the Bosnian Serb Government established a Central Commission for the Exchange of Prisoners of War and Arrested Persons.<sup>9579</sup> At a session of the Bosnian Serb Government on 20 March 1993, it decided to dissolve the Central Commission for the Exchange

<sup>9572</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 7.

<sup>9573</sup> P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), p. 15. See also Adjudicated Fact 1952.

<sup>9574</sup> P6486 (Decision of SDS Executive Board, 9 September 1991), p. 1.

<sup>9575</sup> P6509 (Intercept of conversation between Radovan Karadžić and Vukić, 27 September 1991), p. 2.

<sup>9576</sup> D3988 (Minutes of the 1<sup>st</sup> meeting of Committee for Mass Communication, 8 October 1991), p. 2.

<sup>9577</sup> See Adjudicated Fact 2011.

<sup>9578</sup> See para. 115.

<sup>9579</sup> See para. 125.

of Prisoners, due to problems including “private arrangements and smuggling in the exchange of prisoners”.<sup>9580</sup> The Bosnian Serb Government decided to form a new Commission for the Exchange and Release of Prisoners of War and Civilians which would answer directly to the government and would be more systematic and organised and would co-operate with other relevant government bodies in order to address the accommodation of exchanged prisoners in the RS.<sup>9581</sup>

**2936.** A three-member Presidency was established on 12 May 1992, composed of Plavšić, Koljević, and the President, with the President elected the President of the Presidency. On or around 2 June 1992, the Presidency was enlarged to five members to include the Prime Minister, Đerić, and the President of the Bosnian Serb Assembly, Krajišnik. On 6 July 1992 the members of the Presidency allocated tasks among themselves and the President was charged with military issues.<sup>9582</sup> On 17 December 1992, the Bosnian Serb Assembly replaced the structure of the Presidency by establishing a single president structure. The President was elected to the position of President of the SerBiH. Plavšić and Koljević were elected as Vice-Presidents.<sup>9583</sup> During its operations in 1992, the President exercised the most authority in the Presidency.<sup>9584</sup> When international observers met with the top level of the Bosnian Serb leadership, including Krajišnik, Koljević and Plavšić, they all deferred to the President, and he was seen as “undoubtedly and indisputably the leader of the Bosnian Serbs”.<sup>9585</sup> **(Many imprecise data, such as “enlarged” Presidency, but not relevant. The Presidency seated in a different settings and participants, but for an “enlarged” Presidency there must have been a state of war in the entire country. Whenever it was of the interest of subject, there had been summoned different ministers. However, the President had been respected, but not all-mighty, nor he could do whatever he wanted. He was criticised oftenly, and questioned many times to explain his moves, particularly pertaining to the orders to the VRS to refrain, and to his territorial flexibility and concessions in the negotiations!)**

**2937.** The Accused attended and addressed almost every session of the Bosnian Serb Assembly.<sup>9586</sup> The Accused’s speeches were often met with explicit approval and praise by Bosnian Serb representatives.<sup>9587</sup> For example, at a session on 25 February 1992, Kuprešanin said that the Accused “as the President of the SDS, is truly the leading figure among the Serbian people. And five of his sentences are enough to change the entire course of the session”.<sup>9588</sup> On another occasion, after the Accused spoke about the need to centralise the authority, a deputy said “things that are ordered by [the Accused], the Assembly, the Presidency, the Minister of Defence and the Army General, must be carried out to the last man”.<sup>9589</sup> Mladić also spoke after the

<sup>9580</sup> P3129 (Minutes of the 66<sup>th</sup> session of RS Government, 20 March 1993), p. 10. *See also* P3113 (Minutes of the 73<sup>rd</sup> session of RS Government, 29 June 1993), p. 16.

<sup>9581</sup> P3129 (Minutes of the 66<sup>th</sup> session of RS Government, 20 March 1993), pp. 10–11. *See also* P3138 (Minutes of the 67<sup>th</sup> session of RS Government, 6 April 1993), pp. 8–9.

<sup>9582</sup> *See paras. 96–98.*

<sup>9583</sup> *See paras. 96–98.*

<sup>9584</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8618; Colm Doyle, T. 2677–2678 (21 May 2010); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16844. *See also* Robert Đurđević, T. 25908 (7 March 2012); Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), Anthony Banbury, T. 13313 (15 March 2011); Patrick Treanor, T. 14043 (1 June 2011).

<sup>9585</sup> Colm Doyle, P918 (Transcript from *Prosecutor v. S. Milošević*), T. 25256–25257; Colm Doyle, T. 2677–2678 (21 May 2010). *See also* D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), p. 65.

<sup>9586</sup> *See, e.g.*, P1343 (Transcript of 1<sup>st</sup> session of SerBiH Assembly, 24 October 1991), pp. 56–60; D84 (Shorthand Record of 3<sup>rd</sup> session of SerBiH Assembly, 11 December 1991), pp. 12–14; D86 (Shorthand Record of 4<sup>th</sup> session of SerBiH Assembly, 21 December 1991), pp. 37–42; D87 (Transcript of 9<sup>th</sup> session of SRBiH Assembly, 24–25 January 1992), pp. 103–104; D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), pp. 4–10; D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 85–86; D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), pp. 51–57; D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), pp. 3–9; P1373 (Transcript of 31<sup>st</sup> session of RS Assembly, 9 May 1993), pp. 1, 18–19, 22; P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 9–16.

<sup>9587</sup> P1347 (Shorthand record of 5<sup>th</sup> session of SerBiH Assembly, 9 January 1992), pp. 57–58; P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 23.

<sup>9588</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), p. 65. *See* Vojislav Kuprešanin, T. 43486 (14 November 2013) (further testifying that “[q]uite simply, [the Accused]’s five sentences meant more than who knows how many speeches of mine”). *See also* para. 2962.

<sup>9589</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 31.

President and stated: "I support everything he said [...] I am much more optimistic now than I was ever before".<sup>9590</sup> **(So what? #The 83 a very highly educated deputies commended# the President, but behind this praise there was only the President's tolerance in discussions, responsibility and readiness to listen to a different opinions and proposals, so that the Assembly decisions be a "product of the mind of the entire people", - as the greatest Serb poet Njegos wrote. The President criticised and was criticised, it could be seen from the shorthands of all the Assembly sessions, but both, he and his interlocutors knew that it was nothing personal, but only for the sake of the people. If this is accepted by the Chamber, then no an allegation that he was an autocrat could survive!)**

2938. While the Bosnian Serb Assembly operated in a democratic fashion, the President was described as "the greatest authority", who had "the best ideas and the best solutions for all issues crucial to the Serbian people in BiH."<sup>9591</sup> The President emphasised the supremacy of the Bosnian Serb Assembly but at the same time stated that he would not allow a few people to "jeopardise the entire project" and that once the SDS had adopted a policy, anything outside of that policy would be treason and that maximum discipline was needed.<sup>9592</sup> **(Exactly! That is how it is in any democratic institution. While a decision-making process must be free, the execution of such a democratically adopted decisions must not be improvised and altered by any individual, including the President!)**

2939. Defence witnesses testified that (i) the Accused was a weak president with very little power; (ii) the President did not have "unquestionable power"; (iii) the President was a democrat who did not dominate the state or the SDS; and (iv) the local SDS leadership was completely autonomous.<sup>9593</sup> However, the Chamber notes that the evidence of Zametica, Kondić and Sojić in this regard is expressed in general terms and is based on their own feeling, impression, opinion, and in some cases incomplete information. The Chamber does not therefore find their evidence to be of much weight in this regard. In addition the evidence of Šojić, Poplašen, and Tadić was marked by contradictions, evasiveness or indicators of partisanship and bias. The Chamber therefore does not find their evidence to be reliable in this regard. **(# Now, to the Chamber it was not relevant what was the "opinion, feeling, impression" of the people who used to meet President Karadzic on a daily basis during four years of the war, while the Chamber accepted the same "private feelings, impressions and in all the cases incomplete information of the foreign witnesses who were present at the terrain every now and then, and were summoned to testify about facts they knew!# Why would these people, Defense witnesses, be biased and evasive? None of them was a suspect for anything, they are a free persons, successful in their professions, independent, and the President neither could help them, nor damage their interests. The Chamber inferred that the said witnesses commended the President because of being partisans, but the more probable inference would be that they had been partisan because they respected the President for his characteristics that they described. And some of them came from a Muslim families!)** In addition the Chamber finds that this evidence is outweighed by the volume of reliable evidence discussed above which on the contrary demonstrates the power and control of the Accused. **(It is an unbelievable partisanship,**

<sup>9590</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 58.

<sup>9591</sup> Anđelko Grahovac, T. 44053 (26 November 2013). See also D3364 (Witness statement of Dušan Kozić dated 7 April 2013), para. 28 (describing the democratic atmosphere in the Assembly).

<sup>9592</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 45–47; P961 (Shorthand Record of 12th session of SerBiH Assembly, 24 March 1992), p. 17. Dodik testified that the Accused's role in the Bosnian Serb Assembly was to present the situation and that he never requested that certain decisions be taken. Milorad Dodik, T. 36857–36858 (9 April 2013). The Chamber notes, however, that Dodik's evidence was marked by contradictions, indicators of insincerity and partisanship which undermined the reliability of his evidence in this regard.

<sup>9593</sup> John Zametica, T. 42453–42457 (29 October 2013); D2683 (Witness statement of Dragan Šojić dated 15 December 2012), paras. 9, 17; D4163 (Witness statement of Boro Tadić dated 1 December 2013), paras. 27, 30; D3854 (Witness Statement of Savo Čeklić dated 7 July 2013), paras. 4, 6; Savo Čeklić, T. 41239–41240 (11 July 2013); D4063 (Witness statement of Novak Kondić dated 23 November 2013), paras. 6–7; D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 21; D4166 (Witness statement of Mikan Davidović dated 1 December 2013), paras. 5–6, 8–9, 12–14; D3861 (Witness statement of Radovan M. Karadžić dated 14 July 2013), para. 3.



**much more impressive than any of the Defence witnesses. It was sufficient just to read the transcripts of the sessions of different bodies, to conclude that the President was rather a humbe public servant of his people than a “powerful and controllable” leader, in which case the Serbs wouldn’t respect him whatsoever!)**

1. Conclusion

2940. Having considered the evidence above, the Chamber finds that the President, as the president of the SDS Main Board, had *de jure* and *de facto* authority over the SDS party and its members. From 1990 to 1995 the President was at the head of the SDS and he exerted great control and authority over its institutions and direction. In addition, as the President of the SNB, President of the Presidency and subsequently President of the RS, the President was the highest civil servant within the SerBiH and later the RS. The President had great authority over the Presidency, the Government and its key members and, as a result of his position and gravitas, had great influence at the Bosnian Serb Assembly. The SDS operated with strict respect for the hierarchical structures which ran from the Main Board and Executive Board to the Municipal Board structures. The Chamber also finds that the President enforced discipline within the party and was the most powerful and influential authority within the party. These SDS party structures facilitated communication between the higher level leaders including the President and the municipal SDS leaders. **(#Wrong to the unbearable degree#. The President was a patien servant, capable of facilitating the best decisions out of the “mind of all the people” and the entire his influence had to be proven again and again in every session, and always as an influence of the rules, Constitution and laws. The President had a good reputation, but all of it was checked and challenged on a daily basis, and he couldn be private or non-principal, biased, incorrect, even if he wanted, because it wouldn’t fly!)**

2941. The Chamber further concludes that from 1991 the Accused, the SDS, and the Bosnian Serb leadership planned for and developed measures to be taken should BiH move toward independence. **(The #BiH couldn’t “move toward independence without the Serb consent# - because the Serbs in BiH made this BiH too, and were an inevitable and unavoidable element of this BiH, and without their consent, BiH couldn’t make any important decision that would affect the destiny of the Serbs too. How come this Court of the UN is negligieant about the respect of the laws and constitutions? Without respect for the most important legal documents, every community is lost, and then a “rule of force” prevailes over “rule of law”, and then the only question is: Who is stronger?)** When the SRBiH Assembly passed a declaration of sovereignty on 15 October 1991 in the absence of the Serb delegates, these plans were further developed and ultimately put into practice. **(The SRBiH #didn’t pass a declaration of sovereign#nty, it was an# invalide move#, a private meeting of the two deputy clubs, and this truth will never be dismissed! Even the Badinter’s Arbitrage Commision confirmed it in it’s “4<sup>th</sup> opinion” according to which this Declaration was insufficient! The UN is deeply compromised by such an attitude of dishonor for a national legal system!)**

2942. The Accused and the Bosnian Serb leadership responded vehemently to what they viewed as an illegal and unconstitutional move towards independence. **(That didn’t depend on anyone’s “view”, that was written in the #Constitution of Yugoslavia and the Constitution of BiH#. #The countries and institutions supporting such an illegal development are fully responsible for the tragedy#. Yet, the Serbs in BiH verbally and politically responded vehemently, but were very careful not to initiate any unrest and not to violate any law and constitutional provision. Whenthe other side violated every constitution and law, and a decency in the inter-ethnic communications, the Serbs declared that they are using their rights to selforganisation and self-defence!)** The Chamber finds that the Accused and SDS structures

played a crucial role in this period in developing a response to further the objectives and interests of the Bosnian Serbs. When confronted with the possibility of BiH independence, the SDS discussed the objective of Serb unity, activating parallel government structures, intensifying the process of regionalisation, and furthering military organisation at a local level. **(The #Serbs hadn't been "confronted with the possibility of BiH independence" but with the violations of their rights# so drastic that there was no any chance to survive! Nevertheless, the Serbs offered a way out through the transformation and decentralisation of BiH, which was a commitment that Mr. Izetbegovic gave in the Hague at the ICFY in September, October and November 1991. The entire international community was watching the SDA manoeuvres to cheat both the international mediators and the Serbs!)**

2943. The President's intercepted conversation on 16 October 1991 in which he reassured municipal leaders that they had "worked out a scenario. We won't make a single move today [...] Everything's been worked out" is instructive. The Chamber, having considered the context in which this conversation took place, finds that it demonstrates the central role played by the President during this period and that the Bosnian Serbs had already made careful preparations to respond to any move towards independence by BiH. This conclusion is further supported by the evidence that the President declared a state of emergency in the SDS on 18 October 1991, and in so doing emphasised that leaders of the SDS had been working towards developing the measures which would have to be taken at a municipal level. This declaration also made it clear that the steps to be taken were meticulously planned and that the President insisted on the highest level of discipline to ensure that there would not be a "single wrong step". **(Had the Chamber intended to really judge, it would have known that these preparations are a part of the legal system, of the Law on All-People Defence, and in Law on the Social Self-Defence. Every single organisation, company, the state institution had in a safe an envelop with the instructions for an emergency situation, such as the "Variante A and B" as the witness Kapetina testified! But, anyway, was the President guilty for not being naïve, irresponsible or stupid. Even if the President was, the rest of the people wouldn't be, and would continue with the defense preparations, although in a more chaotic manner! But, a demand to the Highest possible level of discipline secured that no mistakes appeared because of fear and panic!)**

2944. The Accused and the Bosnian Serb leadership were also instrumental in the formation of the Bosnian Serb Assembly. The establishment of the Bosnian Serb Assembly was one of the first steps towards creating parallel structures, which formed the basis for the formation of a separate Serb state in BiH. **(#The Serb moves had been in accord with the ICFY results#! #Until 24 October 1991 there already had been a great deal of the future inner structure of BiH agreed in the ICFY in the Hague#. All of it was a legal and legitimate activity, but if the Chamber judges about that issue, this is out of the realm of Statute, because this way the Court is considering the causes of the war by judging a political moves of only one side. This must not be done, after the Defence had been prevented to depict the contexts and the conduct of the other side!)** The Chamber finds that from the date of its creation on 24 October 1991 throughout the duration of the conflict in BiH, this body played a central role in organising the Bosnian Serb people and forming a separate state. The Chamber finds that the Bosnian Serb Assembly was the formal means through which the ideology and objectives of the President and the Bosnian Serb leadership were officially sanctioned and disseminated. **(This is also a #deeply distorted meaning of a democratic parliament#. These deputies had been legally elected at the elections in 1990, and with a pretty different "strategic goals", complementary with the goals of the two other ethnic communities, particularly with the Muslims. Throughout it's existence, the Serb Assembly was te only body for a creation of the policy of the Serbs in BiH, and it was clearly said many times. Had the Assembly adopted another "ideology and objectives" neither the President, nor anybody else would be able to change it. So, the President was a public servant of this parliament, not vice versa! This kind of distortion is unacceptable even**

**from the Prosecutor, let alone from the Chamber!)** It was also one of the bodies used to communicate instructions down to the municipal representatives regarding these objectives. **(#Senseless! How else should it be, particularly in a crisis? The deputies communicated the two way, from the terrain to the Assembly, demanding some changes, fighting for the interests of their constituencies, and the adopted decisions were communicated back.#)**

2945. For example, the Bosnian Serb Assembly passed decisions which reflected the position of the Accused and the Bosnian Serb leadership that the Serb people would remain in the joint state of Yugoslavia. **(#“Remaining in the joint state of Yugoslavia” wasn’t anything new, revolutionary, illegal or violent, but to the contrary, it was a conservative, preservation something that already existed, a “status quo”, and didn’t need any violence! This is a very insolent forgery! That was not the President’s position, that was the position of the population, and the population had many parties offering programs that differed widely from those of the SDS, but the SDS won more than 90% of the Serb votes. Taking into account the fact that the Serb deputies from these other parties finally disagreed with these parties and joined the Serb Assembly, which makes more that 98% of the Serb electoral in BiH. This kind of legitimacy didn’t have any other party in Europe, and the SDS had to follow the pre-electional program, and to ask the population about any crucial change, for which reason there were several plebiscites. Depicting the Serbs as a flock of sheep and the SDS as a rigid shepard is deeply insulting.)** It also organised a plebiscite of the Bosnian Serb people to confirm that decision and then endorsed the result of that plebiscite and declared that areas where Serbs had voted to remain in Yugoslavia would remain part of the territory of Yugoslavia. When Brđanin threatened dismissal of directors and managers who did not participate in the plebiscite, the President cautioned him against making such statements publicly but did not condemn the substance of the statements themselves. The Chamber finds that this evidence demonstrates that the President worked towards full participation in the plebiscite as a means of showing public support for the policies of the Bosnian Serb leadership. **(First of all, the President had a very dynamic conflicts with Brđjanin, and the President never supported any discrimination, but if some managers did a sabotage, they should be replaced, but not because of their ethnicity. But, to object the President’s “full participation in the plebiscite” which was an obligation, meant a denial of the democratic rights. The aim of the several plebiscites wasn’t “a mean of showing public support for the policy”, but the most democratic mean to get a genuine decision of the population that was suffering of the war events, shortages and finally of the casualties of their dearest young members of families. Is it a position of this UN Court that these 1,500,000 Serbs were stupid, or masochistic, ready to suffer and to sacrifice more that 30,000 young men for a sake of the leadership??? This is a shameless allegation, and a pathetic and insufficient surrogate for a comprehensive understanding of the Yugoslav crisis. Such a “findings” are securing a long lasting antagonisms in the region! The responsibility of the UN for such a “findings” of this Court is enormous and exclusive!)**

2946. The Chamber finds that when it became apparent that the objective of remaining in a joint state with Yugoslavia was no longer possible, the Bosnian Serb Assembly approved preparations for the formation of a separate Serb Republic. **(To remain in a joint state of Yugoslavia, not “with” Yugoslavia, became impossible because the #European countries backed the unilateral secessions#, and this surprising move of their explained that the Serbs and Yugoslavs were right, but there are a “new realities”#. And that was a pretext for the Serb assertion about a “new realities”.)** In this regard, the Chamber also finds that from late 1991 through until mid-1992, the Bosnian Serb Assembly played a central role in forming other parallel Bosnian Serb institutions and structures, such as the Council of Ministers and the SNB. It also worked towards the drafting of a constitution for the Serb State they wanted to create. The Chamber finds that the creation of parallel structures at a municipal level was also propagated by

the Bosnian Serb Assembly, which called for example the establishment of “municipal assemblies of the Serbian people”. The Chamber finds that the President led the discussions during the Bosnian Serb Assembly sessions where these decisions were made. The President directly promoted the measures which corresponded with his objectives. **(All of it are a senseless assertions! Who else would do a legislation if not a parliament? By #incriminating the political life of the Serbs and their democratic responses to the multiple violations of the Constitution and laws, the Chamber is searching for the causes of the war, although it was not provided by the Statute of the Tribunal, and although the Chamber prevented the Defence to deal with the same issue during the trial#! Precisely, the Chamber prevented the Defence to present the contexts, circumstances and motives for the Serb conduct. This is unimaginable in any other criminal case, because any chamber is obliged to find out whether an President had to act as acted, whether he had another way to avoid a consequent acts, what was a contribution of a damaged side to a criminal event, and so on. This is only one of a mass of the elements of unfairness of this trial[s]! What is that what the UN supports? For a complete deprivation of entire nations and communities? Then, it should be said publicly, and to facilitate a foundation of another UN, which would respect the genuine principles of the UN. The UN Court does not see that fare before the Sebrs in Bosnia made any move, the Bosnian (Muslim-Croat) authorities have established a “parallel” non-Yugoslav bodies of authorit, thus violating many laws as well as the SFRY aand BH Constitutions! By which UN document it had been approved?)**

**2947.** The Chamber finds that the Accused was at the forefront in explaining and promoting the policies which led to the conclusions taken by the Bosnian Serb Assembly and other Bosnian Serb political structures. He also promoted the importance of the Bosnian Serb Assembly itself and explained that it needed to sit often in order to accelerate their preparations for the creation of a Bosnian Serb state. The Chamber also finds that the President took on a very active role in the creation of the structures which would support the existence of a separate Bosnian Serb state. For example, the President and the SDS played the central role in the selection of ministers in the SerBiH. In addition the Chamber finds that the evidence demonstrates that the President exercised a high degree of control over the Bosnian Serb Government and its key members. **(As senseless as many other “findings”, and it looks rather as a praising the President for the functioning of the party in power. All of it is done by any ruling party. As it was known to the Chamber, the SDS had another strategic objectives before the SDA-HDZ went on the way of a unilateral and unlawful secession. In a new circumstances imposed by these illegal acts of the partners in authority, the SDS and the President were obliged to inform their constituency that the cours of the political life had drastically been altered, and to obtain a new political position of the people they represented, which was obtained through the several plebictites. And the only “control over the Bosnian Serb Government and its key members” that President Karadzic was obliged to exercise was the control of the regularities in functioning of the state organs. The Prosecution never obtained, nor the Chamber established any President’s violation of the Constitution!)**

**2948.** The Chamber also finds that the President took the leading role in terms of identifying the measures which had to be taken in order to take control of territory and forming the Serb municipalities in BiH with their own structures of power. For instance, he spoke about the importance of taking over power at a municipal level. He was also pivotal in emphasising the level of contact and co-ordination there needed to be and entrusted Bosnian Serb Assembly deputies to be in permanent contact with municipal leaders to create the structures necessary in order to assume control at a municipal level in accordance with the plans which he had prepared. The Bosnian Serb Assembly was also one of the means through which the policies of the Bosnian Serb leadership were communicated to a municipal level. **(All of it was #legal, legitimate and obligatory due to the domestic laws#. That was what all the people’s deputies do in any country! But, these flosculas about “taking control of territory” and “forming the Serb municipalities” and “taking over power at the municipal level” which the**



Prosecution smuggled and swindled, and the Chamber accepted contrary to a huge evidence was a grave mistake. The Serbs in BiH never and nowhere “took a power over which they didn’t get in the 1990 elections. Also, in the ethnically mixed municipalities, where the Serbs did have a legitimate power, they consolidated this power only on their own territories, and formed their municipalities, recommending to the two other communities to do the same in the Serb majority municipalities where they did have conditions. That happened only after it was clear that the constitutional violence was going to be followed by a physical one. How possibly the Chamber could have accepted this lie and base the entire sentencing Judgement on it? The Defence will search for these answers as far as the human kind exists. Hear is not at a stake a destiny of only one person, neither of a whole people, there is much more at the stake. This must not be done ever!)

2949. The proclamation of the SerBiH in January 1992 by the Bosnian Serb Assembly was confirmation of the territorial objectives and ideology of the Bosnian Serb leadership which sought the creation of a separate Serb state. **(Only in a new circumstances, imposed by the secessionist parties, with the aim to creat a new, separate Muslim state, which would comprise the Serb territories. That was a legal respons to a massive violations of everything that could be violated. Beside that, by the January 1992 there already had been drafted a #new internal structure of BiH, accepted by Mr. Izetbegovic in 1991 within the ICFY# in the Hague. #How it is possible to skip the cause and condemn the legal response as a consequence?#)** This proclamation also made reference to historic crimes committed against the Bosnian Serbs which has been discussed above. The Chamber finds that the territorial delimitation of Bosnian Serb claimed territories was also intimately linked to this discourse on these historic crimes, given the view that the Bosnian Serbs had only become a minority in certain areas because of the crimes committed against them in World War II. **(Was it true? A superficial glance on the censuses of population would respod immediately! This way the Tribunal intends to sanction and legalize the consequences of the horrifying crimes from WWII, because the issue of majority-minority became crucial in separating from Yugoslavia, and the Serbs were again to be the victims of this silenced genocide!)**

2950. From late 1991, it was clear that the Accused and the Bosnian Serb leadership had prepared “moves” which they would implement in order to achieve their objectives and had clearly calculated when they would take action. The Accused made it clear that there needed to be agreement and uniformity in the timing of these moves. He also emphasised the importance of SDS structures at a local level, including SDS municipal and local boards. **(#All of those moves had an alternative: to have the SDA – HDZ returned to the legality and constitutional norms#. The very Assembly of the Serbian people in BiH was formed only after nine days of a period given to the SDA-HDZ coalition to annul their illegal decisions. These alternatives were always at the disposal, and the Serbs were eager to achieve any political compromise, while the other side, encouraged by the internationals, persisted in it’s illegal conduct! What has to be done to see this duplicity in the actions of Tribunal? #The European Community and United Nations agreed that BiH can not be independent unless an agreement on the inner structure of BiH The Badinter arbitrage commission set up this condition (Opinion No. 4)#, and then some middle and low ranking officials of foreign ministries of several countries started to support a chain of deceptions made by the SDA, being well aware that this will lead to a war, as all the relevant politicians of the time said publicly, as it will be depicted further in these comments!)**

2951. The Accused was also the leading figure and authority in the Bosnian Serb Assembly and insisted on the greatest discipline in following the policies of the SDS in order to achieve their objectives. The evidence demonstrates that the deputies in the Bosnian Serb Assembly showed a high level of respect and adherence to the policies and measures which were promulgated by

the President and that the Accused also exercised considerable influence over the Bosnian Serb governmental organs. **(It was publicly said many times, that #the deputies had coined the Serb policy, not the SDS, and that the President only facilitated the opportunity for a free discussion and free decisions, after which he was responsible for a precise implementation. That is what every responsible leader is supposed to do!)**

i. Regionalisation and creation of SAOs

**(#THE TRIBUNAL CONTESTED THE SERB POLITICAL LIFE!#** The entire chapter of “Regionalisation and creation of SAOs” is a #pure political consideration and reconsideration of the legal and constitutional rights of the people#, and the realisation of it in a period of crisis. Since the regionalisation was a legal process, particularly after throwing the one-party communist system, even the BiH Assembly didn’t ban it, but only “recommended” a postponement, it is senseless to criminalise a legal political conduct, so more since there was no crimes caused by this manifestation of the political rights. All that had been done in this field – had been provided by the constitutions and laws! #Only an attempt of denial of these rights by a military means was a crime by itself#, and caused many crimes and sufferings!)

Analysis of evidence

2952. The Chamber recalls its discussion on the process of regionalisation which began with the establishment of communities of municipalities organised by the SDS in early 1991.<sup>9594</sup> **(#Wrong! The “communities of municipalities” existed already quite a long time, and did have the right to change#. How the Chamber envisages the changes of the regime and system, approved through the election, if nothing is to be chanhed** In January 1991, SDS presidents of municipal assemblies in Bosnian Krajina began preparations for the formation of the ZOBK which was approved by the SDS regional board in April 1991.<sup>9595</sup> On 11 April 1991, the SRBiH Assembly recommended municipal assemblies to stop issuing decisions in connection with regionalisation.<sup>9596</sup> **(This #recommendation was not obligatory! But, these are a purely political questions, without any connection with a crimes. Why the Chamber is exploring this matter? Or, if the Chamber does it, then the Defense should be enabled to present the conduct of the other side, and the Chamber itself was obliged to see “the whole truth.”)** However, municipalities with large Serb majorities voted to affiliate with the ZOBK, which held its founding assembly on 25 April 1991.<sup>9597</sup> At the constitutive session of the ZOBK, it was said that this community had been established “regardless of ethnic affiliation” and that unity of Yugoslavia was affirmed as one of their objectives in creating this community of municipalities.<sup>9598</sup> **(The community of municipalities existed already for a several decades and had been provided by the Constitution. It was enabled to shange it’s composition and number of municipalities, none of municipalities had to join it, but if**

<sup>9594</sup> See paras. 40, 43, 72–75.

<sup>9595</sup> See paras. 40, 129.

<sup>9596</sup> D284 (SRBiH Assembly recommendation on regionalisation, 11–12 April 1991).

<sup>9597</sup> See para. 42.

<sup>9598</sup> D1890 (Transcript from Krajina Assembly Meeting), pp. 3, 11–13, 53. See also P5896 (Intercept of conversation between Radovan Karadžić and an unidentified female journalist, 24 June 1991).

wanted, nobody could prevent them to join whatever community of municipalities was chosen! This degree of lack of knowledge of the domestic legal system is detrimental to any deliberation, and compromises all the court of the kind! See, The SRFY Constitution of 1974, D1260, p. .

#### Article 119

Communes may cooperate with one another voluntarily and on principles of solidarity; they may pool resources and form joint bodies, organizations and services for the conduct of affairs of common interest and the satisfaction of common needs, and may associate in urban and regional communities.

The constitution may make it obligatory for Communes to associate in urban or regional communities, as special socio-political communities to which specific affairs falling within the competence of the Republics, Autonomous Provinces or

or the

Constitution of the Soc. Rep. of BiH from 1974, D1262, p. 90

#### Article 275.

In the interest of establishing long-term cooperation, municipalities whose territories are adjacent to each other may associate to form urban or regional units.

Associated municipalities shall establish, by agreement, the tasks which within the bounds of their rights and duties shall be entrusted to the associated unit; they shall form joint bodies and agencies, combine assets, adopt joint plans and development programs, and carry out other tasks in their common interest.

The conclusions and positions of the associated unit shall be binding on the municipalities when adopted by the assemblies of the associated municipalities.

#### Article 276.

The obligatory association of municipalities into urban or regional units, which constitute separate socio-political units to which are transferred certain tasks from within the competence of the Republic or municipality, may be stipulated by law.

p.90, and further, p.91

#### Article 277.

In a city which has more than one municipality, the municipalities must associate to form an urban unit, which is a special socio-political unit to which the municipalities, in their common interest, entrust certain rights and duties. Certain tasks from the competence of the Republic may be transferred to this unit.

#### Article 278.

A regional or urban unit shall have statutes which are adopted by the assembly of the unit with the prior agreement of the assembly of the combined municipalities.

The statutes of a regional or urban unit shall establish the rights and duties of the unit, the manner in which these rights and duties are fulfilled, the way in which funds for financing them are associated, the organization of the unit's bodies, and other issues of importance for fulfilling the rights and duties of the unit.

2953. In May 1991 two other communities of municipalities were created in Romanija and in Eastern and Old Herzegovina.<sup>9599</sup> In September 1991, these communities of municipalities were renamed SAOs.<sup>9600</sup>

<sup>9599</sup> See para. 42.

<sup>9600</sup> See paras. 42, 75. The Chamber does not place any weight on the assessment of Treanor and Donia as to the motives and objectives of the Bosnian Serb leadership with respect to this process of regionalisation. Patrick Treanor, T. 14011, 14015–14016, 14027, 14035–14036, 14069–14070 (1 June 2011), T. 14381 (7 June 2011); Robert Donia, T. 3407–3410 (7 June 2010).

The Chamber recalls that the SAOs Semberija-Majevica, Northern Bosnia, and Birač were formed between September and November 1991.<sup>9601</sup> On 21 November 1991, the Bosnian Serb Assembly certified the proclamation of the SAOs in BiH.<sup>9602</sup> **(In the essence, the SAOs were the communities of municipalities, and they had been entitled to chose the name they wanted! Also, the Serb side accepted, within the Serb-Muslim Historic Agreement from July 1991. Accepted to abandon this kind of regionalisation, since this Agreement provided that BiH was to remain in Yugoslavia!)**

2954. On 30 September 1991 the SDS Deputies' Club held a session which was attended by Krajišnik and the President.<sup>9603</sup> At this meeting the President declared that he wanted to ask the representatives from the Krajina to inform their municipalities that all those who could report to the army do so and that the Serbs were preparing for regionalisation.<sup>9604</sup> **(These two matters were in no way associated. The regionalisation had nothing to do with mobilisation, which was necessary to the JNA because of the war in Croatia. Supporting the mobilisation was a legal obligation, anything else would be a sabotage punishable by the law! A merging these two matters is not correct, and is aimed to connect the regionalisation with a military questions. It is the last matter to be expected from a such distinguished court!)** On 7 October 1991, the President referred to the SAOs as assisting "so that there is no tension, and that each is the master of his own, and that there is peaceful co-existence among the peoples here".<sup>9605</sup> **(#EXCULPATORY!#)** The President had discussed the issue of regionalisation with Izetbegović, but Izetbegović's position was that regionalisation could not be carried out because the population in BiH was intermixed.<sup>9606</sup> **(That was a legitimate private opinion of Mr. Izetbegovic, but as seen in the constitutions, any obstacle to this process would be anti-constitutional. On the other hand, all what Mr. Izetbegovic pursued regarding the independence was illegal and anti-constitutional! For the formation of Communities of municipalities there was not required any consensus of the parties, while for the secession it was inevitable and crucial precondition. But, the Chamber doesn't see the forest because of woods!)** The Chamber recalls that while the SDA opposed these moves towards regionalisation in BiH, the President and SDS leaders spoke in favour of it for economic reasons, by reference to their view that there was a concentration of power in Sarajevo.<sup>9607</sup> The Chamber took judicial notice that despite these justifications, among the functions the SDS assigned to the ZOBK was the organisation of its defence in times of war or imminent threat of war.<sup>9608</sup> **(This was a mere sum of the municipal competences in the field of defence. What is wrong with that? Who authorised this court to neglect the entire legal and constitutional order of the country in question? The defence was an obligation of all and every municipality, and transferring their competences to the Community was their right. How the Prosecution dared to indict so many people without knowing the domestic legal system?)**

**The UN should protect it, not undermine it!)**

2955. The Accused also took an active role in instructing authorities regarding decisions to be implemented and measures to be taken in the Bosnian Krajina area.<sup>9609</sup> For example, on

<sup>9601</sup> See para. 75. See also Milorad Dodik, T. 36881 (9 April 2013).

<sup>9602</sup> See Adjudicated Fact 1950.

<sup>9603</sup> P2543 (Minutes of meeting of SDS Deputies' Club, 30 September 1991).

<sup>9604</sup> P2543 (Minutes of meeting of SDS Deputies' Club, 30 September 1991).

<sup>9605</sup> P5849 (Intercept of conversation between Radovan Karadžić and Goran Đukić, 7 October 1991), pp. 3–4.

<sup>9606</sup> D1278 (Transcript of Radomir Nešković's interview with Karadžić's legal associate, 8 October 2009), p. 14. Nešković also testified that the SDS objectives with respect to the regionalisation was to first keep BiH within Yugoslavia but if that was impossible, to keep one part of BiH in Yugoslavia and that regionalisation was a means of countering centralisation. Radomir Nešković T. 14259–14260 (6 June 2011), T. 14355, 14357–14360 (7 June 2011).

<sup>9607</sup> See para. 41. See also P2570 (Book of minutes of Prijedor's SDS Municipal Board meetings, 1991), p. 10.

<sup>9608</sup> See Adjudicated Fact 1915.

<sup>9609</sup> D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), paras. 20–21; P747 (Co-operation agreement between SAO Krajina and Bosanska Krajina, 24 June 1991); P5892 (Intercept of conversation between Radovan Karadžić, Nenad, and Vojo Kuprešanin, 24 June 1991); P5894 (Intercept of conversation between Radovan Karadžić and Anđelko Grahovac, 24 June 1991); P5891 (Intercept of conversation between Radovan Karadžić and Vukić, 24 June 1991), pp. 1–2; P5895 (Intercept of conversation between Radovan Karadžić and Vukić, 24 June 1991), pp. 1–2; P5885 (Intercept of conversation between Radovan Karadžić and Željko, 9 July 1991); P5846 (Intercept of conversation between Radovan Karadžić and an unidentified male, 12 October 1991); P5799 (Intercept of conversation between Radovan Karadžić, Mićević, and Radić, 15 December 1991).



12 October 1991, in a conversation with Mišković in Prijedor, the President instructed that the party should be in “full mobile state” and that units should be on duty 24 hours a day.<sup>9610</sup> **(Here is this part of the President’s conversation with Miskovic in Prijedor, P5845, p.1:**

MIŠKOVIĆ:	Are you all right?
KARADŽIĆ, Radovan:	Well, I am OK but worried, there is some shooting here...
MIŠKOVIĆ:	(...?) well, that’s why I am calling, to see...
KARADŽIĆ, Radovan:	Yes.
MIŠKOVIĆ:	...how things are and some strategic positions, lines and things like that.
KARADŽIĆ, Radovan:	Well, now we have to preserve peace and that is of utmost importance, but the party should be in full mobile state and there should be somebody on duty there 24 hours a day because they will make an attempt to attack both legally and illegally. At this very moment there is some shooting around a warehouse in the vicinity of Sarajevo so... I have to do something about that, and, well....

**So, as**

**early as in October 91 there was some shooting in Sarajevo, three days before the famous Assembly session when the system had fallen apart! P. 2:**

KARADŽIĆ, Radovan:	I am just asking you to increase your mobility to maximum and watch out for them
MIŠKOVIĆ:	not to attack your barracks because they are attacking a warehouse. well, yes, yes... So that I (...?) to see, well, just to hear you..., because we were mobile last night, I called everyone and I could hardly reach him...
KARADŽIĆ, Radovan:	Do you know how many forces you have in Prijedor?
MIŠKOVIĆ:	Well, we have one unit up there at, well... here at our airport...
KARADŽIĆ, Radovan:	OK.
MIŠKOVIĆ:	...well, we have a territorial defense on alert, well, we have, well, police on standby...
KARADŽIĆ, Radovan:	Good.
MIŠKOVIĆ:	I mean, they are armed...
KARADŽIĆ, Radovan:	Is ethnic composition all right?
MIŠKOVIĆ:	Well, there is ...
KARADŽIĆ, Radovan:	All right...

**So,**

**the President had this shooting in Sarajevo, and a threats of an attack on the barracks in Prijedor, he pleaded for preservation of peace and asked Miskovic to keep the SDS mobile and in alert, and asked about the JNA and TO units there, including whether the units had a proper ethnic composition. This all could only be commendable and #EXCULPATORY!#) :**

2956. **(#In accord with the ICFY!#)** The Chamber found that in late 1991, the SDS started implementing a policy of “regionalisation”, which involved taking steps towards the creation of “regions” in which Serbs were the relative majority.<sup>9611</sup> **(So what?)** In September 1991, in a conversation with Slobodan Milošević, the President expressed that the goal of the Bosnian Serb leadership was regionalisation, or cantonisation, and that their aim was to take half of Sarajevo and to have strong links with Yugoslavia.<sup>9612</sup> **(So what? Not even a Muslim fundamentalists in Sarajevo would object that as the Chamber did, because #everything about regionalisation was lawful!#)** On 16 September 1991, the SDS Executive Board approved the appointment of a Regionalisation Staff.<sup>9613</sup> This body was tasked with monitoring the implementation of the decision on the proclamation of autonomous regions and this decision was distributed to the municipal boards of the SDS.<sup>9614</sup> For example on 25 September 1991, the

<sup>9610</sup> P5845 (Intercept of conversation between Radovan Karadžić and Mišković, 12 October 1991), p. 1.

<sup>9611</sup> See para. 74.

<sup>9612</sup> P5867 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 19 September 1991), pp. 2–3.

<sup>9613</sup> See para. 75. Sejmenović testified that in his assessment the SDS pursued regionalisation in order to create ethnically Serb regions in BiH and that the position taken at a Republic level by the SDS with respect to ethnic separation were also mirrored at a municipal level. However, the Chamber considers this to be his own opinion and therefore does not consider this evidence to be of much weight. Mevludin Sejmenović, T. 20457, 20464 (27 October 2011).

<sup>9614</sup> P2584 (Minutes of 3<sup>rd</sup> meeting of SDS Executive Board, 16 September 1991), p. 1; P6484 (Information from Đukić Rajko to SDS, 13 September 1991). See also P3431 (Handwritten diary of KDZ192), p. 3 (under seal); Radomir Nešković T. 14357–14360 (7 June 2011). While Treanor testified about the territorial objectives of the Bosnian Serb leadership and the reasons for the steps taken towards regionalisation, the Chamber considers these conclusions and opinions to fall outside the scope of his expertise and will thus not rely on it in this regard. Patrick Treanor, T. 14015–14016 (1 June 2011).

Sarajevo SDS Main Board decided to implement the decision and conclusions of the republican levels SDS organs with respect to regional organisation and appointed individuals who would co-ordinate the implementation of the decision.<sup>9615</sup>

**(But, only four days earlier Mr. Izetbegovic in the Hague at the Conference committed himself to the rights of the Serbs to a high autonomy, see the documents of the ICFY: see the report of the ICFY of 20 September 1991;**

**Bosnia-Hercegovina.**

**Bosnia-Hercegovina suggested that the Conference should devote itself to the principle of self-determination of republics and not self-determination of peoples or nations. Bosnia-Hercegovina was nevertheless ready to give a large autonomy to components of its population. Bosnia-Hercegovina proposes a five-year arrangement which could be reconsidered after this period. If there is no agreement on a minimum of common functions, Bosnia-Hercegovina will hold another referendum.**

**#So, IN ACCORD WITH THE I C F Y#!)** This included the promulgation of autonomous regions as part of Yugoslavia and the separation of settlements in some municipalities and their integration into another municipality.<sup>9616</sup> The Accused also convened a plenary of Bosnian Serb officials in September 1991 to discuss these issues.<sup>9617</sup>

2957. At a meeting of the SDS Executive Board in November 1991, attended by the Accused, there was discussion of a report on “regionalisation” and that conditions should be created which would allow every region to “include and incorporate the national and territorial treasures” with the aim of creating a Serb BiH within Yugoslavia.<sup>9618</sup> The pursuit of regionalisation, according to Krajišnik, was used by the SDS in response to the attempts of the HDZ and SDA to discuss independence of BiH.<sup>9619</sup> Regionalisation was leverage, in his view, to suggest to the SDS’s coalition partners that the three parties should reach an overall agreement on the whole of BiH: its status within Yugoslavia as well as its internal organisation.<sup>9620</sup>

2958. **(Lawful – unlawful#!)** The Chamber recalls that on 16 September 1991, the ZOBK was transformed into the ARK.<sup>9621</sup> The ARK was vested with both executive and legislative powers within its area of jurisdiction and acted as an intermediate level of authority between the SerBiH and the municipalities.<sup>9622</sup> **(So what? All of it was legal, legitimate, and envisaged by the ICFY!)** As the ARK was a voluntary association, the ARK Statute made provision for other municipalities to join, and typically these decisions were taken only by Bosnian Serb delegates at a municipal level.<sup>9623</sup> **(Now, the Chamber noticed that at the municipal level only the Serb delegated voted for an organisational measure that didn’t require a two third votes of delegates, didn’t alter the Constitution and didn’t violate any law, while the same Chamber didn’t notice that the only Muslim and Croat deputies voted for such a drastic change of the Constitution by adopting a Declaration on independence on an illegally appointed “session” of the Assembly!?!)** In addition while the ARK was established as a multi-ethnic institution, in practice the ARK Assembly was a Serb body.<sup>9624</sup> **(Don’t tell me**

<sup>9615</sup> P2530 (SDS decision on appointment of staff, 25 September 1991). See also Patrick Treanor, T. 14017 (1 June 2011), T. 14450–14451 (8 June 2011).

<sup>9616</sup> P2530 (SDS decision on appointment of staff, 25 September 1991).

<sup>9617</sup> P2544 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 6 September 1991), p. 3. See also Patrick Treanor, T. 14018 (1 June 2011).

<sup>9618</sup> P2585 (Minutes of 5<sup>th</sup> meeting of SDS Executive Board, 7 November 1991), p. 5. See also P2586 (Minutes of session of SDS Deputies’ Club, 3 December 1991), p. 1; P794 (Excerpt from expanded session of the Council for Harmonising State Policy Positions, 21 January 1993), e-court p. 6; Radomir Nešković T. 14358 (7 June 2011).

<sup>9619</sup> See Adjudicated Fact 1926. See also D4551 (Intercept of conversation between Radovan Karadžić and Salko Ališehić, 21 December 1991), p. 3.

<sup>9620</sup> See Adjudicated Fact 1926.

<sup>9621</sup> See para. 42.

<sup>9622</sup> See Adjudicated Fact 520.

<sup>9623</sup> See paras. 2041–2042.

<sup>9624</sup> See para. 2042.

that!?! And what was with a much more important bodies, such as the Presidency, the Government...Why that didn't bother the Chamber?) Brđanin was chosen by the President to lead the ARK and held this position until the ARK was abolished.<sup>9625</sup> **(The Accused never imposed any of his opinion about personal matters, and only if asked for a suggestion, he used to meet this kind of requests!)** The President was in regular contact with Brđanin and instructed him that he should not call him about "every trivial matter" but that he could call about issues which he could not resolve.<sup>9626</sup> **(So what? #Why it was important to the Chamber?# In a shortage of a real and relevant evidence against the President, the Chamber continued to patchwork a peaces of sentences from here and there, to make an illusion of a plethora of evidence. Why?)** The President instructed Brđanin "You have power in your hands, and you have presidents of municipalities through whom you can exercise this power, until we achieve autonomy [...] You should execute power vigorously and to the fullest. Not a single bird should be allowed to fly over Krajina [...] You must establish all that. I've seen what was written and sent. All of that must be implemented. Take care of that. Call each and every municipality president and keep checking if it has been implemented and accomplished".<sup>9627</sup> **(This is another "obscuration" and manipulation with the evidence. Not too many readers are able to open the quoted document and check what is in it. Therefore, the responsibility of a chamber for an accuracy is even more important. Let us see what had been said in P2549, and in what circumstances, 31 October 1991 in the middle of the fierce firghting between the Croatian paramilitaries and the JNA: P2549, p.1**

Radovan KARADŽIĆ: What happened?

Radoslav BRĐANIN: I interrupted it last night /as written/, there are eleven coffins in the morgue, and the *Gema* Dancing Club was giving a performance at the JNA /Yugoslav People's Army/ Social Centre.

Radovan KARADŽIĆ: Why didn't RADIĆ ban it?

Radoslav BRĐANIN: Well, it's the JNA Social Centre, and UZELAC should have banned it. I was the first to learn about it because my daughter was supposed to dance, and she told me, and I called our men. They wanted to kick out the parents who were protesting there. Moreover, buses headed for Dubrovnik are being inspected at the moment. It's my duty to inform you...stopped...one hundred buses coming from Croatia, allegedly with Croatian citizens aboard. They are all members of the MUP /Ministry of the Interior/ headed for Dubrovnik.

Radovan KARADŽIĆ: Stop them, you must not let them through. No way, send them all back.

**So, the Serb coffins come to the morgue, from the battlefield in Croatia, while the Croatian irregulars of the enlarged MUP-ZNG are using the Serb areas to reach Dubrovnik and attack the JNA from behind. See further, p.3**

<sup>9625</sup> See para. 2045 (referring to the ARK being abolished as a territorial unit of the RS on 15 September 1992).

<sup>9626</sup> P2549 (Intercept of conversation between Radovan Karadžić and Radoslav Brđanin, 31 October 1991), p. 5; P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 3–5, 8. See also P5640 (Intercept of conversation between Radovan Karadžić and Trifko Komad, 18 September 1991), p. 1; P5889 (Intercept of conversation between Radovan Karadžić and Radoslav Brđanin, 2 July 1991).

<sup>9627</sup> P2549 (Intercept of conversation between Radovan Karadžić and Radoslav Brđanin, 31 October 1991), p. 5.

Radovan KARADŽIĆ: All right, Brdo. Now, see here, Brdo. You have to be politically-minded and wise. Try to find ways in which things can be done, and not the ways in which they cannot be done. If it was not possible, if the Army Social Centre didn't do it, then RADIĆ should have proclaimed a day of mourning and prohibited everything else. That's how it should be done. Don't do things that will bring about confrontations and...It seems as if you virtually yearn to fail.

Radoslav BRĐANIN: Who?

Radovan KARADŽIĆ: Why, you, the Krajina men, all of you.

Radoslav BRĐANIN: What do we need the army for when 28 of our boys were killed yesterday, and this very same army is running a dancing school.

Radovan KARADŽIĆ: I know, Brdo, but you have to bring it to their attention carefully and wisely, and if that does not work, then you... declare a day of mourning. Fuck it, you keep calling me about every trivial matter, and I have five thousand things on my mind. If you are capable of governing Krajina, then do it properly, damn it...Don't make me /take care/ of everything...Besides, the civilian government is in your hands, RADIĆ should declare a day of mourning, and there are no performances. It's as simple as that. But if you are at odds with the army, then you are at odds with this one and that one. Don't be at odds with anyone.

Radoslav BRĐANIN: Well, as far as I'm concerned, I don't have to be /at odds/ with anyone...

Radovan KARADŽIĆ: There is a war going on, Brdo, and people get killed. The only question is why and how, and whether they follow orders. Most of those who died got killed because they did not follow orders.

**So, the main objection of the President was on a possible undisciplined conduct of the soldiers that died, and on the incapability of Brđjanin to execute the power that was in his hand, and callen the President for so many trivial matters. P. 4:**

Radovan KARADŽIĆ: No, no, it is not that it can't...Call me about something that you cannot resolve. You have all the power in Krajina. Why don't you exercise this power?

**How this could be a crime? The President appealed on Brđjanin to exercise the power that was vested on him by the Krajina Assembly, and to be as polite as possible!) p. 5**



Radovan KARADŽIĆ:

Come on, man, do your job. Don't call me about every minor problem, I am not your nanny. You have power in your hands, and you have presidents of municipalities through whom you can exercise this power, until we achieve autonomy. So, you cannot, you cannot call me about every detail. You should execute power vigorously and to the fullest. Not a single bird should be allowed to fly over Krajina, and there must not be a shortage of men from Krajina for the army. You must establish all that. I've seen what was written and sent. All of that must be implemented. Take care of that. Call each and every municipality president and keep checking if it has been implemented and accomplished. I cannot do it, man. I am dead on my feet. Five thousand...

Radoslav BRĐANIN:

I understand, I do...

Radovan KARADŽIĆ:

I have contacts with foreigners and IZETBEGOVIĆ. I have policies to pursue relative to them, and now I must go around and solve little things. Well, you solve them yourselves. Don't give proof of your incompetence. Be able and energetic, reach an agreement and find solutions, and get the job done.

**And the Chamber was of an opinion that Brđjanin was supposed to let the paramilitaries from Croatia freely pass through the Serb areas in BiH, although the local authorities were responsible for everything that was going on in their respective areas?) :**

**2959.** On 18 October 1991, three days after the SRBiH Assembly session at which the SDA and HDZ adopted a declaration of sovereignty of BiH, the President informed the leaders of the Krajina municipalities, including Grahovac and Brđanin, to come urgently as very important decisions were going to be made.<sup>9628</sup> On 21 October 1991, Grahovac, as President of the ARK Executive Council, initiated a meeting with the President, Krajišnik, Koljević, and Babić in Banja Luka to discuss the situation following the 15 October 1991 SRBiH Assembly session.<sup>9629</sup> Following the plebiscite of the Serbian people on 9 and 10 November 1991, the Bosnian Serb Assembly issued a decision which verified the declared SAOs as part of BiH, a federal entity in Yugoslavia.<sup>9630</sup> **(So what? The Chamber presumed that the #SDA and HDZ were entitled to violate all and every law and constitution#, and the Serbs were supposed to keep quite and obey everything, abandoning their own basic rights!!!)**

**2960.** The Chamber recalls that the Bosnian Serb Assembly approved on 21 December 1991 the appointment of Jovan Čizmović as the co-ordinator of activities of the executive bodies of the SAOs.<sup>9631</sup> In addition on 24 February 1992, the SDS Executive Board assigned "coordinators" for the SAOs.<sup>9632</sup> The SAOs had their own governmental, institutional, and political structures.<sup>9633</sup> **(So what? All public and legal!)**

**2961.** At a meeting on 5 February 1992, attended by municipal leaders from the Bosanska Krajina, Semberija and Northern Bosnia SAOs, there was discussion about the SDS position

<sup>9628</sup> P5838 (Intercept of conversation between Radovan Karadžić and Boško, 18 October 1991). See D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 28.

<sup>9629</sup> D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 29; D4082 (Article from Glas entitled "Resolutely in a United State", 21 October 1991).

<sup>9630</sup> D83 (Shorthand Record of 2<sup>nd</sup> session of SerBiH Assembly, 21 November 1991), pp. 33–34. See also Adjudicated Fact 1950.

<sup>9631</sup> See para. 130; D86 (Shorthand Record of 4<sup>th</sup> session of SerBiH Assembly, 21 December 1991), p. 34.

<sup>9632</sup> See para. 75. See Adjudicated Fact 2181. Radislav Vukić, a member of the SDS Executive Board, was appointed as co-ordinator for SAO Krajina. His duties were, *inter alia*, to co-ordinate the activities of SDS municipal boards in SAO Krajina, to work in co-operation with the Assembly president and the SAO Krajina prime minister to implement the decisions of the Bosnian Serb Assembly and Council of Ministers, and to take part in the work of the SAO Krajina Crisis Staff. P6530 (Decision of SDS Executive Board, 24 February 1992).

<sup>9633</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9101.

with respect to regionalisation, the establishment and definition of Serb territories in BiH, and Serbia's objective of preserving Yugoslavia and ensuring Serbs live in a single state.<sup>9634</sup> In February 1992, at a meeting with Mladić, Adžić discussed the preparations that needed to be carried out in the Krajina but stressed that these plans were to be kept "strictly secret" and that "trustworthy people" were to be used to implement them.<sup>9635</sup>

**(#During the JNA#! #What does it have to do with the President?# The JNA still was a legitimate and the only legal armed force on the entire Yugoslav territory, what the President had to do with some talks of the JNA high officers with the Portuguese Ambassador about the Serb Krajina in Croatia? And that was et early February 1992, while there was no any mentioning of BiH, except in one line, P1476, p.156-57:**

**The attitude of the people in the Krajina to the struggle was a fine one, as in CG /Montenegro/ and Herzegovina too. The Bosnian Krajina had a particularly marvellous attitude . where is the limit to these manipulations?)**

2962. By early 1992, there was increasing tension between the leadership in Pale and the ARK authorities.<sup>9636</sup> The ARK authorities were moving towards independence and wished to establish the Krajina as a state within a state, or a "constituent entity" of Yugoslavia; the President strongly opposed this position, maintaining that Yugoslavia should be preserved and that the Krasinas should not advocate for changes to the borders.<sup>9637</sup> **(#Commendable and EXCULPATORY#!)** On 23 February 1992, the President told Kuprešanin to remind the representatives of the Krajina who wanted an independent state "of their loyalty to the initial Assembly".<sup>9638</sup> Kuprešanin also opposed the independence of the ARK and urged the President to attend an ARK Assembly session to resolve the issue.<sup>9639</sup> The President agreed and attended an ARK Assembly session on 29 February 1992, during which he stated that "it would be a crime against the Krajina if it were declared a republic. Those who advocate such childish ideas

<sup>9634</sup> P3431 (Handwritten diary of KDZ192) (under seal), p. 3. See also KDZ192, P3416 (Transcript from *Prosecutor v. Brđanin*), T. 11437–11442, 11452–11455, 11485–11487 (under seal); P3474 (News report re meeting of Derventa SDS Executive Board, 13 February 1992), p. 1. The Chamber notes KDZ192's evasiveness with respect to who attended this meeting and what precisely was discussed and is satisfied that both the Accused and Krajišnik attended this meeting.

<sup>9635</sup> P1476 (Ratko Mladić's notebook, 30 December 1991–14 February 1992), pp. 163–167 (referring more specifically to the setting up of a police force, and the legal and illegal armament of individuals).

<sup>9636</sup> P2552 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 16 January 1992), pp. 2–7; D424 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 10 February 1992), pp. 5–7; D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 37; P5784 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 27 December 1991), pp. 4–5; D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 26, 29, 40. Kuprešanin stated that individuals in Krajina did not respect the Accused or the SDS, before or during the course of the war. D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 29. While the Chamber finds that there were certainly tensions between the Accused and Krajina leaders, the Chamber does not find Kuprešanin's evidence to be reliable in this regard. In reaching that conclusion the Chamber noted that his testimony was marked by multiple contradictions, evasiveness, indicators that he was trying to mislead the Chamber and lacked sincerity. His demeanour and testimony also indicated partiality and bias through his attempts to protect the Accused and distance him from any responsibility.

<sup>9637</sup> D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), paras. 35–38; D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 7; D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 27, 29–33; D4081 (Intercept of conversation between Radovan Karadžić and Anđelko Grahovac, 7 January 1992), pp. 4–5 (wherein the Accused states that the Krajina had not implemented the wishes of the SDS, including carrying out its elections); D4021 (Agenda and Minutes of 11<sup>th</sup> session of ARK Assembly, 8 January 1992), pp. 3–6; P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992); P2552 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 16 January 1992); D4085 (Intercept of conversation between Anđelko Grahovac and Radovan Karadžić, 15 January 1992); D4025 (Excerpt of SDS Main Board meeting, 14 February 1992), pp. 3–7, 15–19; D4015 (Excerpt of Minutes of 13<sup>th</sup> session of ARK Assembly, 24 February 1992). See also P5784 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 27 December 1991), pp. 4–7; D424 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 10 February 1992).

<sup>9638</sup> P5745 (Intercept of conversation between (i) Radovan Karadžić and an unidentified male; and (ii) Radovan Karadžić and Vojo Kuprešanin, 23 February 1992), pp. 5–7. See also P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992), pp. 36–37 (during which the Accused asserted that presidents of municipal boards from Krajina "should implement the policy of the party that has given them their posts, not to veer away from it").

<sup>9639</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), p. 65; D4025 (Excerpt of SDS Main Board meeting, 14 February 1992), pp. 14–15 (wherein Kuprešanin emphasised that Serb territories cannot be divided and "our goal is to finally live in one country"); P938 (Minutes from SDS Deputies' Club meeting, 28 February 1992); D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 33–34; Vojislav Kuprešanin, T. 43470–43471 (14 November 2013) (further testifying on cross-examination that the "holy mission" was that Serbian people be equal in BiH).

are exposing the Serbian people to trouble”.<sup>9640</sup> At the same session, all 148 of the ARK deputies in attendance voted to accept the Bosnian Serb Constitution in full, and the status of the ARK was incorporated therein accordingly.<sup>9641</sup> A separate Krajina state never resulted because ultimately the leadership opted for the integration of all of the Krajinas.<sup>9642</sup> **(#A quite contrary#! The President advocated a very close cooperation with the other Krajina, the Serb Krajina in Croatia, and to equalise the educational, legal and informative systems, but not to integrate the Krajinas, because it would present a changes of the two states, Croatia and BiH, which could result in a war of those two countries against the Serbs. Beside that, the Serb Krajina had accepter the Vance peace plan, and it would be violated too.)**

**2963.** At a Bosnian Serb Assembly session in September 1992, a deputy stated: “Since we are at war, we must adopt a system which will best defend ourselves and create our own state. At a time when we had to destroy a unitary Bosnia, the SAO regions and districts were politically and territorially the best solution”.<sup>9643</sup> The Accused also spoke about the creation of SAOs as one of the ten measures which were taken before the war which they had “brainstormed” together and which were carried out #after “Alija made a mistake”.<sup>9644</sup> # The Accused spoke on multiple occasions about his responsibility for developing the process of regionalisation.<sup>9645</sup> At a Bosnian Serb Assembly session, Kuprešanin stated that the reason for the creation of regions was to “destroy Alija’s state”.<sup>9646</sup> In an interview in January 1995, the President confirmed that the SDS played the greatest role in “introducing Serbian awareness and discarding the inferior position of a dignified nation with its own sovereignty and state”.<sup>9647</sup> He went on to state that “[w]e had a list of the actions and steps to take, but we always waited for the Muslims to make a mistake and after they made one, we created a union of municipalities and the Serbian autonomous areas next, followed by the regions and eventually our assembly, and finally Republic”.<sup>9648</sup> **(So what? #It is senseless to comment such a finding of the public statements of the Serb dignitaries who described what had happened previously, and what had been proposed and accepted by the international community, the EC, the USA and the United Nations”#. What the Chamber was after? What it was hunting? Anything the Serbs said or did, regardless of whether it was legal and legitimate or not? It seems that it was sufficient that some Serb existed, to construct something around him!)**

## 1. Conclusion

**2964.** The Accused argues that the concept of regionalisation and division of municipalities was something envisaged and provided for by the constitution.<sup>9649</sup> Having considered the evidence above, the Chamber finds that the process of regionalisation was a precursor towards creating and identifying Bosnian Serb claimed territory in BiH, whether or not this was provided for by a

<sup>9640</sup> P5452 (Extract from minutes of 14<sup>th</sup> session of ARK Assembly, 29 February 1992), p. 2.

<sup>9641</sup> P5452 (Extract from minutes of 14<sup>th</sup> session of ARK Assembly, 29 February 1992). *See also* Anđelko Grahovac, T. 44052 (26 November 2013); D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 34.

<sup>9642</sup> Anđelko Grahovac, T. 44051–44052 (26 November 2013); D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 45. *See also* D4034 (Witness statement of Radoslav Brđanin dated 8 November 2013), para. 8; D3970 (Article from Glas entitled “There are Differences, But No Divisions”, 15 March 1992).

<sup>9643</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 68.

<sup>9644</sup> P1387 (Transcript of 38<sup>th</sup> session of RS Assembly, 17 January 1994), pp. 74–75. *See also* P6510 (Excerpt of Vojo Kuprešanin’s interview with OTP), p. 9.

<sup>9645</sup> P5619 (Intercept of conversation between Radovan Karadžić and Miroslav Toholj, 13 January 1992), p. 3; P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 6, 11; P1084 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 23 July 1991), p. 4; D424 (Intercept of conversation between Radovan Karadžić and Vojo Kuprešanin, 10 February 1992), p. 8.

<sup>9646</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), pp. 68, 70. *See also* P1377 (Transcript of 33rd session of RS Assembly, 20–21 July 1993), p. 175.

<sup>9647</sup> P953 (Article from Oslobođenje entitled “Happy Birthday Republic”, 6 January 1995), p. 3.

<sup>9648</sup> P953 (Article from Oslobođenje entitled “Happy Birthday Republic”, 6 January 1995), p. 3. *See also* Patrick Treanor, T. 14036–14037 (1 June 2011).

<sup>9649</sup> Defence Final Brief, paras. 194–204.

constitutional provision. (So what? If BiH remained in Yugoslavia, as the Historic Serb-Muslim Agreement envisaged, the Serbs would give up the idea of regionalisation, because the federal state would protect their rights and security. Since the SDA-HDZ coalition continued to violate all the norms, the Serbs were free to self-organise, and even the EC and UN recognised it. Why this UN Court does not recognise it? Why the Defence hadn't been notified that this was going to be a political trial and that the Serb political life would be the main charge, although there is no any evidence that this political life caused any crime? Was it a trial to establish a crime against peace? That would be out of the realm of the Statute of Tribunal. This way, all those invectives against the Serbs and the President not only sound senseless, but insulting and humiliating, but to the highest degree as a malicious lies!) This process of regional organisation along ethnic lines was a means of responding to and opposing the proposed independence of BiH. (So what? #All of it, the regionalisation, claiming for the ethnic territories, autonomy, decentralisation, all of it was a legal and legitimate endeavour, nobody in the ICFY or anywhere contested it, on the contrary, accepted it as legal, and organised a conference on BiH to achieve the Serb demands#. The Serbs would in return accept that BiH remain in the existing boundaries and secede from Yugoslavia. All the chaos of the political unrest and the chaos of the civil war had been caused by the Muslim denial of these legitimate Serb (and Croat) conditions and a democratic transformation of BiH into a "Southern Switzerland". Nothing wrong came out from the Serb legal demands, everything wrong came from the political, and finally military denial of these basic intentions of the Christian majority in BiH!) Regionalisation, and specifically the delineation of the SAOs, was a means of identifying which Bosnian Serb territories and settlements in BiH could be separated and remain a part of Yugoslavia in the event of BiH independence. This process of regionalisation was also an early means of identifying strategically significant territorial areas. Structures were also created in order to have co-ordination between the SAOs and the higher authorities within the SDS.

2965. The Chamber finds that the President and the SDS played a leading role in this process. The President himself spoke about the creation of SAOs as one of the measures which the Bosnian Serb leadership had "brainstormed" and implemented before the war to respond to moves towards independence by BiH. He emphasised that regionalisation and the creation of SAOs were the first steps which eventually led to the creation of the Bosnian Serb Assembly and the RS. The Chamber also finds that the President opposed the independence of the ARK and was successful in ensuring that the authorities in the ARK adhered to the SDS policies and supported the creation of the RS and the unity of the Bosnian Serbs. (Had the Muslims followed the MBO and other pro-European Muslim parties which supported the Historic Serb-Muslim Agreement, there would be very easy to abandon all that was achieved in regionalisation. And that was not the "SDS policies" but the all Serb political parties represented in the Assembly. This policy was approved through the several plebiscites by the people who was paying the highest cost in lives of their dearests. How come the Chamber neglected all of this elements and supported a completely illegal conduct of the Muslim side?)

ii. Split in the MUP and creation of a Bosnian Serb MUP

1. Analysis of evidence

2966. In July 1991, at a meeting of SDS Deputies' Club attended by the President, Mićo Stanišić and Mandić took the floor and focused on the Serbs being thrown out of the MUP; they



complained that some people in charge were not doing their jobs as required.<sup>9650</sup> After these speeches the President reacted forcefully, and said it was necessary for there to be a balance in the personnel of the MUP and that developments at the MUP should not be permitted without his knowledge.<sup>9651</sup> In 1991, there were also #problems with Bosnian Muslim personnel clandestinely being sent to Croatia for training# without the knowledge of the official MUP.<sup>9652</sup>

**(Wasn't it sufficient for an alarm among the Serbs? #Why the Serbs would accept this kind of deception and domination in the eve of the break up of Yugoslavia? Why the Serbs would tolerate that a common state institutions become a party institutions of the SDA, abused in the preparations of a secret army and a war against the Serbs, sitizens of the same Republic?)**

2967. In July 1991, the Accused had also warned Izetbegović that if the Bosnian Serb demands were not met, they would establish a parallel state which would include a parallel police.<sup>9653</sup>

**(Exactly! Mr. Izetbegovic had been warned to correct this unacceptable conduct of his party! After refusing it, the Serbs were free to self-organise and prepare all the security mechanisms!#And, all of it HAD ALREADY BEEN PROVIDED BY THE I C F Y in the Hague in 1991.#!))**

2968. The President was in regular contact with Mandić and other Bosnian Serb leaders and discussed personnel issues at the MUP and in September 1991, the President told Mandić that they had to be in touch almost daily.<sup>9654</sup> The President insisted that all nominations had to come from the party level and took an active role in identifying those SDS members who should be nominated.<sup>9655</sup> The President was also informed about personnel problems and warned that this could lead to conflict.<sup>9656</sup>

**(That was the President's duty, to secure that the elections victory at the elections would be implemented in accordance with the laws, Constitutions and the results. This is the very essence of the multiparty system, a mutual control of the processes! Why the Serbs wouldn't be equal to others, and secure that their election results be respected and implemented?)**

2969. At the municipal level, a division of the police structures based on personnel disagreements was already envisaged by Bosnian Serb leaders as early as September 1991.<sup>9657</sup>

**(What does mean this senseless conclusion? #The Muslims cheated, the Serbs protested and demanded that the distribution of power be in accordance with the law and Constitution, and with the inter-party agreements. All the time the Serb people saw what the Muslims did in arming and forming a units of the most extreme Muslims, preparing to start a war, and abusing the common resources of a common state#!)** On or around 6 September 1991, the President informed Brđanin that there would be a meeting the following day where important decisions would be made and that he or someone from the Krajina should

<sup>9650</sup> D3917 (Witness Statement of Čedomir Kljajić dated 30 July 2013), para. 15. See also Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8656, 9319.

<sup>9651</sup> D3917 (Witness Statement of Čedomir Kljajić dated 30 July 2013), para. 15.

<sup>9652</sup> Momčilo Mandić, T. 4734–4739 (6 July 2010); D360 (SDA recommendation for training by Croatian MUP, 11 July 1991), p. 1; D361 (CSB Banja Luka's letter to Biljana Plavšić, 25 July 1991), p. 1; D362 (CSB Banja Luka report re training by Croatian MUP, 25 July 1991).

<sup>9653</sup> D364 (Intercept of conversation between Radovan Karadžić and Vitomir Žepinić, 24 July 1991), p. 9; P5625 (Intercept of conversation between Radovan Karadžić and Vitomir Žepinić, 8 July 1991), p. 1. See also D365 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, undated); P5806 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 3 December 1991).

<sup>9654</sup> P1081 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 30 September 1991), pp. 2–3. See also P2999 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 23 July 1991); D262 (Radovan Karadžić's letter to Presidency of SRBiH, 28 July 1991).

<sup>9655</sup> P1080 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 26 August 1991), pp. 1–2. See also P2222 (Intercept of conversation between Biljana Plavšić and Radovan Karadžić, 17 June 1991).

<sup>9656</sup> P2360 (Intercept of conversation between Radovan Karadžić and Rajko Koprivica, 23 September 1991), pp. 1–2; D4287 (Intercept of conversation between Radovan Karadžić and Avdo Hebib, 17 September 1992), p. 6.

<sup>9657</sup> P2347 (Intercept of conversation between Jovan Tintor and Milan Plakalović, 7 September 1991), p. 9.

attend.<sup>9658</sup> **(So what? Unbelievable! #What is criminal in it#? The only criminal are these illegal and unlawful interceptions of the telephone conversations, which hadn't been approved by the court!)** On 17 September 1991, the President instructed Simović to relay an important message to Žepinić regarding the separation of the MUP, stating that “as of tomorrow, we are withdrawing all our ministers and all our officials in [the MUP]”; further the President stated that he was going to confront Izetbegović that evening and said “we are going to [...] break apart and then we are going to establish our own [SUP] [...] and we'll make the government separately, we'll make everything separately”.<sup>9659</sup> **(So what? Mr. Izetbegovic was warned about what his Party was doing, and that this was contrary to all the laws and Constitution, and that a common institutions wouldn't be possible any longer. The Chamber wasn't interested in finding out whether it was so, or not. No population in a free world would be supposed to stand that kind of preparations for an eradication of the same population.)**

2970. Around 21 September 1991, the President wrote a letter to all Municipal Boards of the SDS informing them that there were rumours about the mobilisation of Bosnian Muslim police, which would result in a Bosnian Muslim police force and would create conditions for a civil war.<sup>9660</sup> The Municipal Boards were instructed by the President to follow developments closely in this regard.<sup>9661</sup> **(So what? The Serbs are guilty for noticing such an unlawful preparations for a war, and the Court is denying the most essential and basic rights to the Serbs and the President as their representative! Is the UN supporting this kind of justice?)**

2971. In an intercepted conversation on 8 October 1991 the President was informed about problems in Višegrad.<sup>9662</sup> The President spoke about the option of establishing “our public security station” and that in negotiations “[w]e will say, here you are, if you can solve it within that deadline, if you cannot we have our own in our area”.<sup>9663</sup> **(How come the Chamber was not interested in the Visegrad affair that caused these words of the President? Why wasn't it important? If the Chamber wanted the “whole truth” it would learn that the Muslim extremists in Visegrad had terrorised the Serb population, the Orthodox priests, the pilgrims, and humiliated them on a bestial way. A Serb invited two Muslims he knew to participate in his celebration of “slava” – a Serbian habit of celebration of a patron saint, which is under the UNESCO's protection. After being served and esteemed, one of them shot the host by a gun between his eyes, and all of it with an impunity. Here are excerpts from the P2558, intercepted conversation of the President and Brane, the Serb leader in Visegrad. To be noticed: the interlocutors had been mixed up, so some repiques of the President are allocated to Brane and vice versa:**

So that these guys . . . this brother of his came out, they brought the vice-president and the other one came out and with a group with pistols and he was armed with a submachine gun in the middle of town, there was shooting all over the place.  
Radovan KARADŽIĆ:

Yes.

Brane:

They fired on the police station, riddled their cars, the tires on the car and God knows what else. Up there in the *Varda* factory people left their jobs at 1800 hours.

Alarms /as printed/ . . . they entered the factory, set off those sirens so that . . . they cut off the electricity up there, there was firing all night.

<sup>9658</sup> P5886 (Intercept of conversation between Radovan Karadžić and Radoslav Brđanin, 6 September 1991), pp. 2–3 (wherein the Accused stated further that “now they are looking for any way to mess that Conference” to suggest that Serbs do not want peace). See P6513 (Press release on Yugoslavia Peace Conference, 7 September 1991).

<sup>9659</sup> P5868 (Intercept of conversation between Radovan Karadžić and Miodrag Simović, 17 September 1991), p. 1.

<sup>9660</sup> D369 (Radovan Karadžić's instructions to SDS municipal boards, 21 September 1991); Momčilo Mandić, T. 4789–4790 (7 July 2010).

<sup>9661</sup> D369 (Radovan Karadžić's instructions to SDS municipal boards, 21 September 1991).

<sup>9662</sup> P2558 (Intercept of conversation between Brane and Radovan Karadžić, 8 October 1991), p. 1.

<sup>9663</sup> P2558 (Intercept of conversation between Brane and Radovan Karadžić, 8 October 1991), p. 2. See also, Patrick Treanor, T. 14045–14046 (1 June 2011).

These people of ours in SUP /Federal Secretariat of the Interior/ who . . . I was with in contact with Stanko just now. Yesterday we visited him. He's over there in Goražde. They really cannot work, I don't know what we should do. Ideas are being bandied about that we should go again to speak up there towards the MUP /Ministry of the Interior/ and that after the expiry of that deadline, that we should establish our public security station, our police here.

/?Radovan KARADŽIĆ/:

We will say, here you are, if you can solve it within that deadline, if you cannot we have our own in our area and that's it. Yes. That's the best thing . . . and are the towns separated?

Brane:

Well they're not quite separated although I think the suburbs are, to a fair extent.

Radovan KARADŽIĆ:

Oh yes. All right Brane, there's nothing else, send that to IZETBEGOVIĆ and everyone else.

Brane:

Yes, here I am writing something and we shall fax it to let them know . . .

Radovan KARADŽIĆ:

Yes, let them know.

Brane:

We will give them a reasonable deadline of ten days to . . .

Radovan KARADŽIĆ:

How long?

Brane:

Well, around ten days for this to end.

Radovan KARADŽIĆ:

Give them seven days.

Brane:

All right.

Radovan KARADŽIĆ:

Ten days is a lot for them, they have nothing to . . . seven days to bring things to an end and punish the culprits.

Brane:

All right.

Radovan KARADŽIĆ:

And to remove from social life those who are poisoning it . . .

Brane:

Yes.

Radovan KARADŽIĆ:

If not, we shall proceed to organise parallel organs of power . . .

Brane:

Yes.

Radovan KARADŽIĆ:

With a view to protecting the Serbian people.

Brane:

Yes.

Radovan KARADŽIĆ:

They should be told that openly and that's it. That's it.

**So, the President had been informed that a famous Muslim extremist Murat Sabanovic, who a preveous days occupied a dam on the Drina River and threatened to blou it up, which would result in a thousands of casualties of innocent people and destruction of a several settlements, couldn't be arrested by the Federal police. He continued to terrorise the town of Visegrad, nobody stopped him, no a Muslim policeman even tried to arrest him, and the President said that if the Muslim side doesn't settle down such a dangerous conduct within seven days, the Serbs must develop their own security organs to protect their people! #And that was their right of the first class#!).** The Accused also gave an

instruction to give "seven days to bring things to an end and punish the culprits" and "[i]f not, we shall proceed to organise parallel organs of power...[w]ith a view to protecting the Serbian people".<sup>9664</sup> The Accused also inquired whether the towns were separated and whether the mixed town centre could not be separated.<sup>9665</sup> In December 1991, Mandić and the Accused

<sup>9664</sup> P2558 (Intercept of conversation between Brane and Radovan Karadžić, 8 October 1991), p. 3.

<sup>9665</sup> P2558 (Intercept of conversation between Brane and Radovan Karadžić, 8 October 1991), p. 2.

discussed the preparations for the creation of a separate Serb MUP.<sup>9666</sup> **(So what? #It already had been accepted within the ICFY# that the constituent states within BiH will have a separate police and other legislative and executive organs! Why the Chamber was blind for the contexts?)**

2972. The Chamber recalls that from early January 1992, employees of the SJB in Zvornik were instructed by the SDS to gather support and prepare for the formation of a Serb SJB.<sup>9667</sup> **(So what?)**

2973. On 11 February 1992, at a meeting in Banja Luka, Mićo Stanišić, Mandić, and other Bosnian Serb leaders were informed that the Bosnian Serb Assembly had decided to form a separate Serb MUP.<sup>9668</sup> This was a means of ensuring that Bosnian Serb authority was felt in territories which they claimed.<sup>9669</sup> **(Again, #the main point missed: in February 1992 there had already been fully known and established that the constituent units will have a separate police#. The issue has a continuity from the Treaty Provisions for a Convention (Lord Carrington Plan, adopted in the Hague on 4 November 1991, through all and every Plan for BiH, to the final Dayton Agreement#!)** Stanišić at this meeting spoke about the need to work towards organising a Serb MUP starting at the municipal and regional levels and moving towards a Serb ministry.<sup>9670</sup> At this meeting there were also discussions about the problems in the MUP of the SRBiH.<sup>9671</sup> Župljanin indicated that with respect to the Banja Luka CSB not a single new Muslim or Croat employee would be hired until the status of Serb police who had fled from Croatia had been resolved.<sup>9672</sup> Mićo Stanišić claimed that the MUP was being divided by the Muslims, through the actions of the SDA, and not the Serbs.<sup>9673</sup> **(#Exactly, and that was the reason why the EC and Lord Carrington envisaged a separate police forces!#)**

2974. At this meeting a resolution was passed to create a steering committee, a “Serbian advisory board” within the MUP under the direction of Mandić “to carry out all preparations necessary for the functioning of the Serbian MUP” following the adoption of the Bosnian Serb constitution.<sup>9674</sup> Part of the preparation for separation included the arming of Serb police officers and Serb police stations.<sup>9675</sup> **(So what? The Muslim part of MUP, although accepted the reorganisation of the MUP into two, didn’t want to share the equipment and armament with their Serb colleagues!)** The CSBs and SJBs reassigned stockpiled weapons belonging to the reserve police force to the new Serb MUP.<sup>9676</sup> A separate Serb MUP would be organised at state, regional, and municipal levels.<sup>9677</sup>

<sup>9666</sup> P5806 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 3 December 1991), p. 2 (wherein Mandić informs the Accused “[i]t’s not your police, you’re going to get ours” and the Accused responds “[w]e’re going to get ours that wouldn’t tap”).

<sup>9667</sup> See para. 1234. See also Adjudicated Facts 1963, 1981, 1982.

<sup>9668</sup> P1083 (Minutes of meeting of representatives of SerBiH MUP, 11 February 1992), pp. 1, 4–5; Čedomir Kljajić, T. 42192–42196 (30 July 2013); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8646–8648, 8676. See also P1116 (Letter from Momčilo Mandić to SRBiH MUP re division of MUP, 31 March 1992); P1103 (Intercept of conversation between Momčilo Mandić and Branko Kvesić/Bruno Stojić/Mićo Stanišić, 5 May 1992), p. 25; D2923 (Witness statement of Vitomir Žepinić dated 11 February 2013), para. 55.

<sup>9669</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8645.

<sup>9670</sup> P1083 (Minutes of meeting of representatives of SerBiH MUP, 11 February 1992), p. 1.

<sup>9671</sup> Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9663; Momčilo Mandić, T. 4471–4473 (1 July 2010), T. 4838–4841 (7 July 2010); P1083 (Minutes of meeting of representatives of SerBiH MUP, 11 February 1992); P1112 (Order of SRBiH MUP to all CSBs and SJBs, 13 February 1992).

<sup>9672</sup> P1083 (Minutes of meeting of representatives of SerBiH MUP, 11 February 1992), p. 1.

<sup>9673</sup> P1083 (Minutes of meeting of representatives of SerBiH MUP, 11 February 1992), p. 1.

<sup>9674</sup> See Adjudicated Fact 1983.

<sup>9675</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8655. See also Adjudicated Fact 1984.

<sup>9676</sup> Adjudicated Fact 1985.

<sup>9677</sup> See Adjudicated Fact 1982.



2975. Following this meeting, Mandić wrote to the CSBs and SJBs and asked them to act in accordance with the conclusions reached at the meeting in Banja Luka and to set up and have a meeting of senior MUP executives in their areas.<sup>9678</sup> After this order, each centre distributed the stockpile of weapons for the reserve police force to members of the Serb MUP.<sup>9679</sup> In Bijeljina for example, following the 11 February 1992 meeting, the SJB in Bijeljina was instructed by Mandić to begin preparations for the purpose of creating a Bosnian Serb MUP.<sup>9680</sup> **(#All in an accord with the Cutileiro's Conference!#)**

2976. This was the second of two meetings on this topic, the first having taken place in Sarajevo.<sup>9681</sup> The meeting was not held secretly and Mandić personally informed Delimustafić about it.<sup>9682</sup> The minutes and conclusions of the meeting were forwarded to Delimustafić.<sup>9683</sup> **(#Nothing was secret, because nothing was illegal! Mr. Delimustafic was a Muslim and the Minister for Interior, i.e. the chief of the common MUP!)**

2977. By March 1992, there were further problems given the failure to carry out the 1990 coalition agreement regarding personnel issues in the MUP which resulted in proposals for its re-organisation.<sup>9684</sup> The President on 6 March 1992 emphasised the Bosnian Serb demands with respect to the re-organisation of the MUP and protested about appointments where the legal procedure had not been followed.<sup>9685</sup> There were also complaints received from a municipal level about the divisions in the SJB which were blamed on the SDA.<sup>9686</sup> The President wanted the Serb collegium in the MUP to reach agreement on its own personnel.<sup>9687</sup> In March 1992, the President spoke about announcing their withdrawal from the MUP and that they had already obtained the badges.<sup>9688</sup>

2978. On 24 March 1992, the President spoke at the Bosnian Assembly about following forthcoming instructions so that the sovereign authority of the "Serbian Assembly and Serbian people be established on the ground as soon as possible".<sup>9689</sup> In this regard the President spoke about having their own separate MUP and that the then newly established municipalities should set up police stations and their organs as soon as possible.<sup>9690</sup> **(#All in accord with the ICFY#! That was a week after the Lisbon Agreement had been agreed by all the three sides and the European Community. The Lisbon Agreement envisaged a separate police for each of the republics that were to be parts of BiH! Without contexts and a full informations, and a conduct of the other sides, this trial is worthless. In any criminal court there couldn't be skipped the reasons for an activity of an President side!)** Mićo Stanišić was also in contact with municipal level leaders in March 1992 and discussed the splitting of

<sup>9678</sup> P1112 (Order of SRBiH MUP to all CSBs and SJBs, 13 February 1992); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8649–8650. See also Petko Panić, P3380 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 2869–2870.

<sup>9679</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8652–8653, 8655. See also P1113 (Interview with Momčilo Mandić in Slobodna Bosna, 10 April 1998), p. 2.

<sup>9680</sup> See para. 604. See also Čedomir Kljajić, T. 42192, 42194–42915, 42197 (30 July 2013).

<sup>9681</sup> Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9663.

<sup>9682</sup> Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9663, 9667.

<sup>9683</sup> Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9663–9664.

<sup>9684</sup> Momčilo Mandić, T. 4876–4877, 4881–4882 (8 July 2010); D214 (Minutes of 56<sup>th</sup> SRBiH Presidency session, 2 March 1992), p. 4;

<sup>9685</sup> D380 (Radovan Karadžić's letter to SR BiH organs, 6 March 1992) p. 1; Momčilo Mandić, T. 4830–4833 (7 July 2010), T. 4877 (8 July 2010).

<sup>9686</sup> D386 (Letter from Serb employees of Stari Grad SJB to SR BiH MUP, 5 March 1992), p. 1; Momčilo Mandić, T. 4889 (8 July 2010).

<sup>9687</sup> Momčilo Mandić, T. 4758–4759 (6 July 2010); D364 (Intercept of conversation between Radovan Karadžić and Vitomir Žepinić, 24 July 1991), p. 5.

<sup>9688</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 45.

<sup>9689</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 16.

<sup>9690</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 16–17.

police structures.<sup>9691</sup> He also reported on steps taken to establish “police stations in our parts” to Đerić.<sup>9692</sup>

2979. The law on the establishment of the Serbian MUP was passed on 27 March 1992.<sup>9693</sup> The Law on Internal Affairs provided for the structure and duties of the organs of the MUP.<sup>9694</sup> The Chamber recalls that at the end of March 1992, a decision was adopted by the Bosnian Serb Assembly, calling on the Bosnian Serb police to separate by 1 April 1992.<sup>9695</sup> On 30 March 1992, Mićo Stanišić addressed the members of the police unit of the SAO Romanija stating that as of that day, the SerBiH had their own police force.<sup>9696</sup> **(The speech of Minister Stanisic is a very short one, and should be quoted in it's entirety. See, D4271: The Minister of the Interior of the Serbian Republic of Bosnia and Herzegovina, Mićo STANIŠIĆ, will address the members of the police unit of the Serbian Autonomous Region of Romanija.**

As of today the Serbian Republic of Bosnia and Herzegovina has its own police force. The legality of our existence is provided by the Constitution of the Serbian Republic of Bosnia and Herzegovina and the Law on Internal Affairs recently adopted by the Assembly at its session. Moreover, the legality of our existence is based on the result of negotiations of the three ethnic communities under the auspices of the European Community. As of today we will act as the police of the Serbian Republic of Bosnia and Herzegovina which will carry out its tasks and assignments professionally, and not politically, as the MUP /Ministry of the Interior/ of the old Bosnia and Herzegovina has done so far, in order to protect property, life, body and other securities of all citizens in the Serbian Republic of Bosnia and Herzegovina equally. Members of the police, we are not involved in politics. We must carry out our tasks professionally. For these reasons, long speeches do not belong to us, but as of today, good luck, get to work, in the interest of all who live in the Serbian Republic of Bosnia and Herzegovina. Thank you.

**Why this short speech of the Minister Stanisic wasn't worthwhile to be quoted accurately? Because Minister Stanisic #numbered the legal basis for the formation and existence of the Serb MUP#, and these bases were: #The Constitution of the RS, #The Law on Internal Affairs, and, moreover, #the results of the negotiations of the three ethnic communities under the auspices of the European Community. At the end Minister Stanisic repeated the distance of the police from the politics and committed the Ministry to the service to “all citizens in the SerBiH equally.”** On 31 March 1992, Mandić sent a dispatch to all SJBs and CSBs indicating that the Bosnian Serb Assembly had promulgated the Law on Internal Affairs.<sup>9697</sup>

2980. Mandić's dispatch indicated that when this law came into force on 1 April 1992, all CSBs and SJBs on the territory of the SerBiH would be abolished and their functions taken over by

<sup>9691</sup> P5598 (Intercept of conversation between Mićo Stanišić and Miroslav Toholj, 2 March 1992), p. 3.

<sup>9692</sup> P5698 (Intercept of conversation between Branko Đerić and Mićo Stanišić, 1 May 1992), p. 4; P5716 (Intercept of conversation between Branko Đerić and Mićo Stanišić, 18 April 1992), p. 5.

<sup>9693</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9322.

<sup>9694</sup> P2964 (SerBiH Decree on the promulgation on the Law of Internal Affairs, 23 March 1992).

<sup>9695</sup> See para. 1237; Petko Panić, P3380 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 2869–2870; P1116 (Letter from Momčilo Mandić to SRBiH MUP re division of MUP, 31 March 1992). See also Adjudicated Fact 2729; KDZ555, T. 17263–17264 (16 August 2011) (private session), T. 17346–17347 (17 August 2011).

<sup>9696</sup> D4271 (Video footage of Mićo Stanišić's speech, 30 March 1992, with transcript).

<sup>9697</sup> P1116 (Letter from Momčilo Mandić to SRBiH MUP re division of MUP, 31 March 1992), p. 1; P2964 (SerBiH Decree on the promulgation on the Law of Internal Affairs, 23 March 1992).

organisational units of the Bosnian Serb MUP.<sup>9698</sup> Mandić in a later intercepted conversation said “when I sent that dispatch and fucked the MUP to pieces” and “[y]ou have your state, we have ours. The Muslims should work on their own, fuck them”.<sup>9699</sup> **(#Jokes of the others, words of the others#! Mandić spoke to his Croat colleague B. Kvesic, with a lot of jokes and mutual teasings! But, this court likes such a conversations more than the UN or EC documents!)** Mandić sent this dispatch following the instructions of the Bosnian Serb political leadership.<sup>9700</sup> **(So what? Almost every paragraph with the accurate data could be commented with this “so what”. The rest of paragraphs deserves comment “wrong”)**

2981. On 31 March 1992, Delimustafić, in response to Mandić’s dispatch of 31 March 1992,<sup>9701</sup> wrote a letter to the MUP administrations of all SDBs, CSBs, and SJBs stating that the dispatch reflected problems in the leadership and appealed to all MUP workers to continue to work responsibly and noted that the greatest number of MUP workers wish to remain in a united MUP.<sup>9702</sup> Žepinić was also opposed to the split in the MUP given his view that the split would “inevitably lead to an armed conflict” in BiH.<sup>9703</sup> Žepinić at a meeting attended by the Bosnian Serb leadership was criticised by Mićo Stanišić for “destroying” their idea of dividing the MUP and Žepinić said that the division could not be done peacefully.<sup>9704</sup> **(This is all rubbish, because the Muslim part of MUP participated in all the talks, but at the last moment, as in all other agreements, they retreated. If it couldn’t done peacefully, the UN – EC mediators would never propose such an arrangement, which was #agreed in the ICFY at least as of 4 November 1991#. nor all of the international proposals would have the same attitude!)**

2982. The BiH MUP was then divided and allowed for the creation of the Bosnian Serb MUP. Employees of the abolished CSBs and SJBs who wished to work in the Bosnian Serb MUP were obliged to swear an oath of allegiance before taking up employment.<sup>9705</sup> **(What would oblige the employees to conduct the laws and regulations of the Republic of Srpska if they hadn’t been sworn? There was a new republic in formation with the accord of all the mediators, and that was a regular procedure!)** After the dispatch of 31 March 1992, Mandić issued a further explanation on how the new MUP would be organised across the territory of the BiH.<sup>9706</sup>

2983. On 1 April 1992, it was reported that Mandić had invited all Serb police officers to put themselves at the disposal of a “MUP of Serbian Republic” pursuant to the Constitution of the SerBiH.<sup>9707</sup> On 1 April 1992, the SRBiH MUP collegium issued a dispatch that in order to prevent a further deterioration of the security situation that the existing MUP “should be transformed peacefully and without any excesses” and that equipment of the SJB and SDB

<sup>9698</sup> P1116 (Letter from Momčilo Mandić to SRBiH MUP re division of MUP, 31 March 1992), p. 1.

<sup>9699</sup> P1103 (Intercept of conversation between Momčilo Mandić and Branko Kvesić/Bruno Stojić/Mićo Stanišić, 5 May 1992), pp. 25–26.

<sup>9700</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8702. Mandić later testified that the political leadership was not aware of his dispatch and he was simply following the decisions of the Assembly, the Law on Internal Affairs, and the Cutileiro Plan. Momčilo Mandić, T. 4474 (1 July 2010). The Chamber does not find this evidence to be reliable and notes that this is directly contradicted by his prior testimony that this dispatch was sent following instructions from the political leadership. The Chamber noted that Mandić in his testimony in this case was evasive and was marked by indicators of bias. Similarly the Chamber does not rely on Mandić’s evidence about the effect or motivation for the division of the MUP given that this evidence was marked by efforts by Mandić to distance himself from responsibility for the events in BiH. Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8687–8688; C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9681–9683, 9664. The Chamber does not find Samouković’s evidence with respect to the extent to which municipal level divisions followed instructions from the central authorities to be reliable. Nevenko Samouković, T. 34602 (1 March 2013). In reaching that conclusion the Chamber noted that his testimony was marked by contradictions, and evasiveness which undermined his evidence in this regard.

<sup>9701</sup> P1117 (Letter from SRBiH Minister of Interior to all MUP administrations, 31 March 1992).

<sup>9702</sup> P1117 (Letter from SRBiH Minister of Interior to all MUP administrations, 31 March 1992), p. 2. See also Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9685–9686.

<sup>9703</sup> Vitomir Žepinić, T. 33582–33583 (13 February 2013). See also Dragomir Andan, D3774 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 21394.

<sup>9704</sup> Vitomir Žepinić, T. 33601–33602 (13 February 2013).

<sup>9705</sup> Momčilo Mandić, T. 4473–4474 (1 July 2010); P1116 (Letter from Momčilo Mandić to SRBiH MUP re division of MUP, 31 March 1992), p. 2.

<sup>9706</sup> Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9687–9688.

<sup>9707</sup> P1118 (Article from Oslobođenje, entitled “April Fool Reality”, 1 April 1992), p. 1.

should not be seized by any nation unilaterally and that employees should not be dismissed because of their national or political affiliations.<sup>9708</sup> **(#EXCULPATORY#)** On 3 April 1992, Župljanin sent a dispatch indicating that the reorganisation of the MUP organs and their security services had begun in line with the dispatch from the Bosnian Serb MUP Collegium dated 2 April 1992.<sup>9709</sup>

**2984.** On 5 April 1992, Mandić sent a dispatch to Zvornik, noting that the MUP was being divided into Serb and Muslim components and ordered the movement of the Bosnian Serb institutions to Karakaj.<sup>9710</sup> Following this instruction, the police stations in the municipality, were divided into Serb and Muslim parts.<sup>9711</sup> With respect to the division of the police, the President stated that the “[p]olicemen simply do not work together any more” and that this situation had been “forced upon us”.<sup>9712</sup> The Chamber also found that in Bratunac at the beginning of April 1992, in a meeting between SDS and SDA representatives, Deronjić reiterated that the police should be divided and that separate Bosnian Muslim and Bosnian Serb police units should be formed.<sup>9713</sup> When the SDA representatives opposed the idea as it would lead to greater tensions, Deronjić threatened that if they did not comply “Muslims would disappear”.<sup>9714</sup> **(Based only on a #testimonies of the Muslim extremists#, who didn’t report this incident, since at that time it couldn’t have happened, and the division of municipality and its organs, such as police, had already been agreed and achieved on April 1 1992! Anyway, Mr. Deronjić was a privileged Prosecution’ witness, but he never confirmed it in several his testimonies. Finally, what does it have to do with the President, except that the Muslim extremist witness couldn’t invent some other lie, but used a well known sentence from the President’s speech in October 91?)**

**2985.** The Chamber further recalls that Bosnian Serb SJBs were formed in municipalities including Bijeljina,<sup>9715</sup> Bratunac,<sup>9716</sup> Brčko,<sup>9717</sup> Foča,<sup>9718</sup> Rogatica,<sup>9719</sup> Vlasenica,<sup>9720</sup> Zvornik,<sup>9721</sup> Ključ,<sup>9722</sup> Prijedor,<sup>9723</sup> Sanski Most,<sup>9724</sup> Hadžići,<sup>9725</sup> Ilidža,<sup>9726</sup> Pale,<sup>9727</sup> and Vogošća.<sup>9728</sup> **(The very #same possibility was before the Muslim side#, but they wanted to preserve and impose a unitary state and a unique police against the will of the Christian majority (the Serbs and Croats))**

<sup>9708</sup> D390 (SRBiH MUP dispatch to MUP Ministers, all CSBs, and all SJBs, 1 April 1992), p. 2. *See also* Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9688–9689.

<sup>9709</sup> D391 (CSB Banja Luka dispatch to SerBiH MUP, 3 April 1992), p. 1. *See also* Momčilo Mandić, T. 4912–4913 (8 July 2010).

<sup>9710</sup> *See* para. 1237.

<sup>9711</sup> *See* para. 1237.

<sup>9712</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 16.

<sup>9713</sup> *See* para. 705.

<sup>9714</sup> *See* para. 705.

<sup>9715</sup> *See* paras. 627, 629.

<sup>9716</sup> *See* paras. 703, 707–709.

<sup>9717</sup> *See* para. 797.

<sup>9718</sup> *See* para. 846.

<sup>9719</sup> *See* paras. 958, 960–961.

<sup>9720</sup> *See* para. 1124.

<sup>9721</sup> *See* paras. 1234, 1237.

<sup>9722</sup> *See* para. 1502.

<sup>9723</sup> *See* para. 1597.

<sup>9724</sup> *See* para. 1936.

<sup>9725</sup> *See* para. 2076.

<sup>9726</sup> *See* para. 2125. The Chamber recalls its finding that the ten SJBs in Sarajevo were divided and that the SJB in Novo Sarajevo remained under Bosnian Muslim control. *See* para. 2250.

<sup>9727</sup> *See* para. 2307.

<sup>9728</sup> *See* paras. 2364, 2373, 2373.



2986. In a decision issued on 25 April 1992, Mićo Stanisić ordered that CSB heads were allowed to take over the employees from the former MUP and assign jobs within the CSBs and SJBs, however, they had to inform the Minister of the Interior of all such decisions. Furthermore, all heads of CSB had to obtain prior approval from the MUP before assigning posts at the higher levels, such as the head of the SJBs.<sup>9729 (9734)</sup> **(#Legal! According to the Law of Internal Affairs, only the Minister was supposed to nominate and appoint an official in MUP! Only insuch a distant municipalities as Prijedor was, the Crisis Staff appointed the chief of police, because there was no a communications. But, the Indictment as well as the Judgment treat all the Serb political actions the same, as if anything that the Serbs did was forbidden!!!)**

2987. In May 1992, there was a meeting between the Accused, RS MUP officials and the Chiefs of the CBSs at which the existing situation, the problems on the ground, and the work of the MUP were discussed.<sup>9730</sup> The Chiefs of the CSBs were informed that a MUP had been formed and of the applicable procedure, and the President used this opportunity to inform those present about the general situation and issues, emphasising that the MUP had to function according to the legal provisions.<sup>9731</sup> A bulletin of daily events was compiled on the work between April and December 1992 in order to provide the Accused and the RS Prime Minister with information on the security situation. In addition, the Accused received 80 reports on security issues.<sup>9732</sup> **(So what? How was it connected to the alleged crimes?)**

2988. The President, as President, also had the power to issue orders for the deployment of the police during the war.<sup>9733</sup>

## 2. Conclusion

2989. The President's argues that there were multiple factors which contributed to the ultimate division of the MUP, particularly personnel disagreements with the SDA.<sup>9734</sup> He also argues that the Cutileiro Plan envisaged all constituent entities having their own police forces.<sup>9735</sup> **(Not only the Cutileiro Plan, but prior to this Plan there was a course of the ICFY where Mr. Izetbegovic committed himself to secure a high autonomy to the Serbs and Croats. This issue was codified in the Treaty Provisions for the Convention, Carrington Plan of 4 November 1991.)**

2990. Having considered the evidence above, the Chamber finds that prior to the conflict in BiH there were already disputes, personnel issues and divisions between the Bosnian Serb and Bosnian Muslim personnel in the MUP.<sup>9736</sup> **(This is not enough from a distinguished and serious Chamber. There were no a personal disputes, but a legal disputes because of a massive abuses of the state institutions by the SDA, on the account of the Serb rights and security!)** The Chamber finds that the President himself had warned that if the Bosnian Serb demands were not met, a parallel police structure could be created. The Chamber finds that the

<sup>9729</sup> P6379 (Decision of SerBiH MUP, 25 April 1992; Request of Banja Luka CSB, 4 May 1992; Decision of Banja Luka CSB, 30 July 1992, Decision of Banja Luka CSB, 13 June 1992), p. 1.

<sup>9730</sup> D3917 (Witness Statement of Čedomir Kljajić dated 30 July 2013), para. 16.

<sup>9731</sup> D3917 (Witness Statement of Čedomir Kljajić dated 30 July 2013), para. 16.

<sup>9732</sup> P2761 (RS MUP report on work for period April to December 1992), p. 23.

<sup>9733</sup> P2602 (SerBiH Defence Act, 1 June 1992), art. 7.

<sup>9734</sup> Defence Final Brief, paras. 111–124, 134–154.

<sup>9735</sup> Defence Final Brief, paras. 176–179.

<sup>9736</sup> While the Chamber finds that these disputes did play a role in the decision to ultimately divide the MUP, the Chamber does not find Mandić's evidence that it was the SDA and these personnel issues which contributed most to the division of the MUP to be reliable: Momčilo Mandić, T. 4917 (8 July 2010); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9406. See also P1115 (Video footage of interview with Momčilo Mandić, July–August 1994, with transcript). In reaching that conclusion the Chamber found that Mandić's evidence was marked by evasiveness, inconsistencies and indicators of bias. In addition it was clear that he had an interest in downplaying his own role and the real reason for the division of the MUP.

Accused closely monitored developments in the MUP. The Chamber concludes however that, even if such a division was also influenced by personnel disagreements or was provided for by the Cutileiro Plan, the ultimate split in the MUP structures was precipitated by a decision of the Bosnian Serb leadership and formed a core part of their objective to create a separate Bosnian Serb state with parallel structures. The Chamber finds that Mandić took a leading role in ensuring that this division was carried out at a municipal level and in detailing how this new Bosnian Serb MUP was to be structured. It also finds that the creation of a separate Bosnian Serb MUP was a means of undermining the proposed independence of BiH. The Chamber finds that the directives with respect to the division of the MUP structures and the creation of the Bosnian Serb MUP were communicated to and implemented at a municipal level. **(#This kind of deliberation is a grave violation of the Serb and the President rights#. Nobody is entitled to criminalise the political life and political struggle, after the Tribunal decided not to criminalise the crime against peace, i.e. the liability for the war! Had it been notified in advance, the Defence would have something to tell and to submit to that aspect, because the Serbs didn't initiate any change, but only defended the existing status! This way, the Chamber is criminalising the entire Serb people for it's intentions to mitigate the consequences of the forced independence through a democratic transformation of BiH, which was supported by the EC – UN mediation! This way, the Tribunal of the United Nations is justifying all the violent, unilateral and unlawful moves of the other side, and presumes that the Serbs would be right only if were unconditionally obedient! This is in a sharp contrast with the international covenants and the basic documents of the UN, and therefore the UN institutions must not act that way!)**

2991. The Chamber further finds that the separation of the BiH MUP and creation of a Bosnian Serb MUP was also a crucial step in the take-over of municipalities as it created a separate police structure which would allow Bosnian Serb authority to be maintained in those municipalities. The Chamber also finds that the President spoke in favour and promoted the creation of this separate police structure as a means of achieving their objective of sovereignty of the Serb people in the territories which they claimed. Following the division of the BiH MUP, the President was informed about developments and the functioning of the Bosnian Serb MUP. The Chamber recalls its finding that the separate Bosnian Serb MUP, as a component of the Serb Forces, were involved in the violent take-over of Municipalities and in crimes committed against Bosnian Muslims and Bosnian Croats upon which the Chamber has entered findings above. **(This is another of many shameless #“myths” created by the Prosecution, and accepted by the Chamber, and is called “a forceful, or violent take-over of municipalities” #Which of the municipalities had been violently taken-over, or taken-over anyway? In all and every of the municipalities with the Serb majority there had been the same authorities as established after the elections in 1990, lasting throughout the entire war to the next elections in 1996. The only what was changed now and then was a change of personnel, mainly in the police, and on the initiative of the internationals. In the municipalities where the others (Muslims or Croats) had a significant minority, the Serb authorities were limited on the Serb areas only, through the formation of the Serb municipalities composed of the Serb settled places only. That was a legal and constitutional possibility, and the Serbs used it legally, because the SDA extremists continued to abuse all the common state institutions for their purposes, violating all the constitutional and legal provisions, as well as a common sense and good habits of such a mixed society. The main purpose of theirs was to subjugate the Serbs (and Croats) to their political dictate, and finally to expel the Christian majority out of BiH and to establish their Islamic Republic. The valuable evidence on these facts nobody ever rebutted properly!)**

## (D) Variant A/B Instructions and take-over of power

**(#Legal, obligatory#! All and everything about these instructions was legal and provided by the domestic legislature, based on the All-People's Defence, and on the Social Self Protection laws. That was corroborated by the witness Dragan Kapetina, a long term official of the Ministry for Defence in BiH and later in the Republic of Srpska. There was no a single institution, territorial unit and social organisation that was without such an instructions for a possible war or an imminent threat of war! Many institutions had such an instruction created much earlier, and many years had been deposited in a safes, to be opened in any imergency situation. Not worthy to comment, the Tribunal chambers were completely ignorant of the domestic laws and regulations, and from that position the chambers decide about the most legal and sometimes obligatory measures of the sides. The Instructions weren't any political or party document, this kind of documents, which are to be opened only in a case of threats were a professional instructions, not discussed and not voted about by any political body! None of these measures envisaged in the Instructions were envisaged to initiate any situation, but only to react to a jeopardies!)**

(1) Analysis of evidencea. Distribution and contents of the Instructions

2992. Above, the Chamber found that the Variant A/B Instructions were issued by the SDS Main Board on 19 December 1991.<sup>9737</sup> They were distributed by the President at a meeting on or around 20 December 1991.<sup>9738</sup> This meeting was held in Sarajevo and attended by hundreds of high ranking Bosnian Serbs, including Krajišnik, Plavšić, Koljević, members of the Main Board and Executive Board, deputies, municipal representatives, and members of the government.<sup>9739</sup>

2993. This document was adopted without any discussion, vote, or amendment and was presented as a set of measures which were to be practically implemented.<sup>9740</sup> The stated purpose of these instructions was to “carry out the results of the plebiscite at which the Serbian people in Bosnia and Herzegovina decide to live in a single state” and to “increase mobility and readiness for the defence of the interests of the Serbian people”.<sup>9741</sup> The Chamber further recalls that Serb-majority municipalities were designated Variant A, while Serb-minority municipalities were designated Variant B.<sup>9742</sup> The instructions were a means of creating Serb

<sup>9737</sup> See paras. 49, 132; P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991); Patrick Treanor, T. 14027–14028 (1 June 2011); Dorothea Hanson, T. 14502 (9 June 2011).

<sup>9738</sup> See paras. 49, 132. The Chamber also notes that on cross-examination Grujić was confronted with his prior testimony where he claimed the Variant A/B instructions came directly from the Accused, but he retracted from this and said he did not know whether the Accused was directly involved or not. Branko Grujić, T. 40369–40371, 40405–40407, 40417–40418 (25 June 2013); P6415 (Excerpt from Branko Grujić's testimony before Belgrade District Court, 30 November 2005), p. 3.

<sup>9739</sup> Radomir Kezunović T. 13938–13939 (31 May 2011); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16651, 16654–16656, 16795–16796. See para. 132. See also Nedeljko Prstojević, T. 12934–12935, 12939–12941, 12942 (3 March 2011).

<sup>9740</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*, Case No. IT-00-39), T. 16647–16650, 16657–16659; Radomir Nešković T. 14215, 14264, 14272 (6 June 2011), 14325–14327, 14352–14353 (7 June 2011); D1278 (Transcript of Radomir Nešković's interview with Karadžić's legal associate, 8 October 2009), pp. 28–29; Radomir Kezunović T. 13939 (31 May 2011). But see KDZ192, T. 19508–19509, 19516–19517 (27 September 2011). KDZ192 agreed with the Accused's suggestion that the Variant A/B Instructions were not binding but then distanced himself from his answer when questioned by the Chamber. The Chamber notes that KDZ192's evidence was marked by contradictions and indicators of bias and partiality and does not rely on his evidence in this regard.

<sup>9741</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), paras. 1–2.

<sup>9742</sup> See paras. 49, 132. See also Dorothea Hanson, T. 14504 (9 June 2011). The Chamber does not rely on Hanson's opinion that in practice, the instructions essentially mapped out the take-over of power.

authority in both Variant A and Variant B municipalities.<sup>9743</sup> According to the instructions, the tasks laid out therein were to be implemented over the entire territory of the SRBiH or in every municipality where Serbs lived, in their entirety in Variant A municipalities and partially in Variant B municipalities.<sup>9744</sup>

2994. Before the President distributed the document, he spoke about the position of the Bosnian Serbs, the threat posed by Bosnian Muslims and Bosnian Croats, the secession and the disintegration of Yugoslavia, but did not actually go into the details of the document.<sup>9745</sup> The fear of Bosnian Muslim and Croat dominance “was a key element that contributed to the emotional atmosphere” which prevailed during the meeting and nobody wanted to be seen as a traitor by questioning the instructions.<sup>9746</sup> The President called out individuals on a list and distributed copies of the instructions and approximately 100 people were given these instructions to read and return.<sup>9747</sup> The instructions were numbered as they knew which Bosnian Serb municipal leaders were supposed to be given copies of the document.<sup>9748</sup> The President also discussed these instructions at a meeting of the SDS Deputies’ Club, which was attended by municipal representatives.<sup>9749</sup> On 18 December 1991, the day before the Variant A/B Instructions were distributed, the President told Krajišnik in an intercepted phone conversation that he was “working on something”, “some measures and so on”.<sup>9750</sup>

2995. The Variant A/B Instructions required SDS municipal boards in the first level to “establish immediately Crisis Staffs of the Serbian People in the municipality”.<sup>9751</sup> The instructions also specified that the composition of these Crisis Staffs should include all members of the SDS municipal board secretariat, SDS candidates in certain municipal organs (for Variant A municipalities) or SDS candidates in every municipal organ (for Variant B municipalities), deputies of the Bosnian Serb Assembly, and members of the SDS Main Board from the municipality.<sup>9752</sup> The Chamber recalls that instructions also provided that the Commander of the Crisis Staff was, in Variant A municipalities, the president of the municipal assembly or the chairman of the municipal executive board and, in Variant B municipalities, the president of the SDS municipal board.<sup>9753</sup>

2996. The Variant A/B Instructions also called for, in the first level, convening and proclaiming an assembly of the Serbian people to be composed of Serbian representatives in the municipal assembly and presidents of SDS local boards.<sup>9754</sup> In this phase, preparations were to be undertaken for the establishment of municipal government organs such as an executive committee, administration organs, a misdemeanour court and an SJB and for the preparation of a list of nominees to take on duties in these organs.<sup>9755</sup> This first level also required

<sup>9743</sup> Radimir Nešković T. 14326–14327 (7 June 2011). The Chamber places no weight on Nešković’s own assessment that the instructions were a means of subjugating the Bosnian Muslims and Bosnian Croats to Serb power. *See also* P4634 (Witness statement of KDZ145 dated 22 February 2012), para. 14 (under seal); KDZ145, T. 26516 (21 March 2012) (closed session).

<sup>9744</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), p. 2.

<sup>9745</sup> Radimir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16657, 16793.

<sup>9746</sup> Radimir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16659–16660; Radimir Nešković, T. 14215 (6 June 2011).

<sup>9747</sup> Radimir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16648, 16788. *See also* P6550 (Excerpt from Rajko Kalabić’s testimony in *Prosecutor v. Brđanin*), T. 22576–22577.

<sup>9748</sup> Radimir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16648, 16651, 16656.

<sup>9749</sup> P6369 (Excerpts from KW317’s statement to OTP, 14 June 2002), e-court p. 2 (under seal); KW317, T. 39337 (5 June 2013).

<sup>9750</sup> P5793 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 18 December 1991), p. 1.

<sup>9751</sup> *See* para. 139. Kosta Čavoški testified that the Variant A/B Instructions were purely precautionary in nature. Kosta Čavoški, T. 37059–37060 (11 April 2013). The Chamber places no weight on Čavoški’s opinion in this regard given that it falls outside the scope of his expertise. In addition the Chamber also found his testimony was marked by contradictions, evasiveness and clear indicators of partiality and bias which undermined his evidence as an expert and does not find his evidence in this regard to be reliable.

<sup>9752</sup> *See* para. 139.

<sup>9753</sup> *See* para. 139.

<sup>9754</sup> *See* para. 133.

<sup>9755</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 3–4.



preparations for the take-over of “staff, buildings and equipment of security services centres and their integration” into newly established organs.<sup>9756</sup>

2997. The first level of the instructions also required an estimate of the number of active and reserve police, TO units, and civilian protection units and to bring these units “to full manpower” and take necessary action for their engagement depending on developments.<sup>9757</sup> The instructions also provided that these units would be activated by order of the municipal Crisis Staffs and also called for a replenishment of wartime units.<sup>9758</sup> The instructions also required preparations to be taken to allow for the protection and evacuation of children, pregnant women, the elderly and sick.<sup>9759</sup>

2998. The Variant A/B Instructions also contained provisions to establish “constant communication and cooperation” between the SDS municipal boards and local boards and to provide for daily meetings of the SDS municipal board to constantly monitor the situation on the ground.<sup>9760</sup>

2999. The second level of the Variant A/B Instructions called for, *inter alia*, convening a session of the Serb municipal assembly, establishing a municipal executive board and municipal state or government organs, mobilising and re-subordinating all Serb police forces in co-ordination with JNA command and staff, and ensuring the implementation of the order for mobilisation of JNA reserve and TO units.<sup>9761</sup> This second level also provided for the take over of “staff, buildings and equipment of security services centres and [to] place them at the disposal of the newly established organs of the interior”.<sup>9762</sup> In Variant B municipalities, the Crisis Staff was tasked with organising the defence of Serbs and to constantly monitor the political, military and security situation and to respond in a timely fashion.<sup>9763</sup>

3000. For Variant B municipalities there was a further provision which required that members of the “other nations” who had expressed loyalty to Yugoslavia be “proportionately represented in government organs”.<sup>9764</sup> Also in Variant B municipalities there was an additional instruction for predominantly Serb local communes and settlements to establish “secret warehouses and depots” to store food, raw materials and manufacturing components.<sup>9765</sup>

3001. The second level of the Variant A/B Instructions was to be activated pursuant to an order of the President “in accordance with a specifically defined secret procedure”.<sup>9766</sup>

b. Implementation of the Instructions at the municipal level

3002. The Variant A/B Instructions were communicated from SDS leaders to municipal leaders and SDS municipal boards which discussed and implemented the variant which was applicable to their respective municipality.<sup>9767</sup> The Chamber also recalls its finding that the

<sup>9756</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 4, 7.

<sup>9757</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 4, 8.

<sup>9758</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 4–5, 8.

<sup>9759</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 4, 8.

<sup>9760</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 2, 6.

<sup>9761</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 5–6, 9–10. See para. 134.

<sup>9762</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 5–6.

<sup>9763</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 9–10.

<sup>9764</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 6–7.

<sup>9765</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 7, 9.

<sup>9766</sup> P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), p. 10.

<sup>9767</sup> See para. 132.

implementation of these instructions were viewed by the recipients as mandatory.<sup>9768</sup> Those who received the document had to decide the best way to implement the instructions at a municipal level.<sup>9769</sup> There are also municipal decisions on the record which specifically reference the Variant A/B Instructions.<sup>9770</sup> The Chamber recalls that after the Variant A/B Instructions were distributed by the President they were conveyed, discussed and implemented through SDS structures at a municipal level in municipalities including Bratunac,<sup>9771</sup> Brčko,<sup>9772</sup> Rogatica,<sup>9773</sup> Vlasenica,<sup>9774</sup> Zvornik,<sup>9775</sup> Bosanski Novi,<sup>9776</sup> Ključ,<sup>9777</sup> Prijedor,<sup>9778</sup> Ilidža,<sup>9779</sup> and Novo Sarajevo.<sup>9780</sup>

3003. The Chamber further recalls that the implementation of the Variant A/B Instructions resulted in the formation of municipal Crisis Staffs and Serb municipal assemblies, and the declaration of Serbian municipalities.<sup>9781</sup> For example, the Chamber recalls that the decision to form the Serbian Municipality of Zvornik directly cited to the Variant A/B Instructions.<sup>9782</sup> From late 1991, municipalities established Crisis Staffs and some were re-established or re-formed in around April or May 1992.<sup>9783</sup> These Crisis Staffs were formed and in existence between 1991 and 1993 in the Municipalities.<sup>9784</sup>

3004. In other municipalities such as Bijeljina,<sup>9785</sup> Foča,<sup>9786</sup> Sokolac,<sup>9787</sup> Banja Luka,<sup>9788</sup> Sanski Most,<sup>9789</sup> Hadžići,<sup>9790</sup> Novi Grad,<sup>9791</sup> Pale,<sup>9792</sup> and Vogošća,<sup>9793</sup> while the Chamber did not receive direct evidence about the discussion of the Variant A/B Instructions *per se*, it found that Crisis Staffs and other Bosnian Serb municipal structures were created in late 1991 or early 1992. The Chamber is satisfied given the timing and pattern of events in these municipalities, that these structures were also created pursuant to the Variant A/B Instructions.

<sup>9768</sup> See para. 2245. KW317 testified that the Variant A/B Instructions were not orders and that nobody had to report on whether they were implemented or not. KW317, T. 39333–39334, 39337–39338 (5 June 2013), T. 39412 (6 June 2013). However, the Chamber notes that when KW317 was confronted with a prior interview where he confirmed that he did attend a meeting where they were instructed to implement the second phase of the Variant A/B Instructions. In light of this qualification the Chamber does not find KW317's evidence in this regard to be of much weight.

<sup>9769</sup> Ra00domir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16806. For evidence on the manner in which the Variant A/B Instructions were implemented in Brčko for example, see P3023 (Witness statement of Đorđe Ristanić dated 15 June 2011), paras. 51–59, 73–76, 94–95.

<sup>9770</sup> See, e.g., P2593 (Decision on the establishment of the Serbian Municipality of Tuzla, 3 March 1992), p. 1; P2594 (Decision on the establishment of the Serbian Municipality of Donji Vakuf, 15 February 1992), p. 1; P975 (Decision of Serbian Municipal Assembly of Ilidža, 3 January 1992), p. 1; P2591 (Decision regarding the formation of the Serbian Municipality of Zvornik, 27 December 1991), p. 1.

<sup>9771</sup> See para. 698.

<sup>9772</sup> See para. 796.

<sup>9773</sup> See para. 955.

<sup>9774</sup> See para. 1109.

<sup>9775</sup> See paras. 1231, 1233.

<sup>9776</sup> See para. 1439.

<sup>9777</sup> See para. 1497.

<sup>9778</sup> See para. 1578. See also P2570 (Book of minutes of Prijedor's SDS Municipal Board meetings, 1991), p. 75.

<sup>9779</sup> See para. 2123.

<sup>9780</sup> See paras. 2245.

<sup>9781</sup> See paras. 698, 796, 955, 1109, 1231, 1233, 1439, 1497, 1578, 2123. But see Radojica Mladenović, T. 36626–36630, 36680–36682 (5 April 2013). Mladenović testified that the Serbian Municipality of Foča was not formed pursuant to instructions from the Accused and tried to characterise the Variant A/B document as a recommendation rather than an instruction. However, the Chamber notes that his evidence was marked by multiple contradictions and indicators of extreme evasiveness and does not find his evidence to be reliable in this regard. See also para. 137.

<sup>9782</sup> See para. 1233; P2591 (Decision regarding the formation of the Serbian Municipality of Zvornik, 27 December 1991), pp. 1–2.

<sup>9783</sup> See para. 137.

<sup>9784</sup> See para. 146.

<sup>9785</sup> See paras. 605–606.

<sup>9786</sup> See para. 845.

<sup>9787</sup> See para. 1051.

<sup>9788</sup> See paras. 1371–1372. But see D4063 (Witness statement of Novak Kondić dated 23 November 2013), paras. 8–9, 11 (stating that he did not remember seeing or hearing about the Variant A/B Instructions in Banja Luka and that there was only one session of the Crisis Staff in that municipality).

<sup>9789</sup> See para. 1934.

<sup>9790</sup> See para. 2080.

<sup>9791</sup> See paras. 2173, 2180 (referring to creation of the Rajlovac Crisis Staff).

<sup>9792</sup> See para. 2303.

<sup>9793</sup> See para. 2361.

c. Monitoring of developments and implementation of Instructions

3005. The Accused also followed up on the implementation of the Variant A/B Instructions. For example in an intercepted conversation on 21 December 1991, the President asked Krajišnik “who will implement what we issued last night?” and Krajišnik replied that it would be the Council of Ministers.<sup>9794</sup> When the President observed that the Council of Ministers would not be able to “run from municipality to municipality and say do this, do that”, Krajišnik replied: “He won’t run either” and the President countered with “[B]ut he must run.”<sup>9795</sup> From the context of the conversation the Chamber finds that the President and Krajišnik were speaking about Jovan Čizmović. His role is discussed in further detail below.

3006. On 26 December 1991, Krajišnik informed the President that he had been to a Novi Grad Municipal Assembly session in which voting had been blocked.<sup>9796</sup> In an intercepted conversation on 27 December 1991, the President was asked by Bjelica whether he would come to Sokolac and was informed: “We’re doing the job here, everything is normal” and the President asked whether Tupajić was doing a good job in the municipality.<sup>9797</sup>

3007. In January 1992, in an intercepted conversation, the President asked Miroslav Stanić, the president of the SDS in Foča, about the situation there.<sup>9798</sup> The President specifically asked Stanić “[c]an they introduce independence in Foča”, to which Stanić replied that they would not and they had told journalists who visited them that “we’ll never allow that”.<sup>9799</sup> Stanić proceeded to tell the President that they had formed a “Serb municipality and you have that information” and that if “things should go differently on the fifteenth, we’ll have a public promotion”.<sup>9800</sup> The President expressed his agreement and said: “Yes, yes, and take complete control over your affairs”; to which Stanić agreed and said that “everything [is] as it is in the instructions”.<sup>9801</sup> The President expressed his satisfaction and said: “Good, good. That’s very important [...] never again in history will they [...] if we give in now, we’ll never have a chance and if, if we succeed, we will have succeeded for all times”.<sup>9802</sup>

3008. The President was kept informed of the implementation of the instructions. As such, in an intercepted conversation on 10 February 1992 between the President and Vitomir Žepinić, the plan to divide the Bratunac municipality and establish a separate Serb municipality was discussed and encouraged by the President.<sup>9803</sup> Similarly, the previous day, Krajišnik informed the President of a meeting he had recently attended in Novi Grad, and the discussions he had about forming the Rajlovac municipality.<sup>9804</sup>

<sup>9794</sup> P2550 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 21 December 1991), p. 3; *See also* Momčilo Krajišnik, T. 43857 (20 November 2013); P5792 (Intercept of conversation between Radovan Karadžić and Milan Novaković, 19 December 1991), p. 2; Radomir Nešković T. 14272–14273 (6 June 2011).

<sup>9795</sup> P2550 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 21 December 1991), p. 3.

<sup>9796</sup> P5785 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 26 December 1991), p. 1.

<sup>9797</sup> P5783 (Intercept of conversation between Radovan Karadžić and Bjelica, 27 December 1991), p. 2.

<sup>9798</sup> P3337 (Intercept of conversation between Miroslav Stanić and Radovan Karadžić, 6 January 1992), p. 2; KDZ239, T. 18909 (15 September 2011).

<sup>9799</sup> P3337 (Intercept of conversation between Miroslav Stanić and Radovan Karadžić, 6 January 1992), p. 2; KDZ239, T. 18909–18910 (15 September 2011).

<sup>9800</sup> P3337 (Intercept of conversation between Miroslav Stanić and Radovan Karadžić, 6 January 1992), p. 2.

<sup>9801</sup> P3337 (Intercept of conversation between Miroslav Stanić and Radovan Karadžić, 6 January 1992), p. 2. The Chamber finds that considering the timing of this conversation and the context, the reference to “the instructions” is a reference to the Variant A/B Instructions which were distributed in December 1991. P5 (SDS Instructions for Organisation of Organs of the Serbian People in BiH, 19 December 1991), pp. 6, 10. *See also* P5617 (Intercept of conversation between Radovan Karadžić and Predrag Radić, 25 December 1991), p. 4.

<sup>9802</sup> P3337 (Intercept of conversation between Miroslav Stanić and Radovan Karadžić, 6 January 1992), p. 2.

<sup>9803</sup> D381 (Intercept of conversation between Radovan Karadžić and Vitomir Žepinić, 10 February 1992), p. 2. KDZ605 stated that he heard that Deronjić went to Pale, met with the Accused to “discuss and organise the takeover of Bratunac”. However, the Chamber is not satisfied that it can rely on this unsourced second hand-hear say to establish that this meeting did take place or what was discussed at this meeting.

<sup>9804</sup> P5753 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, February 1992), p. 1. Also, sometime in February 1992, Krajišnik informed Koljević about a meeting he was going to attend in Rajlovac “in connection with this one municipality.” P5758 (Intercept of conversation between Momčilo Krajišnik and Nikola Koljević, February 1992), p. 1. On 11 May 1992, the Bosnian Serb Assembly adopted a law according to which the

3009. There was direct communication between the municipal Boards and their representatives and the Accused with respect to the implementation of the Variant A/B Instructions and people came from the field to see the President.<sup>9805</sup> Municipal leaders would frequently visit the President or would communicate in writing or by phone with respect to municipal issues.<sup>9806</sup> The President also had regular contact with Bosnian Serb municipal leaders and made frequent visits to municipalities.<sup>9807</sup>

3010. The Accused invited representatives of Crisis Staffs to report on their work.<sup>9808</sup> He was in contact with municipal leaders and questioned them on how the local authorities and structures were functioning.<sup>9809</sup> The President was regularly informed about, and gave instructions with respect to, specific developments at a municipal and regional level.<sup>9810</sup> When there were problems in a specific municipality, Nešković or other Bosnian Serb officials would be sent by the President or by the Main Board. Nešković would then provide a brief verbal report on the work he had done even though the President had already been informed from municipal sources about these developments.<sup>9811</sup>

3011. The Accused sometimes intervened personally to resolve problems which arose at a municipal level.<sup>9812</sup> For example, in around February 1992, the President and Krajišnik were involved in resolving an internal conflict in Novo Sarajevo.<sup>9813</sup> The President and Krajišnik attended at least one meeting of the Novo Sarajevo SDS Municipal Board.<sup>9814</sup> In June 1992, in a letter from Novo Sarajevo Crisis Staff, the President was informed about developments in the Serbian Municipality of Novo Sarajevo, including the mobilisation of the population, the formation of a Crisis Staff, Executive Board and Municipal Assembly, and was requested to provide further instructions with respect to the formation of war presidencies.<sup>9815</sup>

---

municipality of Rajlovac included certain areas. P2315 (Law on Establishment of Rajlovac Municipality, 11 May 1992 and corresponding Decree on promulgation), p. 1; Stojan Džino, T. 29865, 29901 (7 November 2012). See also Adjudicated Fact 2580; P967 (Intercept of conversation between Radovan Karadžić and Ljubo Grković, 22 February 1992).

<sup>9805</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16758–16759.

<sup>9806</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16632, 16641.

<sup>9807</sup> D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), p. 44 (the Accused stated he had been to Banja Luka 27 times to deal with some problems with the local leadership). See also P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 41 (stating that municipal leaders often visited the Accused and Krajišnik on municipal business); P2332 (Intercept of conversation between Čedo and Radovan Karadžić, 30 May 1992), p. 3; P2534 (Intercepts of conversations between (i) Duško and Radovan Karadžić and (ii) Ljubo Grković and Radovan Karadžić, 19 February 1992, pp. 1, 4–5; P5749 (Intercept of conversation between Radovan Karadžić and Božidar Vučurović, 13 February 1992); P5733 (Intercept of conversation between Jovan Tintor and unidentified male, 17 March 1992), p. 1; P2556 (Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992), pp. 5, 12; P5738 (Intercept of conversation between Momčilo Krajišnik and Momčilo Mandić, 4 April 1992), p. 1; P6688 (Interview with Radovan Karadžić in Duga Magazine, 23 May 1992), p. 4; P3104 (Minutes of the 59th session of RS Government, 19 November 1992), pp. 4–5.

<sup>9808</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16685.

<sup>9809</sup> P2572 (Intercept of conversation between Radovan Karadžić and Miroslav Stančić, 26 September 1991).

<sup>9810</sup> P5603 (Intercept of conversation between Mirko Čabrilo and Radovan Karadžić, 3 March 1992); P5741 (Intercept of conversation between Momčilo Mandić and Milenko Kepeš, 5 April 1992), pp. 2, 5; P5730 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 1 March 1992), p. 1; P5729 (Intercept of conversation between Biljana Plavšić, Rajko Dukić, and Radovan Karadžić, 2 March 1992), p. 4; P5747 (Intercept of conversation between Radovan Karadžić and Gojko Đogo, 15 February 1992), p. 3.

<sup>9811</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16618–16619, 16621–16622, 16628–16629, 16738–16739, 16748, 16760, 16762; Radomir Nešković T. 14217 (6 June 2011). See also P2572 (Intercept of conversation between Radovan Karadžić and Miroslav Stančić, 26 September 1991), p. 2; P2571 (Intercepts of conversations between (i) Radovan Karadžić and Radomir Nešković; (ii) Radovan Karadžić and Mišković; and (iii) Radovan Karadžić and Srdo Srdić, 20 December 1991), pp. 1–2. See also D1278 (Transcript of Radomir Nešković's interview with Karadžić's legal associate, 8 October 2009), pp. 12, 46.

<sup>9812</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641. See also D1276 (Minutes of meeting of Novo Sarajevo SDS local boards, 3 February 1992), p. 8.

<sup>9813</sup> See para. 2246. There was a debate about the role of the SDS Municipal Board versus other municipal institutions, and a conflict emerged between Prijčić, the president of the Municipal Board, and Đurović, the president of the executive board. D1276 (Minutes of meeting of Novo Sarajevo SDS local boards, 3 February 1992), pp. 1–3; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641, 16672–16679. The Accused and Krajišnik used their authority to defuse the conflict and Đurović held onto his position as “president of the municipal authorities”. Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641, 16673. See also Zdravko Šalipur, T. 31640 (18 December 2012).

<sup>9814</sup> P2576 (Minutes of 13<sup>th</sup> session of Novo Sarajevo's SDS Municipal Board, 28 February 1992), p. 3; Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16641, 16675; Zdravko Šalipur, T. 31640, 31657 (18 December 2012); Branko Radan, T. 31092–31093 (6 December 2012).

<sup>9815</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), pp. 1, 3–4 (indicating that “mobilisation was carried out in various ways personally and directly, through SDS [...] local boards and local communes, with the help of police, etc.”). See also P2575 (Excerpt from session of Novo Sarajevo's Crisis Staff, 23 December 1991).



3012. The Accused sent commissioners to various locations when the municipal authorities were not functioning.<sup>9816</sup> Jovan Čizmović, who was a member of the Council of Ministers, was appointed as republic level co-ordinator of the activities of the SAOs and the ARK and had the duty of monitoring the implementation of the Variant A/B Instructions.<sup>9817</sup> In an intercepted conversation on 21 December 1991 the President gave Čizmović the “full authorisation to visit all our municipalities” and indicated that the municipalities would identify the problems they were facing and that it would be good to hear advice from Čizmović.<sup>9818</sup>
3013. In another intercepted conversation on 16 January 1992, Čizmović reported to the President that he had spoken to Bijeljina and that they were “prepared for full-cooperation” and that he had prepared a questionnaire for Northern Bosnia to allow them to identify what they had managed to do and how far they had come and to what extent they were prepared to “implement the first level of the instruction” and any problems they were facing or needed help with.<sup>9819</sup> Čizmović indicated that he was prepared to form a team with the help of the President to provide professional help with any problems the municipalities faced.<sup>9820</sup>
3014. In another intercepted conversation on 22 January 1992 between the President and Čizmović, there was discussion on sending experts and teams to assist municipalities to deal with problems and Čizmović said: “It’s the same situation with Bijeljina [...] I’ve finished with them, too”.<sup>9821</sup> Čizmović reported about measures taken in Doboј and Bijeljina and indicated that he still had to “see about Birač, Romanija and Herzegovina. [...] But I’ll see to it that that should be finished within this short time, too”.<sup>9822</sup>
3015. In another phone conversation, Čizmović indicated, and the President, agreed that “movements which are taking place here shouldn’t be seen as some sort of secession” but as an alternative “to a situation, if there should be a need for a reaction, that everything should be on a hair-trigger”.<sup>9823</sup> The President said that it would allow them to react within two hours.<sup>9824</sup> The President responded positively to Čizmović’s reports that: “Tonight we also established the Crisis Staff, which will act when nobody can get together, when they can assemble more quickly [...] So, that’s working. Because the objective must be carried out, instructions must be carried out”.<sup>9825</sup> At the 6<sup>th</sup> session of the Bosnian Serb Assembly on 26 January 1992, Čizmović spoke and called for the urgent operationalisation and declaration on the establishment of the SerBiH and stated that the “[t]asks set out in the instructions of 19 December 1991 should be carried out”.<sup>9826</sup>
3016. In February 1992, the President addressed the Bosnian Assembly and stressed the importance of co-operation with regional structures and leaders and the development of their

<sup>9816</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8633–8634.

<sup>9817</sup> D86 (Shorthand Record of 4<sup>th</sup> Session of SerBiH Assembly, 21 December 1991), p. 34; P1345 (Minutes of 4<sup>th</sup> session of SerBiH Assembly, 21 December 1991), p. 6. See also P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990–1992”, 30 July 2002), p. 162; Patrick Treanor, T. 14030–14031 (1 June 2011).

<sup>9818</sup> P2551 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 21 December 1991), p. 3. See also P5770 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 10 January 1992), p. 4.

<sup>9819</sup> P2552 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 16 January 1992), p. 7. See also Patrick Treanor, T. 14031 (1 June 2011).

<sup>9820</sup> P2552 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 16 January 1992), p. 7.

<sup>9821</sup> P2553 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 22 January 1992), p. 5.

<sup>9822</sup> P2553 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 22 January 1992), pp. 5–6; Patrick Treanor, T. 14034–14035 (1 June 2011).

<sup>9823</sup> P2553 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 22 January 1992), p. 6.

<sup>9824</sup> P2553 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 22 January 1992), p. 6.

<sup>9825</sup> P2553 (Intercept of conversation between Radovan Karadžić and Jovan Čizmović, 22 January 1992), p. 7.

<sup>9826</sup> P1349 (Transcript of 6<sup>th</sup> session of SerBiH Assembly, 26 January 1992), p. 14.

strategic objectives.<sup>9827</sup> This included creating a questionnaire to be used to check the progress of municipalities with respect to “preparations”.<sup>9828</sup> The President spoke about Čizmović visiting municipalities, including Bijeljina and Banja Luka, with a questionnaire to check on preparations at the municipality level and to check on their loyalty.<sup>9829</sup>

3017. In March 1992, the President wrote to all the presidents of the municipalities to inform them that a Republic Operations Centre had been established and that the task of the municipalities was to urgently connect their own information centres with district centres, to provide personnel and ensure that other requirements were met so as to monitor the situation on the ground.<sup>9830</sup> The President noted that the district centres were already connected by telephone and radio communication with the republic centres and it was also necessary to co-operate with the SJBs continuously to allow for the transmission and receipt of information 24 hours a day.<sup>9831</sup> The President stated that consultative meetings would soon be held to go over technical and organisational issues related to the work of municipal and district centres.<sup>9832</sup>
3018. Municipal leaders also requested assistance from the higher level Bosnian Serb institutions. For example, in July 1992, the President of the Executive Committee in Foča informed Đerić that the political and security situation in Foča remained critical and requested assistance to find the best solution.<sup>9833</sup> Similarly, in September 1992 the Command of the 2<sup>nd</sup> Romanija Motorised Brigade reported to the President about disputes and difficulties in co-operation with the civilian authorities in Sokolac.<sup>9834</sup> The President was also informed of the situation with regard to the institutions in Bratunac and, for example, in a speech to the Bosnian Serb Assembly in September 1992 he spoke about the need to ensure the functioning of authorities.<sup>9835</sup>
3019. The Chamber received evidence that described disruptions of road systems at different locations or breakdown of telecommunications between the RS institutions and the local levels, from March until December 1992.<sup>9836</sup>
3020. However, the consistent communications between different levels of the SDS party and RS institutions, both regional and municipal, as depicted above, including other evidence,<sup>9837</sup>

<sup>9827</sup> P1351 (Transcript of 7<sup>th</sup> session of SerBiH Assembly, 15 February 1992), pp. 58–59; D88 (Shorthand Record of 8<sup>th</sup> session of SerBiH Assembly, 25 February 1992), pp. 19–20, 45; D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 43; D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), pp. 9, 20.

<sup>9828</sup> P1351 (Transcript of 7<sup>th</sup> session of SerBiH Assembly, 15 February 1992), p. 59.

<sup>9829</sup> P1351 (Transcript of 7<sup>th</sup> session of SerBiH Assembly, 15 February 1992), p. 59.

<sup>9830</sup> P5575 (Letter from Radovan Karadžić to Presidents of all Municipalities, 23 March 1992).

<sup>9831</sup> P5575 (Letter from Radovan Karadžić to Presidents of all Municipalities, 23 March 1992) p. 1.

<sup>9832</sup> P5575 (Letter from Radovan Karadžić to Presidents of all Municipalities, 23 March 1992) p. 2.

<sup>9833</sup> P2809 (Foča Municipal Assembly dispatch to SerBiH Prime Minister, 26 July 1992).

<sup>9834</sup> D3232 (Letter from 2<sup>nd</sup> Romanija Motorised Brigade to Radovan Karadžić, 3 September 1992), p. 1.

<sup>9835</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 18. *See also* D1643 (Intercept of conversation between Radovan Karadžić and Zvonko Bajagić, 4 September 1991), pp. 1–4, 6–7.

<sup>9836</sup> *See, e.g.*, Momčilo Mandić, T. 4962–4963, 4969–4971 (8 July 2010), T. 5194–5195 (15 July 2010); D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 9; D4147 (Information of RS MUP, 7 September 1993), p. 1; D3917 (Witness statement of Čedomir Kljajić dated 30 July 2013), para. 12; Čedomir Kljajić, T. 42231 (30 July 2013); Goran Mačar, T. 39518 (7 June 2013); D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), para. 20; D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 57, 92; Momčilo Krajišnik, T. 43314–43315 (12 November 2013); D3750 (Intercept of conversation between Tomislav Kovač and Milenko Karišik, 4 May 1992), p. 1; Cvijetin Simić, T. 35713 (20 March 2013); KW317, T. 39412 (6 June 2013).

<sup>9837</sup> *See, e.g.*, D4147 (Information of RS MUP, 7 September 1993), p. 1 (stating that “with a great deal of work and effort [breakdown of every form of communication] was gradually overcome and remedied”); D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), para. 20 (stating that since there was a communication breakdown a dispatch was conveyed in person to Bratunac); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 86, 91–92 (while stating that they had poor communication, Subotić also mentioned efforts to remedy it and that “ministers were reduced to telephones or written communications sent by messengers or couriers”); Slobodan Avlijaš, T. 35149–35153 (11 March 2013); P6194 (SerBiH Government request to Foča Crisis Staff, 23 May 1992); Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7530–7536; D414 (Minutes of 19<sup>th</sup> session of Government of SerBiH, 2 June 1992), p. 2; P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 246 (showing that the Accused and Mladić met with civilian and military representatives from municipalities including Zvornik, Vlasenica, and Bratunac); P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), p. 105 (while deputies acknowledged that there were periods when telephone lines were down and that mail did not function, during those periods “it was necessary to go to the municipalities to see what the situation was like and report to the Presidency”); Momčilo Mandić, T. 5109

clearly demonstrate that notwithstanding disruptions in telecommunications from March until December 1992, it was still possible for the leadership of the SDS, including the President, and RS institutions to communicate with lower levels and that generally obstacles were overcome.<sup>9838</sup> More specifically, with respect to the RS MUP, CSBs, and SJBs, there were always communication channels with most communication by fax and telephone and daily communication between the CSB and SJBs. If there were limited interruptions, for example if the telephone lines were down, there would be communication by courier.<sup>9839</sup>

d. Activation of second level of the Instructions

3021. In January 1992, in an intercepted conversation, the President spoke about “level two” of “that paper of ours” and the importance of quickly taking over “real functions”.<sup>9840</sup>

3022. The Chamber recalls that on 14 February 1992, the President at an extended session of the SDS Main Board and Executive Board activated the second level of the Variant A/B Instructions.<sup>9841</sup> The presidents of SDS municipal boards, presidents and members of regional boards, presidents of assemblies, and executive boards of municipalities were invited to this meeting.<sup>9842</sup> This discussion and instruction to implement level two were conveyed to SDS structures at a municipal level.<sup>9843</sup>

---

(14 July 2010) *referring to* D440 (Minutes of 15<sup>th</sup> session of Presidency of SerBiH, 6 July 1992), p. 2 (commissioners were introduced to establish a link between the central organs and the municipalities and as a way of exercising “control over the municipal organs on the ground”); Momčilo Krajišnik, T. 43314 (12 November 2013) (while testifying about the communication problems in 1992, the witness stated that throughout 1992 telephones, faxes and printers “worked with lots of difficulties”); P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 8, 21 (indicating that the Accused was aware of developments in municipalities such as Foča, Zvornik and Višegrad, and a deputy of the Bosnian Serb Assembly reported on his visit to Bosanski Novi the day before and stated that it was “sealed off”); Radomir Nešković T. 14364–14365 (7 June 2011) (testifying about different modes of communication when there was an absence of telephone contact in Novo Sarajevo between 10 April and 10 May 1992); P2752 (SerBiH MUP order, 17 May 1992), p. 1 (indicating that Mićo Stanišić issued an order to the Security Service Centres in Banja Luka, Bijeljina, Doboj, Sarajevo and Trebinje municipalities to send reports via “courier or coded”); Nedeljko Prstojević, T. 13261, 13264 (11 March 2011) (describing a meeting in or around September 1992 in Jahorina to which the state and political leadership, including the Accused, and all municipal presidents and presidents of Executive Boards attended); P2794 (Witness statement of Ranko Vuković dated 24 May 2011), pp. 3–5 (testifying that following the establishment of the Republican Communications Centre in Pale in April 1992, there was communication between the municipalities, the MUP, and the VRS, which included telephone, short wave and ultra-short wave radio, fax machines, teleprinters, radio relay communications, wire communications, and, when other systems were not working, a courier system. The Chamber notes that Mladenović testified that communications with Pale were non-existent, however, it does not find his evidence to be reliable in this regard. In reaching this conclusion the Chamber notes multiple contradictions and extreme evasiveness in Mladenović’s evidence. More specifically Mladenović testified that while communication was non-existent they did receive some communication including orders and warnings from the Accused to adhere to the Geneva Conventions. Radojica Mladenović, T. 36612 (4 April 2013).

<sup>9838</sup> See for example P2240 (Intercept of conversation between Momčilo Krajišnik, Branko Đerić, and Milenko Karišik, 7 May 1992); P2220 (Intercept of conversation between Milinković and Momčilo Krajišnik, 21 April 1992); P5708 (Intercept of conversation between Momčilo Krajišnik and unidentified male, 21 April 1992); P5604 (Intercept of conversation between Gvozden and Radovan Karadžić, 3 March 1992), p. 3; D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), p. 3; P2625 (Minutes of 11<sup>th</sup> session of SerBiH Government, 18 May 1992), p. 2; P3109 (Minutes of the 8<sup>th</sup> extraordinary session of RS Government, 1 September 1995), pp. 2–3. The Chamber notes evidence suggesting that there were few or no telephone lines available for communication between Novo Sarajevo and Pale during the war. Zdravko Šalipur, T. 31656–31657 (18 December 2012); D1278 (Transcript of Radomir Nešković’s interview with Karadžić’s legal associate, 8 October 2009), p. 32. However, considering the communications above, the Chamber finds that even if there was some disturbance in the telephone lines during the war, it was still possible to establish a line of communication between Novo Sarajevo and Pale.

<sup>9839</sup> Milorad Davidović, T. 15460–15463 (24 June 2011). See also P2850 (Fax of Bijeljina CSB, 29 April 1992); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 92; P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 1; P2851 (Fax of Bijeljina CSB, 24 April 1992); P2752 (SerBiH MUP order, 17 May 1992), p. 1.

<sup>9840</sup> P2596 (Intercept of conversation between Radovan Karadžić and “Miroslav”, 7 January 1992), p. 7.

<sup>9841</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), pp. 5–7, 17, 24; Simo Mišković, T. 45373–45374 (18 December 2013); P5516 (Minutes of Meeting of SDS Prijedor Municipal Board, 17 February 1992), p. 1. See also P6588 (Receipt of Holiday Inn Hotel, 14–15 February 1992); Adjudicated Fact 1010.

<sup>9842</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 1. Vučurević stated that he does not remember any reference made by the Accused to the Variant A/B Instructions. The only variants that he knew of were: first, “[i]f we cannot live together, we should split in peace”, and the second “if everything else fails” to “defend ourselves”. Božidar Vučurević, T. 35985–35986 (25 March 2013). See D3146 (Witness statement of Božidar Vučurević, 22 March 2013), para. 25. However, the Chamber does not find his evidence to be reliable in this regard. In reaching this conclusion the Chamber concluded that the evidence of the witness was marked by insincerity, contradictions, and bias.

<sup>9843</sup> Simo Mišković, T. 45373–45374 (18 December 2013); P5516 (Minutes of Meeting of SDS Prijedor Municipal Board, 17 February 1992); P6587 (Excerpts from Simo Mišković’s testimony from *Prosecutor v. Stanišić & Župljanin*), T. 15187–15188; P2597 (Minutes of meeting of Bratunac’s SDS Municipal Board, 24 February 1992), p. 1; P4374 (Witness statement of Milenko Katanić dated 11 October 2011), para. 18; KW317, T. 39337 (5 June 2013).

3023. The Accused called for the “second level” to be introduced and to “intensify the functioning of the government at any cost and on every single millimetre of our territory”.<sup>9844</sup> **(#“to intensify the functioning of the government...” not to take-it-over from somebody else!#)** At this meeting, the President said that they needed to be wise and united “in order to take the last drop of the power into our hands, in a humane way of course, carry it out in a humane way, a just way towards both Muslims and Croats who live there, that is particularly important, that there would be no fleeing from our areas”.<sup>9845</sup> **(#EXCULPATORY#!!! The prevention of fleeing from the Serb territories, an order given during the confidential meeting, before the war, when it was believed that there wouldn’t be any war because of advancement of the Conference and preparation of the Agreement is a REBUTTAL of all the allegations about “ethnic cleansing” or a homogeneous Serb republic, or any aspect of the Joint Criminal Enterprise! That was February 14, 1992, and five weeks later the Lisbon Agreement had been reached. Again, other measures had been designed not to “take-over”, but to exercise, intensify the functioning of the governmental organs!”)** The Accused in this regard noted that “our image with foreign monitors” had to change and if Bosnian Serbs defended themselves too aggressively they would “lose an awful lot of points”.<sup>9846</sup> **(#This kind of a merging and associating two or more different sentences, in order to create a new meaning is not permissible in any legal system. The two elements, a) a humane treatment of the population and prevention of fleeing – has nothing to do with the b) international monitors and the Serb international image. That pertained to c) an armed skirmishes, a way of defense, in terms not to have it “too aggressive”#! #This Judgment rather looks like a very bad indictment, than a judgment#! )** The President said that “stage number two should also be converted, the one we’ve talked about, the one you have [...] in order to have authorities in the field functioning, that a bird cannot fly over really.”<sup>9847</sup> **(In the situation of the war in neighbouring Croatia, and an imminent war and emergency state in BiH, this was a #law obligation to control what was going on in the territory#. The President appeal to have the authorities function properly and thoroughly can not be taken against him, but only as an exculpatory element!)**

3024. At this session, the Accused spoke about the Bosnian Serb strategic objectives.<sup>9848</sup> **(“This session” was held on 14 February 1992, therefore exactly three months prior to the 16<sup>th</sup> Assembly session in Banja Luka, when the new “Six strategic objectives” had been presented to the Assembly. How come the Chamber didn’t differentiate these strategic objectives aimed for a peace times, from those formulated after the war had been waged against the Serb people? When a war appears, many strategic objectives must be altered, and in a negotiations there are needed higher guarantees. But this Court didn’t understand, and didn’t take into account the objective situation of a war, nor had any respect, not even a knowledge, for a military provisions, and the local judicial system!)** It was also noted the importance of international opinion and sympathy and that they should not be the aggressors, and stated that they “seek nothing that belongs to somebody else” **(#EXCULPATORY#, and a paraphrase of the 10<sup>th</sup> Commandment of God, and the President kept advocating the modesty in the territorial claims throughout the crisis!)** and that they should defend what was theirs but not “in an aggressive way, in a combat way” but defend it with firm conviction that their rights had been repeatedly violated and that they would be dominated in a unitary BiH.<sup>9849</sup> **(#All EXCULPATORY#! The President pleaded for a**

<sup>9844</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 24. See also Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7364–7366.

<sup>9845</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 5.

<sup>9846</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 13.

<sup>9847</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 17.

<sup>9848</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), pp. 11–12.

<sup>9849</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 14. Ristanić testified that the Strategic Goals were only put in a document form later, but these objectives were to be achieved in peaceable conditions. Đorđe Ristanić, T. 16761–16762 (18 July 2011). See also Milorad Dodik, T. 36846 (9 April 2013).



**minimal use of force, only to the extent necessary to defend!)** In contrast the aCCUSED also stated that he and the Serbs wanted to “let everything go to fucking hell and that we take the express way” but that they needed to find a balance between power and tactfulness in order to achieve their goal.<sup>9850</sup> **(#The two has nothing to do in common. The “hell” had been mentioned in another talks and context, and was a resignatory reaction of the President because of failure of the talks, while the “balance” was mentioned on 14 February 1992, as an endeavour of the President to pursue a moderate way of the political fight, since all of it was before the war!#)** For example he noted that for international political reasons they could not organise their assembly “without a major provocation” and that they knew exactly where they were heading.<sup>9851</sup>

3025. The Accused emphasised that he, Koljević and Krajišnik were of the opinion that “it would be more important to gain the real situation, the factual situation on the ground” for the purposes of international negotiations.<sup>9852</sup> The Accused also emphasised that they would have a right to “introduce the stage number two in functioning of your areas and, relying on your own forces, to absolutely defend yourselves from the independent BiH”.<sup>9853</sup> He also explained that according to their “scheme” there would be a municipal board and a local board structure so that not “a single Serbian house should be left without contacts with the party”.<sup>9854</sup> The Accused explained that they had their “moves ready”, that the deputies knew about it and that whenever the Bosnian Muslims did something foolish they would “disclose our next move, which is ten times more powerful than theirs”.<sup>9855</sup> **(#MIXING UP TIME FRAMES AND CONTEXTS#! #Now it is clear how damaging for the Defence is the practice of mixing up the time frames: what happens when this speech from 14 February 1992, before the war, and in a situation looking like a peaceful outcome is presented as a cpeech from the war times. This very same day there was on schedule a new round of talks with Lord Carrington and AMbassador Cutileiro, Secretary Vance and others, with the aim to finalise the Agreement, which was reached a month later. Therefore, no objectives, or plans, or factual situations pertained to a war events and outcomes, but strictly to a political ones. And #this fact changes all of the meanings suggested in this paragraph of the Judgme#nt. There was nothing criminal or forbidden in this words, because all of it belong to a legitimate defensive conduct and caution achieved by a recommendable political means!)**

3026. Mladenović at this meeting spoke on behalf of the Bosnian Serb Executive Committee of Foča and reported that “we did everything that the centre had requested us to do, and considering the instructions we received in this field when setting up the Serbian Assembly and Executive Committee”.<sup>9856</sup> Mladenović continued by saying that “we wish to finally round up the Serbian territory of Foča Municipality” within the SAO of Herzegovina and that he found it necessary to “establish Serbian municipalities regardless of the borders of existing municipalities”.<sup>9857</sup> **(#TWO MUNICIPALITIES – PEACE#! Is there any more markant proof that the Serb side didn’t have any plan that would be damaging for the legitimate Muslim or Croat interests? Foundation of the new municipalities, or merging the existing ones, or other changes of statuses of the settled places – was regulated and guaranteed by the Constitution and laws. This wasn’t opposed even by this court. To form your own municipalities composed of the settlements inhabited by the same community is an isolationist and #defensive policy, rather**

<sup>9850</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 26.

<sup>9851</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 26.

<sup>9852</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 5.

<sup>9853</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 7.

<sup>9854</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 10.

<sup>9855</sup> P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 25.

<sup>9856</sup> P6264 (Excerpt from transcript of extended session of SDS Main Board and Executive Board, 14 February 1992, with audio), p. 1; Radojica Mladenović, T. 36631–36632 (5 April 2013).

<sup>9857</sup> P6264 (Excerpt from transcript of extended session of SDS Main Board and Executive Board, 14 February 1992, with audio), p. 2.

than an expansionistic strategy that pretended to take other's territories or jeopardise other's rights. That was a reaction which had a meaning: # we do not want to participate in your new (Islamic) political and judicial system, but you are free to do whatever you wanted."# Is the Muslim side opted for an Islamic fundamentalism and this kind of system, and the Croats wanted to leave Yugoslavia under any cost, the Serbs were entitled to stay in Yugoslavia as Northern Ireland stayed in GB, or West Virginia in the US Union, or at least to get their own high autonomy in BiH, WHICH HAD BEEN ENVISAGED AT THE ICFY# and accepted by Mr. Izetbegovic in 1991.!. No criminal plan was needed for these objectives. It was the most rationale solution, although not the best for the Serbs!)

3027. Following the activation by the Accused of the second level of the Variant A/B Instructions, the Chamber recalls that, for example, on 24 February 1992 the SDS Municipal Board in Bratunac discussed the implementation of this second level.<sup>9858</sup> On 2 March 1992, the SDS Municipal Board of Foča sent a letter addressed to the office of the President of the SDS Crisis Staff in Sarajevo indicating that they were facing pressure in Foča but they were "ready to carry out any order".<sup>9859</sup> The Chamber also recalls that the Serbian Municipality of Zvornik was proclaimed on 15 March 1992 and decided to join the SAO Majevisa-Semberija.<sup>9860</sup> On 13 March 1992, the President of the Executive Board of the SDS required all SDS Municipal Board to assess the possibility of establishing Serbian municipalities and the projected territory that would become part of these Serbian municipalities.<sup>9861</sup>

e. **(ALL LEGAL AND OBLIGATORY#!)** Activation of Crisis Staffs and other structures

**(The entire section of the activities and regulation of the political life in municipalities is senseless, because the laws and constitutions of the SFRY and BiH hadn't been even consulted, let alone analysed. Let us see what is said in the BH Constitution, D1262, p.90:**

**Article 273.**

In time of war or in the case of an immediate threat of war a presidency of the municipal assembly shall be formed, which shall decide questions within the competence of the assembly if it is impossible for the assembly to meet. The composition of the presidency shall be established by law.

The presidency is obligated, as soon as the assembly is able to meet, to present for confirmation by the assembly those decisions which it has adopted and which are within the competence of the municipal assembly.

**let see other competences of municipalities, particularly in the domain of defence, D1262, p.89**

**Article 269.**

Within the assembly of a municipality, a council for national defense shall be formed, whose composition and competence shall be regulated by law.

**Therefore, many defence matters had been within the municipal competences, the president of municipality was *ex officio* president of such a council and the supreme commander of the municipal Territorial Defence units! See further, D1262, p. 91**

<sup>9858</sup> See para. 701.

<sup>9859</sup> P5515 (Letter from SDS Municipal Board of Foča to SDS Crisis Staff in Sarajevo, 2 March 1992).

<sup>9860</sup> See para. 1235; D1693 (Decision of Zvornik Assembly, 15 March 1992), p. 1. See also Marinko Vasilčić, T. 39920–39922 (13 June 2013); D3654 (Witness statement of KW317 dated 26 September 2012), paras. 28–29 (under seal); D3656 (Decision of Zvornik Municipal Assembly, 15 March 1992).

<sup>9861</sup> D1187 (Letter from SDS Executive Board to all SDS Municipal Boards, 13 March 1992).

## Article 277.

In a city which has more than one municipality, the municipalities must associate to form an urban unit, which is a special socio-political unit to which the municipalities, in their common interest, entrust certain rights and duties. Certain tasks from the competence of the Republic may be transferred to this unit.

## Article 278.

A regional or urban unit shall have statutes which are adopted by the assembly of the unit with the prior agreement of the assembly of the combined municipalities.

The statutes of a regional or urban unit shall establish the rights and duties of the unit, the manner in which these rights and duties are fulfilled, the way in which funds for financing them are associated, the organization of the unit's bodies, and other issues of importance for fulfilling the rights and duties of the unit.

**The plans for defence were also #obligatory, specified in the Law of Defence,# and obligatory for all municipalities, local communes, companies and even political and cultural organisations, a political parties at the first place!**

3028. On 4 April 1992, the Accused, as President of the SNB, issued an announcement that the Crisis Staffs should be activated.<sup>9862</sup> **(Why it was not sufficient to the Chamber, which recognised the reasons bellow – to dismiss the charges for this segment? Was it an unprovoked, unnecessary, senseless move, or there was a reason? It was well know that Mr. Izetbegovic and the Muslim-Croat part of the BH Presidency unauthorised by the Serb members of the Presidency proclaimed the general mobilisation of the Police, reserve police and Territorial Defence. The only target of such a mobilisation was the Serb people in BiH, to which there was declared a war. When a Crisis Staffs, or the War Presidencies of municipalities should be activated if not then? That was a legal obligation, and the only way to maintain at least a minimum of law and order!)** The Accused, made an announcement that the “rump” presidency of BiH, operating without any Serbs, issued highly irresponsible and illegal instructions to raise the TO, civilian protection, and reserve police and that by doing so, the “rump” Presidency acknowledged the collapse of the constitutional and legal order and instigated chaos, violence, and civil war.<sup>9863</sup> He called upon the population to disregard these moves by the BiH Presidency and ordered that Crisis Staffs and Serb TO be activated in response to Bosnian Muslim mobilisation in specified areas with the purpose of maintaining peace, order, and safety of civilians of all nationalities.<sup>9864</sup> **(Exactly as that!!! A #“highly irresponsible and illegal instructions”# while expecting an international recognition. How possibly the international community recognised such a country that entered such a chaos and a state of war?)**

<sup>9862</sup> D394 (Announcement of SNB, 4 April 1992). See also Dorothea Hanson, T. 14525 (9 June 2011); P2589 (Dorothea Hanson’s expert report entitled “Bosnian Serb Crisis Staffs, War Presidencies and War Commissions 1991-1995”, 10 September 2009), para. 36. See para. 141. Šojić testified that Crisis Staffs were only established following the example of the SDA and HDZ and not pursuant to any instructions and that they were formed spontaneously at the initiative of local authorities and they were not controlled at the republican level. Dragan Šojić, T. 31752-31754 (19 December 2012). However, the Chamber notes that the evidence of Šojić was marked by evasiveness, contradictions, and indicators that he was trying to mislead the Chamber. The Chamber therefore does not find his evidence to be reliable in this regard.

<sup>9863</sup> D394 (Announcement of SNB, 4 April 1992), p. 1; Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9705–9706. See also D392 (Conclusions of SRBiH Presidency, 4 April 1992); D393 (Minutes of 65<sup>th</sup> session of SRBiH Presidency, 4–8 April 1992).

<sup>9864</sup> D394 (Announcement of SNB, 4 April 1992), p. 2; Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić and Župljanin*), T. 9707. Subotić stated that TO units were also “self-organised” and nobody had an overview of how many local TO units had been formed and they were not under anyone’s command until the VRS was formed. Subotić also stated that the Accused did not have effective command and control over the TO in the period from 1 April to 12 May 1992. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 52–54, 57–59, 68, 118; Bogdan Subotić, T. 40125–40126 (20 June 2013). However, the Chamber notes that the evidence of Subotić was marked by evasiveness, contradictions, and indicators of partisanship and bias. The Chamber therefore does not find his evidence to be reliable in this regard. For further discussion on the Accused’s involvement with mobilisation of the TO, see Section IV.A.3.iii: Authority over military and police forces acting in BiH.

3029. On 26 April 1992, Đerić on behalf of the Bosnian Serb Government issued instructions for the work of Crisis Staffs in the SerBiH.<sup>9865</sup> **(So what? It was the #Governmental duty#!)** These instructions provided that in wartime conditions the Crisis Staffs would take over “all the prerogatives and functions of the municipal assemblies” when they were not in a position to meet.<sup>9866</sup> **(See the provisions in the Constitution of BiH, articles 269 and 273: Article 269.**

**Within the assembly of a municipality, a council for national defense shall be formed, whose composition and competence shall be regulated by law.**

**Therefore, all the municipalities had their own competences in the defence too! That is why the Defence saw the war as a series of the municipal wars, which broke out in a different times and on a different incentives and incidents! If the Serb side had any of the alleged criminal enterprises, why would they wait sometimes two months from the beginning of the war in Sarajevo to start the war in more than a half of the country?!)** The Chamber recalls that the 26 April 1992 instructions provided that the Crisis Staffs “shall co-ordinate governmental functions for the purpose of the defence of territory, safety of the population and its property, establishment of authority and organisation of all other aspects of life and work”.<sup>9867</sup> **(Not a single illegal instruction, and all of them strictly defensive!)** They also provided that the Crisis Staff was to create conditions to allow the municipal executive board to exercise power.<sup>9868</sup> The Crisis Staffs were also required to work in accordance with the Constitution, law and decisions of the Bosnian Serb Assembly, the Bosnian Serb Government and the Presidency.<sup>9869</sup> **(All of it was #provided for by the Constitution of BiH and SFRY, see:**

**Article 301.**

**The obligation of the municipality to establish certain bodies for supervising the enforcement of laws and other ordinances, or administrative bodies for the performance of other tasks of general interest to the Republic which have been transferred to the competence of municipal bodies, may be prescribed by law.**

**Article 302.**

**Republic-level bodies which carry out tasks of administrative supervision or inspection may, in accordance with the law, carry out these tasks within the entire territory of the Republic in order to monitor the enforcement of laws, preservation of legality and protection of the rights of working people, organizations of associated labor, self-management communities of interest and other self-management organizations and units.**

3030. According to the 26 April 1992 instructions, the Crisis Staffs were “obliged to gather information on the situation in the field and notify and consult the competent authorities in [SerBiH], i.e. commissioners of the Government appointed for the areas and regions especially threatened by war”.<sup>9870</sup> These same instructions obligated the Crisis Staff to ensure the safe passage of humanitarian aid convoys and to act humanely towards non-combatants, the wounded, and POWs.<sup>9871</sup> **(#All EXCULPATORY#! The control of the processes and events in the municipal territory was provided by the Constitutions and the laws on defence!)**

<sup>9865</sup> P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992).

<sup>9866</sup> P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992), para. 1.

<sup>9867</sup> See para. 143. P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992), para. 3. In these instructions, the Bosnian Serb Government mandated that all Crisis Staffs include the commander of the TO Staff. P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992), para. 2. The instructions also stated that the Crisis Staffs were to “create all the conditions for the life and work of members of the JNA”. P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992), para. 8.

<sup>9868</sup> P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992), para. 3.

<sup>9869</sup> P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992), para. 6.

<sup>9870</sup> P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992), para. 11.

<sup>9871</sup> D407 (Excerpts from instructions of SerBiH Government for municipal crisis staffs, 26 April 1992), p. 2.

3031. The Accused gave explicit instructions on how the Crisis Staffs and the TO would be structured, including who would be the highest ranking officials in these structures namely the presidents of municipalities and executive boards.<sup>9872</sup> **(The President only interpreted the law, according to which the president of municipality is *ex officio* a president of the Committee for Defence, and a Supreme Commander of the municipal forces, while the commanders of units were to be a professional officers, while a president of the Executive Board was *ex officio* a commander of the Civil Protection in municipality!)** For example at a meeting of the SNB on 27 April 1992, it was concluded that “comprehensive instructions for crisis staffs should be drafted in which the manner of political work on the ground and organisation of the functioning authorities will be presented”.<sup>9873</sup> The SNB also concluded that material and equipment would be provided for the defence of the SerBiH and that the Crisis Staffs needed to inform the government about developments.<sup>9874</sup> **(Just see the Constitution and laws!)** The President emphasised that these steps were for defensive purposes and that peace was in their interests and would benefit them politically.<sup>9875</sup> **(#EXCULPATORY#!!!)** He also stressed that the Bosnian Muslims did not have the forces required to take-over the extensive territory held by Bosnian Serbs and these “Serbian areas” would never be incorporated in their state.<sup>9876</sup> **(#A LEGAL AND LEGITIMATE ATTITUDE#! The changes of the common state they that the Muslims envisaged didn’t have the Serb consent, and that didn’t depend on any leader, but on the entire Serb people! Had the Serbian people wanted to accept this new regime founded on Islam, no Serb leader would be able to prevent it, or to make the people to oppose it!)**

3032. Crisis Staffs operated to some extent independently in each municipality, but ultimately they had direct contact with the Presidency and followed the SDS party line.<sup>9877</sup> For example in Hadžići, the Crisis Staff President, Ratko Radić had a very good relationship with the President—he often visited Pale and got instructions from the President.<sup>9878</sup> The Chamber also recalls that all important decisions of the SDS Main Board that needed to be implemented in Sokolac were sent to the SDS Municipal Board of Sokolac and the Crisis Staff was informed of these decisions.<sup>9879</sup> The Chamber also recalls that the Rogatica Crisis Staff for example had direct, oral and written contact with the Presidency and ministries of the SerBiH, the Government, the army, and the police.<sup>9880</sup> **(The #SDS political Party ceased it’s regular functions in April 1992#, since the Government wanted it. That state of the frozen activity remained on power until February 1993. But, since the SDS won the elections in 1990, all the authorities remained in offices until the 1996 elections, and therefore there couldn’t be any “take over” in municipalities during the war. The SDS proposed that all the three ethnic communities form their municipalities, and the SDS exercised control over only the Serb municipalities, but after the Muslim side rejected the peaceful solution and started the war in different municipalities at different times, and then there was inevitable to control entire municipalities!)**

<sup>9872</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), pp. 20–21. See para. 140.

<sup>9873</sup> D406 (Minutes of meeting of SNB and SerBiH Government, 27 April 1992), p. 2. See para. 142. Subotić stated that Crisis Staffs were operating independently and that this decision related to the provision of instructions relating to respect for international humanitarian law and the laws and customs of war. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 270. The Chamber does not find Subotić’s characterisation of this conclusion to be reliable. In reaching that conclusion the Chamber refers to its credibility assessment in fn. 9869.

<sup>9874</sup> P2627 (Minutes of meeting of SNB and SerBiH Government, 28 April 1992), p. 1.

<sup>9875</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 21.

<sup>9876</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 20.

<sup>9877</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 40.

<sup>9878</sup> P2296 (Witness statement of Tihomir Glavaš dated 13 February 2011), para. 25; Tihomir Glavaš, T. 11976–11978 (16 February 2011). The Chamber notes however, that Radić sometimes would push ideas by exaggerating the extent to which the Accused had agreed to them. Tihomir Glavaš, T. 11796 (14 February 2011), T. 11949 (16 February 2011). The Chamber places no weight on Glavaš’s impression that the Accused left the municipalities of Ilidža and Hadžići to care for themselves.

<sup>9879</sup> See para. 1051.

<sup>9880</sup> See para. 957.



3033. Similarly in Sanski Most, policy formulated by the SDS leadership at the republican level would come down to the municipal Crisis Staff to implement.<sup>9881</sup> The Sanski Most Crisis Staff was directly subordinated to the ARK Crisis Staff, which was subordinated to the Bosnian Serb leadership, including the Accused.<sup>9882</sup> (#A “protected lies”#! Wrong as majority of the testimonies of the protected witnesses. The executive branch of authorities, to which belong the Government and Presidency, controlled the execution of the legal acts made by the Assembly, or the Government and the Presidency from their competences! All legal and regulated! The only matter that was not regulated was testimonies of the protected witnesses, because there was no any obstacle to their enormous lies! A worse was only more that a hundred “testimonies” without witness and any cross examination!) The Chamber notes that Vlado Vrkeš, the deputy president of the Crisis Staff, was in charge of implementing policies from the Republic level<sup>9883</sup> and was close to the President.<sup>9884</sup> In April 1992, Kuprešanin said in an intercepted conversation to General Kukanjac that they were waiting for the Accused to return from Europe to tell them what to do next and “when [the President] comes whatever he tells us we will do. He is now for us the supreme commander and we have no other commander”.<sup>9885</sup>

(That happened within the numerous disputes between the SDS and the JNA, which wanted to transport so many equipment back to Yugoslavia. It was payed by the common Serb-Croat-Muslim money, but the Muslims and Croats didn’t allow the JNA to take anything from their areas, and the Serbs did the same! While the President was away for the political talks, the JNA was not protecting the Serbs sufficiently, and Kupresanin objected that the JNA should protect all the peoples equally. General Kukanjac wanted to remove a rocket brigade from Banjaluka region, and Kupresanin reminded him that now there is a separate Yugoslavia, and used the President’s absence for keeping the rocket brigade back! See: P987:

Milutin KUKANJAC:	What’s up with you there, what are you scared about?
Vojislav KUPREŠANIN:	We are not scared, we are just taking preventive measures. We want, we want to co-operate with the army just in case and exchange opinions so we’d know what we will do together. Such moves don’t exist I think, on the relation party president – Serb Republic of BH. We here in the Krajina are trying to get in touch with them but we are not managing I don’t know why... and now we will ...
Milutin KUKANJAC:	You must, you must get in touch with them and they with you.
Vojislav KUPREŠANIN:	Well, we must and now we are waiting for KARADŽIĆ to return from Europe and tell us what we are to do next. I personally think, general, that I won’t do anything until he returns, when he comes whatever he tells us we will do. He is now for us the supreme commander and we have no other commander. The Federal Republic of Yugoslavia on the one side and the Serb people in the situation they are in, on the other. We have our commander, it is that man, we must obey him, you understand us, we understand you.
Milutin KUKANJAC:	Don’t tell me, that brigade has to go to the territory of Bijeljina-Tuzla. Tuzla-Budva?), the problem is with ... with this Ustasha near Brod up to Brčko they are attacking from all sides.
Vojislav KUPREŠANIN:	Well, no, if that brigade gets going it will be captured from Doboj to Tuzla. It will disappear.
Milutin KUKANJAC:	It can’t be captured, how?
Vojislav KUPREŠANIN:	Nobody can guarantee that.

<sup>9881</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3340–3341 (under seal). See, e.g., P3399 (Conclusions of meeting of Sanski Most Crisis Staff, 20 April 1992).

<sup>9882</sup> KDZ490, T. 20282 (20 October 2011) (closed session); P3634 (Witness statement of KDZ490, undated), pp. 81–83, 103 (under seal); P3634 (Witness statement of KDZ490, undated), pp. 11, 57, 66, 81–83 (under seal).

<sup>9883</sup> P3634 (Witness statement of KDZ490, undated) (under seal), pp. 103–104.

<sup>9884</sup> KDZ490, T. 20282 (20 October 2011) (closed session); P3634 (Witness statement of KDZ490, undated), p. 9 (under seal).

<sup>9885</sup> P987 (Intercept of conversation between Milutin Kukanjac and Vojo Kuprešanin, 27 April 1992), p. 2.

Vojislav KUPREŠANIN:	OK, that's one thing. General, we have left most of the equipment, let me say something from my heart because we never talked about this ...
Milutin KUKANJAC:	Well you have much there, man.
Vojislav KUPREŠANIN:	We have nothing here and in comparison with our enemies, how many enemies we have. Grahovo has been attacked, Kupres has been attacked, then ... Glamoč has been attacked, Krupa has been attacked, Sanski Most, Prijedor is to be attacked tonight, Drvar has been attacked, not Drvar but Derventa, Šamac has been attacked, he approached us, Modriča has been attacked...
Milutin KUKANJAC:	Well I know, I'm fighting with them everywhere.
Vojislav KUPREŠANIN:	The hell you are fighting with them. I've tried to contact Sava JANKOVIĆ to create some sort of an operative body on corps level but we never managed.
Milutin KUKANJAC:	We are working for the same cause, but I'm afraid that, that someone might strip someone else of their rights.
Vojislav KUPREŠANIN:	We won't strip you of your rights if you are working for the general well-being of all peoples.
Milutin KUKANJAC:	Well that's true as well. I don't know why you are complicating this now.
Vojislav KUPREŠANIN:	Only out of fear, we simply have no information. We speak to ADŽIĆ and we cannot get a reply, he speaks about everything indirectly, up in the clouds and refuses to get down to the earth. When we go to the Presidency it's the same. We simply do not exist as a region, as a territory, as a people.

**(#Before the VRS, during JNA#! Therefore, in April 1992 the #JNA was equally concerned about the security of all the three communities, which Kupresanin didn't deny, but supported#. However, the JNA didn't take it's armament and equipment from the Muslim-Croat areas, because it was prevented by the party armies, but only from the Serb ones, which jeopardised the Serb population. Also it had been visible that the Minister for Defence of the Republic of Srpska still didn't have any authority, nor he could make an ordinary agreement, or a responsible answer, because of the supremacy of the JNA, which was respected only in the Serb areas! Such a partial and selective presentation of some sentences pulled out of context doesn't fell within a fair trial. "Only out of fear," said Kupresanin. What is not understandable here?)**

3034. As found above, by early April 1992 the SNB was issuing instructions to, and receiving reports from, municipal Crisis Staffs and TOs.<sup>9886</sup> On 28 April 1992, Branko Đerić and the Accused attended a meeting of the SNB where the reports on the work of Crisis Staffs and municipal organs of government were adopted. At this same meeting there was also discussion of the need to keep the Crisis Staffs more fully informed about developments and for the Crisis Staffs to also inform the Bosnian Serb Government about developments.<sup>9887</sup> **(So what? A regular duties of the Prime Minister and the President, no matter they were both the Serbs!)**

3035. In this regard the Chamber found that the Bijeljina Crisis Staff kept the SDS Main Board informed of its activities.<sup>9888</sup> **(How many times the Defence has to point out that the SDS (Party) Crisis Staffs were different from the municipal Crisis Staffs? The former didn't have any prerogatives of authorities, while the later had all the municipal power in its hands until the municipal assemblies could gather again! By mixing up these two kinds of bodies there is an enormous misunderstanding of the documents that originate from one or the other body, all used against the Defence without any justification!)** In addition the

<sup>9886</sup> See para. 92.

<sup>9887</sup> P2627 (Minutes of meeting SNB and SerBiH Government, 28 April 1992), p. 1. See also Dorothea Hanson, T. 14558 (9 June 2011). The Chamber notes that Hanson testified about the involvement and role of Crisis Staffs in take-overs and the arming of the population, connections between the Crisis Staffs and the military and police and detention of non-Serbs: However, the Chamber considers that these conclusions fall outside the scope of her expertise and will not rely on her evidence in this regard. Dorothea Hanson, T. 14563–14564, 14566–14567, 14577–14579, 14582 (9 June 2011).

<sup>9888</sup> See para. 606. For example, see P2626 (Report of Bijeljina Crisis Staff, 1 April 1992) (in which the Bijeljina Crisis Staff reported to the SDS Main Board on the situation in the municipality).

Chief of the Bijeljina SJB reported to Mićo Stanišić on the situation in the municipality,<sup>9889</sup> and an almost daily report system was operating between the Bijeljina CSB and the Bosnian Serb MUP.<sup>9890</sup> Similarly the Chamber found that the Rogatica Crisis Staff had direct, oral, and written contact with the Presidency and ministries of the SerBiH, the Government, the army, and the police.<sup>9891</sup> For example, during negotiations in April and May 1992 between the Rogatica Crisis Staff and the Bosnian Muslim leadership regarding the demarcation of territory and division of power within the municipality, the SDS representatives said they would report to the Main Board of the SDS in Pale.<sup>9892</sup> The Chamber also found that in Sokolac, all important decisions of the SDS Main Board that needed to be implemented in Sokolac were sent to the SDS Municipal Board of Sokolac and the Crisis Staff was informed of these decisions.<sup>9893</sup>

**(What does it mean? This is a regular communication between the different branches of authorities! Does it mean #that anything the Serbs did was a crime#?)**

**3036.** In addition Crisis Staffs were also established in SAOs, including the SAO Semberija and Majevica, ARK, and SAO Birač.<sup>9894</sup> The Chamber recalls that the ARK Crisis Staff was formally established on 5 May 1992 by a decision of the ARK Executive Council; however, it had been functioning since January 1992.<sup>9895</sup> On 9 July 1992, the ARK Crisis Staff was renamed the ARK War Presidency.<sup>9896</sup>

**(#All normal, legal and irrelevant for the case#!)**

**3037.** The Chamber recalls its finding that the ARK Crisis Staff acted as an intermediary regional body between the republican-level authorities and the ARK Municipalities by co-ordinating the implementation of instructions sent by the republic-level authorities in the ARK Municipalities.<sup>9897</sup> In addition, municipal Crisis Staff presidents in the ARK regularly gave reports to the ARK Crisis Staff with respect to events within their area of responsibility and received directives from the ARK Crisis Staff.<sup>9898</sup> The Chamber also found that decisions and conclusions of the ARK Crisis Staff were binding on the ARK Municipalities and were implemented by the municipal Crisis Staffs.<sup>9899</sup>

**(What is wrong with that? It is sufficient to take a superficial look at the Constitutions to find out that all of that numbered in this section was #provided for by the Constitution of BiH and Yugoslavia:# )**

**3038.** On 11 June 1992, the ARK Crisis Staff issued a statement setting forth the composition of municipal Crisis Staffs/War Presidencies in the ARK and placing responsibility on these structures for leading the defence and establishing co-operation with organs in other municipalities and the command of armed units.<sup>9900</sup>

**(Is there #anything wrong with “leading**

<sup>9889</sup> P2629 (Report of Bijeljina SJB, undated).

<sup>9890</sup> P2851 (Fax of Bijeljina CSB, 24 April 1992); Milorad Davidović, T. 15462–15463 (24 June 2011); P2752 (SerBiH MUP order, 17 May 1992), p. 1. The Chamber notes the evidence of Kezunović that, considering power cuts and continuous interruption in communication, he did not know whether the CSB from locations such as Bijeljina were able to deliver daily reports to the ministry. Dragan Kezunović, T. 15067–15069 (21 June 2011). However, considering the evidence presented and Kezunović’s unsubstantiated speculation, the Chamber gives little weight to his evidence in this regard. Cvijetin Simić testified that because of the conflicts the whole area of Bijeljina did not have telephones working for several months and that it was cut off from the outside world until May 1992. Cvijetin Simić T. 35713 (20 March 2013). The Chamber finds that it stands in contradiction with accepted evidence that demonstrates that communication existed. Further, the Chamber found that Simić’s evidence was marked by indicators which led to the conclusion that he withheld information from the Chamber, was evasive, and lacked sincerity. The Chamber shall therefore no rely on this portion of this evidence.

<sup>9891</sup> See para. 957.

<sup>9892</sup> P2835 (Report of Rogatica Crisis Staff, April – June 1992), p. 2; KDZ606, T. 18265–18267 (2 September 2011) (closed session); P3279 (Witness statement of KDZ606 dated 1 September 2011), para. 71 (under seal); D2950 (Witness statement of Sveto Veselinović dated 15 February 2013), para. 14. The Chamber received Defence evidence that the Bosnian Serb authorities wanted to avoid the conflicts which had already broken out in the neighbouring municipalities and continued with negotiations until 22 May 199. Mile Ujić, T. 33438–33439 (12 February 2013). See also KDZ606, T. 18317 (5 September 2011) (closed session); P3279 (Witness statement of KDZ606 dated 1 September 2011) (under seal), para. 84.

<sup>9893</sup> See para. 1051.

<sup>9894</sup> See para. 146.

<sup>9895</sup> See para. 2045.

<sup>9896</sup> See para. 2045.

<sup>9897</sup> See para. 2047.

<sup>9898</sup> See para. 2047.

<sup>9899</sup> See para. 2048.

<sup>9900</sup> See para. 2049.

the defence#...”? look at the SFRY (para...@) and BiH (para 252 ) Constitutions, D1262)

Article 252.

The right and duty of the peoples and national minorities and the working people and citizens of the Socialist Republic of Bosnia and Herzegovina to protect and defend the liberty, independence, sovereignty, territorial integrity and constitutionally established social order of the Socialist Federal Republic of Yugoslavia and the Socialist Republic of Bosnia and Herzegovina are inviolable and inalienable.

So, “rights and duty” to participate in the defence...territorial integrity of SFR Yugoslavia” and these right and duty are inviolable and inalienable!

Article 256.

The municipality shall regulate and organize territorial defense and civil defense, organize and carry out preparations of the populace, economy, public agencies and government bodies, direct the preparations of organizations of associated labor, local authorities and other self-management organizations and units, ensure the accomplishment of other tasks of national defense as established by law, and in time of war lead general popular resistance on its territory. The municipality shall fulfill its rights and duties in the area of national defense in accordance with the constitution, laws, system of national defense and the defense plans of the federation and the Republic.

All the #municipal structures were obliged to prepare and lead general popular resistance on its territory#!!! The #Constitutions and laws equilised the civilians and soldiers, both were supposed to be combatants#. The municipalities had a great deal of autonomy in the matter of defence. It is a great responsibility of the Prosecution under the UN auspice, for not taking a minimal knowledge of the domestic judiciary pertaining to a national defence. The UN share this responsibility, and should annul and forbid this practice in future, not only for an international, but for an internal conflicts and civil wars such as this one. Either one of this conflicts are under the domestic judiciary. Also, it should have never be repeated that such a courts, dealing with the armed conflicts, judge and decide without a professional judges and prosecutors knowledgeable in military law.)

Article 257.

Within local authorities, working people and citizens shall organize themselves immediately and prepare to take part in resisting the aggressor and offering protection and rescue from military action, and to carry out other tasks of defending the country, in accordance with the constitution, laws and municipal statutes.

”...citizens shall organize themselves immediately and prepare to take part in resisting...”

Article 259.

Socio-political organizations and other social organizations shall participate in drawing up and coordinating plans and preparatory measures for defense, shall carry out preparations for their own functioning in wartime, shall initiate and direct the activities of their members and other working people and citizens in defending the country.

Professional and other associations of citizens shall participate in the preparations for general national defense and shall equip their members to carry out tasks in defense of the country.

A #“socio-political organizations and other social organizations shal participate in drawing up and coordinating plans and preparatory measure#s...” the SDS and any political party, or organization of mountain climbers, singing society... all of them had to prepare coordinating plans... How the #“Variant A/B looks like now#? As an obligation of the SDS,



**although this paper was not a political, but rather professional document pertaining to defence, created by a people knowledgeable of the defence regulations. D. Kapetina confirmed it in his testimony! Particularly the para 260 is important:**

**Article 260.**

Territorial defense in the Republic shall be the broadest form of armed, organized, general popular resistance, and an integral part of the unified armed forces of the Socialist Federal Republic of Yugoslavia.

Territorial defense shall be organized in the Republic and municipalities as a unified system. **and para 253, which provides for a punishable activities in disturbing or preventing participation in defence:**

**Article 253.**

No one has the right to recognize or sign any capitulation, or to accept or recognize the occupation of the Socialist Republic of Bosnia and Herzegovina or any part of it. No one has the right to prevent the citizens of the Socialist Republic of Bosnia and Herzegovina from fighting against an enemy who has attacked the country. Such acts are unconstitutional and shall be punished as treason.

Treason is the most serious crime against the people and shall be punished as a serious criminal act.

**As envisaged in para 252 of the Law of Defence above, a defence of Yugoslavia was #obligatory due to both Yugoslav and BiH Constitutions and laws#!**

In addition members of the ARK Crisis Staff were regularly briefed about military developments.<sup>9901</sup> The ARK Crisis Staff was also involved in organising contact with Pale to discuss defining territory.<sup>9902</sup> The Chamber also recalls its findings with respect to the involvement of the ARK Crisis Staff in the dismissal and movement of Bosnian Muslims and Bosnian Croats from ARK municipalities and the implementation of ARK Crisis Staff policy at a municipal level.<sup>9903</sup> For example, the ARK Crisis Staff issued a decision that all leading positions, involving access to information, protection of public property and other positions of importance for the functioning of the economy could be occupied exclusively by persons of Serb nationality.<sup>9904</sup>

3039. On 29 May 1992, the ARK Crisis Staff concluded that all Muslims and Croats would be able to move out of the ARK on the condition that Serbs living outside the SAOs be allowed to move into SerBiH and the ARK.<sup>9905</sup> This would help carry out the exchange of population or resettlement of people in an organised manner.<sup>9906</sup> The ARK Crisis Staff also decided to oppose the forceful movement of population and to prevent any such attempts.<sup>9907</sup> However, the Chamber finds that the wording of this conclusion was completely at odds with the forcible nature of the movement of the non-Serb population from municipalities in the ARK.<sup>9908</sup> **(This was rather a precondition and limitation of the right and possibility to leave the ARK, conditioned by a reciprocal approval of the Serb movement into ARK. The wording was not "at odds" with**

<sup>9901</sup> See para. 2050.

<sup>9902</sup> D4038 (Conclusions of ARK Crisis Staff, 18 May 1992). See also D4035 (Conclusions of ARK Crisis Staff, 14 May 1992).

<sup>9903</sup> See paras. 2054–2061.

<sup>9904</sup> D4040 (Article entitled "Leaders - Only Loyal Serbs", 22 June 1992), pp. 1–2; D4039 (Decision of ARK Crisis Staff, 22 June 1992).

<sup>9905</sup> D4045 (Conclusions of ARK Crisis Staff, 29 May 1992).

<sup>9906</sup> D4045 (Conclusions of ARK Crisis Staff, 29 May 1992).

<sup>9907</sup> D4045 (Conclusions of ARK Crisis Staff, 29 May 1992). See also D4194 (Witness statement of Sveto Kovačević dated 7 December 2013), para. 37. Kovačević stated that the leadership in Pale had no influence on decisions of the ARK. The Chamber found that Kovačević's evidence was marked by contradictions, evasiveness and indicators of insincerity which undermined the reliability of his evidence in this regard.

<sup>9908</sup> See Section IV.A.2.b.iii: Deportation and inhumane acts (forcible transfer): Counts 7 and 8.



anything, because there is an overwhelming evidence that these #obstacles for leaving# the ARK were numerous, such as many receipts and confirmation about payments of all financial obligations, such as the electricity bills, housing bills, taxes, and other costs, plus the spenditure for tharnsport... whoever wanted to stay in ARK could have not obtain some of these papers, or the for tickets, and wouldn't be allowed to leave! There is many, many evidences of that. And by that, all stories about an "ethnic cleansing" as a policy of the Republic of Srpska are excluded and senseless!).

3040. After receiving the Bosnian Serb government instructions on the work of the Crisis Staffs, the Bosanski Novi Crisis Staff re-organised itself on 20 May 1992 to "take over the prerogatives and functions" of the Municipal Assembly.<sup>9909</sup> **(Due to the Constitution and laws!)** Similarly on 5 June 1992, the Novo Sarajevo Crisis Staff wrote to the President of the SerBiH Presidency and stated: "The Crisis Staff has performed the function of Municipal Assembly in war conditions."<sup>9910</sup> **(Legally obligatory and mandatory!)** The letter also indicated that the Crisis Staff co-ordinated and organised a variety of municipal services, including accommodation for "all refugees from the occupied territory and people who were left homeless", mobilisation, and accommodation of fighters from other areas.<sup>9911</sup> **(Everything that a municipal assembly was supposed to do, now was an obligation of a crisis staffs or war presidencies! Why it was numbered here as if it was a crime and corroborated a findigns of a criminal conduct of the President and the Serb authorities?)**

3041. From 1993 onwards, when municipal authorities acted autonomously and failed to follow regulations, these issues were discussed and addressed by the Bosnian Serb Government.<sup>9912</sup> The Bosnian Serb Government was also conscious of controlling the parallel organs of government at a municipal level to ensure that the Bosnian Serb Government was the only authorised executive organ in RS.<sup>9913</sup> **(What does it mean? Who else would be "the only authorised executive organ in RS?")**

3042. In 1994, the President reminded the Bosnian Serb Assembly about the Variant A/B Instructions, and said "remember how we used to work before the war. Not everything was as clear as day in the municipalities where we were majority and in those where we were minority. Do you remember the Instruction A and instruction B? We had Crisis Staffs, and it was clear that they were the authority".<sup>9914</sup> In 1995, the President recalled that pursuant to the Variant A/B Instructions in areas where the Bosnian Serbs were a majority they controlled everything at a municipal level and that when they were in a minority they "set up secret government, municipal boards, municipal assemblies, presidents of executive boards" and also established military units.<sup>9915</sup> The President recalled that the JNA had been involved in the distribution of weapons to Serbian areas and that the SDS had "organised the people and created the army" and that with the help of the police "liberated and created the space", sometimes with the help of the JNA.<sup>9916</sup> **(Any Chamber that would take a look of the Constitution, particularly para 259)**

<sup>9909</sup> P2717 (SerBiH Government instructions for Crisis Staffs, 26 April 1992); P2632 (Report of Bosanski Novi's Crisis Staff, undated), p. 7. Hanson testified to seeing evidence of these instructions of 26 April 1992 being implemented in several municipalities including Bosanski Novi, Ključ, Prijedor, and Bijeljina. Dorothea Hanson, T. 14533, 14539 (9 June 2011).

<sup>9910</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), pp. 1, 4. Nešković stated that the police, TO and later the VRS were responsible for protecting the territory and defending the population. Radomir Nešković, T. 14277–14278 (6 June 2011).

<sup>9911</sup> D885 (Letter from Novo Sarajevo Crisis Staff to Radovan Karadžić, 5 June 1992), pp. 1–3. See also Radomir Nešković, T. 14288–14290 (6 June 2011).

<sup>9912</sup> P3142 (Minutes of 80<sup>th</sup> session of RS Government, 7 September 1993), pp. 5–6. See also P3139 (Minutes of the 74<sup>th</sup> session of RS Government, 11 July 1993), p. 6; P3135 (Minutes of the 97<sup>th</sup> session of RS Government, 27 April 1994), pp. 13–14; P3129 (Minutes of the 66<sup>th</sup> session of RS Government, 20 March 1993), p. 5; P3124 (Minutes of the 30<sup>th</sup> session of RS Government, 22 September 1995), pp. 3–4; P3112 (Minutes of the 71<sup>st</sup> session of RS Government, 26–27 May 1993), pp. 15, 20–21.

<sup>9913</sup> P3112 (Minutes of the 71<sup>st</sup> session of RS Government, 26–27 May 1993), pp. 20–21.

<sup>9914</sup> P1403 (Transcript of First Part of 46<sup>th</sup> session of RS Assembly, 9–11 November 1994), pp. 347–348.

<sup>9915</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 316.

<sup>9916</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 316. But see D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 63–66 (stating that no organised part of the JNA took part in the defence of areas and those JNA commanders who were involved were acting on their

above, and see that every single organisation was obliged to organize itself and to take part in drawing plans and preparing measures for defence of the country, and so on. Otherwise, by missing to immediately enact all the preparation and start a defence actions – would mean a high treason!)

f. War Presidencies / War Commissions

3043. At a joint session of the SNB and the Bosnian Serb Government, on 22 April 1992, it was concluded that the Government was to appoint a war presidency and war executive boards in all municipalities where executive boards “are not functioning”.<sup>9917</sup> (#Exactly as provided for in the Constitution#. These temporary bodies were to be composed by the most prominent and most responsible officials of the existing authorities *ex officio*, and could be expanded permanently or from time to time, according to the needs of the population on the given territories. Immediately after the conditions for a regular meetings is established, the temporary emergency bodies had to submit all the decisions made during the period of emergency to the assembly to be considered and passed, or denied!) On 23 May 1992, the Bosnian Serb Government decided to abolish the Crisis Staffs.<sup>9918</sup> The Chamber recalls that the Bosnian Serb Government concluded that “the conditions for functioning of the regular governing organs should be created as soon as possible” and War Presidencies established in municipalities.<sup>9919</sup> After the Crisis Staffs were disbanded, they were transformed into War Presidencies or War Commissions.<sup>9920</sup> (#All in an accord of the laws and Constitution of BiH#, D1262, see para. 269:

Article 269.

Within the assembly of a municipality, a council for national defense shall be formed, whose composition and competence shall be regulated by law.

3044. On 31 May 1992, the Presidency issued a decision constituting War Presidencies and provided for the structure of these bodies including who would be members, including a republican commissioner.<sup>9921</sup> (#All legal and commendable#!) The Chamber further recalls that the republican commissioner, who would be a member of the War Presidencies, was to be appointed by the SerBiH Presidency and have the “right and duty [...] to ensure permanent coordination and implementation of the policies and measures that are established and adopted by the republican state organs and the Main Staff of the [VRS]”.<sup>9922</sup>

3045. This decision also stated that the War Presidency “shall organise, coordinate and adjust activities for the defence of the Serbian people and the establishment of legal organs of authority in the municipality”; “shall perform all the functions of the assembly and the executive organ until there is a possibility for these organs to convene and work”; and “shall create and secure conditions for the work of military organs and units on the defence of the

own and their actions were purely defensive). The Chamber refers to its credibility assessment in fn. 9869 in concluding that it does not find Subotić’s evidence to be reliable in this regard.

<sup>9917</sup> P3051 (Minutes of expanded meeting of SNB and SerBiH Government, 22 April 1992), p. 2.

<sup>9918</sup> See para. 147; P3082 (Minutes of the 13<sup>th</sup> session of SerBiH Government, 23 May 1992), para. 4; P2589 (Dorothea Hanson’s expert report entitled “Bosnian Serb Crisis Staffs, War Presidencies and War Commissions 1991-1995”, 10 September 2009), para. 46.

<sup>9919</sup> See para. 147; P3082 (Minutes of the 13<sup>th</sup> session of SerBiH Government, 23 May 1992), para. 4; P2589 (Dorothea Hanson’s expert report entitled “Bosnian Serb Crisis Staffs, War Presidencies and War Commissions 1991-1995”, 10 September 2009), para. 46. See also D3715 (Article from Glas entitled “Crisis Staffs Abolished”, 7 July 1992), p. 1.

<sup>9920</sup> See paras. 138, 155; Radomir Nešković T. 14280 (6 June 2011); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 287; Bogdan Subotić, T. 40037–40038 (19 June 2013). See also D3715 (Article from Glas entitled “Crisis Staffs Abolished”, 7 July 1992), pp. 1–2.

<sup>9921</sup> See para. 148.

<sup>9922</sup> See para. 150; P2607 (SerBiH Presidency decision on constituting war presidencies in municipalities at a time of imminent threat of war or state of war, 31 May 1992), art. 4; P2611 (SerBiH Presidency Decision on the establishment of War Commissions in municipalities, 10 June 1992), art. 4.

Serbian people”, *inter alia*.<sup>9923</sup> This decision also provided that Crisis Staffs in municipalities were to cease operating when the War Presidencies were constituted.<sup>9924</sup> **(#Exactly as it was envisaged by the Yugoslav Constitution, P4743, and D1260, and the BiH Constitution D1262, some of relevant paragraphs are pasted above!)**

3046. On 31 May 1992, the SDS Executive Board informed the SAOs that the Crisis Staffs were to be abolished and that War Commissions/Presidencies were being established instead and instructed the SAOs to ensure the implementation of this decision.<sup>9925</sup> On 2 June 1992, at a meeting of commanders of the 1<sup>st</sup> Krajina Corps and ARK leaders, the Accused referred to the need to immediately introduce a threat of war and referred to the issuance of the decree on War Presidencies.<sup>9926</sup>

3047. The Chamber recalls that on 10 June 1992, the Presidency issued a decision establishing War Commissions in SerBiH municipalities “which are either affected by war or are facing imminent threat of war”.<sup>9927</sup> These War Commissions were to supersede Crisis Staffs and War Presidencies.<sup>9928</sup> The War Commissions were tasked with maintaining very close co-operation with the legal authorities, to convey directives issued by the War Presidency of the Republic, to convey information about problems and the work of the municipal bodies and to co-operate with the authorities to create military organs and units.<sup>9929</sup> The Chamber notes for example that War Presidencies existed at least in Bijeljina, Vogošća, Brčko, Ključ, Zvornik, Sanski Most, Ilidža, Hadžići, and Prijedor.<sup>9930</sup> War Commissions existed at least in Foča, Pale, Zvornik, Vlasenica, Bratunac, Novo Sarajevo, Vogošća, and Ilidža.<sup>9931</sup> **(All the comments for the findings in this section are the same: #those who assisted the Chamber in assembling this Judgement made a very bad service to the Chamber, to the Tribunal and to the United Nations, because they criminalised the most regular activities of the organs, institutions and their officials#! Just look at the constitutions. None of Defences were aware that a political life and causes of the war would be the main issue of these judgements! And it shouldn't be, due to the Statute of the Tribunal, and if anyway that happened, then it should be done properly and with respect to the domestic legal system!#)**

<sup>9923</sup> See para. 149; P2607 (SerBiH Presidency decision on constituting war presidencies in municipalities at a time of imminent threat of war or state of war, 31 May 1992), art. 3.

<sup>9924</sup> See para. 151.

<sup>9925</sup> See para. 151. See also P3060 (Minutes of the 2<sup>nd</sup> session of the SerBiH Presidency, 31 May 1992).

<sup>9926</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 53.

<sup>9927</sup> See para. 153; P2611 (SerBiH Presidency Decision on the establishment of War Commissions in municipalities, 10 June 1992), art. 1; P1093 (Minutes of 5<sup>th</sup> session of SerBiH Presidency, 10 June 1992); P2536 (Patrick Treanor's expert report entitled “The Bosnian Serb Leadership 1990-1992”, 30 July 2002), para. 262.

<sup>9928</sup> See para. 155.

<sup>9929</sup> See para. 154; P2611 (SerBiH Presidency Decision on the establishment of War Commissions in municipalities, 10 June 1992), art. 3.

<sup>9930</sup> P1142 (Letter from Ministry of Justice of SerBiH to Vogošća War Presidency, 10 August 1992); P2391 (Vogošća War Presidency order, 6 November 1992); P2874 (Freedom of movement pass issued by Brčko War Presidency, 7 May 1992); P3025 (Travel permit issued by Brčko's War Presidency, 9 May 1992); P2888 (Brčko War Presidency Summary of events in Brčko Municipality); P3452 (Extract from Minutes of Ključ War Presidency, 10 July 1992); P3453 (Decision of Ključ War Presidency, 13 July 1992); P3462 (Decision of Ključ War Presidency, 30 July 1992); D4365 (Report from Ključ War Presidency to Banja Luka SJB dated 22 August 1992); P5205 (Minutes from 3<sup>rd</sup> session of the Zvornik Municipality War Presidency, 2 August 1995); P5536 (Decision of the War Presidency of Sanski Most Municipality, 14 July 1992); D2563 (Radovan Karadžić's Decision on appointment of Ilidža War Presidency, 20 June 1995); D2920 (Decision of Bosanski Hadžići War Presidency, 23 October 1993); D4472 (Conclusions of Prijedor War Presidency, 6 August 1995); P2929 (Witness statement of KDZ531 dated 25 June 2011), p. 3 (under seal). See also D3144 (Witness statement of Dragomir Ljubojević dated 18 March 2013), para. 11; Dragomir Ljubojević, T. 35899–35901 (22 March 2013) (testifying that while he was not aware of the Crisis Staff, he was aware that the War Presidency had an active role in decision making in Bijeljina and acted openly).

<sup>9931</sup> P2642 (Report of Foča War Commission, 18 June 1992); P5417 (Confirmation of a decision of the Pale SDS, 25 June 1992); P5479 (Radovan Karadžić's confirmation of appointment of Zvornik War Commission members, 17 June 1992); D1623 (Order of Zvornik War Commission, 1 July 1992); P5486 (RS Presidency Confirmation of Appointment of Members of the War Commission in Vlasenica, 17 June 1992); P5491 (RS Presidency Confirmation of Appointment of Members of the War Commission in Bratunac, 17 June 1992); P5543 (Radovan Karadžić's Decision appointing a War Commission in Novo Sarajevo, 21 July 1992); D4031 (Decision of Vogošća War Commission, 18 June 1992); P6001 (Request of Vogošća Municipality War Commission, 27 June 1992); P6059 (Order of Vogošća War Commission, 29 July 1992); P2390 (Vogošća War Commission order, 6 November 1992); D1244 (Ilidža War Commission Decision, 4 April 1993).

3048. From June 1992 onwards, the Accused confirmed the appointment of or himself appointed members of the War Presidency or War Commission in municipalities including Bijeljina,<sup>9932</sup> Foča,<sup>9933</sup> Ilidža,<sup>9934</sup> Rogatica,<sup>9935</sup> Novo Sarajevo,<sup>9936</sup> Vlasenica,<sup>9937</sup> and Zvornik.<sup>9938</sup> With respect to Brčko, the War Presidency was formed following the instructions of the President and as a body would directly approach the government in Pale or the Bosnian Serb Assembly or Presidency if they had requests.<sup>9939</sup>

3049. On 17 December 1992, the Bosnian Serb Assembly declared that the decision on forming War Commissions ceased to be valid.<sup>9940</sup>

3050. In November 1994, the President spoke about introducing a state of war, and stressed that this did not mean that military rule would be introduced; rather, civilian powers would be concentrated and implemented through operational bodies in the municipalities, thereby “ensuring more effective functioning of the state”.<sup>9941</sup> **(#A legal and commendable approach!#)**

g. Take-over of power in the Municipalities **THE NEW COMMENTS TO THIS PAGE, GIVEN TO PETER!**

3051. **(#Before the war, within the Conference#, #Time-frame and context#!)** As mentioned above, in March 1992 the Accused advocated that Bosnian Serbs take power into their own hands in Bosnian Serb claimed territories and that the structure of BiH would depend on the conditions they could establish on the ground.<sup>9942</sup> **(That was said in the Serb Assembly session on 18 March 1992, just after the negotiating team led by the President returned from the Carrington-Cutileiro talks, at which the #Lisbon Agreement had been appointed and agreed#, except the maps. So, after this Agreement, there was an obligation of the legal Serb authorities to establish an efficient authorities in the Serb territories, so that there doesn't appear any disorder! If it stayed as it is presented, out of the context, it could be seen as if the President advised something illegal and violent. However, that was a necessary measure, because it had already been published that the Constitutional Principles for a future BiH had been agreed, and that there was going to be three republics within Bosnia. At a previous meeting, on 14 February 1992, after the first accord on the transformation of BiH in the three states, the President advised the responsible official to return to their municipalities, and to take care that “there will not be any fleeing from the Serb areas”, see P12, p.1:**

<sup>9932</sup> D1428 (Radovan Karadžić's decision, 17 September 1992).

<sup>9933</sup> P6266 (Radovan Karadžić's Decision, 17 September 1992).

<sup>9934</sup> D1228 (Radovan Karadžić's order, 21 August 1992), p. 1.

<sup>9935</sup> P3413 (Radovan Karadžić's Order confirming appointment of Rogatica officials, 20 July 1992), p. 1.

<sup>9936</sup> P5543 (Decision of Radovan Karadžić appointing a War Commission in Novo Sarajevo, 21 July 1992); D3654 (Witness statement of KW317 dated 26 September 2012), paras. 67–68, 73 (under seal) (stating that this appointment was not implemented until August 1992).

<sup>9937</sup> P5486 (RS Presidency Confirmation of Appointment of Members of the War Commission in Vlasenica, 17 June 1992); P5399 (Notification by the Vlasenica Serb Municipality, 16 June 1992). Considering the evidence regarding communication that existed between the municipality and republic institutions, the Chamber sees no basis for the Accused's assertion that the chaos created by Bosnian Muslim attacks led the Vlasenica Crisis Staff to make decisions independent of the authorities in Sarajevo and Pale. See Defence Final Brief, para. 2838.

<sup>9938</sup> P5479 (Radovan Karadžić's confirmation of appointment of Zvornik War Commission members, 17 June 1992). See also D1716 (Decision of Zvornik Interim Government, 28 July 1992), p. 1; Petko Panić, T. 19210 (20 September 2011); Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16592–16593.

<sup>9939</sup> P3023 (Witness statement of Đorđe Ristanić dated 15 June 2011), paras. 17, 29, 144–145, 149; P2888 (Brčko's War Presidency Summary of events in Brčko Municipality), p. 1.

<sup>9940</sup> See para. 158; P1364 (Transcript of 23<sup>rd</sup> session of RS Assembly, 17 December 1992), e-court pp. 83–84; D1229 (RS National Assembly Decision, 17 December 1992).

<sup>9941</sup> P3147 (Minutes of 9<sup>th</sup> session of RS Government, 8 November 1994), pp. 3–4. The draft decision to establish War Presidencies during a state of war was adopted. P3147 (Minutes of 9<sup>th</sup> session of RS Government, 8 November 1994), p. 5.

<sup>9942</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 43. See also D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 87.



RD: ... I would like to greet you and apologize for falling behind the schedule; as you know the Party President was busy today with these talks, so that is why we are being a bit late. Apart from the members of the Main Board and the So, R[ajko] D[ukic] the President of the Executive boards of the SDS explained why the meeteng was late, because of the talks (wirh Amb. Cutileiro) the same exhibit and page: would talk today about particular topical issues. First of all, the Party President would inform you on the current political situation, and as a part of it, on these talks in relation to the conference, then, we would make agreements related to the Assembly, to specific activities related to the realization of the Assembly decision ... government and about establishing of the Serbian Bosnia and Herzegovina, finally. We shall also say something Mr. Dukic announced that there will be “established the Serbian Bosnia and Hercegovina, finally” since the SerBiH had been proclaimed on 9 January, it has to be explained why the same Republic was going to be “established, finally”. Because the mere proclamation didn’t mean that SerBiH was established and enacted, but only declared. Just after the Agreement reached on 18 March, the establishment started, by preparing the state organs. This was the context for everything that had been said. Further:, P12, p. 5: the factual situation on the ground. We went that far, in our last conversation, we said to them that we were not making anything up, like we were not proposing anything new at all. That the situation is as it is, that the same is happening in Bosnia and Herzegovina what was happening in Yugoslavia. That the main ..., the main attitude towards Yugoslavia during this entire interfering of the European Community was that the Serbs were right, but the factual situation was so and so. Now we are in the position to say – yes, maybe the Muslims are right, but the factual situation is so and so, although they are not right. The factual situation is so and so, now it is so, now it’s up Here is an President’s report to the Serb Assembly #about what was agreed at the Conference, and here is a proof of the provenance of the President’s sentence pertaining to a “Factual State”#. That was what the European Community used to say to the Serbs, while destroying Yugoslavia: The Serbs are right taking into account the law and Constitution, and international agreements, especially the Helsinki agreement on respect of the state borders. But in spite of being right, the Serbs have to understand that here are some new factual situatiin. Se, the Serb repeating this sentence was a sort of “tith for thet” to the EC. Se further: to us. It’s up to each individual to do his part of the job. We shall also talk about that today, but I have to say that we must be wise, unified, dedicated in order to take the last drop of the power into our hands, in a humane way of course, carry it out in a humane way, a just way towards both Muslims and Croats who live there, that is particularly important, that there would be no fleeing from our areas. But also, that a bird cannot come in without your, : The President emphasised that their right to self-determination “will happen according to the actual conditions which are up to you to create”.<sup>9943</sup> (Certainly, on the basis of the just reached Lisbon Agreement. A context is crucial for an accurate understanding and judging the facts!) In this regard the Accused spoke about when to “reveal our next move” and that it “will all be happening in a flash and the set up of the *de facto* situation based on our



documents”.<sup>9944</sup> He explained that there would be “no signing before we have achieved what we want, and you all know our strategic plans. [...] The ultimate strategic goal must still remain a secret”.<sup>9945</sup> **(That was #before the war#, and assuming that there was not going to be a war, but the Serbs had their “strategic plans”, as any other community did!)** The President said they did not “plan to attack anybody but our plan is to defend ourselves and the army is at our disposal for that purpose”; they had the “right to use the army for the final countdown and for the final establishment of authority” and that if a border was established unjustly they would “establish a just border”.<sup>9946</sup> **(According to the Constitution, the Army was obliged to protect the “territorial integrity” of Yugoslavia once it became jeopardized, without waiting for any order. The Constitution was an order! To defend oneself was and still is an undisputable right!)**

3052. The President also warned against the perception that Bosnian Serbs were taking “other people’s land through war” and that they should not mention war, but establish their authority and defend that and state that they did not plan to attack anybody.<sup>9947</sup> The President spoke about “[p]eace at any cost, wherever it is possible”.<sup>9948</sup> **(Entirely #EXCULPATORY#!)** The President stated that they did not need war, and they could accomplish what they wanted by political means but once they had achieved their goals if they were attacked they would defend themselves, including against genocide, and had “the right to use the army for the final countdown and for the final establishment of authority”.<sup>9949</sup> **(All of it is #the eternal right of people!#)**

3053. On 15 April 1992, the President attended a meeting of the SNB in which it was proposed that a state of imminent threat of war be declared.<sup>9950</sup> **(The #Muslim-Croat side had already been fighting the Serbs since 25 March#, with the well known massacre in Sijekovac village on 26 March, with the attacks in Kupres and Bijeljina on 31 March through 2 April. The President and the Serb leadership didn’t want to exaggerate by declaring a state of war, but only a threat of war.)** The imminent threat of war was declared on 15 April 1992.<sup>9951</sup> On 24 April 1992, the SNB met with the Bosnian Serb Government and adopted a decision to form a TO Staff composed of current municipal TO commanders with the President responsible for its realisation.<sup>9952</sup> **(Until 6 April 1992 there was a common TO, as a part of the unique Armed Forces of the SFRY, but on 6 April the Muslim-Croat part of Presidency fired Gen. Vukosavljevic (a Serb) and re-formed a new TO without Serbs. Two weeks later the Serb leadership re-organised the Territorial Defence, which existed due to the Constitution(s) of SFRY and of BiH, and could not be dissolved, see the Constitution of BiH D1262, para 260)**

#### Article 260.

**Territorial defense in the Republic shall be the broadest form of armed, organized, general popular resistance, and an integral part of the unified armed forces of the Socialist Federal Republic of Yugoslavia.**

**Territorial defense shall be organized in the Republic and municipalities as a unified system.**

**And this TO was obliged to defend not only BiH but the entire SFRY, but the Muslim side**

<sup>9944</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 45.

<sup>9945</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 46.

<sup>9946</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 17.

<sup>9947</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 16–17. See also D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), p. 6; P1371 (Transcript of 30<sup>th</sup> session of RS Assembly, 5–6 May 1993), p. 9.

<sup>9948</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 17.

<sup>9949</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 17. See also P1364 (Transcript of 23<sup>rd</sup> session of RS Assembly, 17 December 1992), e-court p. 8 (where the Accused continue to speak about the defensive nature of the war which had been imposed on them); D115 (Transcript of 25<sup>th</sup> session of RS Assembly, 19–20 January 1993), pp. 3, 7; P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 5; P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993, e-court p. 8).

<sup>9950</sup> P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 1.

<sup>9951</sup> P3922 (Decision of SerBiH Presidency, 15 April 1992); D3703 (Decision of SerBiH Ministry of Defence, 18 April 1992), p. 2.

<sup>9952</sup> P1087 (Minutes of meeting between SNB and SerBiH Government, 24 April 1992).

**violated the Constitution.)** In addition, it was decided to compile instructions on the use of national symbols and to procure uniforms and insignia for the TO.<sup>9953</sup> At this meeting it was concluded that a group of lawyers would be tasked with preparing the basic laws in order to set up a legal system for the SerBiH.<sup>9954</sup> On 17 April 1992, the President issued a decision that all Serb employees who had been appointed from an SDS list be withdrawn from their positions in bodies and organisations of the “former Republic of BiH” and the City of Sarajevo.<sup>9955</sup> This decision also provided that all these employees be appointed to bodies and organisations in the SerBiH.<sup>9956</sup>

3054. While the President called on leaders at the Bosnian Serb Assembly to “do whatever is necessary on the ground to establish the de facto situation” he also stated that there should be “full respect for citizens of other nationalities” and that “no one must be harmed, regardless of their religion, nation”.<sup>9957</sup> **(#EXCULPATORY#!!!)** The President also acknowledged that there would probably be resettlement but that “none of it should occur under pressure”.<sup>9958</sup> **(#EXCULPATORY#!!!)** When the SerBiH was proclaimed, this proclamation provided that the constitution of this entity would “guarantee the full equality of peoples and citizens before the law and their full protection against any form of discrimination”.<sup>9959</sup> **(#EXCULPATORY#!!!)** Krajišnik had also spoken previously about creating a state which would be the home for the entire Serbian people and “for all others who so wish”.<sup>9960</sup> **(#EXCULPATORY#!!!)**

3055. Bogdan Subotić also made an announcement that Bosnian Muslims who wished to remain in RS would have the same rights, and those who did not wish to should go to their own people of their own free will.<sup>9961</sup> **(#EXCULPATORY#!!!)** He spoke in favour of clear borders between ethnic communities.<sup>9962</sup> Đerić testified that the Bosnian Serb leadership took into account that a certain percentage of Serbs, Croats and Muslims would live in each constituent unit in BiH and worked towards “preserving the equality of people who remained in their original places of residence” on a reciprocal basis and that the President in his speeches did not question the rights or freedoms of other ethnic communities to live in RS.<sup>9963</sup> **(#EXCULPATORY#!!!)** The President also spoke about ensuring that Muslims and Croats have equal rights and privileges in the state they were building on the “condition that they are not hostile and that they leave the weapons”.<sup>9964</sup> **(#EXCULPATORY#!!! And that was in practice, as shown in the Edward Vulliamy report, P. and in the UN Report D2424@ and other evidence about many villages and municipalities which didn’t have any troubles throughout the war!)** The Accused continued to emphasise that Muslims and Croats living in the RS would always have their rights protected as a minority group.<sup>9965</sup>

<sup>9953</sup> P1087 (Minutes of meeting between SNB and SerBiH Government, 24 April 1992), p. 1.

<sup>9954</sup> P1087 (Minutes of meeting between SNB and SerBiH Government, 24 April 1992), p. 2.

<sup>9955</sup> P5413 (Decision of the SDS, 17 April 1992).

<sup>9956</sup> P5413 (Decision of the SDS, 17 April 1992).

<sup>9957</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 45; Branko Đerić, T. 28018 (24 April 2012).

<sup>9958</sup> D90 (Shorthand Record of 11<sup>th</sup> session of SerBiH Assembly, 18 March 1992), p. 46.

<sup>9959</sup> P6444 (Declaration of the Assembly of Serbian people in BiH, 9 January 1992), p. 2. See also P5558 (Declaration on Constitutional and Political Arrangements of the SerBiH Assembly, 3 September 1992), pp. 2–4 (which provided for the equality of citizens of SerBiH before the law and for freedom of religion).

<sup>9960</sup> P3121 (Stenograph of the session of the Club of Deputies from the SDS, 24 October 1991), p. 8.

<sup>9961</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 49; D3715 (Article from Glas entitled “Crisis Staffs Abolished”, 7 July 1992), p. 3.

<sup>9962</sup> D3715 (Article from Glas entitled “Crisis Staffs Abolished”, 7 July 1992), p. 3.

<sup>9963</sup> Branko Đerić, T. 28017 (24 April 2012), T. 28073 (25 April 2012).

<sup>9964</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 86–87. See also D2852 (Witness statement of Srđan Šehovac dated 27 January 2013), para. 41; John Zametica, T. 42470–42471 (29 October 2013) (testifying that in his opinion the Accused did not appear to have any ethnic hatred and the Accused did appoint some Bosnian Muslims and Bosnian Croats to certain positions within the RS including himself). The Chamber does not find Čeklić and Bajagić’s evidence that the Accused never proposed removing Bosnian Muslims and Bosnian Croats and always insisted on co-existence to be reliable. D3854 (Witness Statement of Savo Čeklić dated 7 July 2013), para. 21; D3853 (Witness statement of Zvonko Bajagić dated 5 July 2013), paras. 36C, 40. In reaching that conclusion the Chamber refers to its credibility assessment in fn. 9231, 11086.

<sup>9965</sup> P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993, e-court p. 8).

**(#EXCULPATORY#!!!)** He also emphasised the enormous responsibility of the SDS to defend the “Serbian Republic” and that their state should “rest on rule of rights and humanity”.<sup>9966</sup> **(#EXCULPATORY#!!!)** The Accused called on the SDS members to “constantly monitor our behaviour, so that the glory of our just battle would not be tarnished by inhumane actions” with special attention to “just behaviour towards civilians of other nationalities”.<sup>9967</sup> **(#EXCULPATORY#!!!)** In practice these words were not carried out or followed.<sup>9968</sup> **(Incorrect! These words had been carried out in the majority of municipalities. It is significant and worthwhile to notice that these words had been carried out the most thoroughly in the municipalities in which the presidents of it were at the same time the memberst of the Main Board of the SDS, such as: Trebinje, Gacko, Bosanski Samac, Gradiska, Prnjavor, Srbac, Mrkonjic Grad, Banja Luka, Bosanska Dubica, Celinac, Laktasi, and others. Out of 61 municipalities in the Republic of Srpska, the Indictment treated only one third of it!)**

**3056.** The Chamber notes that Krajišnik stated at one of the sessions: “I have discussed this [the creation of a unified Serb state] openly, even though this is being recorded and even though the journalists might write it down”.<sup>9969</sup> Similarly when the Accused invited Mladić to brief the Bosnian Assembly on the military situation and their intentions, he qualified that by asking that he present “what can be said at a place like this”.<sup>9970</sup> This is indicative that what was said at these sessions was often for public consumption and included rhetoric which the Chamber has approached with caution and weighed in light of the other evidence received. **(This is ridiculous! Every state has some “state secrecies” although the Serbs hadn’t been very successful in it, and that was well known through the times! Does the Chamber have any document that differen from what had been said et these meetings? Beside that, there always had been spies of the adversaries, and of many other sides, and only idiots wouldn’t have it in mind, not to disclose the next moves, or a maneuvers of the Army! The political intentions hadn’t been a secret matter to the international interlocutors, since it had been followed by commitments and obligations! Finally, it is written in the Law of Defence, P2602 p.13**

#### Article 69

Enterprises and other organisations, State and other organs and organisations shall determine which information pertaining to defence from their scope of activity is to be considered secret, what measures and actions are to be taken to protect it, and what special measures and actions are to be taken to protect secret defence information in contact with foreign natural and legal persons, in accordance with the regulations issued by competent authorities.

Secret defence information shall not be disclosed to the public by the media.

**So, if the President said that Gen. Mladic should say “what can be said at a place like this” clearly tertained to the military secrets which couldn’t be said in a public meeting! What was criminal in that? )**

**3057.** The President said that in certain municipalities, such as Bijeljina and Pale, where Bosnian Muslims accepted co-existence and were “not showing the will to fight against the Serbs and

<sup>9966</sup> D94 (Radovan Karadžić’s letter to SDS members, 11 July 1992).

<sup>9967</sup> D94 (Radovan Karadžić’s letter to SDS members, 11 July 1992).

<sup>9968</sup> Herbert Okun, T. 1740 (27 April 2010).

<sup>9969</sup> P1357 (Transcript of 18<sup>th</sup> session of SerBiH Assembly, 11 August 1992), p. 18.

<sup>9970</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), pp. 17–18.

against their state”, they were living peacefully and well.<sup>9971</sup> **(#EXCULPATORY#!!!)** The President stated that Muslims in Bijeljina and Pale were not being bothered or considered second-class citizens and that the government officials were trying to convince them that they had nothing to fear.<sup>9972</sup> **(#EXCULPATORY#!!!)** In this regard, the President also mentioned that in Sanski Most, Ključ, and Prijedor, while there was some fighting caused by “Muslim extremists”, once they were eliminated those who remained were not willing to fight the Serbs.<sup>9973</sup> **(True and #EXCULPATORY#!!!)** However, the President characterisation of what was happening in those municipalities does not accord with the Chamber’s factual findings in section IV.A.1 about the conditions which Bosnian Muslims faced in those municipalities at the time. **(This is not correct! There were a significant minority of the Muslims, as any extremists are a minority, in these municipalities that had the troubles, while the vast majority didn’t have any! It is very easy to count: out of around 50,000 Muslims in Prijedor,(or 65,000 non-Serbs) only around 3,000 had been brought in and questioned after a massive attack on Prijedor, and only 1,400 had been detained and conveyed to the Manjaca POW prison. This is less than 3%, (about 2,5%!) What was with others? How come that there was so many Muslims in Prijedor in 1994, when the UN and others mediated and intervened with the Accused to let them go to the European countries?)**

3058. The President also visited Rogatica in March 1992 and met with municipal level leaders.<sup>9974</sup> On 25 March 1992, the President was informed that Rajko Kušić had threatened to attack Rogatica unless the municipality and SJB were unconditionally divided into Serb and Muslim parts within two hours.<sup>9975</sup> This letter further indicated that in accordance with the President’s instructions, “the factual division on the ground should be and is already there, however the official division must be accompanied by laws issued by relevant Serbian Ministries, as well as party agreements at the highest level”.<sup>9976</sup> **(#EXCULPATORY#!!!)** The President was informed that it would be dangerous to “be the originator of the war situation when the Serbian people are not sufficiently prepared”.<sup>9977</sup> **(#EXCULPATORY#!!! These resignations hadn’t been accepted, but the interference of the Army in the state policy was limited, and the Party (SDS) ceased to act for an entire year, in order to prevent it to interfere in the activities of the civil authorities!)**

3059. On 24 March 1992 the Bosnian Serb Assembly adopted a decision which verified the decisions of municipal assemblies which had proclaimed newly established Serbian Municipalities.<sup>9978</sup> These municipalities included Vogošća, Srebrenica, Bratunac, Prijedor, Višegrad, Foča, Brčko, and Zvornik.<sup>9979</sup> The SAOs were also required to report on the establishment of Serbian Municipalities.<sup>9980</sup> At the same session the Accused said:

at a desired moment, and this will be very soon, we can form whatever we want. There are reasons why this could happen in two or three days. Such are the forecasts but I cannot tell you the reasons now. At that moment, all the Serbian municipalities, both the old ones and the newly established ones, would literally assume control of the entire territory of the municipality concerned. The Zvornik municipality takes control of everything that

<sup>9971</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), pp. 15, 21, 86. *See also* Branko Đerić, T. 28022–28023 (24 April 2012).

<sup>9972</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 21.

<sup>9973</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 15.

<sup>9974</sup> P3279 (Witness statement of KDZ606 dated 1 September 2011), paras. 43, 45 (under seal); KDZ606, T. 18310–18311 (5 September 2011) (closed session).

<sup>9975</sup> P6105 (Notice of resignation, 25 March 1992), p. 1.

<sup>9976</sup> P6105 (Notice of resignation, 25 March 1992), p. 1.

<sup>9977</sup> P6105 (Notice of resignation, 25 March 1992), p. 1. *See also* Tomislav Batinić, T. 33675–33678 (14 February 2013).

<sup>9978</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 23–24. *See also* Adjudicated Fact 2010.

<sup>9979</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 23–24. *See also* P1354 (Minutes of 13<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 8–9; P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990–1992”, 30 July 2002), para. 223.

<sup>9980</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 24.

constitutes the Serbian Municipality of Zvornik. Then at a given moment, in the next three or four days, there will be a single method used and you will be able to apply it in the municipalities you represent, including both things that must be done as well as how to do them. How to separate the police force, take the resources that belong to the Serbian people and take command. The police must be under the control of the civilian authority, it must obey it, there is no discussion about that – that’s the way it must be.<sup>9981</sup>

**(#EXCULPATORY!!! “Control of everything that constitutes the Serbian Municipality...”  
#therefore, only the Serb settlements and areas!!!# In all municipalities that had a “Serb municipality” there were envisaged the Muslim or Croat, or both, municipalities, with the same competences as the Serb municipalities. Had it been respected by the Muslims, there would be a peace and nobody could harm another, because the Serb police wouldn’t be authorised to enter the Muslim villages, and vice versa! There could be no any “ethnic cleansing”, detentions, any crimes, but that would mean that there wouldn’t be armed uprisals, rebellions and mutinies, which were the only reason for detaining the perpetrators !  
#Two municipalities – peace#!)**

3060. The Accused also stated: “Newly established municipalities must establish their organs as soon as possible, have their stamps made and start to work. The police, that is, our organs must be positioned at the border.”<sup>9982</sup> At this session, the Bosnian Serb Assembly instructed the Government to prepare and submit to the Assembly for adoption an operational plan “of assuming power and rendering operational the authorities in the territory of the Serbian Republic of Bosnia and Herzegovina”.<sup>9983</sup> **(#EXCULPATORY!!!! The authorities already existed, but it was necessary to have a responsible new organs in charge of only the Serb territories within the towns and cities with two or more ethnic municipalities!)**

3061. The President also emphasised that in the period when the State was being created, the deputies would have to be the “pillars of our power” in their locations and “remain in permanent contact with presidents of municipalities and work on the establishment of local government”.<sup>9984</sup> The President also acknowledged that the president of the municipality was who “carried out our plans”.<sup>9985</sup> **(#All legal and in accordance with the laws, nothing criminal!#)**

3062. On 27 March 1992 when the Bosnian Serb Assembly promulgated the Constitution of SerBiH, the President delivered a speech in which he addressed criticism that they had taken steps “with undue haste” and stated that “we are clean before God, because we have not made a single move which was not provoked”.<sup>9986</sup> **(#EXCULPATORY!!!!)** He also stated that the Serbs had responded to “non-democratic measures democratically” **(#EXCULPATORY!!!!)** and formed its state unit legitimately based on the law exercising their right to self-determination.<sup>9987</sup> **(#EXCULPATORY!!!!)** The President also spoke about the possibility that all three peoples in BiH may flourish “if [the declaration of BiH independence] passes

<sup>9981</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 22. The Chamber places no weight on KW317’s opinion that what prompted these actions was not the will of the Accused or the SDS but was the result of the actions of Bosnian Muslims. KW317, T. 39338–39339 (5 June 2013).

<sup>9982</sup> See para. 136; P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 17.

<sup>9983</sup> P1354 (Minutes of 13<sup>th</sup> session of SerBiH Assembly, 24 March 1992), pp. 8–9. See also P2536 (Patrick Treanor’s expert report entitled “The Bosnian Serb Leadership 1990-1992”, 30 July 2002), para. 223; Adjudicated Fact 2009.

<sup>9984</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 15. The Accused also met with some municipal leaders and discussed the functioning of municipal organs of authority. D3126 (Witness statement of Jovan Nikolić dated 10 March 2013), para. 61.

<sup>9985</sup> P961 (Shorthand Record of 12<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 17.

<sup>9986</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 8; P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 4. See also D89 (Shorthand Record of 9<sup>th</sup> session of SerBiH Assembly, 28 February 1992).

<sup>9987</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 8; P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 4.



without bloodshed”.<sup>9988</sup> **(#EXCULPATORY#!!!)** The President also said that a war in BiH would not solve anything but that if war did break out “you will get the plans”.<sup>9989</sup> **(#EXCULPATORY#!!! This is another proof that the Serb side didn’t have any war plans, except the obligatory plans for an emergency situations, as Variant A and B. It had been said, on some of these sessions: “we do not have any other plans, except to defend our people and territories!”)**

3063. There was a break in the Bosnian Serb Assembly sessions and the 16<sup>th</sup> session was held on 12 May 1992 and was described by Krajišnik as the “first war session”.<sup>9990</sup> The President spoke about how the Bosnian Serbs had tried to avoid war, that they had no need to organise themselves militarily because their policies were being realised politically.<sup>9991</sup> **(#EXCULPATORY#!!!)** He explained that the political maneuvering of the Bosnian Muslims and the recognition of BiH resulted in war, and that Serbs had been attacked in Sarajevo, Zvornik and Bijeljina.<sup>9992</sup> **(True and #EXCULPATORY#!!!)** He went further and stated that the Bosnian Serbs in “areas bordering other national communities, it has to fight for its survival against genocide”.<sup>9993</sup> The President also claimed that Serbs had been “very cautious not to take what is not ours, not to fight more than is necessary”, **(#EXCULPATORY#!!!)** that they would mark their borders and “defend them until they are recognised” and that the “factual situation will be decisive”.<sup>9994</sup> In addition, at a session in September 1992, he emphasised that without publicly saying so, their internal borders between Muslims and Croats “are to be thicker” than their borders with Serbia and Serbian Krajina.<sup>9995</sup>

3064. The Chamber recalls that on 18 May 1992, the Rogatica Serb Municipal Assembly abrogated the original agreement on the division of the municipality alleging that the Bosnian Muslim side had avoided attempts to implement that agreement.<sup>9996</sup> **(True!)** This was one day after the President, Mladić, and Krajišnik held a meeting with representatives of municipalities, including Rogatica, and discussed the creation of a Bosnian Serb state in BiH, stating that the time had come for the demarcation of areas between the national groups.<sup>9997</sup>

3065. At a meeting held in Belgrade on 11 July 1992, the Minister of the Interior noted that the government was “preparing a new political and territorial division of the Serbian Republic which will replace the previous necessary forms, such as autonomous Serb areas and regions, with districts”.<sup>9998</sup> The Accused at a meeting of the Presidency of SerBiH August 1992 said that the European Community would accept the “factual state of affairs” and that therefore they “should not make a single concession in military terms”.<sup>9999</sup> **(The President said many times that the EC confirmed that the Serbs were right about preserving Yugoslavia, but a “new factual situation is to be taken into account”, and that was why the Serb leadership said that if it is so, the Serbs had a right to protect their “factual situation”, see P12, and comment for the para 3051 of this Judgement!)**

<sup>9988</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 8.

<sup>9989</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 20.

<sup>9990</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 1.

<sup>9991</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 5, 9; D3697 (Article from Glas entitled “Own Army”, 13 May 1992), p. 1.

<sup>9992</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 5–6, 8.

<sup>9993</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 6. *See also* P5492 (Record of speech by Radovan Karadžić, 9 January 1994), pp. 6–7.

<sup>9994</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court pp. 6–7. *See also* D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), pp. 53–55, 57; P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 109.

<sup>9995</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 55.

<sup>9996</sup> *See* para. 963; P2835 (Report of Rogatica Crisis Staff, April – June 1992), p. 3.

<sup>9997</sup> P1477 (Ratko Mladić’s notebook, 14 February–28 May 1992), pp. 349–351; P6254 (Article from Tanjug entitled “Serb Leaders Promote Ethnic Demarcation”, 17 May 1992).

<sup>9998</sup> P1096 (SerBiH MUP Report on Some Aspects of Work Done to Date and the Tasks Ahead, 17 July 1992), p. 3.

<sup>9999</sup> P1479 (Ratko Mladić’s notebook, 16 July–9 September 1992), p. 22.

3066. The President in September 1992 acknowledged the responsibility of municipal authorities in defining borders and the importance of the government and the Presidency visiting municipalities in order to restore order.<sup>10000</sup> **(#EXCULPATORY#!!! There should be mentioned that in September 1992 the war was going on for more than five months, and that still there was no order restored. All unlawful that happened during this period was not accessible to the authorities, and therefore the authorities, including the President, could have not been responsible, nor the misdeeds committed then were in any way planned or influenced by the authorities!)** Krajišnik acknowledged the presence of presidents of executive boards and presidents of local SDS branches who attended Bosnian Assembly sessions as it was the “best way to keep our people aware of what is going on. We have seen that the people were leaving Assembly sessions with a clear vision of what they are supposed to do.”<sup>10001</sup>

3067. On 20 December 1992, at a meeting of the Supreme Command attended by the Accused, Koljević, Krajišnik, Mladić, and Stanišić, Koljević addressed the issue of the truce, claiming that they should refrain from offensive operations to earn the world’s trust, to which the President responded that nothing is over yet, that they must strengthen the army, reinforce and reorganise their borders, and prove that the Muslims do not want peace to be established.<sup>10002</sup> **(Both, the opinion of the Vice President Koljević and one of the President were in accord. To strengthen the army reinforce and reorganise their borders...” all of it was within the framework of the truce, was of a defensive nature, and nothing offensive was in it! Here is what the President said, P1469, p.1.**

The Supreme Commander Dr Radovan KARADŽIĆ informed those present that this was the first meeting since the decision to establish the Supreme Command of the Army of Republika Srpska. He pointed out that at this time our principal task was to keep the things as they were and /to hold/ the frontiers, that is all points held by our members of the armed forces.

**So, the President pleaded only for a #status quo#, to maintain the borders. Not a single offensive plan or intention, just a defensive measures! Further, first Koljević, then the President:**

subversion is a separate issue. As regards the decision on the truce, we need to refrain from offensive operations to earn the world’s trust. I have heard from intelligence men that we had such a service that we could not be taken by surprise.

Dr KARADŽIĆ: Nothing is over yet because we must strengthen the army, that is reorganise it and reinforce our borders. We need to prove that the Muslims do not want that the peace be established.

**It should be kept in mind that it was a meeting of the Supreme Command, as a civilian advisory body, explaining to the military leaders what was the view of the politics. Nothing to object, on the contrary, all was commendable!)**

3068. In April 1993, the Accused stated that as a result of the war they had created new entities which would have to be recognised and noted for example that nobody could now “return the 50,000 Serbs from Zvornik to Zenica, or to central Bosnia”.<sup>10003</sup> **(Let us see what the President really said, P1367, p.109 – 110:**

<sup>10000</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 15.

<sup>10001</sup> P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 7.

<sup>10002</sup> P1469 (Minutes of VRS Supreme Command meeting, 20 December 1992), pp. 1, 4.

<sup>10003</sup> P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), pp. 109–110.

what they give you, but if you lose then tough luck. However, local wars are hard to end with a defeat of one side, very hard. That is a terrible war, you see that for yourselves. All the wars are chronic Lebanon. On Cyprus they appeased, they made green lines between the warring parties. Nagorno Karabach, India and so on, local wars are a great misfortune. A local war should be brought to an end. If the Muslim leadership had any common sense they could have obtained what they got without shedding any blood. Had it been before the war, we would have sacrificed more of our territories than we are prepared to sacrifice now, if there had been no war, if we had agreed, if we had made some kind of a division line between us. Now what happened, happened, and the international community will have to recognise the new entities. This war created new entities. There is no one who could return the 50 000 Serbs from Zvornik to Zenica, or to Central Bosnia. The map of CUTILLERO, acknowledged more than half of Zvornik, the northern part together with the town and Karakaj and all of that as ours. So all of that is very reactive, the new entities are a very powerful argument. The only question is, are we going to turn our backs on that conference, or are we going to be angry with each other; you can have a third and a fourth conference. It is important that we safeguard our people with our army. Those are the prerequisites for the war to end, to have a conference. If there is no conference, then our enemy doesn't have the chance to end the war and to have an excuse at the same time. Since the enemy also has to have an honourable way out, has to say to its people "sorry I could not do better". So, conferences are necessary. Of course I agree that biased people had led the conferences, that the international community is bias, and that it is against the Serbs and that it had been always against the Serbs, but nevertheless we struggled; what harm did we have from the conference. We struggled with CUTILLERO, we struggled now with these. We had accepted that what wasn't harmful, and we had never accepted that what was harmful. We could have given in at... conference but we didn't, nor shall we give in at this one. Only the question of diplomatic means arises, so I beg you let us think about the light and the heavy cavalry.

**It is evident that the President was persuading the deputies to accept the continuation of the Conference and to abandon an idea of ending of the war by military means, explaining that a local wars do not end this way, but rather become a chronic wars. The President "begged" the deputies to support the Conference, since that would be a just and acceptable solution, and the enemies also need an honourable way out. He also said that the Serbs would have been in a situation to give up some Serbian territories if there was no a war, and that the Muslims would do better and get more if there was no the war, but both the Serbs and Muslims, as well as the international community, have to accept the "new realities" as a result of the war. The President said that the Serbs had been recognised "the more than half of Zvornik municipality" before the war and without the war, but a new reality is that the Serbs expelled from Zenica may not accept to return there. What is wrong with this speech of the President? The entire speech is full of a very important and relevant data which explained the situation, and a very honest, peaceful and conciliatory attitude of the President, but these who assisted the Chamber in assembling the Judgement noticed only this sentence, but used it against the President in an unacceptable and ununderstandable manner!):** The Accused continued to speak about the RS as something they had "created by our own strength, own weapons, own politics".<sup>10004</sup> **(This is like fighting against a windmill, or against millions of mosquitos! So many dostortions, so many crippled sentences, all with the aim to paint the President as black as possible. It should be assumed that the Judges wouldn't do that, and that their assisstants made them a bad service. Let us see what the President really said: P1379, p.9:**

probably 30 of them were held in during war. We have discussed the same issues in this very same hall, the issue of destiny of our people, their right to survival and self-preservation, the issue of destiny of our Republic which we have created by our own strength, own weapons, own politics and in interaction with the international community that has not been always inclined towards us. More precisely, our friends from the international community were either powerless or silent and our opponents were very load and powerful.

**#Crippled sentence#! As it can be seen, the full stop in the quoted sentence in the Judgement, "...own weapons, own politics"... is not at the right place. There is a very #important part of the sentence missing, and this is "... our own strength, own weapons, own politics and in interaction with the international community that has not been always inclined toward us. #Why this part of the sentence had been skipped? Is it permissible in a serious court and a serious case? Even if the Prosecution did this forgery, in a serious countries which support this court – it wouldn't be permissible, let alone if it is done by a neutral and unbiased chamber!);** In January 1994, the President acknowledged the contribution of the SDS party as the "main political force", the army, police, TO, SDS members, municipal level structures and leadership to the preservation of the RS.<sup>10005</sup> **(What is the meaning of this assertion? The SDS was the main political force, because it won over 90% of the Serb ballots, the army, police TO and municipal structures were obliged to preserve their country, i.e. RS, due to the Constitution and laws. Who else would preserve the Serbs and their areas, and settlements, while attacked by their own state? How possibly could it be of any interest of the Court, since it was a perfectly normal and natural? Was it interesting because the President said that, i.e. who said that, or what was said, because it was so, that these structures preserved the RS? This way, gathering so many neutral, or irrelevant, or crippled sentences of the President and other Serb officials, or even non-officials whose words meant nothing for this case, the Court is assembling this Judgement of many, many nothing, to create an impression about guilt of the President!)**

**3069.** In November 1994, the Accused continued to speak about this reality on the ground which had to be retained.<sup>10006</sup> This sentiment was also reflected in statements made by Mladić that they would "impose by the force of arms the final settlement of the war on the enemy" which would then mean the international community had to recognise the actual situation on the ground.<sup>10007</sup> **(The most official "international community", i.e. the European Community and the United Nations wanted the BiH to be independent, and in order to achieve it, the very same "international community" proposed the plan that the Serbs embraced and defended. They wouldn't defend it, if they hadn't been attacked by the Muslims, who tried to deny the Serb rights to their sovereignty and freedom. All of the Serb minimal rights had been agreed, and all of a sudden denied by a Muslim secret army! Of course, the international community had to recognise it, after backing the Muslim illegal attempts to reject already agreed plan, and to expel all the Serbs from Bosnia!)** The President stated that their strategic goal was to separate themselves and not to take the whole of BiH but insisted that they should be prepared to resist attempts to take back as much Serb territory as possible and to

<sup>10005</sup> P5492 (Record of speech by Radovan Karadžić, 9 January 1994), pp. 8–9.

<sup>10006</sup> P1403 (Transcript of First Part of 46<sup>th</sup> session of RS Assembly, 9–11 November 1994), p. 155. See also P1390 (Transcript of 40<sup>th</sup> session of RS Assembly, 10–11 May 1994), pp. 36, 43.

<sup>10007</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), pp. 21–21.

establish new borders.<sup>10008</sup> **(As many other assertions, # irrelevant for the case. No crime, no forbidden or illegal intentions or attitudes, only a defensive reactions#!)**

3070. The Accused continued to speak about their right to claim territories on the basis that “[w]e have created new realities”. He then cited to the example of Zvornik, where there had previously been a Bosnian Muslim majority, but he noted that Serbs from other locations had arrived and occupied the municipality while the Bosnian Muslims had left “for Europe and I do not know where else”.<sup>10009</sup> **(#Distortion#! The Serbs didn’t “arrive” from other localities, they escaped under a horrible conditions, without property, money, even food. Also, the Serbs didn’t “occupy” the municipality, but only inhabited in the Serb part of the Serb municipality of Zvornik#! While the Serb side facilitated the population that wanted to leave the combat areas to have an escorted transport, the other side did nothing what had been agreed with the ICRC and UNHCR!)** He noted that in this scenario they would claim Zvornik “based on the right which comes out of a new reality” which had been created through the war and that if they wanted “to give Zvornik to the Muslims then you have to wage a new war in order to expel these Serbs back to Zenica. We request Zvornik according to this right. We use the same right to ask for our state. And we will get it.”<sup>10010</sup> **(#This had nothing to do with the Muslim possibility or rights to live in Zvornik, but it pertained to the allocation of Zvornik as a whole to the Muslim side#. The Chamber already knew that even before the war, and without any war, the EC envoys Carrington and Cutileiro allocated almost 50% of the Zvornik municipality to the Serbs. Throughout the war the Muslim side possessed and controlled close to 50% of the Zvornik municipality, since the Serbs didn’t want to control their settlements unless necessary for the military reasons! Yes, the Serbs “got it”, i.e. their parts of Zvornik, but they have lost many municipalities almost 100% Serb municipalities, such as: Ilijas, Serb Vogosca, Serb Ildza, Serb Hadzici, Glamoc, Grahovo, Drvar, all above 85% Serb areas!)**

3071. The President also observed that the SDS “endured the armed struggle in a superior manner. [...] With such, well organised defence, the majority of our people has been saved. [...] We should always remember that the people themselves and the SDS fought and set up the frontlines in 45 days, from 5 April to 20 May”.<sup>10011</sup> **(#Before the VRS, during the JNA#! That meant, until the VRS was established! The JNA was most of the time neutral, or reluctant to protect the Serbs, but when attacked at the same time, the JNA defence was helpful for the attacked Serbs! But, let us see what the President said in an interview in the occasion of the anniversary of the Repulbic, P953, p. 3-4:**

for us. It was a very successful period of political struggle and the Serbian Democratic Party and its representatives to the former assembly came through as the moral winners. We had a list of the actions and steps to take, but we always waited for the Muslims to make a mistake and after they made one, we created a union of municipalities and the Serbian autonomous areas next, followed by the regions and eventually our assembly, and finally Republic. Every time that the Muslim or Croatian representatives told us that we were breaking up former Bosnia and Herzegovina, we replied that our actions were only in response to their mistakes and their aggression against our political rights. The Serbian Democratic Party also endured

<sup>10008</sup> P1390 (Transcript of 40<sup>th</sup> session of RS Assembly, 10–11 May 1994), pp. 41–42.

<sup>10009</sup> P1403 (Transcript of First Part of 46<sup>th</sup> session of RS Assembly, 9–11 November 1994), p. 157.

<sup>10010</sup> P1403 (Transcript of First Part of 46<sup>th</sup> session of RS Assembly, 9–11 November 1994), p. 157.

<sup>10011</sup> P953 (Article from Oslobođenje entitled “Happy Birthday Republic”, 6 January 1995), p. 3–4.



the armed struggle in a superior manner. It was the first time that the people knew what was in store for them. With such, well organised defence, the majority of our people has been saved, and lines toward the enemy were established. We should always remember that the people themselves and the SDS fought and set up the frontlines in 45 days, from 5 April to 20 May, while our army was still being established. Eventually, of course, this army became non-partisan, but we didn't want to appoint any SDS commissioners to it, because we relied on the patriotism of each of our officers and soldiers. As far as the political circumstances are concerned, the Serbian Democratic Party has played that part quite well, too. We governed the country in a very liberal manner, guaranteeing full freedom to our citizens, freedom that we are proud of. It is the first time that the Serbian people are not afraid of their own police or state security police. None of it would have happened without the active and creative participation of the SDS.

**(#CRUCIAL PARTS SKIPPED#! Again, the crucial parts of this paragraph of the President interview had been skipped and replaced by three points (...”and the lines toward the enemies were established”#!) although it has a relevance! A mere defensive approach confirmed!)**

### 3. Conclusion

**3072.** The Prosecution argues that the Variant A/B Instructions established the bodies which were the primary instruments through which the President and the Bosnian Serb leadership were able to assert control over territories and remove non-Serbs.<sup>10012</sup> It also alleges that the President supervised the implementation of the Variant A/B Instructions and issued specific guidelines in that regard.<sup>10013</sup> With respect to the Variant A/B Instructions, the President contends that there was “absolutely nothing wrong with this document” and that it only envisaged defensive measures in response to moves towards the independence of BiH.<sup>10014</sup> **(#A free and creative interpretation#! There was no “envisaging defensive measures in response to moves towards the independence of BiH,” but in response to a possible Muslim attempts to militarily attack the Serbs in their sovereign areas and force them to accept the independence under their conditions, i.e. to become a national minority and lose many rights, as the Serbs in Krajina in Croatia did! The Court was not interested in any of the causes of the events, only in a consequences for which the Serbs would be “found guilty”!)**

**3073.** Having considered the evidence above, the Chamber finds that the Variant A/B Instructions was a core document in terms of furthering the objectives of the President and the Bosnian Serb leadership from December 1991 onwards. The instructions reduced to writing the practical measures and steps which had to be taken at a municipal level in order to achieve those objectives. The Chamber finds that the Variant A/B Instructions reflected the ideology and objectives of the President and the Bosnian Serb leadership which have been discussed above.

<sup>10012</sup> Prosecution Final Brief, para. 122.

<sup>10013</sup> Prosecution Final Brief, paras. 123, 129.

<sup>10014</sup> Defence Final Brief, paras.75–78. The Accused also makes a suggestion that there are inconsistencies “that may bring into question its authenticity or origin, and dispute its conspiratorial nature”. Defence Final Brief, para. 75.

**(#LEGAL AND OBLIGATORY#! This is a completely wrong “finding”. Namely, the #Variant A/B was a professional, not political document#, that was obligatory for every single entity, from republic, to areas and communities of municipalities, to municipalities, local communes, companies, and “socio-political organisations” such as sport associations, parties, taxi drivers, every single “subject of the all-national defence. That is written not only in laws, but in the constitutions, as can be seen above. So, nothing in this paper contained any political platform, ideology or objectives, which were formulated and presented by political bodies and in political talks, aimed to be accomplished by the talks, on the basis of the Serb constitutional rights. Once it was rejected by the Muslims, and the political means replaced by an armed attack against the Serbs, this paper served as a mere defensive concept, which would be the same regardless of an enemy, no matter was it Eastern or Western military block, or an internal enemy of the country! Finally, it was created by a retired officers as a non-political persons!)**

3074. The Chamber finds that the President played the leading role in the distribution and promotion of the Variant A/B Instructions. In doing so the President re-emphasised the interests of the Bosnian Serbs and also repeated the threats which Bosnian Muslims and Bosnian Croats and the independence of BiH posed to those interests. **(Not entirely correct: #it was not a mere independence that jeopardized the Serbs, it was a unitary independent Bosnia under the fundamentalistic regime based on the Islamic Declaration written by Mr. Alija Izetbegovic#, who was offered by the President to denounce this book as a political program, and he refused it. The main proof that it was so was the fact that the Serbs accepted that BiH may be independent provided the Serbs, and two other ethnic communities if wanted it, get a high autonomy as Izetbegovic accepted in the Hague ICFY in 1991! What was wrong with the high autonomy, with a de-centralised Bosnia, while a decentralisation is achieved in many European countries?)** The manner in which the Variant A/B Instructions were distributed demonstrates a high level of organisation, planning, and co-ordination to ensure that all key Bosnian Serb leaders at a municipal level received those instructions. **(So what? The Chamber is #charging the Serb leadership and the President for being good in forecasting the development of events, for being cautious not to be deceived by the adversaries, and for a capability to organize their ethnic community and its organs!#)**

3075. The Chamber also finds that accepted evidence demonstrates that not only were the Variant A/B Instructions distributed, they were subsequently discussed and implemented at a municipal level and were considered mandatory. The instructions formed the basis on which Bosnian Serb Crisis Staffs, Bosnian Serb municipal assemblies, and other parallel municipal structures were established in the Municipalities. These instructions provided the basis for the declaration of Serb municipalities and not only called for the creation of Crisis Staffs, it also specified their structure, composition, and functions. **(So what? How this could be a crime? What the Prosecution is charging the President for, and the Chamber is trying and sentencing for?)**

3076. The Chamber notes that in Variant B municipalities, the instructions did make provision for the proportional representation of “other nations” in government organs, but this included a proviso that this only applied to those who expressed loyalty to Yugoslavia. The Chamber finds that this is a reflection of the position taken at the time by the Bosnian Serb leadership and that such statements promising protection of the rights of other ethnicities were highly conditional on them accepting and following the objectives of the Bosnian Serb leadership. **(Wrong: this document had been created by a retired army officers as professionals, and was a professional, not political paper. It was created while Yugoslavia still existed, and Bosnia was still in Yugoslavia. Look how this matter was regulated by the REGULATIONS,**

**issued by the Federal Ministry for Defence on 1 January 1990, P4477, p. 5:**

3. Coordination and cooperation of the command with other JNA /Yugoslav People's Army/ commands, organs of socio-political communities, socio-political organizations, territorial defence staffs and other ONO /All-People's Defence/ factors in the preparation of forces, resources and territories for armed combat and other issues of mutual interest in line with laws, regulations and other documents.

**The "socio-political communities" pertained to the regular organs of authority, while "socio-political organizations" meant all the organizations from the political parties through the "mount-climbing society, to sport organizations! So, what this paragraph in the Judgement is something very commendable due to this Regulations, as well as the laws and constitutions. In a case of an ethnic group takes the armament and fight against Yugoslavia, it would mean losing all of their rights except the rights of a Prisoners of war if captured!)**

3077. The Chamber also finds that in addition to forming the basis for the creation of parallel political structures, the Variant A/B Instructions also included provisions directed towards the military organisation of the Bosnian Serb population at a municipal level. This involved taking steps to ensure that police, reserve, and TO structures were prepared and ready to be engaged depending on developments. The Crisis Staff was tasked with taking a central role in making these military preparations. **(So what? This was an #obligation according to the laws of defence and to the Constitution of SFRY, Constitution of BiH and Constitution of the Republic of Srpska!# All of those forces already existed, and, as provided in the Regulations, P4477, the authorities at all levels were obliged to facilitate the functioning of all of these organs, organizations and units!)**

3078. The Chamber also finds that the content of the Variant A/B Instructions included preparations for the physical take-over and maintenance of power in Bosnian Serb claimed territory, which ultimately took place. **(Incorrect! #The "take-over" of the power in Bosnian Serb claimed territories happened at the elections in 1990, and these authorities didn't change until the next elections in 1996. There was no a single municipal authority that didn't last since 1990!)** The Chamber refers to its factual findings with respect to the pattern of take-overs in the Municipalities. It recalls the involvement of the structures created pursuant to the Variant A/B Instructions in preparing for and carrying out these take-overs. **(#None of "structures" had been created pursuant to the Variant A/B Instructions, since all of these structures already existed.# The Instructions only reminded the local authorities to be cautious and ready for the defence. The Crisis Staffs weren't a new structure either, because it was not a new structure, as the Presidencies of municipalities weren't a new structures. Both were composed of the same officials, *ex officio*, and not nominated by the President. If anyone cares for the facts and the truth, that is how it was, and that had been corroborated by the Defence, and it is still very easy to check!)** It also recalls the central role that these structures played in maintaining power and regulating the functioning of the municipalities after the take-overs were completed. **(That was the #mandatory obligation of the local authorities, what is wrong with that? Only in a case the Serbs came from another planet without any rights on the earth and in Bosnia, but it doesn't seem to be the fact!#)**

3079. The Chamber finds that while municipalities had some autonomy in terms of the precise manner in which they implemented the Variant A/B Instructions, they were considered to be mandatory. **(Certainly! #Mandatory due to the Law of the All-People Defence (ONO) and the Constitution, not due to the Instructions. Had it been due to the Instructions, it would be titled as an "Order"#!)** The Accused took an active role in monitoring the implementation of the Variant A/B Instructions and also following developments which occurred at a municipal

level and difficulties municipal authorities faced. In this regard the Accused not only was in direct contact with municipal leaders he also specifically tasked Bosnian Serb officials with monitoring developments and problems at a municipal level in general and the implementation of the Variant A/B Instructions in particular. **(All of that was a # legal obligation of the President and all other officials, in accordance with the Republic of Srpska Law on Defence, which was derived from the existing laws on defence of the SRFY and BiH, see P2602 p. 14.**

#### Article 73

The Defence Plan of the Republic shall determine tasks, organisation, forces, means, measures and procedures for the operation and other defence-related activities of State organs, enterprises and other organisations in case of war or the imminent threat of war.

Defence Plans shall be adopted by the Republic, districts, municipalities, enterprises and organisations that are part of a unified technical and technological system which is vital for the Republic and enterprises and other organisations declared by a competent organ to be of special importance for defence.

The Defence Plan of the Republic shall cover the following: assessment of military, economic and other conditions in case of aggression; wartime organisation and classification; measures of preparedness; mobilisation; functioning of the Civil Defence, the surveillance and reporting service, communications, management, economy and public services; and security and protective measures.

The Ministry of Defence shall draft the Defence Plan of the Republic, with the exception of supplements pertaining to internal affairs, economic and public services, hydrometeorology and other services, which shall be prepared by organs in charge of these services.

He

co-ordinated efforts to ensure the implementation of the Variant A/B Instructions and sent Bosnian Serb officials to provide assistance to municipalities in this regard. The evidence also demonstrates that this system of monitoring was also a means of ensuring discipline and checking loyalty to the party leadership and programme of action which they had developed.

**(What loyalty to the party leadership, while the SDS had frozen it's activities completely? There was an obligation of the organs of local authorities to the central organs of authorities, established immediately after the WWII and the communist Revolution! #The monitoring was prescribed by every single document, including the Law on Defence#, P2602, p. 14:**

#### Article 71

In accordance with special regulations, the Government shall decide on the following: prohibited areas, in which freedom of movement, sojourn or residence may be restricted; facilities of special importance for the defence of the Republic where viewing, photography or access is prohibited; areas around facilities of special importance for the defence of the Republic where construction of other facilities is prohibited without the approval of the Ministry of Defence; areas in which land survey and research (geodesic, geophysical, geological, hydrological, etc.) are to be carried out only by organs, organisations and associations which have obtained the approval of the Ministry of Defence.

While guarding the facility, /underlined by hand/ security personnel in facilities of special importance for the defence of the Republic shall have the power to check persons' identity, to detain and report citizens who endanger the facilities to the police so that they can be placed under arrest, and shall be authorised to use firearms if there is no other way to protect the facility or their lives.

Personnel described in paragraph 2 of this Article may use firearms in accordance with the law regulating internal affairs

**from Article 74:**



Enterprises, organisations and services equipped and trained for protection and rescue, and enterprises and organisations with special duties in the sphere of surveillance, reporting and other duties stipulated by the present Law and other regulations of the competent organs of the Republic, shall, in addition to measures described in paragraph 1 of this Article, draft special plans to ensure that their duties are carried out in case of war, the imminent danger of war or natural and other major disasters during the time of peace.

#### Article 55

The surveillance and reporting system in the Republic shall consist of the Republic Surveillance and Reporting Service in the Ministry of Defence, which shall in turn consist of reporting centres, surveillance stations and alert units (hereinafter: "Surveillance and Reporting Service"), enterprises and other organisations and other organs which, in the scope of their activities, conduct surveillance and record certain phenomena in the fields of hydrometeorology, firefighting, seismology, health care, radioactivity protection, agriculture, water management, electric power supply industry, transport and other fields.

The surveillance and reporting system in the Republic shall facilitate monitoring and detection of all kinds of risks, including natural, industrial and environmental disasters, and destruction caused by war which could endanger the population, the armed forces, enterprises and other organisations, State organs, and property and other assets, in order to report them and to call alerts in peace- or wartime so that adequate protection and rescue measures may be taken.

#### and the Regulations, P4477, p. 5.

3. Coordination and cooperation of the command with other JNA /Yugoslav People's Army/ commands, organs of socio-political communities, socio-political organizations, territorial defence staffs and other ONO /All-People's Defence/ factors in the preparation of forces, resources and territories for armed combat and other issues of mutual interest in line with laws, regulations and other documents.

4. Monitoring and studying the forces of the potential aggressor and coordinating plans for the use of the corps' forces.

5. Organization, realization and control: of ethical, political, logistic, intelligence, security and material and financial support and self-protection for the corps' commands, units and institutions, as well as for units outside of the Corps' generic composition located in the zone of responsibility and placed under the jurisdiction of the corps command.

6. Securing state borders in the zone of responsibility and combat readiness of border units.

**How it was possible to have the President charged, indicted, #tried and sentenced in the first degree – for the perfectly legal and law binding activities#? The last two documents had been tendered by the Prosecution and the Indictment couldn't be, and mustn't be issued without a glance of these basic documents!)**

**3080.** The Chamber also finds that a direct and regular line of communication existed between the Bosnian Serb authorities at a municipal level and the Bosnian Serb leadership or RS authorities, including the President. This line of communication allowed the Bosnian Serb leadership and the President to monitor developments at a municipal level and to issue precise directions with respect to the establishment and maintenance of Bosnian Serb authority. **(This is not sufficiently specific: if it was pertaining to the pre-war period, that would be correct, but if this finding pertains to the war situation, particularly the first year of the war (1992) the finding would be completely incorrect!)**



3081. The evidence above also demonstrates that the Accused took very seriously the precise implementation of these instructions at a municipal level. The evidence, including intercepted conversations, also shows that municipal level leaders were in contact with the President and reported on progress in developments in the municipalities and how they were following the Variant A/B Instructions. The President emphasised the importance of these instructions in achieving the objectives of the Bosnian Serb leadership, namely the creation of a separate Bosnian Serb state. **(#This is all mixed up and incorrect! The instructions didn't have anything to do with the objectives of the Bosnian Serb leadership to create a separate Bosnian Serb state! This state had been created by the political means, proclaimed on 9 January 1992, verified by the international mediators on 18 March 1992, and put into the function by the end of March, beginning of April 1992.# The A/B Instructions was a document of defence of the people and territories that constituted this state. The monitoring and following the Instructions was a part of the legal obligation of all and every official of the existing authorities of SerBiH, which could have been seen in the laws and Constitution, had the Prosecution prepared their case properly!)**

3082. The Chamber also finds that the SDS structures were the core mechanism through which the SDS policies which had to be implemented were communicated from the SDS Main Board to the SDS Municipal Boards. The President played a leading role in insisting on party discipline and the imperative to implement SDS policy and the importance of following the timing of the measures which had to be taken. **(Before the war broke out the SDS was obliged to secure that the SDS cadres in power were pursuing the state policy in accordance with the will of their voters. Once the war broke out, the SDS ceased to work, in order to facilitate the state organs to function unhindered. Even before the war the President warned the SDS officials that the SDS is not authority, but a service to the authorities that won the elections, see P12, p.10**

have it. A representative is the supreme power in their place. He is a member of the largest authority and a member of the Serbian Assembly, he is a member of the Assembly of the joint Bosnia and Herzegovina. Neither they have respect for presidents of executive committees, that is municipal boards, nor our municipal boards know how to organize themselves in order to be helpful towards presidents of municipalities, they also do not have meetings of municipal representatives clubs. Clubs meetings of municipal representatives must be held regularly. Our entire policy was tailored in two parts. Not in the Main Board, in the Executive Board, but in the political council and in the Club of Representatives. That is why our policy has no cracks, that is why you can let any of our people to talk and he will not make a mistake in the basic issues of our policy, perhaps MEDIC will, this one the

: The Chamber finds that these moves were designed and implemented to ensure that Bosnian Serb structures were created and these structures could be quickly activated when necessary in order to take-over power in the municipalities. **(Once again, #wrong! The power in the municipalities already existed since November 1990, and the structures had been created to establish a responsible authorities, in accordance with the Constitution, the laws and the Lisbon Agreement! But when it was clear that the Muslim side reneged on the Lisbon Agreement and intend to initiate the war, (on 25 March) this "structures" i.e. the state institutions, were supposed to save the people and secure the territories and properties! The evidence that corroborate this facts is very numerous, while there was no any evidence to the contrary. The most obvious is the following fact:**

**1. #The authotiries in the Serb majority municipalities had been established in 1990;**

2. The formation of the Serb republic in BiH, as #the last concession of the Serb side to agree to the BiH independence#, had already been decided and proclaimed on 9 January 1992, after being understood by the international mediators as a compromise which resolves the BiH crisis;
3. The very same concept of the three republics within BiH continued to be discussed, and finally agreed on 18 March 1992;
4. The majority of the “findings” and quotations of the President and the Serb leadership speeches and words quoted in this Judgement are from the times before 24 - 25 March 1992, while there was a #strong belief that there will be no war#. Only after the Muslim side reneged on the Lisbon Agreement on 25 March, it was more probable that there may be a war;
5. Having that in mind, all the assertions that the President words communicated before 25 March meant the evidence of a criminal plan is #materially and legally wrong#! These words can not be interpreted as a sign, or plan, or premeditation of a “taking over” of the municipalities, or any other illegal action! Why to take over municipalities, when the Conference concluded the Agreement according to which the Serbs were entitled to organize their Republic, which certainly was going to be smaller than the Serb majority territory? There would be no any war if the Muslim side didn’t abandon the Agreement and went to the war, advised by some foreign “friends” as Ambassador Cutileiro wrote, see: D2980)

3083. The Chamber finds that when the Accused activated the second level of the Variant A/B Instructions this was the signal that the structures which had been created pursuant to the first level had to be activated in order to take-over power. (#“To take-over power” – from whom#? A simple answer to this question would unveil the entire wrongfulness of this absurdity in the very foundation of the Bosnian crisis and these accusations and trials! The Serb side maintained the same authorities since 1990 till 1996. When the war broke out, in the municipalities with a substantial Muslim or Croat minorities, and in other with a significant Serb population as minority on a substantial amount of territory, the Serb authorities formed their ethnic municipalities and facilitated the other ethnicities to do the same. In these newly formed municipalities the Serb side maintained the same authorities. It had never been said “to take-over power”, it had always been said “to take power”, which is completely different. To “take-over” in Serbian would be “preuzeti” i.e. take something from somebody, and to “take” meant to exercise a power completely, thoroughly, as it had to be in a war or an imminent treath of war! It is so easy to check the semantics, that there is no any justification for this negligence and the abuse of a linguistic problems of such a trials!) The evidence demonstrates that the second level of the Variant A/B Instructions was intrinsically linked to the physical control of territory and the activation of the second level of the Variant A/B Instructions was also communicated to and acted upon at a municipal level. (A perfectly# legal and obligatory conduct#, according to the explicate provisions of the law of ONO (All-Peoples Defence) derived from the Constitution, see already quoted laws and constitutions, as well as D4282, the Strategy of All-Peoples Defence issued by the SFRY Presidency in 1987, p.9:

*In the event of armed aggression, Yugoslavia shall oppose every aggressor by waging an all-people’s defence war and by engaging all available forces and resources to a maximum. Every possible form of struggle and all-people’s resistance shall be applied in an all-people’s defence war. They are conditional upon each other and connected for the purpose of achieving the same goal. Armed struggle, which must be conducted in an organised way, is the decisive form of opposing the aggressor as the exponent of armed aggression. Armed forces are responsible for armed struggle, but all other subjects in society are also engaged indirectly or directly in its preparation and implementation.*<sup>4</sup> ” -- 20

3084. While the Chamber notes that the Accused spoke in terms of taking power in a “humane way” with respect to the Bosnian Muslims and Bosnian Croats, it is clear that he said this in the context of trying to “change [the Bosnian Serbs’] image with foreign monitors”.<sup>10015</sup> **(It is entirely unfair and #unacceptable to manipulate with the sentences of the President# that way. See the comment of the same issue in para 3023: This kind of #merging and associating two or more different sentences, in order to create a new meaning is not permissible in any legal system#. The two elements, a) a humane treatment of the population and prevention of fleeing – has nothing to do with the b) international monitors and the Serb international image. That pertained to c) an armed skirmishes, a way of defense, in terms not to have it “too aggressive”!#)** In addition instructions which were given to Crisis Staffs also required the humane treatment of civilians and respect for POWs. Despite these statements and orders, the President also clearly stated that he was prepared to “let everything go to fucking hell and that we take the express way”.<sup>10016</sup> **(Another #bastardous and monster-merge of sentences#, which do not have anything in common. To let everything “to go to fucking hell” meant a resignation reaction on the failure of his peaceful endeavours, and “to let something go somewhere” always meant to give up one’s attempt to prevent a “fucking hell”. but he spoke about taking a tactful approach in order to achieve their goals given the importance of international opinion and not being seen as the aggressors. The Chamber finds that this is indicative of the approach taken by the President that while he envisaged the use force and violence to take-over power he was cautious about the way in which this would be portrayed at an international level. (This sentence is unbelievable! #All the words that had been the basis for this “synthesis” had been said before the war, (14 February 1992)# and with an assumption that there will be no war#, and in the closest connection with the achievement of the Carrington-Cutileiro Conference on Yugoslavia and BiH. Again, there is a famous “take-over” of power, although it had never been said or meant, nor there was any need for that, since the Conference was doing well. The most critical and a tremendous misunderstanding and misconceiving of the President words were of his speeches on 14 February 1992, i.e. after the first accord about decentralisation of BiH into three states, and on 18 March 1992, after the sides accepted the Lisbon Agreement. Although all of his speeches had been a political discourse aimed to persuade the MPs to accept some solutions, the essence was accurate, and commendable in all the cases. Taken out of these contexts, the President words are easy to manipulate and create a completely different picture. This must not happen in any system or case!)** The international image and ensuring political points were not lost were very important to the President, but the Chamber does not find that there was a genuine concern about the manner in which power was taken. **(How about the President concerns about the conduct of the Serb side #before the war#, when there was no any idea of “taking-over the power, and majority of the Chambers dis-believes are concerning with these speeches? And how about the President’s “strictly confidential” orders towards the same, humane and lawful conduct of the Serb authorities and forces. And how about his permanent advocacy of the moderate manner in fights, territorial claims, and in particular the treatment of civilians of all ethnicities – communicated to the military and the civil authorities on a closed sessions and meetings, intercepts and other occasions so remote from any public?)**

3085. On the contrary, the Chamber refers to its factual findings in section IV.A.1, which demonstrates that the manner in which Serb Forces and Bosnian Serb Political and Governmental Organs took over power in the Municipalities and the way in which Bosnian Muslims and Bosnian Croats were treated during and after the take-overs was anything but humane. **(The section IV.A.1. is commented there. The Chamber didn’t establish anything**

<sup>10015</sup> See para. 3023.

<sup>10016</sup> See para. 3024.

that is “found” in this section, nor this what had been established, or even alleged could justify this conclusion. Let us reconsider the several simplest questions, answers to which would clarify all the errors of this findings:

1. There was no any “take-over” and the Chamber have taken it from the Prosecution without any consideration of the Defence arguments;
2. If it was a systemic or systematic misconduct, why the same crimes hadn’t been committed in all and every municipality under the Serb control, but only in one third of them;
3. Why the events characterised as a systematic crimes didn’t appear at the same time, or close to it, in all the Serb municipalities;
4. Why only several percent of the non-Serb population had a problems with detention and investigation, while the vast majority, always over 90% of the non-Serb population didn’t have any problem with the authorities;
5. What was a decisive factor for the outburst of violence, did any “systematic” crime appear as a solitary incident, or there was an armed skirmish, and what and who caused the clashes;
6. Without clarification of the contribution of the other side to the concret incidents and to the sufferings of this percent of civilians – there could not be a really assessment of the events. No a reasonable chamber would miss to establish all of it and to obtain the answers to these questions!) The Chamber recalls its legal finding that Serb Forces were involved in a widespread and systematic attack directed against the Bosnian Muslim and Bosnian Croat civilian populations of BiH which was characterised by a widespread and systematic campaign of violence, including through acts of murder, persecution, and forcible displacement. While the President was making these public statements about the protection of minorities, Bosnian Muslims continued to be forced out of municipalities in BiH where Bosnian Serbs had taken-over the territory. The Chamber also finds a disjuncture between the Accused’s public statements and his private discourse in this regard. (For this last sentence the Chamber didn’t have any corroborative evidence. However, neither the “Serb Forces” had been properly identified, nor the President was responsible for all the elements of the alleged “Serb Forces” – the JNA was in no way under his influence let alone control, and the paramilitary part of the “Serb Forces” couldn’t in any way be a part of the official Serb Forces, since the President banned their existence and disowned all of them as early as 13 June 1992. Even for the real and official Serb Forces and their combat conduct the President couldn’t be kept responsible, since he handed his competences of a use of the army, i.e. operational and tactical competences – to the Main Staff of the VRS. Further, the Prosecution and the Chamber didn’t prove that the “Serb Forces” for which the President was strategically responsible, really attacked the civilian population in any of incidents. This is a grave omission and error of the Chamber that it didn’t establish who was initiating attacks, and who did abuse the civilians to attack from their vicinity, and there is a sufficient evidence that it had been the Muslim side doing it *in continuo* throughout the war!)

3086. The Chamber also finds that by April 1992, the work and function of Crisis Staffs were further elaborated by instructions which provided for them to take on the central role in wartime conditions at a municipal level, particularly with respect to defence. (Who else would do that? The JNA was obliged to defend the entire territory of Yugoslavia, but the Armed Forces of the SFRY comprised the municipal forces, TO and police too. Apart of this, the Constitution and the law on Defence strictly defined the competences and obligations of the Municipal authorities, under the treath of punishment for a high treason! Fo these arguments see:@ the Crisis Staffs were only another name of the official municipal authorities, as were the War Presidencies, composed of the high municipal officials *ex officio*!) It was also clear that the Crisis Staffs were to work in accordance with decisions of the

higher level authorities, including the Presidency, the Bosnian Serb Assembly and Bosnian Serb Government and were also a crucial structure in ensuring that the higher level authorities were informed about developments on the ground. **(Senseless! How could be otherwise?)**

3087. The Chamber finds that the President played a central role in instructing how the Crisis Staffs would function and be structured and this demonstrates one of the ways in which the President exercised his authority over the Crisis Staffs. **(Taking into account the fact that the new authorities established after the first democratic elections had been composed of the persons that were so many decades far from any administration or rule, there was an obligation to instruct them how to act in accordance with the laws and Constitution. This was not a crime, and there was no single example that the President, or other high officials or institutions directed any unlawful instruction. The “finding” that the President of the Republic of Srpska “played a central role” is ridiculous, but is not entirely correct, since the scope of competences and structures of the local authorities had been regulated by the laws and constitutions, not by the President’s instructions!)** The Chamber does not find that isolated and limited acts of insubordination at the municipal level negated the President’s overall clear authority over Crisis Staffs. In this regard, the Chamber notes that, in September 1992, the President acknowledged that “some municipal officials behaved unlawfully” and that the Bosnian Serb Assembly needed to point out these incidents and to take measures to arrest and punish them.<sup>10017</sup> **(Only this quotation is sufficient to rebut the previous “finding” that the President had “overall clear authority over Crisis Staffs. There was an Assembly session at which the President asked the Assembly to authorise the Presidency or the Government to be able to dismiss a municipal leaders that didn’t follow the rule of law, see: D456, p. 15:**

be overlooked. They must completely be put in the function of the front and the defining of borders. I must say that it often happened that some municipal officials behaved unlawfully, up to the point of necessitating their arrest and punishment. This is something which we, as the Assembly, must point out and perhaps even punish and find a way for the Presidency to take a stand in such matters between two sessions of the Assembly. Namely, we should consider ourselves lucky that there have not been any executions so far, but in future there will have to be arrests and punishment. This Assembly, as the legislative body and the body whose duty it is to protect the legality, will have to note this and give us authorisation, even if we do not declare a state of war in order to straighten things out in certain municipalities which are of vital importance, to use vigorous measures. Namely, in view of the enemy’s numbers and

**So, the President asked the Assembly to authorise the Presidency and Government to be able to act and intervene in a municipalities where there was an #improper conduct#!):**

The President added “we must visit municipalities and restore order even at the risk of introducing extraordinary measures, making replacement, arrests, appointments and naming others who, with the help of deputies, will be able to pull the municipality out of a crisis”.<sup>10018</sup>

The Chamber finds this shows that on the limited occasions where municipal officials failed to follow directions, the President had the authority and the means to rectify such situations. **(As it can be seen, this inference of the Chamber was not correct, since at the same session (see the pasted part above) the President asked for such an authorisation to be able to rectify a misconducts in between two sessions of the Assembly. If the last sentence was correct, why the President would ask for an authorisation, and why nobody warned him that he already has the authorisation? Those who assisted the Chamber in writing the Judgement, made a bad service to it, and to the Defence by making so obvious mistakes!)**

3088. From May 1992, War Presidencies and War Commissions took over the functions of the Crisis Staffs and the leading role at a municipal level and were the link to the higher level authorities. **(As with the Crisis Staffs, the war presidencies hadn’t been any new organ of**

<sup>10017</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 15.

<sup>10018</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 15.



the authority, but the same people that won the elections in 1990. All of it was regulated by the Laws and Constitution, see: @ : The Accused himself in 1994 and 1995 recalled the central role which the Variant A/B Instructions and the Crisis Staffs played during the conflict in order to create parallel Serb structures and military units, which ultimately took control of territory and power at a municipal level. (This is a unique example that the Defence had to prove that the# basic legal documents, such as Constitution and the Law on Defence is violated by the Prosecution and the Chamber#. When indicting the President, the Prosecution was obliged to point out what a legal provisions he violated, taking into account the domestic mandatory provisions. Let us see what is defined in the BiH Constitution, P1262, article 260:

Article 260.

Territorial defense in the Republic shall be the broadest form of armed, organized, general popular resistance, and an integral part of the unified armed forces of the Socialist Federal Republic of Yugoslavia.

Territorial defense shall be organized in the Republic and municipalities as a unified system.

or the same P1262, Article 269:

Article 269.

Within the assembly of a municipality, a council for national defense shall be formed, whose composition and competence shall be regulated by law.

or the same document P1262

Article 256.

The municipality shall regulate and organize territorial defense and civil defense, organize and carry out preparations of the populace, economy, public agencies and government bodies, direct the preparations of organizations of associated labor, local authorities and other self-management organizations and units, ensure the accomplishment of other tasks of national defense as established by law, and in time of war lead general popular resistance on its territory. The municipality shall fulfill its rights and duties in the area of national defense in accordance with the constitution, laws, system of national defense and the defense plans of the federation and the Republic.

which is a very broad competence and obligation, not introduced in the practice by the President; or the same document, Article 273.:

Article 273.

In time of war or in the case of an immediate threat of war a presidency of the municipal assembly shall be formed, which shall decide questions within the competence of the assembly if it is impossible for the assembly to meet. The composition of the presidency shall be established by law.

The presidency is obligated, as soon as the assembly is able to meet, to present for confirmation by the assembly those decisions which it has adopted and which are within the competence of the municipal assembly.

The question is: how was it possible that the #Prosecution didn't know even its own document# of the basic and inevitable relevance for the Indictment, so deluding the Chamber to draw so many incorrect inferences?):

3089. Based on the above, the Chamber finds that the Variant A/B Instructions were formulated, distributed, and ultimately followed at a municipal level. The President was intimately involved in this process through his distribution of the instructions and his subsequent involvement in monitoring the implementation of those instructions. The Chamber further finds that the Variant A/B Instructions were used to create parallel Bosnian Serb structures and bodies at a municipal level. The instructions also provided for the military organisation of the Bosnian Serbs at a municipal level. (It is pretty senseless to comment such a senseless assertions and

“findings” while both the Prosecution and the Chamber had at their disposal all the basic legislature that regulated these issues. See: D1262, the BiH Constitution: and the Constitution of the SFRY, Article 239:

**Article 239**

The rights and duties of the Federation and its agencies in national defence are regulated by the present Constitution.

It shall be the right and duty of the Communes, Autonomous Provinces and the Republics and other socio-political communities, in line with the system of national defence, each on its own territory, to regulate and organize national defence and to direct territorial defence, civil defence and other preparations for the defence of the country, and, in the event of an attack upon the country, to organize and direct total national resistance.

Organizations of associated labour and other self-managing organizations and communities shall exercise their right and duty to defend the country in conformity with statute and the plans and decisions of the socio-political communities, ensure resources for national defence, and carry out other duties concerning national defence. These organizations and communities shall be responsible for the execution of these duties.

The “Communes” is another term for “municipalities” and in Serbian original it was written municipalities. So, every single subject in municipalities, including companies, associations and municipal bodies were responsible for the defence, and the President didn’t invent a single innovation or invention of his own!) : The Variant A/B Instructions were a crucial initial step towards establishing Bosnian Serb authority in Bosnian Serb claimed territory. As discussed in Section IV.A.1 of this Judgement, following the creation of these parallel structures, Serb Forces were able to take-over power in the Municipalities. Following these take-overs, the parallel structures including the Crisis Staffs and Bosnian Serb municipal assemblies were able to maintain power in the Municipalities. (First of all, there was no any need for a “parallel structures”, since the elected authorities had their own rights, duties and obligations in all aspects of the life and management in municipalities. See what was provided by the Constitution of BiH in the domain of defence, D1262, Article 263, points 14 and 15:

15. national defense shall be regulated and organized;

16. the protection of civil order and social control shall be organized and ensured;

And there are many other competences, so that municipality was a “state within a state”. But, who established that these institutions were “parallel institutions”? Parallel to what? #The Serbs and several parties that represented the Serb ethnic community in BiH were a legal and legitimate part of the political system and the system of the state authorities in BiH. The #“parallel institutions” were not parallel to anyone and anybody#, but were the only institutions legally established and it’s public servants legitimately elected#. If the Muslims accepted to form their own ethnic municipalities in the Republic of Srpska, which was offered to them by the Serb side even after the war broke out, even in this case no a Serb or a Muslim institutions would be “parallel” but the only in a certain territory, as the Brussels municipalities are not “parallel” to each other, but are the only in their respective areas. These trials and this Judgement are such a precedent, hopefully only because of a tremendous misunderstanding, that it may serve as an example how the international justice is not possible!)

3090. The Chamber finds that one of the first steps in the Bosnian Serb objective of creating a separate state was the expansion and delineation of territory. The parallel municipal structures which were created pursuant to the Variant A/B Instructions, played a pivotal role in this process of territorial expansion and delineation of territory. (These misunderstandings and

misinterpretations are endless, because the very fundamental premises had been wrong. #There was no any “parallel municipal structures”, but there was a new municipalities, completely legally and legitimately formed, in accordance with the law and Constitution#, see: the BiH Constitution, D1292,

#### Article 265.

A municipality shall be formed for any area which constitutes an economic and urban whole in which working people and citizens are bound by common interests and in which the conditions exist for satisfying their common needs, the implementation of self-management and the exercise of authority, provided the area is inhabited by a number of citizens to be stipulated by law.

The formation and dissolution of municipalities, and the establishment of their territory, shall be regulated by law.

The formation and dissolution of municipalities may be carried out in accordance with the opinion of working people and citizens, previously obtained, and with the consent of the assemblies of the municipalities concerned.

As could be seen, both – establishment of a new and dissolution of existing municipalities, as well as their aggregation in the “communities of municipalities” or a regions, was regulated by the Constitution as a sovereign right of the people living in the areas, and the territories of the municipalities was in a competence of municipalities to be determined. All that the Prosecution charged the President, and the Chamber accepted had been completely out of any illegal activity, legal, legitimate and a law binding, while the President was in charge to secure the institutions function properly, particularly in an immediate treath of war, or in a war, the President was supposed and obliged to monitor the functioning of authorities more thoroughly! What was the crime in it?) :

3091. The Chamber finds that the aCCUSED played a central role in promoting this territorial delineation and the steps that needed to be taken in order to establish the borders of the SerBiH in accordance with their territorial and strategic aspirations. (And #in accordance with the international mediators, Lord Carrington and Ambassador Cutileiro#. The delineation was one of the #tasks of all the three sides, to bring their maps of territorial delineation of the three constituent units. Had it been finished on 18 March, to be adopted together with the political arrangement, maybe there wouldn't be any war! How the President could be charged for such a regular and agreed activities?) The President actively encouraged and supported the division of municipalities on ethnic lines. (That was true, but that fact is completely rebutting the main allegation of the Prosecution, the main construction of the Joint Criminal Enterprise comprised of a criminal attempt to expel all the Muslims and Croats out of the Serb claimed territories. #On the contrary, offering to the Muslim and Croat sides to form their own municipalities even in the Republic of Srpska, and run their affairs unhindered, makes the alleged “permanent removal” and other crimes completely impossible and unnecessary#. Impossible, because the non-Serbs would have the same as the Serbs did have, the police, administration, territorial defence, and nobody would dominate over them, and vice versa. There can not be “i jare, i pare”, i.e. to eat cake and to have it, and that is what this court wanted to have, as this paragraph depicts!) He also emphasised the importance of taking control and power of territory in establishing the *de facto* situation which would form the basis for the creation of their state. (Wrong! To take control was a legal obligation for a responsible authorities, and this task was issued before the war, and had nothing to do with the armed conflicts. In a state of imminent treath of war, the municipal authorities must be in control of all processes and events, as it is provided in the Constitution and the Law on Defence, and other documents, like D4282, pp.5-6.

historical conditions. Common social bases, common goals, common subjects and forces of defence and protection determine the defence and protection function as a common and indivisible system of ONO and DSZ, regardless of the fact that special forces, above all intended for defence or protection, are developed in all-people's defence and social self-protection. Starting from the need for a maximum efficiency and continuous functioning in peacetime, in emergency situations and in wartime, all-people's defence and social self-protection as a whole and all their elements must be well organised and trained to carry out their special tasks successfully.

**p.7**

*Social self-protection is one of the broadest self-managing rights and duties and one of the lasting functions of Yugoslav socialist self-managing society and all its subjects.* It implies self-organisation and continuous engagement of working people and citizens and all other subjects of our socio-political system in opposing, in an organised way, all activities of internal and external enemy in the struggle against all practices threatening the socio-political system laid down by the SFRY Constitution. **So, the population is both entitled and obliged to self-organise and engage in a defence against all internal and external enemies, without waiting for anyone to order this defence! Further, D4282, p. 8:**

*Preparations for defence and protection are carried out by all subjects in society in accordance with their rights and obligations, location, role and tasks in peacetime, emergency situations and wartime.* Preparations include activities which ensure the functioning of the socio-political and socio-economic systems, economy and public services and successful armed struggle and all other forms of struggle and all-people's resistance in all conditions throughout the SFRY territory and for the duration of the all-people's defence war.

**These provisions give all the answers to the Prosecution allegations/ the Chamber findings, rebutting all of them! See the same exhibit, p. 8-9 on the rights and obligations of the local authorities:**

*Local communes, depending on their size, number of inhabitants, degree of development and other conditions, shall organise and conduct preparations in the area of all people's defence and social self-protection; organise and prepare Territorial Defence units and staffs and conduct preparations for armed struggle and all people's resistance; organise and conduct preparations for protection and rescue of citizens and property from devastation caused by war, natural disasters and other dangers; may organise a monitoring and information service; take measures to ensure the basic communication, medical and other needs of the citizens in the event of war and other threats to the country; draw up a defence plan and an emergency plan.*

*In local communes working people and citizens shall organise and prepare all people's resistance and self-protection in peacetime, and they shall implement it in wartime and carry out their obligations and tasks in production, the monitoring and information service and civilian protection, and participate in armed struggle.*

**):** The

Chamber also finds that the President played a leading role in the separation of municipal structures and the establishment of parallel Serb structures which would allow this objective to be achieved. **(#TIME SHIFTING#! This senseless finding is commented in the para 3051. Just to remind the readers: the Assembly session at which it had been said had been held on 18 March 1992, the very #same day when the Lisbon Agreement had been agreed#. The President made his speech aimed to make the municipal authorities aware that the entire responsibility for their areas and municipalities from that moment on was on them, the authorities in municipalities. At that moment there was a firm conviction that the crisis will be resolved politically and that there will not be any war. But, if depicted as if it was said in another time and occasion, for instance far before the agreement was reached, or after the war broke out, the meaning should have to be determined in accordance to a moment and circumstances!)** The steps taken with respect to the creation of the SerBiH were



also informed by the objectives of the unity and non-separation of the Serb people which has been previously discussed.

3092. The Chamber finds that what the Accused said at the Bosnian Serb Assembly on 18 March 1992 is particularly instructive as it underscores that he and the Bosnian Serb leadership had clearly made plans which would allow for the rapid seizing of power at a municipal level when the time was right.<sup>10019</sup> This speech also demonstrates that the President was adamant that the Bosnian Serbs would achieve what they wanted, that they clearly had strategic objectives which had to remain secret but which would be realised. The Chamber finds that this objective was the seizure and control of Bosnian Serb claimed territory in a manner which would allow for the creation of an ethnically homogeneous state. **(# All wrong, as follows: a) the power in the Serb municipalities had been seized after the elections in 1990, and nobody contested it. b) There was a task to execute this authority thoroughly and completely. That became particularly important from 18 March on, for the Agreement had to be implemented. c) none of the plans were ever secret, because it was posted by the Serb side as a precondition for the independence of BiH: either the entire BiH remains in Yugoslavia, or the Serb areas remain in Yugoslavia, such as the Northern Ireland remained in the United Kingdom, because of the majority of unionists and protestants, - or, the least and the most painful Serb concession: to reorganise the future independent BiH, and the Serbs stay in BiH, provided they are recognised their “high autonomy” within BiH, as Mr. Izetbegovic proposed in the Hague in 1991, at the ICFY. The ethnic homogeneity was meditated before the war, to be achieved by political means, by being moderate in claiming the other’s territories, as noticed by the Chamber in para@. After this compromising proposal, immediately recognised by the UN and EC, there was no any chance that the Serbs would accept a unitary BiH, no matter who was their leader!@**

3093. The Chamber also finds that while the President expressed caution and emphasised that the steps they would take were defensive for the purposes of international opinion, **(#MANIPULATION WITH WORDS#! This is a mere manipulation with the President words. The defensive strategy was not for the “international opinion”, but because the Serbs didn’t want to take anything that already wasn’t theirs. For the international opinion was a political speech to moderate the goals, and to choose the minimal, only necessary means in defence, both in rhetoric and in a battlefield if there would be any!) he clearly envisaged that if their objectives could not be achieved politically they would use military means and if there was war he would issue plans about how to proceed. (#Further manipulation#: the Serbs didn’t need any military means to achieve their right objectives, which had been achieved by a political means. A military means were needed by those who wanted to prevent the Serbs from achieving their political objectives, and the Serbs needed a military means only to defend themselves from the adversary’s military means. For what the Serbs would need the military means? They did have in their possession more territories than they could keep in their republic in a new structure of Bosnia. In this territory the Serbs had their legitimate authorities. The international community recognised the Serb rights in a case Bosnia wanted to be independent, starting from the ICFY in 1991, through the Badinter’s Commission, to the Carrington-Cutileiro conference and through all other conferences: Vance-Owen, Owen-Stoltenberg, the Contact Group, to the final, Dayton Agreement!)** The Chamber notes that when war did break out the President repeated his emphasis on the need to protect the Bosnian Serbs from genocide and characterised their fight as one which was defensive in order to achieve their

<sup>10019</sup> See para. 3051.



objectives. (#Not to achieve, to defend their objectives, already achieved#. What was the alternative? To be obedient and accept an inferior status in a hostile fundamentalist regime?)

3094. The Chamber notes textual provisions, including the Bosnian Serb Constitution, included protections for the rights of all people. The President also spoke about the full respect for the rights of other nationalities and that the probable resettlement of people should not occur under pressure. Other Bosnian Serb leaders also spoke about respecting the rights of non-Serbs who decided to remain in the SerBiH. However, the Chamber finds that there was a clear disjuncture between what was written on paper, what the President and the Bosnian Serb leadership said in public, and the way in which Bosnian Muslims and Bosnian Croats were treated in practice following the formation of the SerBiH. In this regard the Chamber refers to its extensive factual findings with respect to the crimes which were committed against Bosnian Muslims and Bosnian Croats in the Municipalities and which resulted in the creation of a largely ethnically homogeneous state. (Not even close to be true! First, there were #two third of the Serb municipalities without mentioned crimes; second, in the municipalities where there was over 90% of the “non-Serbs” who didn’t have any troubles, see D2424, P3788, see a numerous evidence about the Muslim requests to be facilitated to go elsewhere, see how many Muslims and Croats remained in the Serb areas to the end of the war. Nobody can say that it was a systemic attitude towards the “non-Serbs” because for instance in Sanski Most municipality out of 27 Muslim and 9 Croat villages there was a war between the Serb and Muslim forces only in three villages and one suburb in the town! In the very same families one of members had a troubles with the law, while others didn’t, see the first witness Zulic!) This kind of establishing truth is not seen in the judicial practice!

3095. The Chamber finds that these public announcements, speeches, and decisions were often for the consumption of international public opinion and to show that the Bosnian Serb state which was being created was one which respected the law and the rights of all people. The Chamber does not find that either the statements of the President or the Bosnian Serb leadership in this regard were genuine; in fact, they were completely disingenuous, having regard to the reality of what was happening on the ground in the Municipalities. (There was so many genuine orders marked and issued as a “strictly confidential” or communicated to the military or political officials at a closed meetings, that make this finding and assertion of the Chamber fake and senseless. On the other hand, the# international representatives requested that the President make his intentions and his attitudes public#, so that his followers know what they are expected to follow, see P941, p. 3:

that the population of Bihac was not to be threatened or menaced in any way. Lord Carrington suggested that he should make this public. Secretary Vance said the situation in Former Yugoslavia. The same was repeated, many times, with the ICRC and UNHCR, who wanted the President to make public his support to their activities, so that they have as smooth passage as possible, and the President did it many times. The UNPROFOR also asked in several occasions that the President state something publicly in their favour, and he did, as well as to make public his position towards the humanitarian convoys and flights, and he did, and it gave a very good results!) The Chamber also refers to its findings below with respect to the Accused’s knowledge of crimes which were being committed in BiH. The Chamber notes for example its finding above, that while the Accused made these public statements about the protection of minorities, Bosnian Muslims continued to be forced out of municipalities in BiH. (There was# no a single evidence on a single case that the authorities “forced out” the Muslim population#. On the contrary, the authorities made #many

obstacles to their attempts to leave#, demanding up to fifteen papers to be submitted. Also, the Muslims made many efforts to be put on the waiting lists for convoys. If there was any harassment, it had never been tolerated, let alone carried out by the authorities. The civil war among so antagonised communities made more Serb refugees than Muslim and Croat together, and some of these refugees may have had a negative attitude to the Muslims, but not the authorities! This kind of “findings” and assertions rather look like a propaganda built in the Indictment, and picked up from the media propaganda by the Prosecution!)

In addition, the Chamber finds the evidence above demonstrates that the Bosnian Serbs were aware that some of their speeches were being recorded and could be reported on by journalists and in that context were cautious in terms of what was said. (On the contrary, the Serbs are known as a “talkative” people, and both before and in the war the President quarrelled with some representatives about their radicalism. The military people found useful to be a tough in their statements, in order to keep the moral of their several times smaller army and soldiers, but the President realised that they never did what they said.)

3096. The President and the Bosnian Serb leadership continued to emphasise that they wanted to create a reality on the ground, which then in negotiations could be used to claim territory which they viewed as belonging to them. (To “create a reality on the ground” was a “tithe-for-that” for the Europe, which accepted that the Serbs were right in their opposing to the dissolution of Yugoslavia, but, there are “a new realities on the ground”, see: P12, p. 5, the factual situation on the ground. We went that far, in our last conversation, we said to them that we were not making anything up, like we were not proposing anything new at all. That the situation is as it is, that the same is happening in Bosnia and Herzegovina what was happening in Yugoslavia. That the main ..., the main attitude towards Yugoslavia during this entire interfering of the European Community was that the Serbs were right, but the factual situation was so and so. Now we are in the position to say – yes, maybe the Muslims are right, but the factual situation is so and so, although they are not right. The factual situation is so and so, now it is so, now it’s up That was said by the President on 14 February, #before the war#, and not in any connection with the war, but as a political attitude. The President used this factual control of territory and the creation of a “new reality” as a means of securing international recognition for the RS. (Since it had been said in the context of the Conference and before the war, and when it was thought that there wouldn’t be any war, this assertion of the Chamber is wrong! But, anyway, how possibly only one out of the three constituent communities could have imposed their solution to the others, even if there was no control of territory??? Would the international community support this manner?) It was also clear that the President acknowledged the military manner in which this “reality” was created and gave credit to the Serb Forces for their role in achieving this objective of territorial control. (On 14 February 1992 there was no any war, and the political means gave a good results, so a “military manner” was not needed, nor the President at that moment had any military to threat with!)

- b. *Authority over military and police forces acting in BiH*
- i. VRS

3097. The Chamber noted above that the Army of SerBiH was established on 12 May 1992 and was renamed the VRS on 12 August 1992.<sup>10020</sup> It was formed from parts of the JNA, TO, and volunteer units.<sup>10021</sup> It inherited both officers and soldiers from the JNA, many of whom were of Bosnian Serb origin, as well as a substantial amount of weaponry and equipment.<sup>10022</sup> **(The Muslim and Croat armies were formed of the former JNA officers and soldiers, i.e. reservists as the VRS, and a huge amount of the JNA armament was inherited by these armies too, but these armies were clandestinely formed at the beginning of 1991 and clandestinely armed by their international friends!)**

# 1. Supreme commander

3098. As noted above, whether in the three-member or the five-member Presidency, the President was in charge of military affairs.<sup>10023</sup> As the RS President the President was the Supreme Commander of the VRS,<sup>10024</sup> a position that he held until July 1996.<sup>10025</sup> **(It was until mid-May 1996, when the President handed the office over to Ms. Plavsic!)** The President's position as the Supreme Commander of the VRS was clearly recognised by the civilian and military Bosnian Serb leadership.<sup>10026</sup> **(That didn't depend on anyone's will, that was provided by the Constitution and Law on Defense, and Law on military!)** During the time period relevant to the Indictment, the President was the highest authority in the VRS chain of command.<sup>10027</sup> **(As of 15 June 1992 the President was only in the strategic level of command, while he himself handed the operational and tactical command to the Main Staff of the VRS, see p. 3035, PARA 4! This was within the attitude that a war is waged by a state, but armed combats are carried out by a military people!)**

3099. In an interview on 6 January 1995, the Accused stated that "all speculations about the army not obeying the civilian authority are out of place. As the supreme commander, I get all the respect from the officers and soldiers. [...] I want them to 'argue' with me about various solutions because it helps me to make the right decision, but when I make a decision, they carry it out brilliantly".<sup>10028</sup> The Accused cited the example of an order he gave to "cut the territories taken by the Muslims on the Bihać battlefield, and to pursue and destroy them, I was absolutely sure that our army would comply. [...] Whatever the Supreme Command decides gets fully

<sup>10020</sup> See para. 160. For ease of reference the acronym "VRS" will be used throughout this section to also cover the period prior to 12 August 1992, when the Army of SerBiH was renamed the VRS.

<sup>10021</sup> See para. 161.

<sup>10022</sup> See para. 161.

<sup>10023</sup> See paras. 96–97; Momčilo Mandić, T. 5107 (14 July 2010); D440 (Minutes of 15<sup>th</sup> session of SerBiH Presidency, 6 July 1992), p. 3.

<sup>10024</sup> P2603 (SerBiH Law on the Army, 1 June 1992), art. 174; Manojlo Milovanović, T. 25441 (28 February 2012); Mićo Stanišić, T. 46360 (3 February 2014), T. 46577 (5 February 2014); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9108.

<sup>10025</sup> See para. 167.

<sup>10026</sup> See, e.g., D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 19; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9436–9440; P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), p. 49; P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 313; Bogdan Subotić, T. 40061 (19 June 2013); P5053 (Conclusions from a meeting attended by the highest representatives of RS, 7 October 1993), pp. 4–5. See also P2451 (Witness statement of Anthony Banbury dated 19 May 2009), paras. 112, 208, 211 (stating that he never sensed that the Accused lost control of the military; instead "at all times the military was responsive to the political leadership" and that the military and political leadership were not always in agreement and there were occasional reticent or divergent views, however, "the chain of command remained intact"); Anthony Banbury, T. 13349–13350 (15 March 2011).

<sup>10027</sup> P2603 (SerBiH Law on the Army, 1 June 1992), art. 174; D422 (Transcript of 19<sup>th</sup> session of SerBiH Assembly, 12 August 1992), pp. 63–64; P5578 (Amended Text of the Constitution of the RS and Rules of Procedure of RS Assembly, 17 December 1992), art. 106; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9108; KDZ088, T. 6357 (8 September 2010) (private session); Jovan Šarac, T. 47162–47163 (14 February 2014). See also P3036 (Radovan Karadžić's Decision on the establishment of the VRS Supreme Command, 30 November 1992); P1388 (Transcript of 39<sup>th</sup> session of RS Assembly, 24–25 March 1994), pp. 85–86; Ljubomir Obradović, T. 25108–25109 (22 February 2012); P3041 (VRS Main Staff Report, 31 March 1994), p. 5; P4493 (VRS Main Staff Order, 7 February 1994); P4447 (Radovan Karadžić's Order, 24 April 1994); P4495 (Radovan Karadžić's Order to VRS Main Staff and RS MUP, 29 March 1995); Rupert Smith, T. 11326–11328 (8 February 2011); Manojlo Milovanović, T. 25444–25445 (28 February 2012), T. 25484–25486 (29 February 2012); Dušan Kovačević, T. 39657 (11 June 2013); Jovan Šarac, T. 47162–47163 (14 February 2014); Petar Škrbić, T. 26024–26026 (8 March 2012); P1469 (Minutes of VRS Supreme Command meeting, 20 December 1992); P3148 (Handwritten notes of Supreme Command meeting, 8 May 1994); P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995); Milan Ninković, T. 40505–40506 (26 June 2013).

<sup>10028</sup> P953 (Article from *Oslobodenje* entitled "Happy Birthday Republic", 6 January 1995), p. 9.

done”.<sup>10029</sup> (Why the President was asked such a kind of question? Because there were rumors that it was not so. It was well known that the President #stopped the VRS many times, just on the edge of a victory#, and the military people had every right to be disappointed and unsatisfied by that. Also, there was many disputes about limiting the VRS only to the Serb areas, which gave a tremendous advantage to their adversaries, who were in a position to chose when and where to attack the VRS, and the President was wrong to that aspect. The Prosecution witness said in his testimony that the President frequently objected te VRS for being too militant, which was a *contradiction in adjecto*, because it was the very essence of any army! But, the President didn’t interfere in a carring out the battles, since it was handed over to the Main Staff, except when the President was asked by the internationals to intervene in stopping his own Army, or during the military riots in September 93 in Banja Luka!)

## 2. Command and control system

3100. The Chamber notes that, on 15 June 1992, in his capacity as the President of the Presidency, the President established a system of command and control in the VRS, which included a Main Staff —directly subordinated to him—that had command and control over the operative groups.<sup>10030</sup> (That meant the operative and tactical level of command handed over to the Main Staff!)

3101. During the first months of the conflict, the President, Krajišnik, Koljević, and Plavšić did not deal with issues that related to military affairs and warfare and Mladić enjoyed freedom in devising and executing military operations while claiming that he was fully subordinate to the Bosnian Serb political leadership.<sup>10031</sup> However, this restraint on the part of the Bosnian Serb political leadership waned starting in June 1992 when they began to gradually limit Mladić and eventually the “political power was on top”.<sup>10032</sup>

3102. On 30 November 1992, the President established the Supreme Command for the purpose of co-ordinating and improving the efficiency of the command system of the VRS.<sup>10033</sup>

3103. In a report, prepared by the Main Staff, analysing the combat readiness of the VRS in 1992, it is noted that the VRS had evolved into the “highest strategic organisational formation of the Serbian people in the former [BiH], capable of realising the strategic and other tasks assigned to it by the Supreme Command.”<sup>10034</sup> It further stated that the VRS

has been under a single control and command structure, despite the fact that initially we had a large number of different armies and paramilitary formations. This unity has been attained by following

<sup>10029</sup> P953 (Article from Oslobođenje entitled “Happy Birthday Republic”, 6 January 1995), pp. 9–10.

<sup>10030</sup> P3035 (Decision on Army of SerBiH, 15 June 1992), p. 3; P4917 (Richard Butler’s expert report entitled “VRS Main Staff Command Responsibility Report”, 9 June 2006), paras. 2.0–2.1. In 1992, the Main Staff was subordinated to the Presidency. The Chamber recalls that on 17 December 1992, the Bosnian Serb Assembly replaced the structures of the Presidency by establishing a single President and two vice-Presidents; from then on the VRS Main Staff was subordinated to the President of the RS. See para. 98. The Chamber also notes the evidence that while the formal conditions for establishing the army were created on 19 May 1992, it took a while to pass the bylaws and implement regulations on the ground. See Momčilo Mandić, T. 5202 (15 July 2010). However, the Chamber notes that already on 14 May 1992 the Accused was involved in discussions as to the establishment of the command and control system. P3079 (Minutes of joint session of the National Security Council and the SerBiH Government, 14 May 1992), p. 2. See also D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 276. A similar conclusion was reached to place members of the Cabinet on duty. D414 (Minutes of 19<sup>th</sup> session of Government of SerBiH, 2 June 1992), p. 3.

<sup>10031</sup> [REDACTED]. John Wilson stated that he attended a meeting on 25 May 1992, in relation to opening the Sarajevo airport and in the presence of Plavšić, Mladić stated that he was subordinated to the political leadership. P1040 (UNPROFOR report re meeting with Biljana Plavšić and Ratko Mladić, 25 May 1992), para. 7; P1029 (Witness statement of John Wilson dated 4 November 2008), para. 74.

<sup>10032</sup> [REDACTED]. See also D3960 (Witness Statement of Tomislav Kovač dated 28 October 2013), paras. 91, 96 (stating that since the founding of the VRS there was an “ideological conflict” between the civilian authorities and the Main Staff).

<sup>10033</sup> See para. 165.

<sup>10034</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 7. See also P976 (Directive 4, 19 November 1992), p. 2 (wherein Mladić reported that the SRK “has fully stabilised command and control in the Corps and subordinate units”).

well-known principles, such as: unity, continuity, flexibility, efficiency, operationability [sic] and security, with subordination and a single command having a crucial bearing on relations in the control and command process.<sup>10035</sup>

3104. The strategic level of command was within the remit of the Supreme Command and the Main Staff whereas the operative level of command was at the corps level.<sup>10036</sup> However, as shown below, the President's involvement went beyond planning strategy and in several cases he was involved in the operational level as well. **(Except the case of the military riots in September 1993 in Banja Luka, all other cases it was on a #direct request of the internationals, and always in terms of limiting an advancement and success of the VRS#!)**

3105. The military chain of command went from the President to the Commander of the Main Staff and then down to the corps commands and brigades.<sup>10037</sup> The Main Staff would prepare proposals for operations for the Accused; he would then consider them and issue instructions.<sup>10038</sup> In the context of the SRK, Stanislav Galić testified that he could receive orders from both the President, as the Supreme Commander, and Mladić, as commander of the Main Staff.<sup>10039</sup> Similarly, in a meeting between Milovanović and Bogdan Subotić, the former confirmed to the latter that the President, as the Supreme Commander, had the ultimate say and that in a situation where there is a standing order by Mladić the military subordinates had to obey it unless and until they received an order from the Accused.<sup>10040</sup>

3106. The Accused stated in 5 April 1993 that:

The Main Staff of the Army of Republika Srpska has performed the functions of the Staff of the Supreme Command and at the same time that of the superior command for operational and some joint tactical formations, which presupposed the agreement of the Supreme Command in respect of all tasks and objectives of the armed struggle. This relationship between the command structures and the organs of the government and the Supreme Command made it impossible for the Main Staff to make decisions absolutely on its own, rather every operational battle was politically endorsed on the basis of interests of the Serbian people, and approved by the highest authorities of Republika Srpska.<sup>10041</sup>

3107. The military reporting chain in the VRS followed a hierarchical structure with the information originating from the lower military units being reported, up the chain of command, to the Accused.<sup>10042</sup> The Chamber recalls its finding that while there were disruptions in

<sup>10035</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 7.

<sup>10036</sup> Stanislav Galić, T. 37593–37597 (23 April 2013).

<sup>10037</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 60, 69; Bogdan Subotić, T. 40061 (19 June 2013). Subotić also stated that this chain of command was only formed after 12 May 1992 and that before this date the Accused had no formal control of the military. *See also* Petar Škrbic, T. 25971–25972 (7 March 2012); P1029, (Witness statement of John Wilson 4 November 2008), para. 127. The Chamber notes that according to Kuprešanin there was no co-ordination or subordination between the civilian authorities and the military authorities, as they each operated independently with their own chains of command, whereas, according to KDZ490 the SDS party in Sanski Most had enormous influence over the VRS, especially after October 1992, since the VRS Light Brigades were directly financed by the municipality budgets, except for former JNA officers who were still paid by the JNA. Vojislav Kuprešanin, T. 43518–43520 (14 November 2013); P3634 (Witness statement of KDZ490, undated), pp. 13, 38 (under seal) (testifying, *inter alia*, that when the SDS wanted to remove Colonel Basara, Commander of the 6<sup>th</sup> Sana Brigade, because he was “too soft for the SDS”, the SDS in Sanski Most exercised pressure on General Talić to remove him). *See also* P6510 (Excerpt of Vojislav Kuprešanin's interview with OTP), e-court p. 7. However, the Chamber notes that the Main Staff of the VRS, when it found it necessary, reminded the commanders of corps and brigades that they could receive assignments and orders only from the Main Staff of the VRS and the Accused, as the Supreme Commander. P3041 (VRS Main Staff Report, 31 March 1994), p. 5. *See also* Manojlo Milovanović, T. 25632 (1 March 2012); P4494 (Eastern Bosnia Corps Order, 1 April 1994), pp. 5–6.

<sup>10038</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 72, 84, 89–90. *See also* Stanislav Galić T. 37594 (23 April 2013); John Zametica, T. 42457, 42517 (29 October 2013); P1029 (Witness statement of John Wilson 4 November 2008), para. 136. The Chamber places no weight on Subotić's opinion that until the formation of the Supreme Command, Mladić did not report to anyone or if he did report to anyone it was to the Accused.

<sup>10039</sup> Stanislav Galić, T. 37593–37597 (23 April 2013). However, the Chamber notes that Galić could not remember any “immediate combat orders” received from the Supreme Command. Stanislav Galić, T. 37602–37603 (23 April 2013). *See also* paras. 3129, 4755–4756, 4762.

<sup>10040</sup> Bogdan Subotić, T. 40061 (19 June 2013).

<sup>10041</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 153. *See also* Manojlo Milovanović, T. 25632 (1 March 2012) (stating that the army remained under the Accused's personal command and that “no one from the Supreme Command could issue orders to the Main Staff other than [the Accused]”). *See also* para. 3129.



telecommunications in 1992, the RS authorities were still able to communicate,<sup>10043</sup> and notes that the VRS had at its disposal a superior communication system.<sup>10044</sup> In its report analysing the combat readiness of the VRS in 1992, the Main Staff concluded with “a high degree of certainty” that the existing communication system met the needs of command co-ordination and reporting at all levels, from the Supreme Command, the Supreme Commander, the Main Staff to lower levels.<sup>10045</sup> The Chamber also observes that Mladić and other members of the Main Staff had direct telephone contact with the President,<sup>10046</sup> and that Mladić also visited the President frequently.<sup>10047</sup>

3108. The Accused received regular reports from the army<sup>10048</sup> and even during 1992, while the communication was more limited he received reports based on the modes of communication which were available.<sup>10049</sup> [REDACTED] testified that the President “was exceptionally well informed about the complete situation in Bosnia-Herzegovina” and the army sent him regular written or oral reports.<sup>10050</sup> **(Since all of these reports had been available to the Prosecutor, was there any of alarming data, which would have to warn the President to act? Since the same reports had been distributed to a tens of destinations, there could not be any covering or hiding the reports.)**

3109. The Accused received, for example, military intelligence information reports,<sup>10051</sup> reports about the situation in Rogatica in May 1992,<sup>10052</sup> reports concerning military formations in the ARK following a visit of Bogdan Subotić there in September 1992,<sup>10053</sup> and a report from the Command of the 2<sup>nd</sup> Romanija Motorised Brigade about disputes and difficulties in co-operation with the civilian authorities in Sokolac.<sup>10054</sup> **(So what? Did the President neglect**

<sup>10042</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*, T. 11973–11974. See also P4446 (Organisational Chart of the VRS Main Staff Structure for July 1995); Ljubomir Obradović, T. 25092–25093 (22 February 2012); P2068 (Witness statement of Jeremy Bowen dated 10 August 2009), para. 31 (referring to an interview with the Accused in Geneva in the winter of 1992–1993 during which the Accused spoke of the “disciplined” Bosnian Serb police and army).

<sup>10043</sup> See paras. 3019–3020. See also, e.g., para. 2293; Dragomir Milošević, T. 32871–32879 (29 January 2013) (testifying about difficulties in the communication system in the SRK but added that the system of command is always repaired and improved, and towards the end it functioned meticulously); P4203 (Witness statement of Piers Tucker dated 12 May 2010), paras. 6, 106 (testifying that in the period of October 1992 until March 1993 “the Bosnian Serb Army had very efficient and comprehensive communications” and “[w]henver General Mladić wanted to speak with someone or find something out from someone, It always happened quickly.”); P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 228 (Colonel Živanović reporting that he had established communications with several municipalities, including Bratunac, Zvornik and Vlasenica, and that “Motorola hand-held radios are in companies-platoons in those sectors.”)

<sup>10044</sup> P1029, (Witness statement of John Wilson 4 November 2008), para. 130. See also P4203 (Witness statement of Piers Tucker dated 12 May 2010), paras. 6, 106; P2794 (Witness statement of Ranko Vuković dated 24 May 2011), p. 4.

<sup>10045</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), pp. 8–9.

<sup>10046</sup> Ljubomir Obradović, T. 25103–25104 (22 February 2012).

<sup>10047</sup> P4358 (Witness statement of Mira Mihajlović, 6 February 2012), para. 30.

<sup>10048</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 86, 91–92. See also P3061 (Minutes of the 3<sup>rd</sup> session of the SerBiH Presidency, 8 June 1992) (summarising a session in which the Presidency was briefed on the situation at the front and agreed on a plan of daily activities); D428 (Minutes of 4<sup>th</sup> expanded meeting of SerBiH War Presidency, 9 June 1992) (briefing the Accused in detail about the overall situation in the VRS, including figures on the quantities of weapons, ammunition, spare parts and reserves and a reporting on the situation in the area of Banja Luka Corps); P1093 (Minutes of 5<sup>th</sup> session of SerBiH Presidency, 10 June 1992); P3063 (Minutes of the 7<sup>th</sup> session of the SerBiH Presidency, 16 June 1992); P3064 (Minutes of the 8<sup>th</sup> session of the SerBiH Presidency, 17 June 1992); P3072 (Minutes of the 27<sup>th</sup> session of RS Presidency, 31 August 1992) p. 2; P1465 (Minutes of 19<sup>th</sup> session of SerBiH Presidency, 13 July 1992); P1467 (Minutes of 21<sup>st</sup> session of SerBiH Presidency, 2 August 1992), p. 2; P1508 (VRS Main Staff Order, 1 June 1992); P1786 (VRS Main Staff Report, 14 April 1994).

<sup>10049</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 86, 91–92.

<sup>10050</sup> [REDACTED].

<sup>10051</sup> John Zametica, T. 42443 (29 October 2013). See also P1469 (Minutes of VRS Supreme Command meeting, 20 December 1992); D3685 (RS President’s Office request to VRS Main Staff, 3 October 1995); D4780 (VRS Main Staff Intelligence Report, 14 July 1993); D4785 (VRS Main Staff Intelligence Report, 10 August 1993); P5086 (Report of RS Main Staff, 19 March 1995). But see D3682 (Witness statement of Gordan Milinić dated 8 June 2013), para. 31, referring to D3685 (RS President’s Office request to VRS Main Staff, 3 October 1995). The Chamber does not accept Milinić’s suggestion that the RS President’s Office request to the VRS Main Staff showed that the Main Staff ignored the Accused and did not inform him about developments. The Chamber notes that the testimony of Milinić was marked by contradictions, bias, and indicators that he lacked candour. The Chamber therefore does not find his evidence to be reliable in this regard. Rather, the Chamber finds that this request is indicative of the extent to which the Accused was kept informed by the VRS about developments.

<sup>10052</sup> See P3265 (Report of Rogatica Battalion, 23 May 1992); D2965 (Rogatica Brigade report, 29 May 1992); D3037 (Rogatica Brigade report, 9 June 1992); P3414 (Report of the Rogatica Brigade Command, 11 June 1992); P3266 (Report of 2<sup>nd</sup> Romanija Motorised Brigade, 15 August 1992).

<sup>10053</sup> P3073 (Minutes of the 27<sup>th</sup> session of RS Presidency, 1 September 1992); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 291.

<sup>10054</sup> D3232 (Letter from 2<sup>nd</sup> Romanija Motorised Brigade to Radovan Karadžić, 3 September 1992), p. 1.

**any of a potentially alarming reports? Have he tolerated any illegal activity of which he was informed?)**

3110. The level of knowledge of the President regarding military issues was also apparent when he informed Bosnian Serb institutions about military developments in RS.<sup>10055</sup>

3111. Occasionally, the President visited VRS units in the field.<sup>10056</sup> For example, the President was in the SRK command post at the time of the operation to take over Dobrinja in June 1992, given the importance of the operation, and, as consequence, the President was aware of developments in this operation.<sup>10057</sup> **(So what? #Nothing illegal# in the attempt to control Dobrinja, or in a conduct of the combatants!)**

3112. Considering the above, the Chamber rejects the President's arguments that there was no communication with VRS units in the field and finds that such communications did exist.<sup>10058</sup> As will be discussed in further detail below, the Chamber also rejects the President's argument that Mladić did not report to him.<sup>10059</sup> With regard to the argument that there was a phenomenon of false reporting in the VRS,<sup>10060</sup> the Chamber notes a few instances, in late 1994 and 1995, in which the issue was raised,<sup>10061</sup> but is not satisfied that the evidence demonstrates a phenomenon of false reporting within the VRS, nor that such alleged false reports could affect the Chamber's finding regarding the authority of the President over the VRS. **(This is also #misunderstood and misinterprete#d: it was well known to the Chamber that the President had many other duties to do as the president, and that the reports directed to the President's office were red out by his advisors for the military questions (Gen. Subotic) and for the state security (Mr. Gordan Milinic) and that the President dedicated his attention only to these reports that were marked by his advisors. Both of them testified and confirmed this, as well as that there was no any alarming report to which the President didn't react properly. Also, the Chamber had heard that the reports from the units in the field had never reached the President unchanged or directly. All of the company reports had been integrated in a brigade report, and a brigade reports into a Corps reports, and all so reduced and integrated were sent to the Main Staff of VRS, where it was further selected and integrated into a unique report to the President. As of early 1995 there was a known rift between the President and Mladic, and in that period the President didn't know Mladis'c whereabouts, and that pertained to this period. Of course, the lowest and midd commands kept silent about some of their failures, but nothing crucial was hidden!)**

<sup>10055</sup> See, e.g., P3114 (Minutes of the 32<sup>nd</sup> session of RS Government, 13 October 1995), p. 4 (stating that the Accused informed the Government about the military and political situation in the RS, especially in Krajina). See also D3364 (Witness statement of Dušan Kozić dated 7 April 2013), para. 25; P956 (Transcript of 16<sup>th</sup> Session of Assembly of SerBiH, 12 May 1992), e-court p. 8.

<sup>10056</sup> P1466 (Herzegovina Corps combat report, 4 June 1992); P5522 (Communication of Drina Corps Command re Meeting with Radovan Karadžić, 2 July 1993); P2845 (Report of Bratunac Brigade, 4 August 1995).

<sup>10057</sup> [REDACTED].

<sup>10058</sup> Defence Final Brief, paras. 523–529. The Chamber notes, for example, the Accused's reference in fn. 1123 to D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 39, concerning the problem of understaffing in respect of officers and critical specialities in communications which affected the communication system and the battle readiness. However, the Chamber also notes that it was stated afterwards in the analysis that "[d]espite its being undermanned the signals corps has on the whole efficiently performed its tasks of providing good quality and uninterrupted communications links, whereby it has contributed to more successful control and command in all our units and commands."

<sup>10059</sup> Defence Final Brief, paras. 560–563.

<sup>10060</sup> Defence Final Brief, paras. 565–567.

<sup>10061</sup> P1487 (Ratko Mladić's notebook, 4 September 1994–29 January 1995), p. 142 (noting that the Accused talked about "[i]nstances of false reporting"); P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), pp. 328–329, 336 (wherein the Accused said: "I have realised that I do not have control over the Army" and mentioned misinformation regarding the supply of the VRS and the need to monitor and inspect; he further talked about false reports with regard to military casualties and "war losses", and concluded that "[a]ll this, gentlemen, could be tolerated while things were going well for us, while it had no dangerous consequences"); John Zametica, T. 42443–42444 (29 October 2013). See also P3872 (UNPROFOR report, 10 June 1995), p.1 (reporting that "Stanisic appeared certain, on the basis of information supplied by the UN, that Mladic was withholding a few things from him about the situation with the [UN] hostages"); para. 4860. In the Chamber's view, the Accused's statement to Zametica that "[t]hey just send me lies", following reading an intelligence report from Tolimir, was to indicate the Accused's dissatisfaction with the quality of the report. Zametica recalled in this context that the Accused said that in his view Tolimir was using only newspapers articles for his intelligence report. John Zametica, T. 42443–42444 (29 October 2013).

### 3. Relationship between the Accused and Mladić

3113. The Prosecution argues that the President had firm control over Mladić by virtue of his *de jure* powers as President and Supreme Commander.<sup>10062</sup> While the Prosecution admits tensions existed between Mladić and the President, it asserts that their disagreement did not concern the common purpose of the Overarching JCE but emerged from Mladić's complaints about the President undercutting the chain of command.<sup>10063</sup> The Prosecution ultimately argues that the heated discussions and arguments between the President and Mladić were not a sign of an existing rift, but were rather healthy and constructive conversations within a superior-subordinate relationship.<sup>10064</sup>

**(Since there was no any Overarching Joint Criminal Enterprise, there was no disputes between the two about the real Serb objectives, to protect the population and property, and to wait for a political solution. However, there were a frequent disputes about the convoys and restraint of the VRS units, and in these disputes the President was not always right in limiting the VRS and preventing his troops to enter Bihac, Gorazde, Srebrenica (1993) Sarajevo and several other sensitive points. If the VRS remained on Igman and Bjelasnica in August 1993, the war would end in a few weeks. The VRS had a lot of good reasons to be angry with the President, but the Chamber and the international law didn't!)**

3114. In response, the President argues that he had no control over the VRS, and that there were *de facto* two commanders throughout the war: Mladić, who retained operative command of the military authorities as the commander of the VRS, and himself, who retained political and strategic command of the civilian authorities as the Supreme Commander.<sup>10065</sup> The President further argues that from the beginning, there was a lack of co-operation, mistrust, and a chasm between Mladić and him and as a result, the President had little to no control over VRS operations.<sup>10066</sup>

**(Neither he should have it, because he himself delegated his competence of the operational command to the Main Staff of the VRS. Why would a President run an operational command? No president all over the world do that, and that is why there are General Headquarters and commands! In spite of the evident rifts between the civilian authorities which were of a non-communist, if not of an anti-communist orientation, on one side, and the command cadre of the Army, educated and nourished in the communist system, there was no any criminal action of the Army as it. some members of the VRS may have committed, and did commit, crimes, but it never happened as an army proper activity, with the knowledge of the competent commands. Always these perpetrators had hidden their misdeeds from the very immediate commanders!)**

3115. As discussed earlier, on 12 May 1992, the VRS was established pursuant to a decision adopted unanimously at the 16<sup>th</sup> Session of the Bosnian Serb Assembly; Mladić who had assumed command of the JNA 2<sup>nd</sup> Military District two days earlier, was appointed as its Commander.<sup>10067</sup> The President himself explained in April 1995 how he had sought out Mladić and supported his appointment:

I asked for Mladić. General Ninković, then a colonel, and General Perišić had visited me before that, and I had noticed Mladić's blunt statements in the newspapers. He was already in Knin then. I took an interest in him, and together with Mr. Krajišnik, I went to General Kukanjac's office and listened to him issuing orders and commanding around Kupres and Knin. We spent countless

<sup>10062</sup> See Prosecution Final Brief, paras. 380, 383–384, 390–391.

<sup>10063</sup> See Prosecution Final Brief, paras. 434–443.

<sup>10064</sup> See Prosecution Final Brief, paras. 434–438, 443.

<sup>10065</sup> See Defence Final Brief, paras. 1268–1271.

<sup>10066</sup> See Defence Final Brief, paras. 1251–1285.

<sup>10067</sup> See paras. 160–161, fn. 424.

nights in the office of General Kukanjac at that time. President Krajišnik was already President of the Assembly, and I was just the president of the Party, I did not have any state function. We asked for Mladić and said that they should set up the headquarters as they saw fit, we wouldn't interfere.<sup>10068</sup>

3116. From the outset of their relationship, the President had authority to control the VRS, including over Mladić as its commander.<sup>10069</sup> During the same 12 May 1992 Bosnian Serb Assembly session at which he was appointed Commander of the Main Staff, Mladić affirmed that "the President of the [SerBiH] should have command and control over the army".<sup>10070</sup> Mladić himself referred to the President as the "Supreme Commander".<sup>10071</sup>
3117. International observers noted that while Mladić did what the President or the Bosnian Serb Assembly directed him to do with respect to the VRS, there were occasions where Mladić did not necessarily do what he was ordered to do.<sup>10072</sup> While Mladić sometimes expressed different opinions in the context of international meetings, the President often took the lead and Mladić allowed himself to be persuaded by the President or deferred to him in the context of these meetings and indicated that he would do what the President said.<sup>10073</sup> International observers noted that there was a "moderately healthy" relationship between the President and Mladić.<sup>10074</sup>
3118. According to Harland and Rupert Smith, the President and Mladić, as well as other members of the Bosnian Serb leadership, acted like a collective leadership; despite the existence of some tension between the political and military leadership, this tension was not destructive and they were "joined at the hip" and conducted themselves in a single direction.<sup>10075</sup>
3119. Michael Rose, who spent much of his time in Sarajevo meeting with the President and Mladić, testified that "it was clear" that they were at the peak of the pyramid of control of the Bosnian Serb forces.<sup>10076</sup> He also testified that the relationship between the President and Mladić "was, as one would expect in a confused and brutal situation, of varying intensity" but that "generally speaking, the military were in support of the civil power, and they did not replace it".<sup>10077</sup> Throughout his time in BiH, he observed nothing to suggest there was disunity between the military and political arms of the Bosnian Serb leadership; thus, according to Rose, the hierarchy was functioning adequately.<sup>10078</sup>
3120. Wilson also testified that there seemed to be a very comfortable relationship between the Bosnian Serb civilian leadership and Mladić.<sup>10079</sup> While Mladić was a strong personality, and capable of independent action, he would repeatedly say that he was a soldier with no political ambitions and ultimately he did "what his political masters told him to do".<sup>10080</sup>
3121. At the end of 1992, Mladić also stressed that he and the President had a "natural relationship" and there were no differences between them; they were united and struggling for the same objectives.<sup>10081</sup> Whenever it was considered necessary, the Presidency would call on Mladić or his deputy to brief them on developments.<sup>10082</sup> Mladić visited the President frequently.<sup>10083</sup> He and other members of the Main Staff had direct telephone contact with the President.<sup>10084</sup>
3122. However, during the same period, international observers noted that Mladić was increasingly powerful and they speculated that the President might "be on the way out".<sup>10085</sup> At

<sup>10068</sup>

P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 317. *See also* P1477 (Ratko Mladić's notebook, 14 February–28 May 1992), p. 292 (showing that during a meeting with Mladić on 11 May 1992, Perišić had indicated that he and Ninković together proposed to the Accused that Mladić should come to the BiH). *See also* paras. 160, 169.

this time, the Accused had informed international observers that he wanted to move Mladić but this was unlikely to succeed.<sup>10086</sup>

3123. Mladić also gave the impression to international observers that nothing of military significance could or would happen in Bosnian Serb-controlled BiH without his specific approval.<sup>10087</sup> At a meeting with Mladić on 4 May 1993, General Panić and Bulatović suggested that Mladić take the floor after the Accused at the Bosnian Serb Assembly session the following day where the Vance-Owen Plan was scheduled to be discussed and put to a vote, as “Mladić has the greatest influence on the Serbian people”, greater even than the President.<sup>10088</sup>

3124. In 1993 and 1994, the Accused and Mladić denied any rift between them. In August 1993, Mladić emphasised that he had never taken a decision by himself and that “all claims about some rift in military and political leadership are untrue”.<sup>10089</sup> In June 1993, Plavšić attempted to “inflict damage” on the President by referring to a conflict between him and Mladić in public, however, according to Milovanović, there were never any open conflicts between the President and Mladić, “not even then or after that”.<sup>10090</sup> They may have had “harsh exchanges of opinion” when discussing major joint tasks, but for him, this was a normal aspect

<sup>10069</sup> See paras. 3099, 3105.

<sup>10070</sup> P956 (Transcript of 16<sup>th</sup> session of SerBiH Assembly, 12 May 1992), e-court p. 41.

<sup>10071</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 19. See also P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 255 (wherein the Accused affirmed his role as Supreme Commander and in particular over the “strategic usage of the army, but only in situations when things go wrong [...]”). See also para. 3098.

<sup>10072</sup> Pyers Tucker, T. 23226 (18 January 2012); P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 277–278. See also D4483 (UNPROFOR report, 4 August 1993); D3876 (Letter from Radovan Karadžić to Ratko Mladić, 15 March 1995).

<sup>10073</sup> David Harland, T. 2029–2030 (6 May 2010); P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 133–134; Pyers Tucker, T. 23226 (18 January 2012); D2026 (Excerpt from Pyers Tucker’s diary, 13 March 1993), p. 26; P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 68, 72, 277–278.

<sup>10074</sup> P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 68, 72.

<sup>10075</sup> P820 (Witness statement of David Harland dated 4 September 2009), paras. 283–284 (stating further that when the Accused and Mladić were together, usually the Accused was the protagonist); Rupert Smith, T. 11302–11304, 11326 (8 February 2011); T. 11671–11672 (11 February 2011); T. 11848 (15 February 2011) (on cross-examination, Smith could not confirm the Accused’s contention that Slobodan Milošević, the UN, and UNPROFOR were trying to sow discord between the Accused and Mladić but acknowledged that the political and military leadership were not always in agreement).

<sup>10076</sup> P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 207.

<sup>10077</sup> P1638 (Witness statement of Michael Rose dated 26 March 2009), paras. 211–212. Rose recounted, however, an incident where Mladić rejected an agreement Rose had earlier made with the Accused, concerning the re-opening of the Tuzla airport. See P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 32. During his time in Sarajevo, Bell heard that there was tension between the Accused and Mladić, which increased towards the latter part of the war when the Accused began wearing a military uniform. Bell was told by an UNPROFOR source that, especially in the final year of the war, the military was less inclined to take orders from the political leadership and supported Mladić more. See P1996 (Witness statement of Martin Bell dated 8 March 2010), paras. 113–114.

<sup>10078</sup> P1638 (Witness statement of Michael Rose dated 26 March 2009), para. 164 (opining that the Accused’s insistence on wearing a camouflage uniform suggested that the Bosnian Serb leaders were at pains to demonstrate unity).

<sup>10079</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 127, 132, 134.

<sup>10080</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 132–134 (citing, as another example, an incident during the Sarajevo airport negotiations where the Accused took Mladić into an adjoining room and engaged in a heated argument, after which Mladić changed his position and accepted the proposal to hand over the airport).

<sup>10081</sup> P1364 (Transcript of 23<sup>rd</sup> session of RS Assembly, 17 December 1992), e-court p. 105. But see D3682 (Witness statement of Gordan Milinić dated 8 June 2013), paras. 11–12, 24–25, 28, 31; D3687 (RS President’s Office request to VRS Main Staff, 7 August 1994); Gordan Milinić, T. 39724–39725, 39727 (11 June 2013), T. 39799–39800 (12 June 2013). Milinić stated that the Accused did not have control of the VRS and that he was not viewed as their supreme commander and that neither the Main Staff of the VRS nor Mladić respected the Accused and the Accused was powerless. However, the Chamber notes that the testimony of Milinić was marked by contradictions, bias, and indicators that he lacked candour. The Chamber therefore does not find his evidence to be reliable in this regard. See also fn. 10056.

<sup>10082</sup> Bogdan Subotić, T. 40050–40051 (19 June 2013).

<sup>10083</sup> P4358 (Witness statement of Mira Mihajlović, 6 February 2012), para. 30 (stating further that as the Accused’s secretary between January 1993 and January 1996, she could not recall any confrontations between Mladić and the Accused in her presence).

<sup>10084</sup> Ljubomir Obradović, T. 25103–25104 (22 February 2012).

<sup>10085</sup> P787 (Fourth notebook of Herbert Okun’s ICFY diary), e-court pp. 67–68, 72.

<sup>10086</sup> P787 (Fourth notebook of Herbert Okun’s ICFY diary), e-court p. 77.

<sup>10087</sup> P4203 (Witness statement of Pyers Tucker dated 12 May 2010), paras. 59, 282 (wherein Tucker states that Mladić referred to himself as the Napoleon of the Balkans and that “he and he alone” would decide on issues pertaining to the safety of Serbs in BiH).

<sup>10088</sup> P1483 (Ratko Mladić’s notebook, 2 April–24 October 1993), pp. 86–87.

<sup>10089</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 72.

<sup>10090</sup> D2149 (Aide mémoire of Manojlo Milovanović), p. 26.



of the relationship between the military and political leadership.<sup>10091</sup> Further, the President wrote to Mladić in April 1994 and emphasised the importance of the VRS respecting his authority and the decisions of the political leadership.<sup>10092</sup> At a 4 August 1994 briefing by commanders of the VRS, the President was recorded as saying: “Everyone is looking to find a rift among individuals in the leadership, especially between me and Mladić. They will fail at that, because Mladić and I talk about things as brothers [...] and our aim is to move together towards the same goal.”<sup>10093</sup>

**3125.** However, the Chamber received evidence of disagreements between the President and Mladić in 1993 and 1994. On 4 August 1993, in relation to a concern that Mladić would not withdraw from Mt. Igman and Bjelašnica in Sarajevo and a “fall-out” between UNPROFOR and Mladić the day before, the President told Milovanović, “if I give him some orders, he has to carry them out. He has the right to say that they are not useful and that they are damaging, but if I later make a decision, he has to carry that out to the end”.<sup>10094</sup> In another conversation later on the same day, the President told Milovanović not to come between him and Mladić, namely that he should not “be between the hammer and the nail, I am the supreme commander and I am ordering; order them to withdraw and tell Mladić to report to me from the airport”.<sup>10095</sup> In the same conversation, the President told Milovanović that if Mladić was preventing him from executing his orders, “you are then obliged to inform me and I will replace him [...] you are to carry out my executive orders because I am your supreme commander. Mladić has to carry out every one of my orders; if he hasn’t, I will replace him and arrest him.”<sup>10096</sup> **(Why the President had to say that? There was something that he ordered, but was not executed. All the open disputes were about the political cooperation with the internationals, and very often the President was not right, because the internationals this way protected the Muslim side from a defeat. The VRS was supposed to win, because the other side declared the war, not the Serb side, but the President was reluctant to have a complete victory, as it is evident from the entirety of evidence. The President frequently said that if the Serbs win, there is going to be very difficult to reconcile after the war, and a complete victory didn’t have any sense, because this kind of wars always end at a conference!)**

**3126.** The President suggested that Milovanović replace Mladić as commander of the Main Staff on a number of occasions.<sup>10097</sup> On 6 August 1993, the President presented Milovanović with a “*fait accompli*” in front of a large group of journalists, stating that he would hand over the army to Milovanović as commander of the Main Staff in place of Mladić; however, Milovanović said he would deny it without an Assembly decision to that effect.<sup>10098</sup> In December 1993, the President was openly critical of Mladić to Milovanović because he was upset that he never knew Mladić’s whereabouts; he asked Milovanović to meet with him in Pale and stated again that it would be better if Milovanović were in command of the VRS.<sup>10099</sup>

<sup>10091</sup> D2149 (Aide mémoire of Manojlo Milovanović), p. 26. See also P5237 (Video footage of interview with Radovan Karadžić by CNN, undated).

<sup>10092</sup> D1590 (Radovan Karadžić’s letter to Chief of VRS Main Staff, 27 April 1994).

<sup>10093</sup> P1486 (Ratko Mladić’s notebook, 31 March 1994–3 September 1994), pp. 252, 269.

<sup>10094</sup> D3871 (Intercept of conversation between Radovan Karadžić and Milovanović, 4 August 1993). See also D4483 (UNPROFOR report, 4 August 1993), para. 1 (reporting that Mladić made strong statements to UNMOs the day before that he had no intention of withdrawing Bjelašnica and noting generally that Mladić does not always follow political directions); D4508 (Intercept of conversation between Radovan Karadžić and Manojlo Milovanović, 3 August 1993), p. 3 (during which the Accused told Milovanović to tell Mladić that “only one wrong move he might make could wreck the entire country, the entire nation. He must be cautious now and not fall for their provocations”).

<sup>10095</sup> P4786 (Intercept of conversation between Radovan Karadžić and General Milovanović, 4 August 1993), p. 2. See also D3872 (Intercept of conversation between Radovan Karadžić and Tomanić, 11 August 1993).

<sup>10096</sup> P4786 (Intercept of conversation between Radovan Karadžić and General Milovanović, 4 August 1993), p. 3.

<sup>10097</sup> Manojlo Milovanović, T. 25632, 25642–25643 (1 March 2012). See also para. 3135.

<sup>10098</sup> Manojlo Milovanović, T. 25632, 25642–25643 (1 March 2012). See also para. 3135.

<sup>10099</sup> Manojlo Milovanović, T. 25642–25643 (1 March 2012). The Accused requested that this conversation remain private but Milovanović told him that he was obliged to inform Mladić of their conversation pursuant to the law. Manojlo Milovanović, T. 25643 (1 March 2012).

Milovanović refused and stood by Mladić, who remained as commander of the Main Staff until the end of the war.<sup>10100</sup>

3127. In September 1993, there were clear tensions between the President and Mladić, including during their exchanges in Bosnian Serb Assembly sessions in relation to a number of issues.<sup>10101</sup> The President's authority remained clear, however, and the President himself emphasised the authority he held, stating: "I have issued an order to the general who is under my command, that is not testing, that is an order", "I am the Commander-in-Chief and I am ordering necessary measures to be taken".<sup>10102</sup> The President also stated that of the civilian authorities, only he had the possibility of controlling the army and the army had to get "used to the fact that they are under the command and control of the civilian authority".<sup>10103</sup> The President further stressed at this meeting that if he did not continue to trust Mladić, he could and would have dismissed him, describing him as "the glorious fighter from Krajina".<sup>10104</sup>

3128. In November 1993, UNPROFOR reported that the Serbs seemed to be "directionless", noting that the President is "blocked by Serbia and by the international community at large" and Mladić is "frustrated and is becoming increasingly bellicose".<sup>10105</sup> They observed that Mladić was more dangerous as he was feeling ineffective as a military commander and marginalised as an individual.<sup>10106</sup> **(#UNPROFOR thus was spying#, and reporting a very sensitive information. There is a delicate question whether any other country in crisis should admit the UN forces, since they are privy to many secrete and vital information, which they share with another warring side, informing their country of origin and their superiors. During the mandate, they are very biased in favour of one side, and afterwards they use to testify at courts. The President was very humble and reluctant to disclose a huge material evidence about this issue, as well as the evidence of a detrimental effects of acting and presence of some fake humanitarians, compromising the highest international institutions, and some false journalists, whose conduct jeopardised lives of a genuine journalists reporting from the local wars!)**

3129. There were similar disagreements and tension between the President and Mladić during meetings in 1994.<sup>10107</sup> On 26 April 1994, Milovanović spoke with Gvero over the phone in relation to an agreement with UNPROFOR whereby heavy weapons were to be withdrawn, or put under the control of UNPROFOR, and the President had ordered the weapons to be withdrawn; Milovanović told Gvero, "[f]uck it, pardon my French, you put my balls in a vice. [...] Well, because [the President] has ordered weapons to be withdrawn, Mladić doesn't allow it".<sup>10108</sup> Milovanović further stressed that "here's what's important, it's important that [the President] is making me pull out heavy weapons 20 km".<sup>10109</sup> In May 1994, Mladić proposed to

<sup>10100</sup> Manojlo Milovanović, T. 25642–25643, 25670 (1 March 2012); D3671 (Witness statement of Dušan Kovačević dated 7 June 2013), para. 35. *See also* P1489 (Ratko Mladić's notebook, 28 August 1995–15 January 1996), p. 135 (noting that Mladić was at a meeting of the RS Supreme Command on 1 December 1995 with the Accused, Krajišnik, Plavšić, and others).

<sup>10101</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 270–272, 274–275, 306; D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 124–125, 127–129, 140.

<sup>10102</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 278–279, 281. *See also* P4203 (Witness statement of Piers Tucker dated 12 May 2010), para. 283 (stating that in meetings, the Accused "always held himself up as the Head of State" and stated a number of times that the VRS reported to the Government and referred to "my soldiers" and "my army").

<sup>10103</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 428.

<sup>10104</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 316.

<sup>10105</sup> P823 (UNPROFOR Weekly Political Assessment, 3 November 1993), p. 1.

<sup>10106</sup> P823 (UNPROFOR Weekly Political Assessment, 3 November 1993), p. 6.

<sup>10107</sup> *See* D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 148.

<sup>10108</sup> D4526 (Intercept of conversation between Milan Gvero, Manojlo Milovanović and "Tosa" a.k.a. Zdravko Tolimir, 26 April 1994), p. 1. Gvero responded it was impossible to implement and that there was a NATO ultimatum. D4526 (Intercept of conversation between Milan Gvero, Manojlo Milovanović and "Tosa" a.k.a. Zdravko Tolimir, 26 April 1994), p. 1.

<sup>10109</sup> D4526 (Intercept of conversation between Milan Gvero, Manojlo Milovanović and "Tosa" a.k.a. Zdravko Tolimir, 26 April 1994), p. 2.

the SDC that some generals who he believed to support the President be pensioned off.<sup>10110</sup> In September 1994, Gvero complained about not having enough “real contacts with the state leadership”,<sup>10111</sup> and that the President was taking decisions without the approval of the Main Staff.<sup>10112</sup> **(That was how Gen. Gvero understood the relation between the two, President and the Main Staff, as in the Soviet era. But he was wrong!)** In October 1994, Mladić was informed that the President did not know what to do with him.<sup>10113</sup> **(None of these conflicts were about anyone’s crime, but always because of the international community intentions to influence the battlefield and mitigate the Serb superiority. Every single military all over the world would say that the President was wrong in slowing and stopping his own Army, preventing it to win the enemy!)**

3130. The Chamber notes that although the President and Mladić may have had their differences, in the spring of 1995, they maintained their superior and subordinate relationship within the chain of command.<sup>10114</sup> At a session of the Supreme Command on 31 March 1995, Mladić stated that he and the President had the greatest responsibility for the army, with the President “as the Supreme Command” and Mladić as “[his] right hand in the army.”<sup>10115</sup> While Mladić also complained that the President had stripped him of his authority to make unilateral promotions of lower-ranking officers,<sup>10116</sup> Mladić affirmed that the President, as the Supreme Commander, had the right to give orders.<sup>10117</sup>

3131. Furthermore, in a speech at the 50<sup>th</sup> Bosnian Serb Assembly session on 15 and 16 April 1995, the President reassured the attendees that despite rumours of a split between he and Mladić: “How can there be a split between the Supreme Commander and his subordinate commander? There is no split”, but further stated “[i]f there is a split, it is clear who will have to go”.<sup>10118</sup> The President further stated he had not resorted to firing Mladić or any of his assistants, and that on the whole, he had a good personal relationship with Mladić **(If there was any “personal” in these disputes, the President would be a very incapable and irresponsible leader. All the disputes had a doctrinary matters in it’s foundation, and not a single personal matter!)** and that “he and his Main Staff members [...] respect and recognise me”.<sup>10119</sup> Mladić responded later that despite the President’s public statements about replacing Mladić “at the stroke of a pen”, Mladić had made a commitment when he was sworn in and he requested that the Assembly and the deputies “take a vote of confidence in me and the Main Staff” and reassured them that “we’ll work together”.<sup>10120</sup>

<sup>10110</sup> D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 44.

<sup>10111</sup> P1487 (Ratko Mladić’s notebook, 4 September 1994–29 January 1995), pp. 38–39.

<sup>10112</sup> P1487 (Ratko Mladić’s notebook, 4 September 1994–29 January 1995), p. 51.

<sup>10113</sup> P1487 (Ratko Mladić’s notebook, 4 September 1994–29 January 1995), pp. 123, 125.

<sup>10114</sup> P953 (Article from *Oslobodenje*, entitled “Happy Birthday Republic”, 6 January 1995), p. 9 (wherein the Accused states in an interview that “as the supreme commander, I get all the respect from the officers and soldiers, and I wouldn’t even want our officers to be obedient or soft like an old woman. I want them to ‘argue’ with me about various solutions because it helps me to make the right decision”); P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), pp. 13, 15, 20, 21, 57; P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 315.

<sup>10115</sup> P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), p. 49.

<sup>10116</sup> P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), p. 9 (during which Mladić stated “[w]e have never proposed anything that you have done outside your jurisdiction; we have proposed everyone to you, that is correct. [...] You have taken all operational powers from us and from the Main Staff”). A few days earlier on 28 March 1995, Mladić wrote to the Accused asking him to order the Minister of Defence to annul an order he issued without consulting the Main Staff regarding promotions and that the Minister of Defence not take away the Main Staff commanders’ “right to approve promotions up to the rank and authority which they have so far had”. D4062 (Request of VRS Main Staff to Radovan Karadžić, 28 March 1995). *See also* Momčilo Krajišnik, T. 43978–43979 (21 November 2013).

<sup>10117</sup> P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), pp. 8–14, 32.

<sup>10118</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 315.

<sup>10119</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 315.

<sup>10120</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), pp. 361–362.

3132. However, further tensions between the VRS and the Bosnian Serb leadership were apparent during meetings in the spring of 1995.<sup>10121</sup> On 29 April 1995, the President addressed a letter to the VRS Main Staff accusing them of preparing a *coup d'état*, and summoned them to a meeting in Pale.<sup>10122</sup> On 1 May 1995, the President met with the officers of the Main Staff and Corps commanders in Pale and complained about the actions and Mladić's recent behaviour and the tension between the military and political leadership.<sup>10123</sup>

3133. In the summer of 1995, the President communicated directly with Milovanović on a few occasions and forwarded him reports he received and decisions he made; this caused suspicion among the other generals.<sup>10124</sup> Milovanović reported this to Mladić, and cautioned the President that the "system of command was being duplicated"; however, Milovanović never refused any of the President's orders and merely forwarded them to Mladić.<sup>10125</sup> If no response was received, then Milovanović would act on the President's order.<sup>10126</sup> By August 1995, Mladić was more vocal and arrogant in his interactions with the President, and Mladić claimed that he was in charge.<sup>10127</sup> The President complained about the army, the difficulties in influencing the Main Staff and stated that the army, as a state organ, needed to be under the command of the state and not Mladić.<sup>10128</sup> There were also fears of a military coup but the President continued to speak in the capacity of the Supreme Commander of the VRS and in the interests of Serb unity.<sup>10129</sup>

3134. During a meeting with journalist Robert Đurđević on 14 July 1995, the President told him that he had heard in April 1995 that Mladić was planning a *coup d'état* in compliance with instructions from Slobodan Milošević, so the President had to act to prevent it.<sup>10130</sup> The President told Đurđević that he had called a meeting of all senior officers, including Mladić, and had confronted them with the plan; afterwards the President had a one-on-one conversation with Mladić where, according to the President, the two of them had patched up their differences, at least so as to be civil and respectful of each other.<sup>10131</sup> The President told Đurđević that Mladić had promised to work together with the President and other RS political leaders.<sup>10132</sup> However, according to Đurđević, the President still did not seem to be "speaking very warm terms about Mladić" and he told Đurđević that he would have to pension Mladić off.<sup>10133</sup> The next day, on 15 July, in a meeting with Slobodan Milošević and Mladić, Akashi remembered Mladić being "under very tense pressure".<sup>10134</sup> Akashi recalled that the absence of the President at this meeting gave rise to some speculation about the relationship between the President and Mladić,

<sup>10121</sup> P1473 (Ratko Mladić's notebook, 24 January–5 September 1995), pp. 130–131, 146–147. Pyers Tucker had the impression that there were also attempts by Mladić and others to sideline Plavšić. P4203 (Witness statement of Pyers Tucker dated 12 May 2010), para. 36. See also P820 (Witness statement of David Harland dated 4 September 2009), paras. 285–286 (stating that as time passed, the Accused seemed to have less control and there was a rift in the relationship in 1995 which appeared to be due to policy differences).

<sup>10122</sup> Manojlo Milovanović, T. 25659 (1 March 2012); D2155 (Letter from Radovan Karadžić to Supreme Command, 29 April 1995).

<sup>10123</sup> P1473 (Ratko Mladić's notebook, 24 January–5 September 1995), pp. 123, 127–129 (wherein the Accused is recorded as stating that the most recent behaviour, especially that of Mladić, resembles a "putsch" and furthermore, that "[i]t is impermissible to lecture the head of state on the state"); Manojlo Milovanović, T. 25658, 25661 (1 March 2012); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 163.

<sup>10124</sup> Manojlo Milovanović, T. 25647–25648 (1 March 2012); D2149 (Aide mémoire of Manojlo Milovanović), p. 57. See D3512 (UNPROFOR report, 17 July 1995), pp. 1–2 (wherein Akashi refers to the possibility of Mladić being a "free operator" and states that, "[f]or the past several months, the military commanders in Pale had been challenging the authority of the civilian colleagues").

<sup>10125</sup> Manojlo Milovanović, T. 25648 (1 March 2012).

<sup>10126</sup> Manojlo Milovanović, T. 25648 (1 March 2012).

<sup>10127</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 166, 168–169.

<sup>10128</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 169. See also P2683 (Radovan Karadžić's request to SRK commander, 5 August 1995).

<sup>10129</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 173–177; Momčilo Mandić, T. 5340 (16 July 2010).

<sup>10130</sup> Robert Đurđević, T. 25939 (7 March 2012). See also P4515 (Excerpts from Robert Đurđević's diary, 5–31 July 1995), e-court p. 10; P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court pp. 29–30. See also para. 5778.

<sup>10131</sup> P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court pp. 29–30; Robert Đurđević, T. 25939 (7 March 2012). See P4515 (Excerpts from Robert Đurđević's diary, 5–31 July 1995), e-court pp. 10–11.

<sup>10132</sup> P4515 (Excerpts from Robert Đurđević's diary, 5–31 July 1995), e-court p. 11.

<sup>10133</sup> P4513 (Witness statement of Robert Đurđević dated 18 December 2002), e-court p. 31; Robert Đurđević, T. 25939–25940 (7 March 2012).

<sup>10134</sup> Yasushi Akashi, T. 37746 (25 April 2013).



but Akashi had no actual knowledge of what was taking place.<sup>10135</sup> **(All of those meetings that were unauthorised by the President were a violation of the rules and good habits, but probably Mladic was not responsible for that!)**

3135. On 2 August 1995, pursuant to a decision issued by the President, in his capacity as President and Supreme Commander, the Main Staff was renamed as the VRS General Staff and would be called the Supreme Command Staff in “times of war”.<sup>10136</sup> According to this decision, on 4 August 1995, Mladić was appointed as Special Advisor to the Supreme Commander, and removed as VRS commander.<sup>10137</sup> In response, on 5 August 1995, Mladić sent a notice to the corps commands, stating that the President’s decision to rename the Main Staff and to take over the authority of direct leadership and command of the VRS was unconstitutional and highly dangerous and could bring into question the results they had already achieved; he further stressed that such a decision could lead to the collapse of the VRS.<sup>10138</sup>

3136. On 5 or 6 August 1995, Milovanović authored a petition that was sent to the Bosnian Serb Assembly and the President in his capacity as RS President on behalf of 18 generals.<sup>10139</sup> The petition stated the generals’ unanimous refusal to implement the Supreme Command’s order to reorganise the Main Staff.<sup>10140</sup>

3137. However, even following Mladić’s removal as Main Staff commander, both the President and Mladić re-affirmed their subordinate-superior relationship. In an interview on 16 August 1995, the President stated that “[t]here is no conflict, the competence is very clear”; he was the President and Commander-in-Chief of the army and that Mladić was the second in the hierarchy, despite mutual criticism and disagreements.<sup>10141</sup> Furthermore, at an SDC session on 23 August 1995 with the FRY leadership, during which Slobodan Milošević attempted to pressure Mladić to support peace and issue a statement which was contrary to the President’s position at the time, Mladić refused and instead stated that he would leave this to the politicians as he was “only a soldier of the people” and “not an elected representative”.<sup>10142</sup>

3138. On 27 August 1995, the President abrogated his decision of 2 August 1995 to re-organise the Main Staff, including the decree appointing Mladić as Special Advisor to the Supreme Commander.<sup>10143</sup> Following the annulment of his decision, the President sent a letter to the

<sup>10135</sup> Yasushi Akashi, T. 37747–37749 (25 April 2013); D3512 (UNPROFOR report, 17 July 1995), p. 2.

<sup>10136</sup> See para. 174.

<sup>10137</sup> See para. 174. On 6 August 1995, an extraordinary government session was held, where the RS Government decided to support the Accused’s proposal to remove Mladić as General of the VRS. P3108 (Minutes of the 7<sup>th</sup> extraordinary session of RS Government, 6 August 1995); D3364 (Witness statement of Dušan Kozić dated 7 April 2013), para. 26.

<sup>10138</sup> D2158 (Statement by Ratko Mladić, forwarded by Novica Simić, 5 August 1995), pp. 1–2. See also D4858 (Communique of VRS Main Staff, 5 August 1995). See also D3882 (SRNA news report, 5 August 1995).

<sup>10139</sup> D2159 (Letter from VRS Main Staff to RS National Assembly, 5–6 August 1995); Manojlo Milovanović, T. 25674–25676 (1 March 2012); D2149 (Aide mémoire of Manojlo Milovanović), p. 57; D2843 (Telegram from VRS Main Staff, 7 August 1995); Petar Skrbić, T. 26028–26030 (8 March 2012). See also Radislav Krstić, D4136 (Transcript from *Prosecutor v. Krstić*, T. 6700 (testifying that he had signed a document in support of Mladić on 6 or 7 August 1995, not because he wanted to but because all generals had signed it).

<sup>10140</sup> D2159 (Letter from VRS Main Staff to RS National Assembly, 5–6 August 1995), p. 1; Manojlo Milovanović, T. 25676 (1 March 2012). See D2843 (Telegram from VRS Main Staff, 7 August 1995); Dragomir Milošević, T. 32888–32892 (30 January 2013); Stanislav Galić, T. 37606 (23 April 2013). See also D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 99 (stating that he and Dušan Kovačević were the only generals who chose not to sign the petition).

<sup>10141</sup> P6407 (Radovan Karadžić’s interview with Telegraf, 16 August 1995), pp. 3–4.

<sup>10142</sup> P2567 (Note from FRY’s SDC 42<sup>nd</sup> session, 23 August 1995), pp. 2, 5–6. See also D3681 (Intercept of conversation between Slobodan Milošević and Ratko Mladić, undated), p. 4 (during which Milošević tells Mladić that “unfortunately you have a completely mad political leadership, which is dragging you to death”, to which Mladić responds that he cares about people and not “about a certain individual from any leadership here”).

<sup>10143</sup> D2844 (Radovan Karadžić’s Decision, 27 August 1995), p. 2; Manojlo Milovanović, T. 25678 (1 March 2012) (testifying that he later learned from Gvero that the Assembly had adopted the petition and annulled the Accused’s decision to reorganise the Main Staff). See also para. 174. At a Bosnian Serb Assembly session held on 22 August 1995, the Accused reported on the conflict between the military and RS state organs, stating that if it was not resolved, it may have a “huge negative impact on the safeguarding of the [RS] territory and state”. P3146 (Minutes of 28<sup>th</sup> session of RS Government, 22 August 1995), p. 9. See also D3364 (Witness statement of Dušan Kozić dated 7 April 2013), para. 27.



VRS Main Staff generals, requesting that they “trust the state leadership” and the importance “finally for us to respect each other” and establish a relationship based on mutual respect.<sup>10144</sup>

3139. However, on 5 September 1995, Akashi reported further miscommunication and discord between the President and Mladić, stating that “the pronouncements of the ‘RS’ civilian leadership and the [VRS] military leadership are clearly at odds” and that there had been a noticeable rupture in the RS power structure.<sup>10145</sup>

3140. The Chamber received evidence from Defence witnesses that the relationship between the President and Mladić was always one of intolerance and that the President had *de jure* control over Mladić, but that he did not have control over him in fact.<sup>10146</sup> Furthermore, Defence witnesses testified that within the VRS structure, there was always a duality of command between Mladić and the President, starting with Mladić’s appointment as commander of the Main Staff and throughout the conflict.<sup>10147</sup> According to Mandić, there was a lack of trust and co-operation between the President and Mladić from the beginning and that Mladić did not respect orders issued by the President or other members of the Presidency.<sup>10148</sup>

3141. However, the Chamber notes that the evidence of these witnesses, namely of Kuprešanin, Zametica, Kozić, Kovač, and Ninković, in this regard is expressed in general terms and is often based on their own impression or opinion. **(To be noticed: only the Defence witnesses weren’t entitled to their “impressions” or “opinions” while so many Prosecution witnesses testified only about their impressions, opinions or (hear-say)”!)** The Chamber does not therefore find their evidence to be of much weight in this regard. In addition the Chamber finds that this evidence is outweighed by the volume of reliable evidence discussed above. Therefore, in light of all the evidence, the Chamber finds that while there may have been a lack of trust and periods of discord between the President and Mladić, the President and Mladić acted as a collective leadership and conducted themselves in a single direction. **(A “single direction” was determined by the Assembly and was binding for all and everyone in the official structures! But, the ways of carrying out the tasks suffered from doctrinal differences between an old-fashioned army officers and the new democratic and multiparty system!)** The Chamber therefore finds that the President maintained his role as Mladić’s superior, had *de jure* control over him, and exercised such control in fact throughout the conflict.

#### 4. Accused’s powers

<sup>10144</sup> D4861 (Letter from Radovan Karadžić to VRS Main Staff, 27 August 1995), p. 1.

<sup>10145</sup> D3353 (UNPROFOR report, 5 September 1995), pp. 1–2 (referring to a letter from Mladić sent to UNPROFOR on 4 September 1995 regarding his position on conditions established by NATO and the UN for the cessation of NATO air attacks which conflicted with the position of the Bosnian Serb leadership; Koljević reassured UNPROFOR of the position of the Bosnian Serb leadership and that Mladić’s letter was not valid, which Mladić ultimately accepted). See Prvoslav Davinić, T. 45529–45531 (16 January 2014) (testifying about a conversation between the Accused and Mladić on 4 September 1995, in which Mladić stated: “I cannot but act in keeping with your decisions, your directives, and in line with my legal authority”, and that Mladić’s statement did not indicate subservience to the Accused because Mladić had a “great deal of freedom to act” within the scope of his “legal authority”).

<sup>10146</sup> D3864 (Radovan Radinović’s expert report entitled “The Control Authority of Dr. Radovan Karadžić in the Strategic Command System of the VRS”, 2012), pp. 5–6; Radovan Radinović, T. 41618–41619 (19 July 2013) (testifying that the Accused did not have actual operative control over the VRS in July and August 1995); D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 44, 52 (stating further that during the war, it became clear that the Accused “was President of the state but did not have power, while, on the other hand, [...] Mladić had power but did not have the state”); Vojislav Kuprešanin, T. 43519 (14 November 2013); D3682 (Witness statement of Gordan Milinić dated 8 June 2013), paras. 11–12 (stating that Mladić did not respect the Accused in the slightest and instead always wanted to do the opposite of what the Accused advocated; as such the Accused had been trying to dismiss Mladić since as early as 1993 but without success, as the VRS held the power and “did as it pleased and acted at its own discretion”); John Zametica, T. 42453–42455 (29 October 2013) (testifying that the Accused had very little power over the VRS and the VRS was regularly insubordinate to the Accused); D3364 (Witness statement of Dušan Kozić dated 7 April 2013), para. 26 (stating that there was a lack of co-operation between the civilian and military authorities throughout the war); D3932 (Witness statement of Milenko Živanović dated 27 October 2013), para. 9; D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 99.

<sup>10147</sup> D3864 (Radovan Radinović’s expert report entitled “The Control Authority of Dr. Radovan Karadžić in the Strategic Command System of the VRS”, 2012), pp. 5–6; D3733 (Witness statement of Milan Ninković dated 23 June 2013), paras. 29, 39; Vojislav Kuprešanin, T. 43519 (14 November 2013); D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), paras. 44, 52. See also D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), paras. 91, 96, 111.

<sup>10148</sup> Momčilo Mandić, T. 5340–5341 (16 July 2010).

3142. The Accused, as the President, had the power to organise and implement plans for defence, order mobilisation, and command and control the army.<sup>10149</sup> **(All of this had been taken as the President vices and crimes, objected by the Chamber in the following paragraphs of the Judgement: @)** In addition, as the Supreme Commander, the President had the power to issue regulations, to define the organisation of the VRS, to appoint, promote, and dismiss officers of the VRS, to establish a system of command, and to monitor the implementation of orders.<sup>10150</sup> The President had also the power to issue decrees, instructions, orders, and requests related to the general planning for the preparation of the army, the mobilisation of the army, and its deployment.<sup>10151</sup>

3143. In application of these powers, the President, for example, issued instructions to different units in the VRS and occasionally sent direct orders to corps and brigade commanders to answer directly to him.<sup>10152</sup> **(This was #always in connection with the specific requests of the internationals engaged in Bosnia, to influence the course of war#! The President was in a position to guarantee some moves to the mediators, and thus he wanted to be secure in fulfilling the commitments!)**

3144. The President's personal involvement at the operational level can also be seen in his order to the Main Staff, on 5 December 1992, to provide reinforcements for the Drina Corps; to "disarm the opponent in the local communities of Cerska and Konjević Polje and take control of the Milići-Drinjača-Zvornik and Konjević Polje- Bratunac road"; and to inform him personally on the realisation of this order.<sup>10153</sup> Also demonstrative of his level of involvement are his instructions at a meeting of the Supreme Command, on 7 May 1993, to be directly in charge of approving operations; that all offensive operations be halted; and that any action should be approved by the Supreme Command personally.<sup>10154</sup> **(The "approving operations" is still a strategic command, and it was always in connection with the relation between the Serb side and international representatives!)**

3145. The President also exercised his power to order the VRS to carry out mobilisation.<sup>10155</sup> For example, already on 20 May 1992, the President issued a decision on the general mobilisation of all military conscripts and the requisition of material for the needs of the VRS and noted that this decision would be delivered to the "competent organs of all municipalities"

<sup>10149</sup> See para. 162.

<sup>10150</sup> See para. 167; P2603 (SerBiH Law on the Army, 1 June 1992), art. 174 (stating, *inter alia*, that the RS President is the Commander-in-Chief of the VRS).

<sup>10151</sup> See para. 168.

<sup>10152</sup> See, e.g., P846 (Radovan Karadžić's Order to VRS, 7 February 1994) (which was relayed via P4493 (VRS Main Staff Order, 7 February 1994); Stanislav Galić, T. 38033 (9 May 2013) (stating that the SRK commander would receive information and directives directly from the Supreme Command and the Accused); P2276 (VRS Main Staff Order, 9 July 1995); P4925 (Supplement to Directive 6, 12 December 1993); P2645 (Radovan Karadžić's order to VRS Main Staff, MUP, and Ministry of Defence, 20 May 1992) (the Accused ordered the creation of a military police company within the SRK); D43 (Radovan Karadžić's Order to VRS Main Staff, 16 April 1993); P4495 (Radovan Karadžić's Order to VRS Main Staff and RS MUP, 29 March 1995); D4812 (Radovan Karadžić's Order, 15 January 1994); P1503 (Radovan Karadžić's Order re Nedžarići, 1 July 1992); P1299 (VRS Main Staff request for information from SRK, 26 April 1995); D4739 (Letter from Radovan Karadžić to all local civilian and police authorities, 31 October 1992).

<sup>10153</sup> P5083 (Radovan Karadžić's Order to the VRS Main Staff, 5 December 1992). See also P1493 (Letter from Ratko Adžić to Radovan Karadžić, 12 June 1992) (by which the Accused was informed of the progress of battles around Sarajevo and was asked to use "his influence" for additional weaponry to be provided).

<sup>10154</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), pp. 89–90. The Chamber notes John Zametica's evidence that he did not think that the Accused was "particularly involved" in "day-to-day operative and tactical level", that the Accused was "largely uninterested" in the operation and tactical conduct of warfare, but notes that at the same time Zametica testified that he "never asserted that [the Accused] had not been involved" whatsoever. John Zametica, T. 42457–42458, 42522 (29 October 2013). The Chamber does not find that Zametica's qualified observation regarding the involvement of the Accused in operative and tactical level affects the Chamber's conclusion in this regard.

<sup>10155</sup> P5482 (Radovan Karadžić's Order to Municipal Assembly Presidents and VRS Main Staff, 26 March 1995), p. 1; P5192 (Radovan Karadžić's Decision on general mobilisation, 5 August 1995); P4926 (RS Declaration of war, 16 June 1995); P2248 (Radovan Karadžić's Order to RS Government, VRS Main Staff, and Presidents of Municipalities, 26 March 1995). The Chamber notes that the Accused's order was relayed the same day by Mladić to the VRS units. P2249 (VRS Main Staff Order, 26 March 1995). See also P5546 (VRS Main Staff Order, 30 July 1995), p. 1.

of the SerBiH.<sup>10156</sup> This decision was delivered and acted upon at the municipal level.<sup>10157</sup> **(All in accordance with the Constitution, laws and other binding documents!)**

3146. The President exercised his power to promote VRS officers<sup>10158</sup> and to reassign VRS officers.<sup>10159</sup> As mentioned above with regard to his relationship with Mladić, the power to dismiss officers was acknowledged by the President himself when he stated at the Bosnian Serb Assembly that if he did not trust Mladić he would have dismissed him and added: “I have the authority to do that.”<sup>10160</sup>

3147. The President also assisted the VRS in his capacity as RS President. In April 1994, following a letter from the Main Staff informing that there were volunteers from the SRS who had been operating in two municipalities without the knowledge or consent of the VRS,<sup>10161</sup> the President reminded the municipal authorities that this interfered with the system of single command and control. The President also required to be informed about developments so he could take measures.<sup>10162</sup>

3148. The Chamber observes that Mladić took note in 1994 that while subordination was good at the Main Staff and corps level, insubordination was found at the lower levels,<sup>10163</sup> and it also observes that in 1995 lack of co-operation and certain acrimony existed between the civilian and military authorities.<sup>10164</sup>

**3149.** The Chamber notes that according to Božidar Vučurević officers of the VRS turned to Belgrade rather than to the RS.<sup>10165</sup> The Chamber finds that Vučurević was not forthright in this regard and does not accept his evidence. The Chamber also notes that Momir Bulatović testified that the President told Milošević that “he did not understand why the VRS took Jajce, a Muslim town that they would never be able to preserve” and that Bulatović “believe[d]” that the Accused’s statement to Milošević referred to the lack of the Accused’s control over military operations.<sup>10166</sup> The Chamber does not find that Bulatović’s interpretation of the President’s statement has any weight as Bulatović was not present when it was made. **(This kind of dismissal of so neutral testimonies of a distinguished persons that testified on the Defence’s summon is pretty #compromising the neutrality of the Court#, and a fairness of the trial. This is particularly true since the Chamber acceptem a numerous and convincing evidence that “Belgrade” didn’t communicate with the President since August**

<sup>10156</sup> P3919 (Radovan Karadžić’s Decision, 20 May 1992), pp. 1–2.

<sup>10157</sup> P3537 (Decision of Prijedor Crisis Staff, 22 May 1992); Branko Đerić, T. 28059–28060 (25 April 2012).

<sup>10158</sup> P2650 (Radovan Karadžić’s decree on exceptional promotion, 16 December 1992); P2677 (Radovan Karadžić’s decree on Dragomir Milošević’s promotion, 24 March 1994); P5532 (RS Presidential Decree, 25 July 1993); P5533 (RS Presidential Decree, 28 June 1994), pp. 1–2; P3046 (Radovan Karadžić’s Decree on promotion of Ratko Mladić, 28 June 1994); P2649 (Radovan Karadžić’s decree on early promotion, 7 August 1994).

<sup>10159</sup> Stanislav Galić, T. 37594–37595 (23 April 2013); P3044 (Radovan Karadžić’s Decree, 14 July 1995); P5190 (Letter from RS MUP to RS President, 6 July 1995); P5085 (RS Presidential Decree, 15 July 1995); P5085 (RS Presidential Decree, 15 July 1995). The Chamber notes that, while the Accused’s decree is dated 14 July 1995, according to a memorandum of the Drina Corps “the handover of duties of the Drina Corps Commander was carried out on 13 July 1995”. However, it finds that this minor inconsistency with regard to the date does not affect the substance of the document of the Drina Corps, according to which reassignments were made “[p]ursuant to the Decree of the President of Republika Srpska”. P4485 (Drina Corps information, 13 July 1995). See also D3874 (Letter from Radovan Karadžić to Ratko Mladić and 2<sup>nd</sup> Krajina Corps commander, 14 December 1994); P5451 (RS MUP request to Radovan Karadžić, 13 July 1995), p. 1. See paras. 5768, 5776.

<sup>10160</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 316. See also P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 315. See also D3495 (Letter from Radovan Karadžić to Yasushi Akashi, 24 March 1994) (responding to D3494 (Letter from Yasushi Akashi to Radovan Karadžić, 23 March 1994)).

<sup>10161</sup> D1454 (Request of RS President’s Office, 29 April 1994); D1446 (Radovan Karadžić’s Order to RS MUP, 29 April 1994).

<sup>10162</sup> D1454 (Request of RS President’s Office, 29 April 1994); D1446 (Radovan Karadžić’s Order to RS MUP, 29 April 1994); Milorad Davidović, T. 15809 (1 July 2011). See also D1448 (Letter from RS President’s Office to President of Petrovo Municipal Assembly, 29 April 1994).

<sup>10163</sup> P1485 (Ratko Mladić’s notebook, 9 January–21 March 1994), pp. 46, 117.

<sup>10164</sup> D3364 (Witness statement of Dušan Kozić dated 7 April 2013), paras. 26, 33; D3366 (Report of 1st Igman Infantry Brigade, 20 October 1995); P3114 (Minutes of the 32<sup>nd</sup> session of RS Government, 13 October 1995), p. 4; Dragan Kijac, T. 44317 (3 December 2013); D4143 (Witness statement of Dragan Kijac dated 30 November 2013) para. 59. The Chamber notes that Kijac later testified that had normal relations with the military security services. D4143 (Witness statement of Dragan Kijac dated 30 November 2013) para. 60.

<sup>10165</sup> D3146 (Witness statement of Božidar Vučurević, 22 March 2013), para. 8.

<sup>10166</sup> D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 29–30.

1, 1994 and the end of August 1995, while never interrupting its connections with the Main Staff of the VRS. Also, President Bulatovic testified about the President resistance to taking Jajce, and the Chamber had a numerous and genuine evidence that the President always claimed for a modesty in territorial issues, and against takin places and territories that couldn't be included in the Serb entity, in accordance with the President Platform of 22 April 1992, D1587, stating that there wouldn't be a *fait accompli* i.e. that a forcefully taken territories wouldn't be recognized!)

3150. Finally, Colm Doyle testified that he informed the President, via one of the President's officials, of a planned attack against a TV station in Sarajevo and that the President replied that the attack will not take place. However, the TV station was bombed, and Doyle relayed information to the President that he "was going to hold him personally responsible" for the attack.<sup>10167</sup> When the President met with Doyle later that day he said to Doyle that he had not ordered the attack, that he had condemned it, and that he "didn't control all of the military all of the time."<sup>10168</sup> The Chamber finds the President's statement to Doyle regarding his lack of continuous control over the military to be of minimal weight. The President had a clear interest in distancing himself from, and minimising his involvement in, the attack after Doyle told the President that he would be held personally responsible for it and that he was going to condemn this attack on television. (However, the very same Colm Doyle left a very convincing evidence that he knew the truth, and his words that had been written down confirmed the President position, see P941: p. 2

4. Secretary Vance asked what Dr Karadzic was prepared to do in order to stop the fighting. Lord Carrington said world opinion was firmly against the Serbs, particularly after the recent escalation of fighting around Sarajevo. Dr Karadzic said that the Muslims were responsible for the escalation. The Serbian forces had permission to fight back only in order to defend themselves. The Muslims regularly shelled their own people. They could have been responsible for the heavy shelling of Sarajevo on 24-25 August. Commandant Doyle said that the Serbian paramilitaries, backed by the JNA, had started the fighting by shelling the old town of Sarajevo in April. The Muslims might be responsible for some provocations. But the Serbs had

Therefore, #in April 1992 the President was not in a position to command to anyone#, as many witnesses confirmed, see Gen. Subotic testimony commented in Para of this Judgement: 3105, foot note 10042 ). Subotic also stated that this chain of command was only formed after 12 May 1992 and that before this date the Accused had no formal control of the military. There is also another UN document stating that after withdrawing from Bosnia, the JNA left up 50,000 armed people without any political control, see: S23900 )

3151. In addition, the Chamber finds that the limited evidence regarding the Accused's lack of control over the VRS<sup>10169</sup> is not only of minimal weight in and of itself, but that, in any event, it is inconsistent with the overwhelming evidence to the contrary, described above. (This is #completely irrelevant without any evidence that the VRS committed any crime as an army#, with all the prerequisites needed for an army to act, with the knowledge of

<sup>10167</sup> Colm Doyle, T. 2678–2679 (21 May 2010); Colm Doyle, P918 (Transcript from *Prosecutor v. S. Milošević*), T. 25278–25281.

<sup>10168</sup> Colm Doyle, T. 2678–2679 (21 May 2010). See also Colm Doyle, P918 (Transcript from *Prosecutor v. S. Milošević*), T. 25279–25281. The Chamber notes that Doyle's testimony could be interpreted as referring to the Accused's authority over paramilitary forces. However, considering the features of the attack described by Doyle and the knowledge of the Accused about the attack the Chamber concludes that, in this context, the Accused was referring to regular military forces rather than paramilitaries.

<sup>10169</sup> The Chamber also notes evidence of a rift in August 1994 between the RS leadership and the FRY concerning negotiations, which included a message from the FRY leadership to the VRS to refuse obedience to, and not to be manipulated by, the RS leadership. P1486 (Ratko Mladić's notebook, 31 March–3 September 1994), pp. 277–279. However, the Chamber notes that this message was not accepted by the VRS officers and did not affect the hierarchical control of the RS leadership over the VRS. P1486 (Ratko Mladić's notebook, 31 March–3 September 1994), pp. 283, 286 (according to which Milovanović qualified this rift as "not ideological conflicts, but conflicts in the struggle for power" and Miletić stated that "[d]emanding that the officers turn against the Serbian leadership is against the people, and that is the biggest crime").



**commands, orders and tasking of units. Further, even if this happened, there is a direct connection to the President required in order to charge him for that, but the Prosecution didn't establish any!)**

5. The issuance of military directives in pursuance of the Strategic Goals

3152. Above, the Chamber found that the Strategic Goals, which embodied the fundamental objectives of the Bosnian Serb leadership were communicated to the VRS and formed a core element of its military strategy.<sup>10170</sup> They were the basis for the military operations that were formulated in the seven main VRS military directives issued between June 1992 and March 1995.<sup>10171</sup>

3153. These directives constituted “the highest level of political-military direction” for the conduct of the war.<sup>10172</sup> They were “act[s] of command used by the highest echelons of command” that delegated long-term tasks and assignments.<sup>10173</sup> They regulated the actions of the military forces by setting tasks in the form of guidelines governing the division of responsibilities between the army, police, and civilian protection.<sup>10174</sup> They identified objectives, forces and resources that should be used in achieving the objectives, and contained basic guidelines.<sup>10175</sup>

3154. There were three methods of drafting directives: the “complete” method, the “shortened” method, and the method that did no include any consultation with the organs and commands.<sup>10176</sup> The complete method entailed that the Commander of the Main Staff first opened the discussion, the corps commanders then gave a briefing, and the chiefs of sectors of the Main Staff—such as security, logistics, training, and morale—in turn also provided input.<sup>10177</sup> During this analysis, conclusions would be made related to the level of accomplishment of the tasks defined for the previous year, before moving on to define the tasks for the following year.<sup>10178</sup>

**3155.** On this basis, the Commander of the Main Staff, Mladić, would formulate the basic principles and the command organs would submit proposals to him.<sup>10179</sup> He would then adopt the proposals, and the operative organ would integrate the adopted proposals into a unified text;<sup>10180</sup> this text would then be forwarded to the President, as Supreme Commander.<sup>10181</sup> The President would provide guidelines and revisions would be made pursuant to his instructions.<sup>10182</sup> Directives were either signed by the President as Supreme Commander or by

<sup>10170</sup> See para. 2845.

<sup>10171</sup> See para. 2899. See also D232 (Directive 1, 6 June 1992); D593 (Directive 2, 22 July 1992); D235 (Directive 3, 3 August 1992); P976 (Directive 4, 19 November 1992); P843 (Directive 5, 25 June 1993); P3039 (Directive 6, 11 November 1993); P838 (Directive 7, 8 March 1995).

<sup>10172</sup> Richard Butler, T. 27439 (17 April 2012).

<sup>10173</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11992.

<sup>10174</sup> Manojlo Milovanović, T. 25494 (29 February 2012). See also Mirko Trivić, T. 40538–40539 (26 June 2013).

<sup>10175</sup> Radovan Radinović, T. 41392 (17 July 2013).

<sup>10176</sup> Radovan Radinović, T. 41394 (4 April 2013); Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11992.

<sup>10177</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11993; Radovan Radinović, T. 41394 (4 April 2013).

<sup>10178</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11993.

<sup>10179</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11993. For example, proposals pertaining to the enemy were made by the intelligence organ, proposals for use of the corps and subordinate units were made by the operations sector, and proposals pertaining to arms were made by the organ in charge of arms. Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11993–11994.

<sup>10180</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11993. Obradović specified that tasks from prior directives would need to be reformulated and included in superseding directives in order to remain valid. Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 12179 (31 March 2011).

<sup>10181</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 12040. Obradović stated that the Supreme Commander would receive a typed document, would look at it and enter comments in the margin, and would then return the document for retyping into a version that included his statements. However, he then stated that he was not privy to or aware of the editing process within the cabinet of the Supreme Commander. Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 12040. The Chamber shall therefore not rely on this part of his evidence.

<sup>10182</sup> Manojlo Milovanović, T. 25495 (29 February 2012) (specifically referring to the drafting of Directive 7).



Mladić as the Commander of the Main Staff but in any event, the President examined and approved all of the seven directives mentioned above.<sup>10183</sup> **(#The Chamber didn't establish thus assertion to be true#. First of all, the President did have his Military Cabinet and the military advisor, General Bogdan Subotic. He regularly red all the documents that the President was supposed to sign and advised him. Such a checked document was signed and recorded in the protocol, sealed by the Presidential Seal and marked by the number of the Protocole, and deposited a copy of it. The #Directive 7 didn't have any of these prerequisites: neither Gen. Subotic red it, nor it was drafted in the Presidential office, nor was it sealed by the Presidential seal, nor marked with the protocole number, nor the copy had been saved#. It was obvious that the document had been drafted in the Main Headquarter, by a known officer, it was sealed by the Seal of the Main Staff of VRS, it had a protocole number of the Main Staff of the VRS. The Chamber had all of it in the file, and the Subotic's testimony, what all together confirmed that neither the Directive 7 was drafted and signed in the Presidential office, nor the sealed, nor red, and that it was signed while the President was in a short visit to the Main Staff of the VRS.** Once signed, the directive was finalised and could not be altered or amended by others who might receive it.<sup>10184</sup> Once finalised, the directive would be forwarded to the assistant commanders and the chiefs of sectors would receive copies.<sup>10185</sup> **(If it was written, signed and analised by the President, how come the Directive 7/1 had been altered and purified from the critical sentences without the President's approval#?)**

3156. Thereafter, Mladić would produce a further executive order or directive effectively operationalising the directive.<sup>10186</sup> The Main Staff was then responsible for disseminating the directive to subordinate units in accordance with the directive.<sup>10187</sup>

## 6. Conclusion

3157. The Chamber concludes that from May 1992 the President had continuous *de jure* authority and control over the VRS, which he exercised in fact, while serving as the President of the SNB, President of the Presidency, and later President of the RS and Supreme Commander. The President was regularly informed of the developments in the VRS and in the field. The President was involved at the strategic level and, when he desired, at the operational level as well. **(In consequence to this "Conclusion" all the charges pertaining to the incidents and armed conflicts before 20 May 1992 should be dismissed and the President acquitted!)**

### ii. Bosnian Serb MUP

3158. The Minister of the MUP was the head of the MUP.<sup>10188</sup> The Chamber recalls that Mićo Stanišić was Minister of the MUP from 24 March 1992 until the end of 1992 and again from

<sup>10183</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 11992. Directives 6 and 7 and the supplement to Directive 6 were signed by the Accused. P3039 (Directive 6, 11 November 1993), p. 16; P838 (Directive 7, 8 March 1995), p. 15; P4925 (Supplement to Directive 6, 12 December 1993), p. 3. See also P1415 (Transcript of 54<sup>th</sup> session of RS Assembly, 15–16 October 1995), p. 84; P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), p. 24.

<sup>10184</sup> Manojlo Milovanović, T. 25499–25500 (29 February 2012).

<sup>10185</sup> Ljubomir Obradović, P4444 (Transcript from *Prosecutor v. Tolimir*), T. 12047–12048.

<sup>10186</sup> Manojlo Milovanović, T. 25505–25506 (29 February 2012).

<sup>10187</sup> Manojlo Milovanović, T. 25513–25514 (29 February 2012).

<sup>10188</sup> P2958 (Christian Nielsen's expert report entitled "The Bosnian Serb Ministry of Internal Affairs: Genesis, Performance and Command and Control 1990–1992", 19 May 2011), para. 99.

January 1994 until July 1994 and that Tomislav Kovač was acting Minister from September 1993 until January 1994.<sup>10189</sup>

3159. The Chamber recalls that the Law on Internal Affairs, issued on 23 March 1992, established a network of CSBs to carry out the work of the Bosnian Serb MUP.<sup>10190</sup> The CSBs were located in Banja Luka (for the ARK), Trebinje (for the SAO Herzegovina), Doboj (for the SAO of Northern BiH), Sarajevo (for the SAO of Romanija-Birač), and Bijeljina (for the SAO of Semberija) and co-ordinated the functions of the SJBs.<sup>10191</sup> The SJBs, which were established within the territory of each municipality, were tasked with dealing with all public security matters.<sup>10192</sup> The Chamber further recalls that the SBP, commanded by Goran Sarić, functioned as a combat unit and was divided into five detachments located in Banja Luka, Trebinje, Doboj, Sarajevo, and Bijeljina.<sup>10193</sup> PJP, which participated in combat activities, were organised by the CSBs at the regional level and their detachments were located at each of the five CSBs.<sup>10194</sup>

# 1. President's powers

3160. As Supreme Commander of the VRS, the President had the authority to issue orders for the deployment of the police and define the basis for the organisation and size of the police force during times of war in order to protect the rights and duties of the RS and its citizens.<sup>10195</sup> The Presidency declared an "imminent threat of war" on 15 April 1992.<sup>10196</sup> In addition, the Chamber recalls that on 15 May 1992, Mićo Stanišić issued an order formalising the co-operation of the Bosnian Serb MUP and VRS, such that the MUP personnel would be organised into "war units" and be re-subordinated to the VRS during their participation in combat activities.<sup>10197</sup> Therefore, the Chamber finds that the President had *de jure* authority over the MUP.

3161. Branko Đerić testified that Mićo Stanišić took his orders directly from the President and that the President was in charge of the "use of the police".<sup>10198</sup> He explained that as Minister of the MUP, Stanišić should have implemented government decisions; instead he ignored the government and failed to attend government sessions.<sup>10199</sup> **(This certainly was a very wrong conception of the Government and MUP, remembered from the previous system. #The MUP doesn't implement any government decisions, but implement only the law and it's own decisions#. Prime Minister Djeric was a very good professor, but he had a trouble to understand functioning of the ministries, particularly of those connected with the security! During the war there are additional duties of President, particularly if in a daily contact with foreigners who asked for many explanations that only police knew!)** The Prosecution points to one example of Stanišić receiving instructions from the President in an intercepted conversation from 18 April 1992.<sup>10200</sup> **(Here is another drastic misunderstanding of document and misuse of it, P5606, a conversation between the President and Minister**

<sup>10189</sup> See para. 215.

<sup>10190</sup> See para. 217.

<sup>10191</sup> See para. 218.

<sup>10192</sup> See para. 219.

<sup>10193</sup> See para. 222.

<sup>10194</sup> See para. 222. The Chamber notes that CSBs were renamed CJBs at the beginning of 1994. Christian Nielsen, T. 16320 (7 July 2011).

<sup>10195</sup> P2602 (SerBiH Defence Act, 1 June 1992), art. 7(6); Mićo Stanišić, T. 46484 (4 February 2014); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9107–9110. See also Manojlo Milovanović, T. 25445 (28 February 2012).

<sup>10196</sup> P3922 (Decision of SerBiH Presidency, 15 April 1992).

<sup>10197</sup> See para. 230.

<sup>10198</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 20–22.

<sup>10199</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 22.

<sup>10200</sup> Prosecution Final Brief, para. 133, referring to P5606 (Intercept of conversation between Mićo Stanišić and Radovan Karadžić, 18 April 1992).

**Stanisic on 18 April 1992. To have in mind, at that time the President didn't have any state post, nor a command competence:**

Karadžić	Well, eh, a patrol got lost, one, one team of European observers.
Radovan:	

**So, somebody from the ECMM contacted the President to ask what happened with their team:**

Karadžić	They were on Pale yesterday and they said it was very successful and
Radovan:	constructive and so on.
Stanišić	Ok.
Mičo:	
Karadžić	Today they went to meet with those people from Pale and then proceed
Radovan:	for Višegrad.
Stanišić	Ok.
Mičo:	
Karadžić	Do you know, do you have your connection, can you find out what
Radovan:	happened to them?
Stanišić	We'll see now. They had guarantees on our territory. They asked for it
Mičo:	this morning and were secured the passage to Brusac. I know that and I don't know, if they started towards Višegrad downwards to Ustiprača.

**Obviously, the situation was dramatic, because the ECMM team didn't appear in Višegrad**

Stanišić	The situation is very bad in Ustikolina.
Mičo:	
Karadžić	Is it?
Radovan:	
Stanišić	Yes, by God, they are gathering up in Ustikolina. We have right
Mičo:	information about that one.
Karadžić	Eh, and do our crazy people from Foča know that?
Radovan:	
Stanišić	They do, they do, they have been told.
Mičo:	
Karadžić	Where will they strike?
Radovan:	
Stanišić	They are moving towards Sarajevo, it seems so, by God.
Mičo:	

**Stanisic was talking about Ustikolina, which was the Muslim part of Foca. He had spoken about a gathering of the Muslim combatants, but the Chamber didn't find out who was gathering there! But, this was a crucial element for understanding the conversation! The Muslims were expected to strike somewhere!**

Karadžić	Where can they go, across Pale, right?
Radovan:	
Stanišić	Yes, down to Renovica.
Mičo:	
Karadžić	Aha. Well, we're not going to let them on Pale, are we?
Radovan:	
Stanišić	Well, they will have no success, but they have to go. They are deserting
Mičo:	that place and retreating. They get their weapons from Konjic, down to
Karadžić	Igman, Trnovo, Delijaš and then it gets to Ustikolina.
Radovan:	To Ustikolina, is it?
Stanišić	And, and good weapons too.
Mičo:	
Karadžić	How would they then, then they won't withdraw. They will try
Radovan:	something on Pale or are they going to Sarajevo?
Stanišić	Yes, they will start this way.
Mičo:	
Karadžić	With those weapons?
Radovan:	

Stanišić Mićo:	So that they are moving through their own territory.
Karadžić Radovan:	Aha.
Stanišić Mićo:	These guys up there know very well. I informed them, so they'll take certain steps.
Karadžić Radovan:	OK. That chain should be interrupted.
Stanišić Mićo:	Yes, there is a truck of mortars in Visoko for Švrakino village.
Karadžić Radovan:	Aha...
Stanišić Mićo:	But it cannot get through and we... from the town of Ilijaš only up there...
Karadžić Radovan:	To shell... Hadžići as well, tell them not go across, towards Kiseljak.

**The entire conversation, apart from the concerns about the ECMM team, was about the Muslim gatherings, their armament, not the Serb, and their intention to attack Pale, the seat of the RS Government and Presidency! Not a single order, only a discussion how to prevent the Muslims to deliver armament to Visoko and Švrakino village, both the Muslim areas close to the Serb areas!)** In this intercepted conversation, the President and

Stanišić discussed the whereabouts of a team of European observers and then moved on to discuss the arming of a group of people preparing for an attack on Foča.<sup>10201</sup> The President told Stanišić to stop the chain of weapon delivery and inform Hadžići and Ilidža not to cross over to Kiseljak.<sup>10202</sup>

3162. In addition, the President issued an order with respect to the deployment of police forces into combat. On 20 May 1992, the President ordered that manpower in SRK units was to be replenished by agreement with the MUP and SJBs in, *inter alia*, Ilidža, Vogošća, Novo Sarajevo, Rajlovac, Sokolac, and Pale.<sup>10203</sup> **(So what? #That was his duty#, and according to the law, the Army couldn't subordinate the police unit without an approval of President! No crime, no violation of any rule, irrelevant for this case!)** On 2 June 1992, he ordered two PJP platoons to be redeployed to Nedžarići and put under the military command of the SRK via, *inter alia*, Ilidža where they were to report to Tomislav Kovač regarding the continuation of their journey.<sup>10204</sup>

3163. Municipal Crisis Staffs and War Presidencies issued orders to MUP units. For example, the Crisis Staff in Sanski Most issued orders to the SJB.<sup>10205</sup> **(Crisis Staff meant municipal authorities, renamed because of the crisis, hoping that the "crisis" wouldn't become a war. When it was obvious that it would be a war, then the War Presidencies had been established, but again composed of the ex officio officials! Their decisions were equal to those made by the municipal assemblies. The Municipalities did have their competences on the use of MUP units, particularly in a war, and it was regulated by the Law and Constitution, as quoted above!)** The Banja Luka CSB instructed its subordinate SJBs to implement decisions of the ARK War Presidency.<sup>10206</sup> The Chamber further notes that the Bratunac Crisis Staff issued the decision that the Bratunac TO and SJB would take over the defence of the Serbian municipality of Bratunac and issued decisions authorising the SJB to disarm citizens, and that members of the SJB assist other Serb Forces with actions against Bosnian Muslims during the take over of Bratunac.<sup>10207</sup> **(A #very mean alterations in**

<sup>10201</sup> P5606 (Intercept of conversation between Mićo Stanišić and Radovan Karadžić, 18 April 1992), p. 1.

<sup>10202</sup> P5606 (Intercept of conversation between Mićo Stanišić and Radovan Karadžić, 18 April 1992), pp. 2–3.

<sup>10203</sup> P2645 (Radovan Karadžić's order to VRS Main Staff, MUP, and Ministry of Defence, 20 May 1992).

<sup>10204</sup> P1503 (Radovan Karadžić's Order re Nedžarići, 1 July 1992).

<sup>10205</sup> KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3342 (under seal). See, e.g., P2613 (Conclusions of Sanski Most Crisis Staff, 22 May 1992); P2614 (Conclusions of Sanski Most Crisis Staff, 30 May 1992).

<sup>10206</sup> See paras. 2055, 2061.

<sup>10207</sup> See paras. 713–714, 717–718.

**nuancies: it was not an “action against Bosnian Muslims”, but against the Muslim armed formations#. Once made error in some paragraphs, the error is repeated in other paras throughout the Judgement#!)** In Foča, the SJB acted alongside the TO during the take-over.<sup>10208</sup> The Rogatica Crisis Staff ordered the implementation of the division of the Rogatica SJB.<sup>10209</sup> In Vlasenica, the Crisis Staff was involved in the co-ordination of the take-over of the town, which was carried out with police acting alongside other Serb Forces, and its aftermath, which involved the police confiscating weapons from non-Serbs and arresting those who refused to surrender their weapons.<sup>10210</sup> The Vlasenica Crisis Staff also commanded a Special Police Platoon,<sup>10211</sup> and was able to issue orders to the Chief of the SJB in Vlasenica.<sup>10212</sup> In Hadžići, the police implemented a decision of the Crisis Staff to arrest and detain all Bosnian Muslim men of military age.<sup>10213</sup> The Vogošća Crisis Staff also had the authority to provide instructions to the Vogošća SJB.<sup>10214</sup> Finally, the Chamber notes that in many municipalities, the head of the police was also a member of the Crisis Staff.<sup>10215</sup> **(Senseless to comment, since all of that was a #first class legal and constitutional obligation of the municipal authorities#. How possibly this trials could have been conveyed #without any knowledge of the domestic legal system#?)**

## 2. Communication and Bosnian Serb MUP reporting system

3164. The Chamber recalls that the system of reporting within the MUP consisted of daily reports and other reports about more significant security information.<sup>10216</sup> Information was collected from the municipal level by the SJB, then sent to the regional level of the CSB, and finally sent to the Bosnian Serb MUP.<sup>10217</sup> The information was also sent from the MUP to the Bosnian Serb Government, including to the Presidency.<sup>10218</sup>

3165. The Chamber received evidence that there were some difficulties in communication during the first year of the conflict in 1992.<sup>10219</sup> However, there were always communication channels between the Bosnian Serb MUP, CSBs and SJBs.<sup>10220</sup> Communication between the CSB and the ministerial level was on a daily basis, with communication several times a day if there was a problem or every couple of days if there were no real developments.<sup>10221</sup> Mandić

<sup>10208</sup> D3319 (Belgrade Radio news report, 8 April 1992). *See also* para. 858.

<sup>10209</sup> *See* para. 960.

<sup>10210</sup> *See* paras. 1113, 1121, 1149.

<sup>10211</sup> *See* para. 1124. The Special Police Platoon in Vlasenica was within the organisational structure of the SJB, received payment from the SJB, and reported daily to the SJB. *See* paras. 1125, 1161, 1182, 1193. The Special Police Platoon engaged in illegal activities, mistreated Bosnian Muslims, and was involved in take-overs of villages surrounding Vlasenica and expelling Bosnian Muslims. *See* paras. 1125–1134, 1161–1163.

<sup>10212</sup> *See* para. 1217.

<sup>10213</sup> *See* para. 2094.

<sup>10214</sup> *See* para. 2372. In early March 1992, Tintor, on behalf of the Vogošća Crisis Staff, sent a dispatch to the Vogošća SJB and Kemo Šabović, prohibiting the SJB from conducting any investigations in Serb villages in connection with the alleged killing of a young Bosnian Muslim by a Serb.

<sup>10215</sup> *See* paras. 698, 957 (referring to P2835 (Report of Rogatica Crisis Staff, April–June 1992)), 961, 1051, 1109 (referring to P6121 (Decision of Vlasenica’s SDS Municipal Board, 4 April 1992)), 1581, 2125–2126 (referring to D1193 (Ilidža Crisis Staff Members, 10 April 1992)).

<sup>10216</sup> *See* para. 228.

<sup>10217</sup> *See* para. 228.

<sup>10218</sup> *See* para. 228.

<sup>10219</sup> KW317, T. 39412 (6 June 2013); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 57. *See also* D4229 (Witness statement of Boško Mandić dated 18 January 2014), para. 16. The Chamber does not find Grahovac’s evidence that it was impossible for the municipal leaders to communicate or contact the Republican leadership to be reliable. D4077 (Witness statement of Anđelko Grahovac), para. 8.

<sup>10220</sup> Milorad Davidović, T. 15460–15461 (24 June 2011). *See also* Christian Nielsen, T. 16270–16271 (7 July 2011); P2850 (Fax of Bijeljina CSB, 29 April 1992); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 92. For example the SNB confirmed that it would communicate with the Bosnian Serb Assembly and the government by way of phone and courier. P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 1. *But see* D2852 (Witness statement of Srđan Šehovac dated 27 January 2013), para. 47. Šehovac’s stated that in the period of hampered communication in 1992 that the Bosnian Serb leadership could not issue instructions and that matters were left to the municipal leadership. *See also* paras. 3019–3020, 4862.

<sup>10221</sup> Milorad Davidović, T. 15462–15463 (24 June 2011). *See also* P2851 (Fax of Bijeljina CSB, 24 April 1992). *But see* Branko Đerić, T. 27937, 27941 (24 April 2012); D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 16. Đerić testified that the government over which he presided was cut off in terms of communication and that some regions became so independent that it was difficult to establish any kind of communication with them.



testified that the police, in the absence of a special problem, were not bound to report regular activities to the President but reported to the Prime Minister.<sup>10222</sup> In addition, the Chief of the Bijeljina SJB reported to Mićo Stanišić on the situation in the municipality.<sup>10223</sup>

3166. Until the end of 1992, the SDB did not send any reports to the RS President; this was done through the MUP. Only from 1993, were SDB reports sent to the state leadership of the RS (President, President of the Assembly, Prime Minister, and other government bodies as required).<sup>10224</sup> The President received the information verbally and via written reports multiple times per month.<sup>10225</sup> **(There was a necessity to have the members of Presidency informed, not as much because of any need for their action, but because of their contacts with the international representatives who sought confirmations of their knowledge about terrain!)**

### 3. Conclusion

3167. The Chamber finds that the President had *de jure* authority over the Bosnian Serb MUP from at least 15 April 1992, which he exercised in fact, in his position as President of the Presidency, and later President of the RS, and Supreme Commander of the VRS. **(#Before VRS, during JNA#! Before 12 May 1992 the President didn't have any *de jure* authority over the Police, and before 20 May over the Army, as already established. He had some influence and respect, but not *de jure* authority!)** Although the evidence of his involvement in the day to day operations of the MUP is limited, the evidence establishes that he had the ability to re-deploy police officers and give instructions to Mićo Stanišić and lower level MUP officials. In addition, the evidence establishes that while the communication system was sometimes interrupted, the President frequently received reports from the MUP. **(Was anything criminal, or unlawful in the President action pertaining to the MUP, or it was sufficient to establish tha the President existed, the MUP existed, and they had a contacts?)**

3168. The Chamber further finds that Crisis Staffs and War Presidencies played a role in commanding or co-ordinating the tasks of MUP units in the Municipalities. In this regard, the Chamber recalls that the President exercised authority over such institutions and played a central role in instructing how they would function.<sup>10226</sup> In light of the co-operation between MUP units and Bosnian Serb authorities, the TO, and the VRS, the Chamber finds that the President supported the use of MUP units during combat activities throughout the Municipalities. **(#All regulated by the Constitution and laws#, as depicted in the comments above. Only the Accuse from his position was authorised to submit the police units to the Army command, otherwise there would be misunderstanding and skirmishes as in any other country. What is wrong with all of that?)**

### iii. Territorial Defence

3169. In the second half of 1991, in the context of the conflict in Croatia, the President issued instructions to the SDS and to municipalities in which SDS was in power, to mobilise all citizens into the TO and to subordinate them to the command of the JNA.<sup>10227</sup> The President

<sup>10222</sup> Momčilo Mandić, T. 5050 (13 July 2010).

<sup>10223</sup> P2629 (Report of Bijeljina SJB, undated).

<sup>10224</sup> D4143 (Witness statement of Dragan Kijac dated 30 November 2013), para. 39.

<sup>10225</sup> Dragan Kijac, T. 44320–44321 (3 December 2013).

<sup>10226</sup> See paras. 3087–3089.

<sup>10227</sup> P5884 (Intercept of conversation between Radovan Karadžić and Nikola Uzelac, 9 July 1991), p. 2; P2547 (Intercept of conversation between Radovan Karadžić and Tomislav Simović, 2 November 1991), p. 4; P2548 (Telex entitled “The Sarajevo SDS Order”, 29 October 1991); P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), pp. 316–317. See also D4504 (Intercept of conversation between Radovan Karadžić and Slobodan Vidović, 8 February 1992).

monitored this mobilisation effort.<sup>10228</sup> **(A #Constitutional and law obligation#, it couldn't be otherwise! See the laws and Constitution!)**

3170. As long as the JNA officially operated in BiH territory, the President supported the mobilisation of armed forces that operated under the JNA's command.<sup>10229</sup> **(#Obligatory, mandatory. All other conduct was a violation of several laws, as Mr. Izetbegovic said: "yes we maybe violated some laws, but there are laws and laws#!")** With regard to the mobilisation and the arming of Serbs who were not subordinated to the JNA, the Accused's position at that time was that the SDS would not arm the Serbs but would not prevent them from acquiring weapons in other ways.<sup>10230</sup> However, the Chamber also recalls that the SDS in Bijeljina, Bratunac, Rogatica, Vlasenica, Ključ, and Hadžići provided Serbs with weapons while the JNA still operated in BiH.<sup>10231</sup> **(All of it under the surveillance of the JNA, since all of them had been JNA reservists! But, even if it was not so, since the other two sides formed a secret and very numerous armies, the Serbs were entitled to take a precautionary measures! The Tribunal made on of the gravest error when #prevented defences to depict the conduct of other sides and contexts#!)**

3171. On 27 March 1992, before the Bosnian Serb Assembly, the President gave instructions to the newly-formed Serb municipalities to "organise the people so that they can defend themselves" as a TO and place them under the command of the JNA present at that time.<sup>10232</sup> **(#All of it ordered by the Constitution and laws#!)**

3172. Following the declaration of a state of imminent threat of war in mid-April 1992, the Presidency of the SerBiH decided that a SerBiH TO "shall be formed as the armed force of [SerBiH]"<sup>10233</sup> led and commanded by municipal, district and regional staffs and the republican staff of the SerBiH.<sup>10234</sup> The TO was subordinated to Minister of Defence Bogdan Subotić until the appointment of the commander.<sup>10235</sup> In addition, a general mobilisation of the TO was ordered.<sup>10236</sup> **(So what? #All in accordance with the law and constitution#!)**

3173. The SNB decided that the President, as the President of the SNB, would co-ordinate the command of the TO forces.<sup>10237</sup> The SNB adopted decisions on the appointment of the acting commander of the TO and the chief of staff of the TO,<sup>10238</sup> the procurement of uniforms and

<sup>10228</sup> P3406 (Intercept of conversation between Radovan Karadžić and Sveto, 20 September 1991); Sveto Veselinović, T. 45093–45101 (16 December 2013); D1643 (Intercept of conversation between Radovan Karadžić and Zvonko Bajagić, 4 September 1991), p. 6; D1653 (Intercept of conversation between Zvonko Bajagić and Radovan Karadžić, 11 December 1991); Zvonko Bajagić, T. 41172–41176 (10 July 2013).

<sup>10229</sup> See P2542 (Vojislav Maksimović's diary, 24 December 1990 to 24 December 1991), p. 8 (the Accused stated during an SDS Council session that paramilitary organisations could not be formed and that the SDS should not take any step to provoke the army). See also D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), paras. 3, 14, 31–32 (the Accused told the Prime Minister of the ARK, Anđelko Grahovac, with regard to a paramilitary unit in Banja Luka led by Veljko Milanković, that the municipal Serb authorities should not support or rely on "criminals", stating that "these independent *vojvodas*" have already done them great damage); Anđelko Grahovac, T. 44036, 44045–44048 (26 November 2013) (stating further that this unit was allowed to eventually join the army—first the JNA and later the VRS).

<sup>10230</sup> P2542 (Vojislav Maksimović's diary, 24 December 1990 to 24 December 1991), p. 8.

<sup>10231</sup> See paras. 607, 695, 944, 1104, 1492, 2070.

<sup>10232</sup> See para. 211; D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 69. See also P5604 (Intercept of conversation between Gvozden and Radovan Karadžić, 3 March 1992), p. 3 (Gvozden informed the Accused that he had mobilised Serbs from Pale and would do the same in other municipalities, including Novi Grad).

<sup>10233</sup> P2412 (Decision SerBiH Ministry of Defence, 16 April 1992) p. 1. See also para. 212; D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), pp. 69, 75; Nedeljko Prstojević, T. 12967–12969 (8 March 2011); D394 (Announcement of SNB, 4 April 1992). Bogdan Subotić also stated that given that during this early phase, the central authorities did not establish control over the TO, the appointment of a Chief of the TO for SerBiH was an attempt to centralise the command. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 264–267; D3709 (Decision of SerBiH Government, 15 April 1992); P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 2; D3703 (Decision of SerBiH Ministry of Defence, 18 April 1992), p. 1; Bogdan Subotić, T. 40020–40021 (19 June 2013).

<sup>10234</sup> P2412 (Decision SerBiH Ministry of Defence, 16 April 1992) p. 1.

<sup>10235</sup> See para. 91; Nedeljko Prstojević, T. 12970 (8 March 2011).

<sup>10236</sup> D3703 (Decision of SerBiH Ministry of Defence, 18 April 1992), p. 2; P2412 (Decision of SerBiH Ministry of Defence, 16 April 1992). See also D406 (Minutes of meeting of SNB and SerBiH Government, 27 April 1992), p. 1.

<sup>10237</sup> P3051 (Minutes of expanded meeting of SNB and SerBiH Government, 22 April 1992), p. 1.

<sup>10238</sup> P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 2.

insignia for the TO with instructions on markings,<sup>10239</sup> and the securing of salaries for members of the TO.<sup>10240</sup> On 24 April 1992, it was decided to charge the President with the responsibility of establishing a Town TO Staff.<sup>10241</sup> Subotić asked, on 27 April 1992, for assistance from the Military Command in filling “most vital personnel” posts in the TO and also for the provision of uniforms.<sup>10242</sup>

3174. In a report of 5 June 1992 from the Novo Sarajevo Crisis Staff to the President, it was stated that the Crisis Staff had mobilised about 900 people over the previous two months, including about 700 in the Lukavica and Tilava areas and about 200 in Grbavica.<sup>10243</sup> In addition, as found above, on 16 April 1992, following an order by the Presidency of the SerBiH, the Bratunac Crisis Staff issued an order for general mobilisation and also required military conscripts assigned to Bratunac TO units to immediately respond to the mobilisation.<sup>10244</sup> Similarly, the SAO Birač Crisis Staff ordered, on 29 April 1992, mobilisation in the entire SAO of Birač.<sup>10245</sup> **(All of it happened before the President took the post in Presidency, but nothing of it was wrong or illegal!)**

3175. The VRS reported that during the period before 20 May 1992 “the municipal authorities and party leaderships, primarily of the [SDS], mobilised the Serbian TO as a self-organised defence form of the Serbian people.”<sup>10246</sup> It also reported that in 1992 infantry units “grew on a massive scale out of the territorial defence and other units” and that they were only used at the beginning of the war “according to the decisions of crisis staffs and similar administrative bodies”.<sup>10247</sup> **(So what? Is it the Tribunal’s position that the Serbs shouldn’t do anything to protect themselves, #not even a measures obligatory due to the laws#?)**

3176. On 12 May 1992, after the formal establishment of the VRS, the SerBiH TO was directly integrated into the VRS. The President, as the President, was to determine the organisation of the integrated SerBiH TO units and staff.<sup>10248</sup> The President participated in the creation of the VRS by organising the manpower at the local level and facilitating the transfer of personnel and supply from the JNA.<sup>10249</sup>

<sup>10239</sup> P1087 (Minutes of meeting between SNB and SerBiH Government, 24 April 1992), p. 1, P2627 (Minutes of meeting of SNB and SerBiH Government, 28 April 1992), p. 1. The Chamber notes the evidence of Subotić that the attempts of the “central authorities” to procure military uniforms for TO members were only aimed at “providing logistical support for the TO units” and not commanding them. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 272. However, the Chamber finds that this evidence is not consistent with evidence regarding the creation of a hierarchical command structure nor with Subotić’s own statement with regard to P5565 (Request of the Ministry of Defence for Personnel, 27 April 1992) in relation to which he testified that this was part of “our efforts to organize an efficient command and control over the TO units up until the formation of the VRS.” D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 271.

<sup>10240</sup> D406 (Minutes of meeting of SNB and SerBiH Government, 27 April 1992), p. 1.

<sup>10241</sup> See para. 92.

<sup>10242</sup> P5565 (Request of the Ministry of Defence for Personnel, 27 April 1992); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 271–272; P2627 (Minutes of meeting of SNB and SerBiH Government, 28 April 1992), p. 1; Bogdan Subotić, T. 40020 (19 June 2013).

<sup>10243</sup> See para. 2260.

<sup>10244</sup> See para. 713; P4383 (Order of Bratunac Crisis Staff, 16 April 1992), p. 1; D2061 (List of decisions and orders issued by the Crisis Staff, War Staff, and Wartime Presidency of Bratunac Municipality, 29 August 1992), p. 4. See also Adjudicated Fact 2309; D3118 (Witness statement of Aleksandar Tešić dated 10 March 2013), para. 16.

<sup>10245</sup> P2615 (Decision of Birač Crisis Staff, 29 April 1992). Subotić stated that nobody really knew how many local units had been formed. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 58.

<sup>10246</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 75. See also D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 69.

<sup>10247</sup> D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 13.

<sup>10248</sup> See para. 214; D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), p. 13 (stating that when the VRS was formed the infantry units that grew from TO and other units were incorporated into the VRS).

<sup>10249</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), pp. 316–317; D1464 (Radovan Karadžić’s Interview in Delo, 8 November 1993), p. 2; KDZ088 T. 6245 (6 September 2010) (closed session); P1154 (Witness statement of KDZ088 dated 27–29 April 2010) (under seal), pp. 18–19. See also D325 (VRS Main Staff analysis of combat readiness and army activities in 1992, April 1993), pp. 69, 75; D409 (Minutes of meeting of SNB and SerBiH Government, 10 May 1992); P979 (Report from JNA 2<sup>nd</sup> Military District to JNA General Staff, 20 March 1992), pp. 5–7; Colm Doyle, T. 2653 (21 May 2010), T. 2738–2739 (26 May 2010).

3177. Based on the above the Chamber finds that the President was instrumental in the creation of the SerBiH TO and local TO units in mid-April 1992 and that he had *de jure* authority over the TO. In addition, given the President's authority over Crisis Staffs,<sup>10250</sup> the Chamber finds that the President also had *de facto* authority over the TO. **(What is illegal there?)**

iv. Paramilitary units 14.12.

1. President's initial attitude towards paramilitary units

3178. As stated above, while the JNA was operating in BiH, the President's position was that the SDS would not arm the Serbs but would not prevent them from acquiring weapons in other ways.<sup>10251</sup> **(#How possibly a political party prevent people to take care about their security#? This is a job for the Army and Police. And what would happen if the Patriotic league was the only side well armed, and buchered many Serbs, who were prevented by their party to secure themselves? Besside that, the law prescribed that any prevention of population to defend would constitute a high treason, see P4743, the #SFRY Constitution:**

**Article 237**

It shall be the inviolable and inalienable right and duty of the nations and nationalities of Yugoslavia, working people and citizens to protect and defend the independence, sovereignty, territorial integrity and the social system of the Socialist Federal Republic of Yugoslavia established by the S.F.R.Y. Constitution.

**Article 238**

No one shall have the right to acknowledge or sign an act of capitulation, nor to accept or recognize the occupation of the Federal Socialist Republic of Yugoslavia or of any of its individual parts. No one shall have the right to prevent citizens of the Socialist Federal Republic of Yugoslavia from fighting against an enemy who has attacked the country. Such acts shall be unconstitutional and punishable as high treason.

High treason is the gravest crime against the people and shall be punished as a serious criminal offence.

**:Let us see again what is envisaged in the #BiH Constitution, D1262:**

**Article 253.**

No one has the right to recognize or sign any capitulation, or to accept or recognize the occupation of the Socialist Republic of Bosnia and Herzegovina or any part of it. No one has the right to prevent the citizens of the Socialist Republic of Bosnia and Herzegovina from fighting against an enemy who has attacked the country. Such acts are unconstitutional and shall be punished as treason.

Treason is the most serious crime against the people and shall be punished as a serious criminal act.

**Not to have any dilemma, the BiH defense system was an unalienated part of the SFRY system, according to both, the SFRY and BiH Constitution, see the BiH Constitution, D1262:**

<sup>10250</sup> See paras. 3072–3096.

<sup>10251</sup> See paras. 3169–3170.



## Article 260.

Territorial defense in the Republic shall be the broadest form of armed, organized, general popular resistance, and an integral part of the unified armed forces of the Socialist Federal Republic of Yugoslavia.

Territorial defense shall be organized in the Republic and municipalities as a unified system.

? However, the Chamber notes that already at the end of 1991 the SOS, commanded by Duško Šaović, was formed and received orders from the SDS in Sanski Most.<sup>10252</sup> **(First let us see how it was #regulated in the Federal and BiH Constitutions: D1262,;**

## Article 256.

The municipality shall regulate and organize territorial defense and civil defense, organize and carry out preparations of the populace, economy, public agencies and government bodies, direct the preparations of organizations of associated labor, local authorities and other self-management organizations and units, ensure the accomplishment of other tasks of national defense as established by law, and in time of war lead general popular resistance on its territory. The municipality shall fulfill its rights and duties in the area of national defense in accordance with the constitution, laws, system of national defense and the defense plans of the federation and the Republic.

## Article 257.

Within local authorities, working people and citizens shall organize themselves immediately and prepare to take part in resisting the aggressor and offering protection and rescue from military action, and to carry out other tasks of defending the country, in accordance with the constitution, laws and municipal statutes.

**This was a quite satisfactory #legal basis for a self-organisation of the citizens in Sanski Most or elsewhere#, and a municipal authorities were expected to facilitate the self-defence and self-protection of the population. It is quite known that 1991 there was a state of BiH, and a local TO-s and reservists existed in coordination with the JNA, and an immediate command of the president of municipality. What does it have to do with the President? When the entire Sanski Most TO came under the control and command of the 6<sup>th</sup> Sana Brigade, the SOS didn't satisfy the command of the Brigade concerning the discipline, and they had been expelled from the Brigade. ALL OF IT, THE EXISTENCE, ORGANISATION, FORMATION OF THE LOCAL UNITS WAS LEGAL AND LEGITIMATE. IF THERE WAS A CRIMES, IT USUALLY WAS COMMITTED BY A PARTS OF THE UNIT, OR EVEN THE WHOLE UNIT. BUT, THE CRIME OCCURE ONLY WHEN IT WAS COMMITTED, NOT WHEN A UNIT WAS FORMED, BECAUSE IT WAS LEGAL, LEGITIMATE AND OBLIGATORY. See how the SFRY Presidency regulated this issue, D4282:**

Municipalities shall direct and coordinate preparations for all-people's defence and social self-protection of local communes, organisations of associated labour and self-managing communities of interest in its territory. Municipalities shall establish, financially support and prepare Territorial Defence units, civilian defence and an observation and reporting service. In order to conduct this work professionally they shall establish Territorial Defence staffs and civilian protection staffs and national defence secretariats (departments) and secretariats of the interior. In war, the municipalities shall exercise control of the all-people's resistance in their territory, in accordance with the situation and specific conditions.

10252

See para. 1925. The Chamber recalls that in April 1992, the Crisis Staff decided to integrate the SOS as a special unit of the TO **that was the obligation of the Crisis Staff, the TO, the Army, Police, to subjugate any armed force, or disown them and arrest them if and when possible)** and notes that the order was never executed because the SOS refused to be placed under the TO's command. See para. 1928; KW540, D4449 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 3325 (under seal). The Chamber finds, therefore, that the SOS in Sanski Most remained a paramilitary formation. **It did remaind a paramilitary formation, but not under the control of the SDS, particularly not by the central organs of SDS.**



**These provisions are rebutting many charges, such as the President appeal that municipalities “control everything on their territory” and other actions, derived from these and other provisions. #The Prosecution should have all of it known and not pose a fake and false charges#!)**

3179. Mandić testified that in March and April 1992 the municipalities controlled and co-ordinated the activities of the paramilitary formations active in their respective territories.<sup>10253</sup> At around the same time, the President stated before the Bosnian Serb Assembly that “[w]e know that our people have armed themselves. We don’t know the various ways and means by which this was done, but we do know that the people have enough weapons”.<sup>10254</sup> He added, however, that they did not have paramilitary units and called for the urgent creation of Crisis Staffs and for the organisation of TOs to be placed under the command of the JNA or reserve officers.<sup>10255</sup> **(This was #completely legal and legitimate, and the only right move, therefore #EXCULPATORY!!!!)**

3180. In mid-April 1992, following a question by Vance about the presence of Arkan and Serb irregulars in BiH, the Accused and Koljević claimed to have never seen Arkan and that “somebody” invited Arkan to Bijeljina after a problem was caused by a Serb in a café, following which “Muslims even sent a cable thanking Arkan”.<sup>10256</sup> **(#Hiding the crucial document by the late disclosure, otherwise the last sentence of this paragraph wouldn’t be possible, as the entire Bijeljina case#! This is again a mess, because this wasn’t the incident caused by a Serb, but by the Muslims. The incident caused by a Serb happened several days prior to that, and the perpetrator was arrested and handed over to Tuzla, where the police, majority of the Muslim ethnicity, processed him. But the Defence is prevented to submit the proves that the Muslims started the skirmishes, and #Arkan came about 15 hours later#. Had the ECMM document been disclosed timely, everithing would be clear, because the ECMM interviewd many Muslims in Bijeljina about Arkan and his conduct, and all of them commended Arkan for his action and theatment of civilians. It was also clear from the document of the HVO inteligenice, concerning Hasan Tiric and his task to occupy Bijeljina given to him by the Muslim secret army, to be done on 31 March 1992! There is a criminal report and indictment against the same Tiric and 161 of his associates, see:D3142)**

3181. During an interview that was published on 23 April 1992, the Accused was asked how he justified that “Arkan Serbian militia are still seizing control of large sections of Bosnian territory”, to which he responded that “[t]hose militias are paramilitary groups. They arrived in Bosnia to respond to the infiltration by units of regular Croatian army in Her[z]egovina”.<sup>10257</sup> When he was asked whether he agreed to disband the paramilitary forces he answered that the Bosnian Serbs did not have an armed force and that “[w]e have always asked the Serbs not to mobilize, unlike the Muslims”.<sup>10258</sup> **(#Before VRS, during JNA#! It is again confused. The Serbs asked the Serbian people #not to mobilize in any ethnic army#, but instead to respond to the JNA mobilization calls. There is a mistake in translation. In English it said: “The notion of territory is entirely relative”, while in the Serbian it was translated as “relevant” instead of relative, or irrelevant, and this is a mistake. The President said: “relative” and added “irrelevant”. However, in this very document, in April 92 the President said that all refugees will have the right to return, it was just signed. But the**

<sup>10253</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9119.

<sup>10254</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 20. See also Herbert Okun, T. 1515 (23 April 2010).

<sup>10255</sup> D304 (Shorthand Record of 14<sup>th</sup> session of RS Assembly, 27 March 1992), p. 20.

<sup>10256</sup> Herbert Okun, T. 1515 (23 April 2010); P780 (Seventh notebook of Herbert Okun’s Vance Mission Diary), p. 38.

<sup>10257</sup> D1591 (Radovan Karadžić’s interview from *Le Figaro*, 23 April 1992), p. 1.

<sup>10258</sup> D1591 (Radovan Karadžić’s interview from *Le Figaro*, 23 April 1992), p. 1.

**entire Judgement is based on hearsay and on no relevant document. Also the President denied any division of Sarajevo, and spoke about administrative reorganisation!)**

3182. The Chamber recalls that the Bijeljina Crisis Staff invited Arkan to the municipality and that the take-over of Bijeljina on 1 and 2 April 1992 was carried out, *inter alios*, by the local TO, the police, the JNA, and Arkan's men who operated under the supervision of the Bijeljina Crisis Staff.<sup>10259</sup> **(#Before the VRS, before the war#! The Trial Chamber is abusing its conspirative capacity, but it can not be tolerated: the Bijeljina Crisis Staff didn't exist, and everything based on this false assertion is false itself. There existed only the Party Crisis Staff, and the Crisis Staff of SAO Semberija and Majevica. #BUT ALL OF THAT HAD HAPPEN DURING THE SR BIH, A COMMON Government and common Presidency, and had nothing to do with the SDS or its structures. What is necessary to do to prove a pure undoubted fact? No a reasonable chamber or any court could afford itself such an arbitrary, comfortable and irresponsible conclusions!)** Davidović stated that although Mićo Stanišić knew what Arkan and his staff were doing in Bijeljina, Stanišić dared not interfere because of Arkan's links with the Serbian MUP.<sup>10260</sup> In April 1992, Mandić was also aware of Arkan's involvement in Bijeljina and that Arkan had "introduced order".<sup>10261</sup> **(It had to be the common police which was supposed to establish the order, but it didn't function neither in Bijeljina, nor in Bosanski Brod on 25 and 26 March, three days earlier, when the Croatian forces (from Croatia proper) entered BiH and in two days killed many Serb civilians. The BH organs didn't want, and the Serbian component of these organs couldn't do protect people without the Minister's approval, to stop killing the Serbian helpless civilians. But, the Minister was a Muslim, and he didn't protect the Serb citizens of BiH!)**

3183. Starting in early April 1992, Arkan's men also operated in Zvornik municipality, in conjunction with the police, the Zvornik TO, and the JNA.<sup>10262</sup> **(At that time, the President didn't have any political or a state role, and the JNA was a legitimate state Army, and all others such as TO, volunteers, all of them were under the JNA competence!)** In Bratunac, in mid-April, Arkan's men operated together with the Serb Forces that consisted of JNA troops, TO members, and local reservists.<sup>10263</sup> **The same as the above!** In Ilidža, they co-operated with the local forces in April 1992.<sup>10264</sup> **And how the Arkan's men went in Ilidža? Let us see who invited Arkan's men to Ilidža D01248, p.12**

13 Legija: Well, to start with, you know that DRAGIŠIĆ who..

18 Legija: Who called us and all. **Now, who is Dragisic? Nobody. He has nothing to do with the officials at Ilidža, living in Belgrade which can be seen from the next sentence: (D01248, p. 20**

25 Legija: And now I'll have to see, I'll have to find a solution.

26 And as for Dragiša, give him what he fucking deserves.

**Obviously, Legija is in Ilidža, and Arkan and Dragisa are in Belgrade. There are documents that even more drastically illustrate the negative attitude of the RS officials and the Arkan's men, See: P5675, pp. 3-4.**

<sup>10259</sup> See paras. 608, 611–612, 672.

<sup>10260</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 125. Davidović also testified that Arkan's men were controlled and subordinated to the Serbian MUP and that he had a training camp at Erdut for which he had received the consent of the Serbian MUP. See para. 232. **Davidovic himself was borrowed from FRY to help, but it was when there was no common state.**

<sup>10261</sup> P5741 (Intercept of conversation between Momčilo Mandić and Milenko Kepeš, 5 April 1992), p. 3.

<sup>10262</sup> See paras. 1245–1246, 1252, 1255, 1319, 1361. The Chamber noted that the local authorities in Zvornik faced difficulties in controlling the actions of the paramilitaries but that, in some cases the paramilitary formations carried out their illegal activities with the knowledge and consent of members of the Bosnian Serb authorities. See paras. 1286, 1288.

<sup>10263</sup> See para. 714. The Chamber noted that the municipal authorities faced problems with paramilitaries and volunteers who arrived in Bratunac, tried to take power, terrorised the population and did not accept the command structures or local authorities. See paras. 750–751, 754.

<sup>10264</sup> See para. 2142.

“Captain Legija”:	They look at us as if we are from another planet. And now that guy Mladić arrived, I had an argument with him today ...
Ražnatović Željko:	Why, what was with Mladić.
“Captain Legija”:	Well, we stopped 7.200 refugees...
“Captain Legija”:	And I suggested to Mladić to exchange them for the barracks there.
“Captain Legija”:	You know, we are humane people, that kind of bullshit and Mladić told me after they said that to check it out with my men.
Ražnatović Željko:	What did he say to you?
“Captain Legija”:	That I should check it out with my men.
“Captain Legija”:	They just don’t want to accept us for who and what we are.
Ražnatović Željko:	Yes, yes.
“Captain Legija”:	I don’t think I can argue with them anymore. These people from up there are rather going to arrest me.
“Captain Legija”:	Or this Karadžić guy up there. They are holding hands with the Muslims up there.
“Captain Legija”:	All what they do is arguing over who will be in charge, and nobody wants to talk about how to organise the attack this offensive to take Sarajevo.
Ražnatović Željko:	Exactly.
“Captain Legija”:	I talked with Šulc and Bojke and I don’t know I think the best would be to go back there.
Ražnatović Željko:	That would be the best. Go and check whether there is any chance that you take the helicopter from there?

**And that is how went and how #ended the Arkan’s men presence in Ilidza#! They came on an invitation of some guy named Dragisic, who lived in Belgrade, they hadn’t been welcome, they met a rejection from General Mladic, and they couldn’t even contact Karadzic, whom they characterised to be in good terms with the Muslims, (in Serbian: “on se ljubaka sa Muslimanima” meaning, he is in a sort of love with the Muslims!) How possibly after those genuine evidences anybody can allege any connection between the President and any paramilitaries!) At the beginning of May 1992, Arkan’s men participated in the attack on Brčko in conjunction with Serb units of the JNA, active and reserve police officers, soldiers, military reserves, and a TO battalion.<sup>10265</sup> (#Absurdity!!!# “Serb units of the JNA!!!# The JNA was not a “Serb units” but the only legal federal army, and President Karad`i} didn’t have any competence over it! There the Federal Presidency should be asked about that, not the President, who have heard about that much later, and sent the special police unit, enforced by the Davidovic’s unit from Belgrade, to settle the situation down. While present in BiH, the JNA had it’s own troubles with all but with the Serbs, particularly around bridges on rivers, or an important crossroads, but it had nothing to do with the President, or his associates, or the local authorities!) Similarly, after Rogatica was attacked on or about 22 May 1992, Arkan’s men were posted in Borike ready to start operations as soon as Kušić, who commanded the Rogatica Brigade, so ordered.<sup>10266</sup> (Why this Judgement skipped to mention who attacked Rogatica? It was well known that the #Muslim extremists attacked Serbs in Rogatic#a with the aim to take the entire**

<sup>10265</sup> See para. 798. The Chamber noted that the Bosnian Serb local authorities had difficulties in controlling paramilitary groups which entered and operated in Brčko. See para. 824. See also paras. 826–833.

<sup>10266</sup> See paras. 969, 3322.

**municipality, instead to share it with the Serbs, and to form their own municipality! Those who read this Judgement would be unclear who did attack Rogatica, and by an inertia many would conclude that the Serbs attacked themselves!)**

3184. The Chamber notes the evidence that Arkan was not subordinated to the RS authorities. Milan Martić testified that Arkan was close to the federal SDB and that “he was practically there in that capacity”.<sup>10267</sup> Martin Bell testified that “Arkan took orders from nobody”,<sup>10268</sup> however, he noted that Arkan “couldn’t have got across the border through the roadblocks without some collusion somewhere and somebody letting his men across”.<sup>10269</sup> **(And who that would be who would dare and would be capable of stopping such a mighty unit?)** John Wilson stated that Arkan’s men “enjoyed cooperation with Mladić by the fact that they were able to move about freely in an otherwise relatively tightly controlled area.”<sup>10270</sup> **(#This is a guessing, not a testimony on facts!#)**

3185. With regard to the events in Zvornik in early April 1992,<sup>10271</sup> KW317 testified that while there was an attempt of the SDS to negotiate with the Muslims in Zvornik, Arkan and his group arrived and took control over the situation. Arkan rejected the idea of negotiating and he launched an attack without the authorisation of the local authorities in Zvornik. KW317 added that they had no means of contacting the President and he was not aware of anything that would suggest that the President knew of Arkan’s attack on Zvornik, let alone approved it.<sup>10272</sup> Similarly, Šešelj testified that the President had no role to play in the events in Zvornik in early April 1992 and did not have any power to exert any influence.<sup>10273</sup> **(Right! In mid April a secretary in the MUP named Radmila called somebody in Belgrade to ask who was in control of Zvornik. Therefore not even the police knew who was in control of Zvornik, see...)**

3186. However, as depicted above, Arkan’s men were in contact and co-operated with RS authorities. **What authorities? A local in Zvornik were slapped and threatened by Arkan, while there is no evidence that the central authorities in Pale had even knowledge, let alone any leverage. We have heard what Mr. Legija reported to Arkan about the local Ilidza authorities, as well as the central authorities towards them. See: D01248, see .** In addition, Kuprešanin testified that when he and other deputies from ARK called an extraordinary session of the ARK Assembly to receive explanations from the President about recent events involving Croatian and Muslim forces in the ARK Municipalities, Arkan interrupted the session while the President was not present and stated that he had come with 300 volunteers; he demanded that the republican authorities authorise him to defend the municipalities given that the VRS was not doing so.<sup>10274</sup> **(Obviously, it was in 1995, when the RS was attacked by Croatia itself, the FBiH and NATO. At that moment Arkan asked to be allowed to participate as a volunteers, which was regulated by the law, and then they**

<sup>10267</sup> Milan Martić, T. 38158–38159 (13 May 2013). *See also* KDZ446, P28 (Transcript from *Prosecutor v. S. Milošević*), T. 23628–23629 (under seal) (testifying: “I think that [Arkan] didn’t have any official position [within the Ministry of Interior]” and that Arkan had been in contact with the Federal SUP and the main inspector in the Federal SUP).

<sup>10268</sup> Martin Bell, T. 9787 (14 December 2010).

<sup>10269</sup> Martin Bell, T. 9787 (14 December 2010). *See also* Martin Bell, T. 9788, 9809–9810 (14 December 2010); P2002 (BBC news report re Zvornik, with transcript); P2001 (BBC news report re Zvornik, with transcript); D916 (BBC news report re Ilidža, with transcript). While the Chamber accepts Bell testimony that according to his observations there were paramilitary groups operating in BiH, it finds however that Bell was not in a position to conclude that such groups were under no one’s control.

<sup>10270</sup> P1029 (Witness statement of John Wilson 4 November 2008), para. 128. Wilson stated that Mladić commanded not only the VRS, but the TO and paramilitaries, except, for example, Arkan’s men.

<sup>10271</sup> *See* paras. 1248–1253.

<sup>10272</sup> D3654 (Witness statement of KW317 dated 26 September 2012) (under seal), para. 46. *See also* paras. 1251–1253.

<sup>10273</sup> Vojislav Šešelj, T. 39594 (10 June 2013). *See also* KDZ610, T. 27199–27200 (29 March 2012).

<sup>10274</sup> D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 51.

**had been subjugated to the MUP, and didn't make any crime. At the beginning of the war nobody needed any authorisation, because the #JNA had a priority over the local TO-#s.**

**3187.** The Chamber recalls that when Davidović reported to Mićo Stanišić that some of Arkan's men had taken over the SUP in Bijeljina, Stanišić commented that he knew, that nothing else could be done, and that's "how it ha[d] to be".<sup>10275</sup> Stanišić also told Davidović that Arkan's men were in Bijeljina and Zvornik "helping to liberate territory that they believed should become part of the [RS]".<sup>10276</sup> The evidence also shows that at the same period, after Arkan had entered Bijeljina, Davidović was at a meeting in Belgrade where further activities of the Serbian MUP were discussed.<sup>10277</sup> Arkan arrived at this meeting, which was also attended by the Accused, Momčilo Krajišnik, and Mićo Stanišić.<sup>10278</sup> **(It was a very dramatic period in Sarajevo, and that is out of question that the entire leadership of the Serbs in Bosnia had been in Belgrade! Particularly the leadership wouldn't attend any meeting of the Serbian MUP! Had it been so, there would be many media reports about that, and they certainly wouldn't spend their time with these persons, but rather with the Serbia and international high officials! #This witness corrected himself several times during the cross examination, because he admitted that he didn't know many crucial data when testified or gave his statements, see his testimony in this case!)**

**3188.** Davidović also testified that during a meeting with the President and Mladić around May 1992 at the Lukavica barracks, some of Arkan's men arrived. According to Davidović, Mladić was angry and the President stated, "[i]t's all right, we asked them to come. They should help with the liberation of Sarajevo. And, if they can do it, let them do it. Let them take whatever they can take."<sup>10279</sup> **(#That never happened#, and it is illogical anyway. First, had it been said, #Mladic would have it in his diaries. Second, there was no any Serb plan to "liberate Sarajevo" ever! Nobody could hear such a sentence, because the President and the Serb side as a whole had never meant to take anything in Sarajevo which already wasn't the Serb settlement! Finally, from the telephone conversation of the "Arkan's man" Legija it was absolutely impossible that this happened, or that the Arkan's men could get close to the President of the Republic of Srpska!)**

**3189.** However, in an interview in November 1993, the Accused claimed that not a "single soldier from Serbia was fighting at the beginning of the war, only Arkan was in Bijeljina, but only briefly, however, and not at our invitation".<sup>10280</sup> **Certainly, at that time Serbia didn't have its own Army, except for TO. The JNA was a Federal Army.** When asked whether Arkan was also in Ilidža, the President replied in the negative stating "[w]e have Šešelj's and Arkan's followers but they are our boys, however, who are only wearing their symbols."<sup>10281</sup> **#Everyone could have proclaimed himself as an Arkan's or Seselj's man#. As it is evident from the intercept, Legija reported to Arkan that he couldn't get in touch with Karadzic, and that they are not welcome in the RS. See: P5675 above!**

<sup>10275</sup> See para. 616.

<sup>10276</sup> See para. 616. See also para. 1244 (referring to the fact that Grujić and Spasojević were among the Bosnian Serb officials who invited and paid for paramilitaries to come to Zvornik).

<sup>10277</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 66.

<sup>10278</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 66. Davidović commented that in light of this meeting Arkan probably did "what he was authorised to do" and he believed that given that there was discussion of tasks and activities that the Accused knew about Arkan's activities. **So, Mr. Davidovic "believed" something what "probably" was happening!!! The meeting wasn't on the territory of the RS at all, why the President would interfere in what the Serbian MUP was discussing. There was nothing to corroborate this "memories" of Davidovic. How come nobody else mentioned such a meeting?)**

<sup>10279</sup> Milorad Davidović, T. 15465 (24 June 2011); P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 55.

<sup>10280</sup> D1464 (Radovan Karadžić's Interview in Delo, 8 November 1993), p. 2. But see Dragomir Andan, D3774 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 21491–21492, 21539–21541. Andan stated that he regularly informed the political structures of government about the situation in Bijeljina, and that the Accused supported the measures Andan was implementing against paramilitary units.

<sup>10281</sup> D1464 (Radovan Karadžić's Interview in Delo, 8 November 1993), p. 2.



3190. In addition to Arkan's men the Chamber noted that Mauzer's Panthers, whose commander was also the commander of the SAO Semberija TO, operated in Bijeljina with the support of the Presidency of the Bijeljina Municipal Assembly and under the supervision of the Bijeljina Crisis Staff. **(The BN Crisis Staff didn't exist!!! For other, that was right, but Mauzer wasn't "also the commander of the SAO Semberija TO, but his Panthers was a legal unit of the Semberija TO. In addition, as same as Arkan, Mauzer had a bad reputation, but just after the war Mauzer passed tests of the SFOR and OSCE, and became a high official of the MUP RS. Nobody ever reported him for any crime, but only for a rude behaviour, and nobody indicted or sued him whatsoever!)** During the take-over in April 1992, Mauzer's Panthers operated in conjunction with the local TO, the police, and the JNA.<sup>10282</sup> **(There was no any take-over, and Panthers itself was a TO unit. It was a defence of the Bijeljina municipality from the Muslim extremists, and it was carried out by the official forces, the Police, the TO and JNA. That was the first class obligation due to the legislature, see the excerpts from the SFRY – P4743, and BiH D1262 - Constitutions, pasted above!)** In April 1992 Mauzer's unit also operated in Zvornik,<sup>10283</sup> and at the beginning of May 1992 participated in the attack on Brčko, in co-operation with Serb units of the JNA, active and reserve police officers, soldiers, military reserves and a TO battalion.<sup>10284</sup> **(The Chamber treathed the Serb military actions as if the Serbs came from some other state. This was the Serb country too, and the Muslim community, their leaders and extremists tried to take it for themselves, while the Serbs defended agains such a campaign! Everywhere where the JNA participated, all others were a parts of the operation, because the JNA was superior to other armed forces. When the JNA withdrew, the TO participated in all needed battles, mainly under the VRS command!)**

3191. With regard to Šešelj's men, the Chamber noted that in April 1992 they operated in conjunction with the Serb Forces in Bratunac.<sup>10285</sup> Šešelj's men also operated in Zvornik,<sup>10286</sup> in Hadžići in co-operation with the TO,<sup>10287</sup> in Novo Sarajevo with the VRS and the police,<sup>10288</sup> and took part in combat activities in Vogošća alongside the Bosnian Serb authorities.<sup>10289</sup> **(Inaccurate! None of these combatants were from Serbia. They had been a members of the Serb Radical Party of Mr. Seselj, which was not opposed to the SDS and they had the right to participate in the combats as any other Bosnian Serb!)**

3192. In addition, on or about 22 May 1992,<sup>10290</sup> Šešelj's men were involved in the attack on Rogatica.<sup>10291</sup> The Chamber notes Šešelj's testimony that all members of the SRS who went to BiH as volunteers joined the VRS or the TO and that the SRS party never sponsored or supported paramilitaries,<sup>10292</sup> but finds his testimony in this regard to be unreliable.<sup>10293</sup> The

<sup>10282</sup> See paras. 608, 611–612, 672. The core of Mauzer's Panthers were SDS members close to the leadership of the Crisis Staff in Bijeljina. See para. 233. The Chamber also found that it was only after paramilitaries started undermining the authority of the local institutions by forming their own parallel authorities and also attacking Bosnian Serbs that the municipal authorities sought to exercise some real control over paramilitary units, and that there were difficulties in controlling Mauzer and his unit which opposed the attempts by Davidović and Andan to restore order in the municipality. However, following demands by Mauzer for his expulsion and the arrest of one of Arkan's men by Davidović's unit, Davidović's authority was obstructed by the Bijeljina Crisis Staff and his unit was ordered to leave for Belgrade. See paras. 632–633, 637–638.

<sup>10283</sup> See para. 1244.

<sup>10284</sup> See para. 798.

<sup>10285</sup> See para. 714. The Chamber already noted above the problems faced by the Bratunac municipal authorities with paramilitaries and volunteers. See fn. 10268.

<sup>10286</sup> See paras. 1244.

<sup>10287</sup> See paras. 2104–2105.

<sup>10288</sup> See para. 2255.

<sup>10289</sup> See para. 2396. See also paras. 2405–2406.

<sup>10290</sup> See para. 965.

<sup>10291</sup> See para. 969.

<sup>10292</sup> D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 68–69; D3667 (Transcript of Vojislav Šešelj's press conference, 26 March 1992), pp. 36–37; D3668 (Interview with Vojislav Šešelj and Nikola Poplašen, September 1992), pp. 2–3.

<sup>10293</sup> The Chamber does not find this evidence to be reliable given the interest of Šešelj in minimising his own involvement in this regard. In addition, the Chamber notes that in a later interview Šešelj said that he was a true friend of the Accused "as long as [the Accused] pursues this kind of politics" and that

Chamber also recalls that Šešelj met with the Accused a few times each year during the war.<sup>10294</sup> **(#Apple and oranges#. It doesn't make any sense. As if "the President" was a famous commander of paramilitaries, so a meeting with the President means that Seselj supported paramilitaries! Both of them lived in Sarajevo at the same time, both of them were a public persons before the politics, both of them belonged to the corps of dissidents from the previous regime, and had spent some time in a different prisons, at a different times. They used to meet before the war too. So, this fact that they met doesn't help this finding of the Chamber!)**

3193. The White Eagles also operated in conjunction with the Serb Forces in Bratunac in April 1992.<sup>10295</sup> **(#Before VRS, before Karadžić had any command#)** In addition, they operated in Rogatica in March 1992 with the JNA and TO;<sup>10296</sup> in Zvornik in April 1992 with the Zvornik TO and the JNA;<sup>10297</sup> and in Ilidža with the co-operation of the local forces.<sup>10298</sup> The Chamber found that the White Eagles took part in the main attack on the town of Foča that commenced on the morning of 8 April 1992, in conjunction with soldiers from Serbia and Montenegro and the Foča Tactical Group.<sup>10299</sup> The White Eagles also participated at the beginning of May 1992 in the attack on Brčko in conjunction with Serb units of the JNA, active and reserve police officers, soldiers, military reserves and a TO battalion.<sup>10300</sup> **(#Absurdity#! A "Serb units of the JNA" didn't exist, this is an invention of the Tribunal, and this indicates the #Tribunal as primarily an anti-Serb institution#. But, who were the White Eagles? What was the BS leaders relation with them? The "BS leadership never heard any name of the commanders, but it was mentioned that it was a party formation of SPO (The Serb renewal movement, Vuk Draskovic, melted in the JNA!)**

3194. The Chamber found that members of the Yellow Wasps would regularly report to the Zvornik Crisis Staff, had close co-operation with, and were issued arms by the TO and were subsequently under the command of the Zvornik Brigade.<sup>10301</sup> **(#Not even a bit of honesty#. The Yellow Wasps cooperated with the local authorities while they had been the the #JNA volunteers#, but after they reneged and became paramilitaries, then the authorities turned against them, and vice versa: the Yellow Wasps attacked, had beaten and humiliated the local officials. They would never do that if the authorities didn't turn against their conduct!)**

3195. Plavšić acknowledged during a session of the Bosnian Serb Assembly, in November 1992, in the presence of the Accused,<sup>10302</sup> that following the call of the "president of the Republic" for volunteers, she sent letters in order to gather anyone who wanted to fight for the

---

he will not tell the interviewer "anything that someone else might use against [the Accused] or that might put him in an unpleasant situation." P6388 (Excerpt from video of interview with Vojislav Šešelj for "Death of Yugoslavia" documentary, with transcript). **What this fn. does have to do with the President? Does it mean that the President was a "big chief" if paramilitaries, and a mere meeting with him meant that Seselj lied?**

<sup>10294</sup> D3666 (TANJUG news report, 15 May 1993); D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 36–37. See also para. 3327.

<sup>10295</sup> See para. 714. The Chamber already noted above the problems faced by the Bratunac municipal authorities with paramilitaries and volunteers. See fn. 10268.

<sup>10296</sup> See paras. 958, 969.

<sup>10297</sup> See paras. 1244, 1249, 1276, 1317. See also Milorad Davidović, T. 15492–15495 (28 June 2011) (referring *inter alia* to P2865 (White Eagles' payroll, June 1992). The Chamber noted that the local authorities faced difficulties in controlling the actions of the paramilitaries but that, in some cases the paramilitary formations carried out their illegal activities with the knowledge and consent of members of the Bosnian Serb authorities in Zvornik. See fn. 10267.

<sup>10298</sup> See para. 2142.

<sup>10299</sup> See para. 855. The Chamber noted that by May 1992 the authorities attempted to expel paramilitary formations from the municipality. See para. 866.

<sup>10300</sup> See para. 798.

<sup>10301</sup> See paras. 1280, 1287, 1297, fn. 10267. See also Milorad Davidović, T. 15492–15495 (28 June 2011) (referring to P2862 (Yellow Wasps payroll, 1 May 1992) and to P2863 (Yellow Wasps payroll, June 1992).

<sup>10302</sup> P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), pp. 2, 60.

Serb cause in RS, and that she sent letters, *inter alios*, to Šešelj and Arkan.<sup>10303</sup> **(Here is what Ms. Plavsic really said, P1105, p. 20:**

Minister STANIŠIĆ, it is the truth, not rumour, Minister, that after the statement by the President of the Republic, i.e. his call to volunteers in all Serbian lands and all other Orthodox countries, I sent letters to all addresses. My intention was to gather anyone willing to fight for the Serbian cause and bring them together, so letters were sent out. You talk about paramilitary and non-paramilitary formations, you will have to excuse me, that has nothing to do with me. I was looking for the people who are willing to fight for the Serbian cause, who are willing to fight in the territory of Republika Srpska. The letters were sent to the Soviet Union, to ŠEŠELJ, Arkan and **Ms. Plavsic denied any idea that she was connected to any paramilitary, see line 5! Also, she mentioned that the President invited a volunteers to come to join the RS struggle. The issue of volunteering was a legal and legally regulated by the Presidency of SFRY, and volunteers had been equalised with all other soldiers, with the rights and obligations prescribed by the law. #So, neither the President, nor Ms. Plavsic meant that a volunteers should come to become paramilitaries#, but to participate in the defence according to the law, and there was nothing illegal in it. many volunteers remained in the VRS until the end of the war as a very disciplined soldiers. Some of these groups soon turned to a paramilitaries, since there was no the JNA any longer, and the VRS wasn't in a position to discipline them yet, while the municipal authorities could only continue to pay them as at the beginning, and to fear that the "volunteere" may arrest or kill them! The Chamber had a sufficient evidence to this regard, and shouldn't twist them meanings of words! After the state organs and the VRS consolidated their power, the paramilitaries had been banned, disbanded and if didn't follow this, had been arrested!)** Mandić testified that Plavsić "was an advocate of having all paramilitary units from territories where Serbs lived outside BiH coming to the assistance of their brethren [...] in the religious war being waged there",<sup>10304</sup> and was the "bridge" between Bosnian Serbs and the people who came from other states to the conflict.<sup>10305</sup> **(The existence of volunteers, as well as a call for them were legal and legitimate. Once registered, the volunteers wrer equated with other members of the regular armed forces! Here is P6171, a regulation of the engagement of the volunteere, issued by the Presidency of SFRY in 1991, P6171:**

1. Pursuant to regulations in article 119 of the Law on All People's Defence, during the immediate danger of war, ~~the Yugoslav People's Army and Territorial Defence~~ are reinforced, among others, with volunteers, who are, from the moment ~~they join units and institutions of the Armed Forces of the SFRY, equal in all things with soldiers or military conscripts.~~

3. A volunteer can be assigned to an appropriate duty and task in a unit or institution of the Armed Forces of the SFRY, according to the reinforcement requirements and service requirements of the Armed Forces of the SFRY.

<sup>10303</sup> P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), p. 20; Milorad Davidović, T. 15473–15474 (28 June 2011); Momčilo Mandić, T. 4625–4626 (5 July 2010). See also P2857 (Video footage of Arkan in Bijeljina), p. 1; P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 42–44; Momčilo Mandić, T. 5163 (14 July 2010) (explaining that mop-up operations included paramilitary and military formations in combat operations aimed at taking new territory or territory under the control of another warring party).

<sup>10304</sup> Momčilo Mandić, T. 4625–4626 (5 July 2010). See also Mićo Stanišić, T. 46385–46386 (3 February 2014); P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 72; P1106 (Intercept of conversation between Biljana Plavšić and "Rus", 23 April 1992), pp. 1–2.

<sup>10305</sup> Momčilo Mandić, T. 4660–4661 (6 July 2010). According to Mandić, while Đerić supported Plavsić, he and Mićo Stanišić opposed Plavsić's approach to paramilitaries. Momčilo Mandić, T. 4625–4626 (5 July 2010). The Chamber notes that Davidović testified that he heard from many sources that the Accused invited those who wanted to fight for RS to report as volunteers in BiH and join units of the army. See Milorad Davidović, T. 15473–15474 (28 June 2011). The Chamber rejects this portion of Davidović's evidence as it is based on unattributed hearsay. The Chamber also notes Redžić's assessment that the paramilitaries were formed by leaders of the SDS. Izet Redžić, P3189 (Transcript from *Prosecutor v. Krajišnik*), T. 5070–5071. The Chamber notes that Redžić was the president of the Executive Board of Vlasenica, but, as he could not elaborate the basis for his assessment, the Chamber does not place any weight on his assessment.

**7. Volunteer formations currently engaged outside the Armed Forces of the SFRY on the carrying out of certain military assignments and volunteers currently in the units and institutions of the Armed Forces of the SFRY must bring their position in the Armed Forces of the SFRY into accord with the regulations in this order within 30 days of the day this order takes effect.**

Th

**e paragraph No. 7 was a basis for the President's order of 13 June 1992, P3057**

The Presidency of Serbian Republic of Bosnia and Herzegovina at its session held on June 13, 1992, on the basis of its authority, brought

#### D E C I S I O N

on putting a ban on formation and operations of armed groups and individuals on the territory of the Republic which are not under the unique control of the Army or the Militia.

1. Formation and operations of all self-organized armed groups and individuals are banned on the territory of Serbian Republic of Bosnia and Herzegovina.

The existing groups and individuals are obliged to put themselves under the unique command of either the Army of Serbian Republic of Bosnia and Herzegovina or the Ministry of Internal Affairs of Serbian Republic of Bosnia and Herzegovina, within three days.

2. The Presidency of Serbian Republic of Bosnia and Herzegovina disowns the groups which would continue with their operations independently and will order the strictest sanctions provided by law for their existence and operations.

3. Their placing under the unique command of the Army or the Militia implies strict respect for the provision of the International Military Law.



PRESIDENT OF THE PRESIDENCY

Radovan Karadžić

*Radovan Karadžić*

**This order of the #President clearly differentiated the legal volunteers from all the paramilitary# and other independent groups and individuals, disowning the later, and therefore no the RS official could be liable for their deeds after this Order!)**

3196. Milorad Dodik testified in broad terms that paramilitary groups which operated in BiH were not under the control of the RS authorities.<sup>10306</sup> Similarly, Momir Bulatović testified that the expulsions that were suffered by “all ethnic groups” was the result of the “collective mentality of the population” and that it was impossible for any political leader to “control the population”.<sup>10307</sup> The Chamber, however, does not find that these broad statements have any weight.<sup>10308</sup>

**(#Unbelievable! The two presidents of the republics are not trusted#! Apart from that, there was more evidence, like from Radinovic and others, that it was a deeply rooted tradition that a population leaves territories that their army lost. This is one of the things that no reasonable chamber would decide that way!)**

<sup>10306</sup> See Milorad Dodik, T. 36919 (9 April 2013). See also Milorad Dodik, T. 36852 (9 April 2013).

<sup>10307</sup> See D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 20.

<sup>10308</sup> The Chamber notes that Dodik's evidence was marked by contradictions, indicators of insincerity and partisanship which undermined the reliability of his evidence in this regard. With regard to Bulatović's evidence, the Chamber finds his statement to be broad, general and unsubstantiated.



3197. The Chamber finds, to the contrary, that the fact that paramilitary formations, such as Arkan's men, Šešelj's men, Mauzer's Panthers, and White Eagles were able to move freely in "an otherwise relatively tightly controlled area"<sup>10309</sup> and to operate in concert with local forces and authorities, in several of the Municipalities throughout BiH, supports the conclusion that such co-operation was approved by the Bosnian Serb leadership. **(First, it was not established that these numbered formations had committed crimes, particularly since everyone could put a red beret on his head and pretend to be whoever wanted! This Chamber's inference is far from a possibility to be the only possible or reasonable inference? How about that all of them had the same uniforms as the former JNA, and how about that some, if not all of them had at least at the beginning been members of the JNA or TO, or VRS as the regular formations, and at one moment reneged? And who could differentiate the renegades from the regular forces? And what power did have the civilian population to stop them even if they recognized them as renegades? And how it was a "relatively tightly controlled area," when then the small army had about 2.000 km of frontline? See: MUP, rep. on attacks on MUP@**

3198. With regard to Arkan's men and Šešelj's men specifically, the Chamber concludes that the President knew that they were operating in BiH during the spring of 1992 and that they were invited by the RS Presidency to operate in conjunction with local authorities and forces.<sup>10310</sup> The Chamber also notes the President's direct interaction with Arkan and Šešelj and, moreover, that in May 1992 the President invited, without Mladić's knowledge, Arkan's men to participate in operations in the Sarajevo area.<sup>10311</sup> **(This is noly if the Chamber believed the Davidovic testimony, which was not corroborated by anything, nor by the Mladic diaries, nor by any other document, and definitely rebuted by the evidence, i.e. intercepted conversations between Arkan and his officer Legija, see P5675, and D1248! Pasted above!)**

## 2. Disbandment of paramilitary forces

3199. The Chamber found above that over the course of the conflict the Bosnian Serb leadership and military commanders increasingly expressed opposition to having units that were outside of the command and control of the army.<sup>10312</sup> **(#EXCULPATORY#!Again, the volunteers were welcome, but nobody invited anybody to commit crimes, and once some of the groups commited crimes and acted independently, the measures had been undertaken. That fact can not be denied!!! Here is evidence about arresting and charging the paramilitaries: @ @ @ @ @)**

3200. On 2 June 1992, at a meeting of commanders of the 1<sup>st</sup> Krajina Corps and Banja Luka political leaders, which the President attended, there was agreement that paramilitary formations should be dissolved.<sup>10313</sup> **(#EXCULPATORY#! A ten days after that the President made it formal and strict, issuing the Order pasted above, P3057, which had been followed by the state organs. In the following months there were a several very numerous and mighty paramilitaries arrested by the legal Serb Forces, some of them with an assistance of the police specials from Yugoslavia (Davidovic) in Brcko, Bijeljina and Zvornik!)**

<sup>10309</sup> P1029 (Witness statement of John Wilson 4 November 2008), para. 128. See also Martin Bell, T. 9787 (14 December 2010).

<sup>10310</sup> See paras. 3181, 3195.

<sup>10311</sup> See paras. 3188, 3192.

<sup>10312</sup> See para. 238. The Chamber notes that in certain regions orders against paramilitary formations were already issued by the local authorities in April and May 1992. See paras. 854, 1943, 2052. However, the Chamber also notes that such orders were not necessarily enforced or were selectively enforced against non-Serbs. See paras. 855, 2053.

<sup>10313</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 53–59. See also D1464 (Radovan Karadžić's Interview in Delo, 8 November 1993), p. 1.



3201. On 3 June 1992, the Eastern Bosnia Corp Command issued an order, pursuant to the decision on the formation of the VRS, that certain volunteer units, including Mauzer's Panthers, be transformed into units of the VRS and that Mauzer be appointed Assistant Chief of Staff.<sup>10314</sup> Similarly, as found above, on 13 June 1992, the Accused banned the formation and operation of armed groups and individuals which were not under the control of the VRS on the territory of the RS.<sup>10315</sup> **(#EXCULPATORY#)** The President also stated that he was "disowning" groups that continued to operate independently and that those groups would suffer the strictest sanctions for their operations.<sup>10316</sup> **(#EXCULPATORY#! And they did suffer the strictest sanctions, as the evidence confirmed!)**

3202. As a result Arkan's men left BiH, though they returned from time to time.<sup>10317</sup> **The #original Arkan's men never returned the RS except in fall 1995, at the request of the attacked municipalities of Krajina, and their commitment to obey the MUP regulations and orders! If some groups presented themselves as being "Arkan's men", that would be pretending and false presentation, in order to gain a respect!)** In addition, Mauzer's Panthers were formally incorporated in the VRS as a "Special Brigade"<sup>10318</sup> that functioned as a separate unit under Mauzer's authority.<sup>10319</sup> The President was aware that Mauzer's Panthers were incorporated in the VRS as a "Special Brigade".<sup>10320</sup> **(Except for being rude and impolite, and had a quarrels with the Radical Party, the President had never been informed about any crime of this unit, and if there was any illegal action, that would be in competence of the Military Police of the Eastern Bosnian Corps of VRS, not of the President!)**

3203. As described earlier, in June 1992, the Accused and Mladić visited Zvornik after the Zvornik Government and Crisis Staff building was encircled by paramilitary formations and a member of Captain Dragan's unit threatened the President of the Municipality.<sup>10321</sup> **(This fact shouldn't be forgotten, and there shouldn't be a #mix-up of causes and consequences#, as the Prosecution does: #the paramilitaries turned against the local Serb authorities because these authorities didn't tolerate their illegal activities#!)** On 30 June 1992, Grujić reported to the Accused and Mladić that in addition to "major accomplishments" there were also many problems from paramilitary formations which broke free after Arkan's withdrawal and called for their removal.<sup>10322</sup> Marko Pavlović reported that the "[v]olunteer formations enjoyed exceptional success" and were led by Arkan and Šešelj, and that "Arkan's withdrew orderly, but some that stayed broke free of his control".<sup>10323</sup> At this meeting, the President stated that it would be a shame to abolish Captain Dragan's training centre at Diviči and that it would be easiest to "put the incident behind us".<sup>10324</sup> **(So what? Dragan's Centre didn't participate in**

<sup>10314</sup> D1458 (Order of Eastern Bosnia Corps, 3 June 1992).

<sup>10315</sup> See para. 239. See also KDZ088, T. 6562–6563 (13 September 2010) (closed session); D455 (Report re events in Doboj, 27 July 1992), pp. 1–2; D3485 (SRK report, 26 June 1993), p. 1.

<sup>10316</sup> See para. 239. See also D1933 (Fax from Radovan Karadžić to Boutros Ghali, 13 June 1992).

<sup>10317</sup> See paras. 239; 3226–3228.

<sup>10318</sup> See D1458 (Order of Eastern Bosnia Corps, 3 June 1992), p. 2; P2855 (VRS Main Staff report on paramilitary formations, 28 July 1992), p. 5; P1480 (Ratko Mladić's notebook, 10–30 September 1992), p. 40 (referring to the "Special Brigade (Ljubiša Savić)"); P2716 (Notebook of Radovan Karadžić), p. 7 (referring to "Ljubiša Savić, Mauzer, Special Brigade"); P6133 (Drina Corps Order, 12 February 1993), para. 5.3; D2137 (VRS analysis of combat operations, undated), p. 1.

<sup>10319</sup> Milorad Davidović, T. 15812–15813 (1 July 2011); P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 94, 96; Dragomir Andan, D3774 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 21656–21657. See also P2855 (VRS Main Staff report on paramilitary formations, 28 July 1992), p. 5 (while reporting that Mauzer's unit "formally joined the so-called Special Brigade" it was also stated that Mauzer's unit "was formed by the Bijeljina SDS, and the Presidency of Bijeljina Municipal Assembly decided that this would be the army of Bijeljina [...] The greater part of the municipal authorities in Bijeljina still back [Mauzer's unit]").

<sup>10320</sup> See P2716 (Notebook of Radovan Karadžić), p. 7. The Chamber also notes that in 1993 the Accused was present at a ceremony which was attended by Mauzer. See P2856 (Video footage of Radovan Karadžić at public ceremony); Milorad Davidović, T. 15481–15482 (28 June 2011).

<sup>10321</sup> See para. 1286.

<sup>10322</sup> See para. 1286; P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 249–250, 252.

<sup>10323</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 252.

<sup>10324</sup> See para. 1286; P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 250, 270.

**combats, but only in a training of inexperienced people. However, the #President accepted the Mladic's opinion that they didn't need Dragan's service!#)**

3204. The Chamber notes the President's efforts to disband certain **(Not only a "certain", but every single about which he was informed!)** paramilitary groups, including through the assistance of the Federal SUP. After the President complained at an international peace conference about being unable to control paramilitaries in BiH who had come from Serbia, it was proposed that a group of Federal SUP officers go and assist the Bosnian Serb MUP to deal with problems with paramilitaries and Milorad Davidović was tasked to lead the investigative team.<sup>10325</sup> According to Davidović, the President had called on him to assist in preventing crime.<sup>10326</sup> Davidović was instructed by Pavle Bulatović to arrest and prosecute paramilitaries who were found to engage in looting and robbing and was also requested by Mladić to take all measures envisaged by law against these persons.<sup>10327</sup> Davidović acknowledged that he was given complete autonomy by the President in planning operations and arresting individuals.<sup>10328</sup> **(#EXCULPATORY#!!)**

3205. Similarly, the Chamber found that in the summer of 1992, following increasing security problems related to paramilitaries in north-east BiH, including in Brčko, the President requested that a special unit be sent to Brčko, and the Bosnian Serb MUP requested support from the Federal SUP and Davidović to stabilise the security situation.<sup>10329</sup> **(#EXCULPATORY#!!)**

3206. However, the Chamber notes that according to Davidović, while some members of armed groups were arrested, the continued support for armed groups by local authorities, Crisis Staffs, and "high-ranking functionaries" made investigative measures difficult.<sup>10330</sup> He also testified that while Mladić was always against paramilitary formations, he was unable to confront them because "they were protected by those whose existence suited them."<sup>10331</sup> In Davidović's view, it was only when paramilitaries turned against the Bosnian Serb authorities and stopped sharing their "booty" that the local authorities wanted to have them removed.<sup>10332</sup> **(#Views and opinions# of the witnesses on facts#! Why the Chamber accepted a #“Davidovic's view” since it was a blatant guessing without any corroboration#! It was very known that the most responsible local authorities had been detained by the paramilitaries. Not to #mix up the causes and consequences# mentioned above!).**

3207. For example, Davidović testified that measures were taken in Bijeljina only after paramilitaries established parallel authorities which posed a threat to the local Bosnian Serb authorities.<sup>10333</sup> **(Why would the paramilitaries need a parallel authorities, if the legal paramilitaries were good for them?)** The Chamber notes in this regard that the President issued on 30 August 1992 a decision addressed to the War Presidency of the Bijeljina municipality, indicating that all decisions of the municipality of Bijeljina pertaining to military matters would be suspended. He also ordered the civilian authorities to "investigate personal responsibility of officials who issued the illegal decisions in times of war", with a report to be sent to the Presidency on what had been done.<sup>10334</sup> **(#ALL EXCULPATORY#! Why the**

<sup>10325</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 73–74; P2899 (Report of Bijeljina CSB, 29 July 1992), p. 2; D1412 (Report of Republic of Serbia MUP, 8 August 1992), p. 1; Milorad Davidović, T. 15735 (30 June 2011); D1450 (Milorad Davidović's statement to Belgrade District Court, 26 December 2007), p. 4.

<sup>10326</sup> Milorad Davidović, T. 15735 (30 June 2011).

<sup>10327</sup> Milorad Davidović, T. 15604–15605, 15607 (29 June 2011); D1450 (Milorad Davidović's statement to Belgrade District Court, 26 December 2007), p. 72.

<sup>10328</sup> Milorad Davidović, T. 15735 (30 June 2011).

<sup>10329</sup> See para. 829.

<sup>10330</sup> Milorad Davidović, T. 15519–15520 (28 June 2011).

<sup>10331</sup> Milorad Davidović, T. 15519–15520 (28 June 2011).

<sup>10332</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 72.

<sup>10333</sup> D1436 (Report of SerBiH MUP, 17 June 1992), p. 6; P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 78–79, 121.

<sup>10334</sup> D454 (Decision of Presidency of SerBiH, 30 August 1992); Momčilo Mandić, T. 5199 (15 July 2010). See also [REDACTED].

paramilitaries “formed” their parallel authorities? Because the regular authorities opposed to their conduct, and for that reason the paramilitaries suspended the legal authorities, without forming any other. In the cases the legal authorities couldn’t oppose demands of the paramilitaries and issued some illegal decisions, these decisions had been withdrawn and the president of the Municipality of Bijeljina, otherwise a good official, was discharged, forced to resign!)

3208. The Chamber found that Davidović planned the operation to arrest paramilitary groups in Zvornik in co-operation with Andan and special units of the MUP and that, on 29 July 1992, Žučo, the commander of the Yellow Wasps, was arrested and brought to Bijeljina.<sup>10335</sup> During this operation, other leaders and members of the Yellow Wasps were arrested, as were municipal leaders who had links with or collaborated with the Yellow Wasps, including Pavlović.<sup>10336</sup> However, when the 30 day remand period expired,<sup>10337</sup> Davidović was told that pressure was exerted on the authorities by the President and Krajišnik who ordered that the Yellow Wasps be released.<sup>10338</sup> **(#Hear-say, and a lie#!!! all incorrect and not corroborated by any evidence. The YW hadn’t been released, but handed over to the Serbia judiciary, where they had been tried and sentenced. And during his testimony Davidovic praised the President for his orders unknown to Davidovic prior to his testimony and deposition of statement!)**

3209. In contrast, Mandić testified that following this operation the leader of the Yellow Wasps, Vucković, was tried and sentenced for a war crime.<sup>10339</sup> Mandić added that at the initiative of the President and the Prime Minister, the police and army arrested and handed over to competent organs a dozen men belonging to paramilitary units who had “committed crimes in the Podrinje area between Zvornik and Bratunac and Bijeljina”.<sup>10340</sup> Mandić confirmed that Brano Grujić testified in Belgrade that the President asked Mićo Stanišić and Karišik to send a special unit to arrest the Yellow Wasps because the local forces could not arrest them.<sup>10341</sup> **(#Exculpatory#! Therefore, all the Davidovic actions were facilitated by the President! Also, a Davidovic’s opinion, feelings and hear-say, originating from his lack of knowledge as he admitted, couldn’t be corroborated by any evidence, while the Mandic and Grujic testimonies could easily be checked in the state and court records! What of those two kind of evidence are more convincing?)**

3210. However, as found above, in July 1992, even though the Yellow Wasps did not place themselves under the joint military command of the VRS, members of the Yellow Wasps went to Pale and received weapons from the Pale SJB after which Žučo, their commander, met with Plavšić.<sup>10342</sup> Žučo also spoke to the Minister of Defence about the status of his group and Bogdan Subotić confirmed that all those who received orders from VRS officers were part of the VRS whether they were reservists, volunteers, or paramilitaries.<sup>10343</sup> Subotić alerted these

<sup>10335</sup> See para. 1290.

<sup>10336</sup> See para. 1290.

<sup>10337</sup> The Chamber recalls that when a person was arrested by the military police and a criminal report was given to the Prosecutor’s Office, the person could be initially detained by the military police for three days. The military prosecutor could then recommend to the investigative judge that the accused be detained for one month, during which an investigation would begin, and then a panel of judges could decide to extend detention for another two months. See para. 305.

<sup>10338</sup> Milorad Davidović, T. 15647–15649, 15653–15654, 15663–15664 (29 June 2011); D1450 (Milorad Davidović’s statement to Belgrade District Court, 26 December 2007), pp. 30, 79. See also P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 144. Milorad Davidović, T. 15612–15613 (29 June 2011); P6435 (Article entitled “The Sting of the ‘Yellow Wasp’”, 10 December 2002), p. 3.

<sup>10339</sup> Momčilo Mandić, T. 5289 (16 July 2010). See also Momčilo Mandić, T. 5152–5153 (14 July 2010). But see Dragomir Andan, D3774 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 21541.

<sup>10340</sup> Momčilo Mandić, T. 5289 (16 July 2010). See also Fadil Banjanović, P104 (Witness statement dated 30 March 2002), p. 5; KDZ446, P28 (Transcript from *Prosecutor v. S. Milošević*), T. 23637–23638 (under seal).

<sup>10341</sup> Momčilo Mandić, T. 5206 (15 July 2010).

<sup>10342</sup> See para. 1287.

<sup>10343</sup> See para. 1287.

units that they needed to fully comply with the rules and regulation of the VRS, including those relating to uniforms, insignia and command structures.<sup>10344</sup> **(#EXCULPATORY#! Ms. Plavsic was a member of the Presidency and couldn't know details about military matters, but the Minister for Defence correctly warned the visitors on their duties and obligations pertaining to the law. Also, the Pale SJB chief couldn know anything about the Yellow Wasps conduct in Zvornik that would warn him not to cooperate! But, the main issue is why the Yellow Wasps came to Pale? The only reasonable inference would be that they felt that an arrest of them is coming soon, and wanted to assess what was a sentiment towards them, and probably to get some support or excuse, so to avoid the arrest!)**

3211. Branimir Tešić testified that the VRS and the civilian authorities had problems with paramilitaries and that the “police often brought them [into] the station, took away the items they had stolen and expelled them to Serbia.”<sup>10345</sup> **(#EXCULPATORY#! There are many examples that the Serb Police returned the stolen properties to the owners, mainly Muslims, and some Croats!)**

3212. The Chamber notes that at the 17<sup>th</sup> session of the Bosnian Serb Assembly dated 24 and 26 July 1992, the President emphasised to the Assembly the importance of the effective elimination of paramilitary and “para-state” factions.<sup>10346</sup> He also stated that at that stage, the priority was to introduce order, by virtue of, *inter alia*, placing all special police units which were being misused by some, under the single command of the Bosnian Serb MUP, rather than under the command of “local lords”.<sup>10347</sup> Mandić confirmed that at that session the President highlighted the problem of paramilitary formations and explained that paramilitaries were an armed force not under the control of any state organ or the army.<sup>10348</sup> **(#EXCULPATORY#! Having in mind a huge scope of the presidential duties and obligations, particularly at the permanent the Peace Conference, it should be concluded that the President dedicated quite a time to the rule of law and to establishment of order and legality!)**

3213. On 27 July 1992, in talks with Mladić and Mićo Stanišić, Tolimir stated that crime was a problem and that persons prone to crime must be removed from the military police but reiterated that paramilitaries were “[t]he biggest problem”.<sup>10349</sup> The following day, Mladić ordered that paramilitary formations must join the regular VRS units, that individuals and groups who had been involved in criminal acts were not to be included into units, and that all paramilitary groups should be disarmed by 15 August 1992.<sup>10350</sup> **(#EXCULPATORY#! All of it was based on the laws and the President's order of 13 June 1992, P3057!)** The order, which was relayed to the President,<sup>10351</sup> also stated that paramilitary organisations rarely entered the area of combat activities, but usually followed VRS units when liberating parts of the territory and were mainly motivated by looting.<sup>10352</sup>

<sup>10344</sup> See para. 1287.

<sup>10345</sup> D3115 (Witness statement of Branimir Tešić dated 9 March 2013), para. 30.

<sup>10346</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24-26 July 1992), p. 20; Momčilo Mandić, T. 5188–5189 (15 July 2010).

<sup>10347</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24-26 July 1992), p. 19; Momčilo Mandić, T. 5186 (15 July 2010).

<sup>10348</sup> Momčilo Mandić, T. 5188–5189 (15 July 2010). See also D1534 (Order of Romanija-Birač CSB, 28 July 1992), p. 1; D4709 (Letter from Radovan Karadžić to Lord Carrington, 16 July 1992).

<sup>10349</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 375.

<sup>10350</sup> P1500 (VRS Main Staff Order, 28 July 1992), pp. 1–2. But see Ewan Brown, T. 21699–21701 (22 November 2011) (suggesting that, as long as they would come under VRS control, paramilitaries on RS territory were accepted, even if they had committed crimes). See also Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9119.

<sup>10351</sup> P1500 (VRS Main Staff Order, 28 July 1992), p. 3.

<sup>10352</sup> P1500 (VRS Main Staff Order, 28 July 1992), p. 1. See also P2855 (VRS Main Staff report on paramilitary formations, 28 July 1992), pp. 1–2. According to this Main Staff report the paramilitaries lacked a cohesive unity, expressed hatred of non-Serbs, were motivated by war profiteering or looting, had links to corrupt political leaderships, and were not affiliated with the SDS but with opposition parties from Serbia.

3214. On 6 August 1992, the President issued an announcement that the Presidency's order to subordinate all groups to the single command of the army and police has been implemented "apart from a few renegade groups".<sup>10353</sup> He conveyed the information that the MUP had arrested "groups and individuals who defied the law and looted and committed arson" and praised those units that had subordinated themselves to the single command of the VRS and were "fighting courageously for the freedom of their Serbian BiH".<sup>10354</sup> **(#EXCULPATORY#!)**

3215. At a "military-political consultation meeting" held on 2 September 1992 in Bijeljina, the President was informed that paramilitaries and parallel authorities were still an issue.<sup>10355</sup> He reminded all those present that there should be maximum military discipline and training and stated that municipal authorities should not take too many things in their own hands.<sup>10356</sup> On 8 November 1992, representatives from the Bijeljina civilian and military authorities alerted Mladić that paramilitaries had to be dealt with.<sup>10357</sup> **(All #EXCULPATORY#!)**

3216. In September 1992, following an update from Manojlo Milovanović that a high-ranking official of the SDS, Rajko Dukić,<sup>10358</sup> formed a paramilitary unit in Milići, the Accused ordered Milovanović to "route" Dukić's unit.<sup>10359</sup> However, the Chamber notes that in 1994 the Accused awarded him the "Order of Nemanjici".<sup>10360</sup> **(What DOES IT MEAN??? Is Milovanovic a criminal? Or Dukic? #Rajko Dukic' was perfectly entitled to form a unit of the Territorial defense, both on behalf of the Municipality of Milici, and the Boxite Company Milici#. Even without a need for a context, it is worthwhile to mention it. On 27 September 1992 the Muslim paramilitaries attacked the Boxite workers, and made a carnage, killing almost 30 people, workers, civilians and soldiers who were guarding the Boxite mine. The mass funeral happened by the end of September, and this President was present, and made a speech, heading to London for the conference (See: D00056, photo, see: P03859) after this carnage both the Boxite mine and municipality of Milici rectified their ommission not having already established a strong unit. But, the main remark, "a high ranking official of SDS" didn't form the unit in his capacity of "a high ranking official of SDS" but as the general manager of the huge company The Boxite Mine, Milici. And this unit was a part of the VRS! However, the Chamber didn't obtain any additional evidence or data about Rajko Dukic, but it rushed to conclude that Dukic was a criminal and shouldn't be decorated in any case. Dukic was a very famous businessman far before the SDS was formed, he participated in the formation of the Party, and was it's president of the Executive Board. He already was decorated several times before the ellections. Let us see whether Dukic was entitled to form a unit of Teritorial Defence, see: the SFRY Constitution, Article 239, D1260:**

**Organizations of associated labour and other self-managing organizations and communities shall exercise their right and duty to defend the country in conformity with statute and the plans and decisions of the socio-political communities, ensure resources for national defence, and carry out other duties concerning national defence. These organizations and communities shall be responsible for the execution of these duties.**

**"Organisations of associated labour" meant simply "companies" and the Boxite mine was**

<sup>10353</sup> D98 (Radovan Karadžić's announcement re paramilitary groups, 6 August 1992). See also P3058 (Radovan Karadžić's announcement, 6 August 1992), p. 1.

<sup>10354</sup> D98 (Radovan Karadžić's announcement re paramilitary groups, 6 August 1992). See also P3058 (Radovan Karadžić's announcement, 6 August 1992), p. 1.

<sup>10355</sup> P1479 (Ratko Mladić's notebook, 16 July–9 September 1992), pp. 131, 133.

<sup>10356</sup> P1479 (Ratko Mladić's notebook, 16 July–9 September 1992), pp. 154–156.

<sup>10357</sup> P1481 (Ratko Mladić's notebook, 5 October–27 December 1992), pp. 152, 156.

<sup>10358</sup> See para. 2253.

<sup>10359</sup> D2149 (Aide mémoire of Manojlo Milovanović), p. 8.

<sup>10360</sup> P5525 (Audio Recording and Transcript of the Ceremonial RS National Assembly, 9 January 1994), pp. 16–18 (referring to "Rajko Dukić from Milići").



**a company! See what was provided in the BiH Constitution, D1262:  
Article 258.**

Organizations of associated labor, self-management communities of interest and other self-management organizations and units have the right and duty to participate actively in the defense of the country and in that connection to organize and carry out preparations, secure resources and carry out other tasks in the interest of national defense, in accordance with the constitution, laws and the plans and decisions of socio-political units. These organizations and units are responsible for carrying out these tasks.

**See Strategy of All-Peoples-Defence, issued by the SFRY Presidency, D4282:**

The Territorial Defence is organised in basic and other organisations of associated labour, local communes, municipalities, socialist autonomous provinces and socialist republics and other socio-political communities throughout the territory and coastal waters of Yugoslavia. It consists of staffs, units and institutions.

**Dukic not only was entitled, but obliged to form the TO unit! See the same D4282, p. 13**

Units of the Territorial Defence can vary in organisational structure and size – from a group of soldiers and squads to brigades. Depending on the purpose, the Territorial Defence units may be territorially-based or manoeuvre units.

Territorially-based units of the Territorial Defence are organized on a territorial principle. They are mostly linked to the home territory, but can be active in a broader area according to the needs or situation. They are established in local communes, organisations of associated labour and municipalities.

**! Therefore, the #Prosecutor's lack of a basic knowledge of the domestic legal system# deluded the Chamber too, and made a very bad service to the UN and the very idea of the international justice!)**

3217. On 12 September 1992, the SRK informed its subordinate units including the Višegrad Brigade and Rogatica Brigade of the tasks it received from the VRS Main Staff on 7 September 1992, which included the task to eliminate the creation of any paramilitary unit.<sup>10361</sup> **(#EXCULPATORY#!)**

3218. On 16 October 1992, Bogdan Subotić informed the Zvornik Municipality Executive Board, following their query about the engagement of Arkan and other volunteer units, that the VRS was the only legal and legitimate force and all “volunteer units” would be allowed to enlist in the VRS if they wore the VRS insignia and adopted the VRS command structure.<sup>10362</sup> **(#EXCULPATORY#!!!)** In a letter addressed to the President on 20 October 1992, Bogdan Subotić proposed that due to the tensions caused, *inter alia*, by “increasingly active paramilitary formations” and the fact that decisions issued by the Government and other state organs were not being respected, that military rule be introduced in several municipalities, including Zvornik.<sup>10363</sup> **(#EXCULPATORY#!!!)**

3219. Notwithstanding, around the end of October 1992, the President informed Milovanović that “400 volunteers from Serbia will also be taking part in defending the [Višegrad Hydroelectric] Power Plant [...] under the command of Professor Košuti [...] and that [the VRS is] to take them on and bring them into combat.”<sup>10364</sup> **(So what? The volunteers weren't forbidden, but approved by the Order of the SFRY Presidency. Many, a majority of**

<sup>10361</sup> P1006 (SRK Order, 12 September 1992), p. 1.

<sup>10362</sup> D3705 (Letter from RS Ministry of Defence to Zvornik Municipality Executive Board, 16 October 1992); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 293–294.

<sup>10363</sup> D458 (RS Ministry of Defence letter to Radovan Karadžić, 20 October 1992); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 299.

<sup>10364</sup> D2149 (Aide mémoire of Manojlo Milovanović), p. 12. The Chamber notes that this unit never arrived. See D2149 (Aide mémoire of Manojlo Milovanović), p. 12.

**volunteers were correct, particularly those who came with a known and responsible leader!)**

3220. During a Bosnian Serb Assembly session on May 1993, attended by the President, Vladimir Lukić stated that they had naively “raised paramilitaries” and called them “brotherly assistance” but “they were slowly less and less engaged in fighting and more and more in looting”.<sup>10365</sup> **(#EXCULPATORY#!!!)** Similarly, a Bosnian Serb leader from Sarajevo noted that in certain municipalities “chaos, disturbances, looting and stealing was the greatest where [paramilitaries] were stationed”.<sup>10366</sup> **(#EXCULPATORY#!!!)** Complaints were also raised that while certain individuals were arrested, they were released.<sup>10367</sup> During the session, Mladić criticised the audience about how they asked him to let Mauzer “do as he likes” and stated that “you found your patron in Arkan, who brought you together to tell you how you should vote”.<sup>10368</sup> **(#EXCULPATORY#!!!)**

3221. On 28 August 1993, in an order focused on the organisation of the VRS, the President instructed the Main Staff and MUP to create a plan to seize uniforms from people who were not members of the army or police and who were committing crimes and other illegal activity in uniforms.<sup>10369</sup> **(#EXCULPATORY#!!!)**

3222. The Chamber notes that in 1994 the Accused awarded Mauzer’s Panthers and personally promoted Vojkan Đurković, a member of Arkan’s men.<sup>10370</sup> **(This kind of error shouldn’t happen to any serious chamber. It is well known that the #Panthers were a proper and courageous unit#, and that they didn’t commit any crime, nor there was any criminal report let alone indictment! And that was the reason why the VRS or M(inistry) O(f) D(efence) proposed to the President to decorate the unit. The President always acted after such a proposals come from the relevant institutions. However, this is an #unacceptable error to “find” that the President promoted Vojkan Djurkovic, since there was a convincing evidence that the President, even if wanted, couldn’t promote or demote Djurkovic, because he never was a VRS member#.)**

3223. Davidović testified that while some paramilitaries were arrested the measures were not successful because the paramilitaries continued to have the support of the local authorities, Crisis Staffs and “high-ranking functionaries” and as a result they were released and continued with their actions.<sup>10371</sup> **(This was an #arbitrary guessing# of the witness, without any corroboration, and with many convincing evidence to the opposite! Even this Judgement is full of evidence that #no local authorities were happy with paramilitaries#. Davidovic was in Belgrade and couldn’t have known what he asserted, he was a communist and he didn’t like the new system, and didn’t like the fact he was not a favourite of the new multiparty order, although he wasn’t demoted, but sent to the Federal MUP!)** He also testified that Mladić was always against paramilitary formations; could not confront them; and

<sup>10365</sup> P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993), e-court p. 39.

<sup>10366</sup> P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993), e-court p. 65.

<sup>10367</sup> P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993), e-court p. 67.

<sup>10368</sup> P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993), e-court p. 90.

<sup>10369</sup> D4790 (Radovan Karadžić’s Order to VRS Main Staff, 28 August 1993), p. 5.

<sup>10370</sup> See paras. 3429, 3431; P5525 (Audio Recording and Transcript of the Ceremonial RS National Assembly, 9 January 1994), pp. 16–18 (the Accused awarded “the ‘Panteri’ Guard Unit from Bijeljina” the “Order of Nemanjići”). See also para. 672.

<sup>10371</sup> Milorad Davidović, T. 15519–15520 (28 June 2011). The Chamber notes Andan’s “impression” that the Accused was not dealing with the problems of paramilitary formations adequately. However, since this impression is based on his position that “the leadership itself was not timely informed of certain things”, the Chamber does not find it to be of great weight. See Dragomir Andan, T. 40883 (5 July 2013). See also P6434 (Excerpt from Dragomir Andan’s interview with OTP), pp. 3–4 (stating “I also think that I stood in the way of a few politicians [...] I think that this went all the way to [...] [the Accused]”). The Chamber also recalls its finding regarding the proceedings against Đurković. See para. 676. The Chamber found that Đurković was arrested after he expelled a Bosnian Muslim but that he was released when he provided documents which suggested that he was authorised and had orders to expel Bosnian Muslim residents from Bijeljina. The Chamber also found with regard to the proceedings against Đurković in 1995 that the evidence led on this issue was inconclusive.

said that “they were protected by those whose existence suited them.”<sup>10372</sup> **(This was his “opinion” and no a serious chamber would pay any attention to a witness on facts giving his general and non-specified opinion! Who were these suspected by him? The only inference that could be drawn from this kind of assertions would be that Davidovic didn’t like the authorities in the Republic of Srpska!)**

3224. In April 1994, following a letter from the Main Staff reporting that there were volunteers from the SRS who had been operating in two municipalities without the knowledge or consent of the VRS, the President reminded the municipal authorities that this interfered with the system of single command and control and that it was necessary to inform him about developments so he could take measures.<sup>10373</sup> **(#EXCULPATORY#!!!)**

3225. The President informed Mladić in April 1994 that he had ordered the MUP and other municipal authorities to assist the VRS in preventing the organisation of paramilitary units and that the strictest measures would be taken.<sup>10374</sup> **(#EXCULPATORY#!!!)**

3226. In the summer of 1995, Manojlo Milovanović asked the President for a meeting to be organised with Arkan to discuss the latter’s presence in the combat zone under the Milovanović’s responsibility.<sup>10375</sup> **(As a matter of fact, Milovanovic had a command competences over the MUP units present there only through their commander, but not over a separate units. He could exert his command easily through the number one in the MUP chain of command!)** During the meeting, following Milovanović’s question concerning Arkan’s presence, Arkan replied that his presence was in accordance with the order issued by the Supreme Command, but he did not present such order.<sup>10376</sup> Milovanović then asked the President whether he had issued Arkan with such an order, but the Accused did not reply— “[h]e didn’t say yes and he didn’t say no.”<sup>10377</sup> **(It was a quite clear and known that the President approved a presence of the Arkan’s unit in the fall 1995, after being assured by the MUP that Arkan would be under their command and control, and as far as this precondition was met, he could engage on the front! Beside that, Arkan was never even criminally reported, let alone indicted, not even by Croatia, which captured him in 1991. Also, the Prosecution didn’t disclose a document of the ECMM proving that the Muslims in Bijeljina, interviewd in safety and privately, confirmed only the best about Arkan and his conduct in April 1992! #There should have been something more that a bad reputation required for a criminal case#!)**

3227. In September 1995, in a letter from Mladić to the President, the former asked that Arkan and his paramilitary units be expelled from the RS and that the Accused “revoke his decision that gave Željko Ražnjatović the power to make arrests, mistreat, disarm and take away VRS members and civilians with his paramilitary units including /his authority/ to use firearms on persons who oppose or resist him.”<sup>10378</sup> **(However, all of it was a rivalry between the MUP and VRS, and in the context of tensions between the President and General Mladic. Mladic obviously was misinformed – there was no any crime in Sanski Most in 1995, committed by**

<sup>10372</sup> Milorad Davidović, T. 15519–15520 (28 June 2011). *See also* para. 3206.

<sup>10373</sup> D1454 (Request of RS President’s Office, 29 April 1994); D1446 (Radovan Karadžić’s order to RS MUP, 29 April 1994; Milorad Davidović, T. 15809 (1 July 2011). *See also* D1448 (Letter from RS President’s Office to President of Petrovo Municipal Assembly, 29 April 1994).

<sup>10374</sup> D1447 (Radovan Karadžić’s letter to VRS Main Staff, 29 April 1994).

<sup>10375</sup> Manojlo Milovanović, T. 25455–25456 (28 February 2012).

<sup>10376</sup> Manojlo Milovanović, T. 25457–25458 (28 February 2012).

<sup>10377</sup> Manojlo Milovanović, T. 25457–25458 (28 February 2012). The Chamber notes also the evidence that on 19 September 1995 it was agreed in Bijeljina that Arkan will get paid by the “Republican Government” for liberating Teočak. *See* P6210 (Report of Eastern Bosnian Corps, 20 September 1995). However, the Chamber does not grant this evidence any weight as it is based on an unknown and uncorroborated “reliable source” which “has not been verified”. *See* P6210 (Report of Eastern Bosnian Corps, 20 September 1995), p. 2.

<sup>10378</sup> P3056 (RS MUP dispatch, 24 September 1995), pp. 2–3. *See also* D2265 (Srdo Srdić’s interview with OTP), e-court pp. 52–53.

**Arkan or any other unit, let alone such a drastic as described by Mladic. Further, Arkan presented himself as a member of the MUP of RS, see: P3056, Mladic's telex:**

2. Organs of the MUP should take measures within their jurisdiction against RAŽNJATOVIĆ and his formations for the crimes they committed against VRS members and civilians, because he has identified himself as member of the MUP of Serbia and RS.

**As visible from evidence, Arkan was under the control of the RS MUP. The acting Minister for Interior Mr. Kovac gave to Arkan an authorisation to arrest and return a possible deserters of the members of MUP. Since Arkan misused or abused the authorisation, Mr. Kovac withdrew this authorisation the very next day#!)**

3228. In the autumn of 1995, the Accused attended an event in Bijeljina where he inspected the ranks of Arkan's men under the escort of Arkan, and said: "I am deeply thankful and I congratulate you, and I hope that we will meet again in peace and you will always have a place in the heart of those who you have defended".<sup>10379</sup> Arkan responded on behalf of his unit by saying that "we are ready if you call us and that we will be back to defend our ancient homeland, to defend our women and children, to defend the Serbian territory and our Orthodox religion".<sup>10380</sup> According to Mihaljović this event was a product of Arkan's manipulation that surprised the Accused and that Arkan used this event to legitimise his presence in RS given the stance taken by the Main Staff and the VRS with respect to units not under the VRS command.<sup>10381</sup> However, considering the evidence and the behaviour of the Accused, who gave documents to Arkan at this event, the Chamber is not convinced by the argument that the Accused was manipulated or taken by surprise. **(There was a proposal that the #President decorate the unit, not Arkan himself#, who even was not expected to be there. However, his unit had a great respect and reputation, and no any criminal record, and the unit deserved a decoration as a whole! Instead of blaming the President for decorating the unit, there should be an obligation that the Prosecution proves any crime, not a criminal reputation, but a crime committed by the unit!)**

3229. The Chamber notes the general statement of Nikola Poplašen that the President "argued for all Serbian forces to be placed under single command" and that "[i]ndividual incidents did occur, but this was not [...] with the approval or knowledge of the Serbian authorities",<sup>10382</sup> but finds this statement to be in contradiction with the clear evidence that at least some paramilitary formations operated in RS with the consent of the authorities.<sup>10383</sup> **(#Under the JNA#! #Before VRS#! This is wrong deliberation: many of the volunteers at the beginning were connected only with the JNA, Because there was no the VRS, as well as many paramilitary forces which didn't have any contact with the JNA, but neither they committed any crime, particularly those domestic self-organized groups. #To be a paramilitary or a self-organized armed group was a legal and legitimate issue, provided in the Constitution and Law on Defence, but no group or individual was entitled to do a crimes#. Once the VRS was formed, there was an order issued by the President, by other officials and by General Mladic, and after these orders there was no any possibility to be independent and legal at the same time. The Chamber erred when equalised a paramilitary, a volunteer units, and a units integrated within the JNA or VRS, but maintaining their separate name and**

<sup>10379</sup> P2858 (Video footage of Radovan Karadžić and Arkan at award ceremony in Bijeljina, with transcript); D3137 (Witness statement of Svetozar Mihaljović dated 17 March 2013), paras. 10–11; Svetozar Mihaljović, T. 35721–35722 (20 March 2013).

<sup>10380</sup> P2858 (Video footage of Radovan Karadžić and Arkan at award ceremony in Bijeljina, with transcript). See also P2854 (Letter from Party for Serbian Unity to Radovan Karadžić, 16 April 1994) (in which Arkan states that "[a]s always we, with all our available forces, stand to protect Serbian people. We are expecting your call so we can join armed forces of [RS]").

<sup>10381</sup> D3137 (Witness statement of Svetozar Mihaljović dated 17 March 2013), paras. 10–11; Svetozar Mihaljović, T. 35721–35722, 35728–35731 (20 March 2013).

<sup>10382</sup> D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 12.

<sup>10383</sup> See, e.g., paras. 3182, 3187–3188, 3195.

**composition!)** Similarly, the Chamber notes the evidence of Bulatović that when he spoke to the Accused, the Accused was not in favour of the presence of paramilitaries in BiH but did not have the ability to remove them.<sup>10384</sup> **(#That was why the President asked the FRY Prime Minister Panic for a help# (Davidovic) however, President Bulatovic could have spoken about the SFRY war and Croatia. Still, if the paramilitaries didn't have any bigger formation to be integrated, a mere existence of these groups was not a crime. A crimes had it's own substance in a judicial terms. Only a tolerance of independent groups while there is an alternative wasn't acceptable, because of what could happen!)** However, the Chamber notes in this regard that at a Supreme Defence Council session in August 1992, Bulatović said “[l]et’s be honest, we needed those paramilitary formations for a while. They are now a great burden and a problem.”<sup>10385</sup> This is also corroborated by evidence that in BiH, given a poor response to mobilisation, the military forces were reinforced by volunteers and paramilitaries.<sup>10386</sup>

### 3. Conclusion

**3230.** In light of the above, the Chamber finds that, in mid-1992, following the creation of the VRS, the President sought to have paramilitary groups integrated in and subordinated to the regular army or otherwise be disarmed and dissolved.<sup>10387</sup> **(In addition to already quoted legal and constitutional provisions about subordination of the paramilitaries to the JNA, here is another orde issued by the Federal Ministry of Defence on 10 December 1991, P2601:**

6. In all zones of combat operations place under the command of the most senior JNA officers all units of the JNA and TO, as well as volunteer units which agree to be subordinate to that command and wear JNA and TO insignia. Consider all other armed formations paramilitaries, disarm them, and remove them from the b/d zone.

However, his attitude towards these groups shifted depending on the group and according to the Bosnian Serb interests. **(#This is an ordinary lie, without any corroboration#, and no a serious chamber! And even if so, it must be proven that the President accepted a crimes to be committed. Where is reference to that? If it was about Arkan's presence in 95, Arkan wasn't independent, he offered participation in the defence of Krajina within the RS MUP, and the MUP undertook to komand him!)**

**3231.** With regard to Arkan's men, for instance, the Chamber finds that the Accused knew that they were invited by the RS Presidency to operate in conjunction with local authorities and forces and that in the spring of 1992 they were indeed operating in BiH.<sup>10388</sup> **(The local authorities had their own duties and responsibilities in running the defence, and all the volunteers, particularly #before the VRS# was established, had to check to the local authorities, which were obliged to deploy them in the local TO units and put them on the pay rol list. All of it is provided as a mandatory activity in the Constitution and Law on Defence, as seen above, see P4743, D1260, D1262, D4282... At the time Arkan was in Bijeljina, the President didn't have any operative duty, nor a state position, and therefore no liability.** The Accused had direct contact with Arkan in 1992 and 1995,<sup>10389</sup> and in May

<sup>10384</sup> D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 40–41; Momir Bulatović, T. 34560–34561, 34565–34566 (1 March 2013). The Chamber notes that it is not clear which period of time Bulatović is referring to in his statement.

<sup>10385</sup> P6165 (Excerpt from notes of FRY's SDC 5<sup>th</sup> session, 7 August 1992), p. 5.

<sup>10386</sup> Aleksandar Vasiljević, T. 34699–34700 (4 March 2013).

<sup>10387</sup> The Chamber also notes that evidence that the co-operation between Bosnian Serb authorities and paramilitary formations existed as long as the paramilitaries' objectives were aligned with those of the Bosnian Serb leadership. See paras. 3208, 3220, 3223.

<sup>10388</sup> See paras. 3181, 3195.

<sup>10389</sup> See paras. 3187, 3226.



1992 he invited, without Mladić's knowledge, Arkan's men to participate in operations in the Sarajevo area.<sup>10390</sup>

**Here is this para 3188, let us see how it is used against the President:** *On 3 June 1992, the Eastern Bosnia Corp Command issued an order, pursuant to the decision on the formation of the VRS, that certain volunteer units, including Mauzer's Panthers, be transformed into units of the VRS and that Mauzer be appointed Assistant Chief of Staff.*<sup>10391</sup>

*Similarly, as found above, on 13 June 1992, the President banned the formation and operation of armed groups and individuals which were not under the control of the VRS on the territory of the RS.*<sup>10392</sup> *The President also stated that he was "disowning" groups that continued to operate independently and that those groups would suffer the strictest sanctions for their operations.*

**#Therefore, there is no a single mentioning of the Arkan's men, while Mauzer was a legal TO commander of the SAO Semberija and Majevisa. Also, the Davidovic's assertion that he was present at a meeting with the President and Mladic is fake, because there was no such a meeting, nor he could participate in it, nor Gen. Mladic recorded it in his diaries#. Finally, the intercepted telephone conversations between Legija and Arkan, see: P5675, and D1248, pasted in para 3183 of the Judgement, which absolutely exclude any possibility that any of the Arkan's men, including Arkan, could get in touch with the President, for whom Legija said that is in a good (loving) terms with Muslims!)**

While Arkan's men left BiH in mid-1992, the Accused supported their presence and activities in BiH in 1995.<sup>10393</sup> The Chamber also notes that it was important to Arkan that his actions in BiH would be approved by the Bosnian Serb authorities.<sup>10394</sup>

**(Certainly, Arkan wouldn't dare to be present in the RS without approval of the authorities, while in April 92 there was a common authority in BiH! No crime on the President's side, or Arkan's unit side in 1995. He was regularly subordinated to the MUP, and having in mind who was attacking the RS, it was the Serb right to accept any volunteer.**

**3232.** Similarly, the President knew that Šešelj's men were invited by the RS Presidency to operate in conjunction with local authorities and forces in the spring of 1992,<sup>10395</sup> and he met with Šešelj a few times each year during the war.<sup>10396</sup>

**(#The Seselj's men never had any independent unit#, they were always a part of the JNA. Later on, the followers of the Seselj in the RS were a regular soldiers, without particular unit or command. As far as Mr. Seselj is concerned with, he lived in Sarajevo at the same time as the President, both of them were a very known public persons, Mr. Seselj as the author of prominent law and political works, and was imprisoned by the communist regime for a theoretic article, while the President was a known writer that published books as of 1968. Why the two of them wouldn't know each other without any crime? Anyway, the Chamber adopted the Prosecution's approach according to which so many persons that had any contact with the President – had been the most notorious criminals, while none of them had ever sentenced, and some of them hadn't even been indicted: Mr. Seselj was acquitted in this Tribunal;**

<sup>10390</sup> See para. 3188.

<sup>10391</sup> D1458 (Order of Eastern Bosnia Corps, 3 June 1992).

<sup>10392</sup> See para. 239. See also KDZ088, T. 6562–6563 (13 September 2010) (closed session); D455 (Report re events in Doboj, 27 July 1992), pp. 1–2; D3485 (SRK report, 26 June 1993), p. 1.

<sup>10393</sup> Considering the Accused's silence when asked by Milovanović whether he authorised Arkan's men presence in the combat zone; Mladić's request from the Accused to have Arkan's men expelled and that the Accused revoke his decision granting Arkan the powers to act in BiH; and the Accused's behaviour while inspecting Arkan's men and his gratitude for their service, the Chamber finds that the only reasonable conclusion is that the Accused supported Arkan's men presence and activities in BiH in 1995. See paras. 3226–3228. **(There is no a basic precondition for that conclusion: there was no Milovanovic's question, or the President didn't here it, which is another reasonable inference, and Arkan's men including him and his son, were under the MUP competence, and the autorisation to return the deserters of the MUP. When Arkan started to return the deserters of the VRS, T. Kovac withdrew this autorisation the very next day, see : @ )**

<sup>10394</sup> See para. 3186, 3226, 3228.

<sup>10395</sup> See para. 3195.

<sup>10396</sup> See para. 3192.

Momcilo Mandic had been acquitted in the court of BiH in which the Serbs are rarely acquitted, Arkan had never been indicted for a deeds in the war, not even by Croatia where he was a prisoner of war; Vojkan Djurkovic had been criminally reported, but was never indicted; Mauzer was a favourite police official of Ms. Plavsic when she reneged on the SDS, and passed all the checkings of the international police. Although the President had never been close and in a friendly private relations, but only in an official, not always pleasant, they weren't criminals. They did have a bad reputation, but we all know how a reputation can be created!)

3233. In addition, the President was aware that Mauzer's Panthers was incorporated in 1992 in the VRS as a "Special Brigade" and, in 1994, he awarded Mauzer's Panthers.<sup>10397</sup> Will somebody show what crimes he had committed, what except a bad reputation he had? He was a part of the legal TO, and later of the VRS. Did the President authorise anyone to act illegally, or to commit crimes? Once, in 1992 Mauzer was demoted, and the president of the Municipality Zlatko Jokovic was forced to resign. After that, Mauzer was no longer under the civilian authorities, but in the VRS, as demoted to a private. After the war he passed the test of the international community, as clean and suitable for the public service. 15/16 12. 17

3234. The Chamber therefore finds that during the spring of 1992, following the withdrawal of the JNA from BiH, the President supported the operational co-operation of military forces and local authorities with Arkan's men, Šešelj's men, and Mauzer's Panthers. These paramilitary groups were able to operate in several municipalities, in an otherwise relatively tightly controlled area,<sup>10398</sup> in concert with the military forces and the local authorities.<sup>10399</sup> (So what? Nobody authorized them to make any crime, or to behave independently. Many units in the JNA and VRS had a different names, but it didn't make them independent! Particularly as of 13 June no armed unit, group or individual was allowed to exist and be active! However, there were many armed groups without so markant names, that remained after the JNA withdrew without any political control, as the UN documents indicate, see P941, see: @ in the following couple of months the regular "Serb Forces" ended their existence!)

3235. The President's shifting approach to paramilitaries is further demonstrated by his approach to Captain Dragan's training centre,<sup>10400</sup> (There is no any reasonable possibility to compare Captain Dragan's training centre and the Yellow Wasps, or any other paramilitary. Captain Dragan didn't take part in combat activities, and didn't have any manpower of his own, except several instructors ready to train the domestic people who hadn't serve their compulsory Army term, but Gen. Mladic didn't agree, and the President adopted his opinion!) and his order to have the Yellow Wasps released after they were arrested by Davidović.<sup>10401</sup> The Yellow Wasps were arrested by the Special police of the RS, and Davidovic only helper with his less than two dosen of policemen.

3236. Based on all of the above, the Chamber concludes that the President supported the co-operation of Arkan's men, Šešelj's men and Mauzer's Panthers with Serb Forces during the take-overs in the Municipalities—during the course of which crimes were committed. (Neither a "take-overs" had been proven, nor were proven a crimes allegedly committed during the "take-overs" that didn't happen. All what the Prosecution was doing was taking

<sup>10397</sup> See paras. 3202, 3222.

<sup>10398</sup> See para. 3184.

<sup>10399</sup> See paras. 3182–3183, 3190–3192.

<sup>10400</sup> See para. 3203.

<sup>10401</sup> See para. 3208.

summarily some alleged events and allocate it to the Serb side, and this is real crime against the whole people. Surprisingly, the Chamber admitted it uncritically and without any checking of the documents, even of the UN provenance! All of the units that are mentioned and “incriminated” by the Muslim propaganda full of hatred, were (with some exceptions) parts of the regular forces which comprised: the Police, the VRS and the Territorial defense. And all of this criminal conclusion is possible because the defense couldn’t present what really happened!) The Chamber also concludes that from mid-1992 onwards, following the completion of the take-overs and considering the creation of the VRS, the President endeavored to disband paramilitary groups in general. However, the President still tolerated and even supported the activities of certain paramilitary groups, namely, Akran's men, Yellow Wasps and Mauzer's Panthers. (#For the first two it is a horrible lie (except for Arkan 95, but it was regulated according to the law) and Mauzer was in the Army#! How possibly the President could have endeavor to disband paramilitary groups before he became a member of Presidency on 12 May, and before the VRS was enacted, 20 May 1992??? And where is any evidence that the President “supported the activities of certain paramilitary groups? The Yellow Wasps, about whom the President heard from the local authorities and immediately ordered their arrest, had been arrested in a huge and well organized operation. #Arkan withdrew before the President became the member of Presidency#, and the Arkan’s 16 men, invited to Ilidza by some Dragisic, had been ignored#, not welcome by the locals, and they withdrew, see para 3183! The Panthers were an integral part of the VRS, and a very good, proper and celebrated unit, and the Mauzer’s rude conduct couldn’t damage the huge reputation of this unit!)

c. *Knowledge and acts of named alleged JCE members*

3237. The Prosecution alleges that the President worked together with other Serb military and political leaders to achieve the objective of the alleged Overarching JCE to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory in BiH from at least October 1991 to 30 November 1995, in concert with Momčilo Krajišnik, Ratko Mladić,<sup>10402</sup> Slobodan Milošević, Biljana Plavšić, Nikola Koljević, Mićo Stanišić, Momčilo Mandić, Jovica Stanišić, Franko Simatović, Željko Ražnatović (Arkan), and Vojislav Šešelj.<sup>10403</sup> According to the Prosecution, while the membership in the JCE fluctuated over time, each member made a significant contribution to achieving the common criminal purpose.<sup>10404</sup> (“According to the Prosecution”, the Serbs didn’t have any rights, guaranteed to every nation by the international Covenants and domestic laws, and guaranteed to any animal or vegetal sort!

3238. In response, the Accused argues that there was no criminal plan or design in the first place and second, that at no point in time did any of the alleged JCE members have, let alone share, any common mental state to carry out an agreed criminal plan or design.<sup>10405</sup>

3239. The Chamber has considered the involvement of the named alleged JCE members in earlier sections of this Judgement in the context of the objectives of the Bosnian Serb leadership and the creation of and authority over the Bosnian Serb political and governmental structures and military and

<sup>10402</sup> The Prosecution alleges that Mladić joined the alleged JCE as of May 1992. See Indictment, para. 6.

<sup>10403</sup> See Prosecution Final Brief, para. 84; Indictment, paras. 9–14. Other alleged members of the Overarching JCE are listed in paragraph 12 of the Indictment and include, among others, members of SDS and Bosnian Serb government bodies at the republic, regional, municipal, and local levels, including Crisis Staffs, War Presidencies, and War Commissions, and commanders and senior officers of JNA, VJ, VRS, TO, and MUP units.

<sup>10404</sup> See Prosecution Final Brief, para. 84; Indictment, paras. 9–14.

<sup>10405</sup> See Defence Final Brief, para. 327.

police structures.<sup>10406</sup> In this section, the Chamber will consider their further knowledge and acts in relation to the common purpose of the alleged Overarching JCE. As a part of this analysis, the Chamber will examine the relationship between the President and alleged JCE members where necessary.

i. Momčilo Krajišnik

3240. As discussed above, Momčilo Krajišnik was a member of the SDS Main Board from July 1991 and was in the core leadership of the party.<sup>10407</sup> **(A crime?)** The Chamber recalls that Krajišnik was also elected as the first president of the Bosnian Serb Assembly in October 1991<sup>10408</sup> **(Prior to that, Mr. Krajisnik was elected president of the Assembly of BiH, i.e. common Assembly and presided this parliament until the end of March 1992, why it was not of any interest of the Prosecution-Chamber structure?)** and by virtue of his position, he was also a member of the SNB which was established on 27 March 1992.<sup>10409</sup> The Chamber further recalls that the original three-member Presidency, comprised of the President, Plavšić, and Koljević, was enlarged to five members to include Krajišnik and Branko Đerić, and on 6 July 1992, Krajišnik was assigned to deal with issues related to commissioners and the economy.<sup>10410</sup> **(Just for the accuracy: Mr. Krajisnik was doing this task for the Presidency, but this didn't make him a member of the Presidency, nor any other official, unless a state of war was proclaimed on the entire territory of the RS! The Chamber knew it, but nothing the Defence offered was accepted!)**

3241. Krajišnik was described as the Accused's "closest associate" and they had a close relationship before the SDS was even formed; this relationship continued throughout the conflict.<sup>10411</sup> For instance, the Accused personally insisted on Krajišnik's appointment as president of the Bosnian Serb Assembly.<sup>10412</sup> **(There was no any opposition to this proposal, since Krajisnik was a very known and successful president of the common Assembly of BiH! A dilemma was only whether he could be on both of this positions!)**

3242. Koljević, Plavšić, Krajišnik, and the President were considered to be the four most powerful leaders in the RS, with Krajišnik and the President at the top.<sup>10413</sup> **(That was due to the Constitution, not due to an arbitrary decision of anyone. In a case of a sudden death of the President, the president of the Assembly would deputise him until the new elections!)** There was very little divergence of views between the President and Krajišnik<sup>10414</sup> and these two were characterised as the "Alpha and Omega" of the Bosnian Serb government.<sup>10415</sup> **(Why a differences**

<sup>10406</sup> See Sections IV.A.3.a.i: Objectives of the Accused and the Bosnian Serb leadership, IV.A.3.a.ii: Bosnian Serb political and governmental structures, IV.A.3.a.iii: Authority over military and police forces.

<sup>10407</sup> See paras. 62, 77.

<sup>10408</sup> See para. 77.

<sup>10409</sup> See para. 89.

<sup>10410</sup> See para. 97.

<sup>10411</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16605–16607; P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 75. See P5816 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 15 November 1991); P5803 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 11 December 1991); P5793 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 19 December 1991).

<sup>10412</sup> Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16606–16607, 16765–16767.

<sup>10413</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4154–4155; Milan Babić, P742 (Transcript from *Prosecutor v. Krajišnik*), T. 3396; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8610, 8618–8619. See also Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16603, 16607, 16744–16747, 16843; P3396 (Photographs depicting Radovan Karadžić, Ratko Mladić, Biljana Plavšić, Momčilo Krajišnik, and others). While Krajišnik, Plavšić, and Koljević were also present at SDS Main Board meetings, they did not play an active role in this body. Radomir Nešković T. 14235–14236 (6 June 2011); D1278 (Transcript of Radomir Nešković's interview with Karadžić's legal associate, 8 October 2009), p. 18.

<sup>10414</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 30–31. See also Radomir Nešković, P2568 (Transcript from *Prosecutor v. Krajišnik*), T. 16766–16767; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4156; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8622–8623, 8635–8636, 8644–8645 (testifying that after a few years of war, a rivalry developed between the Accused and Krajišnik).

<sup>10415</sup> Branko Đerić, T. 27951–27952 (24 April 2012). See also P1387 (Transcript of 38<sup>th</sup> session of RS Assembly, 17 January 1994), p. 46; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4154–4156; D89 (Shorthand Record of 9<sup>th</sup> session of SerBiH Assembly, 28 February 1992), p. 11; P1029

**of the two high officials should be public, if it existed only during a decision-making process? It was a matter of a personal and political maturity, but if they knew that it could be used against the President, they should make a differences public and shake the country in the middle of the war!)**

3243. Krajišnik and the Accused communicated regularly about, *inter alia*, meetings and negotiations with international representatives;<sup>10416</sup> mobilising Serb forces in BiH;<sup>10417</sup> discussions with political and military leaders in Serbia;<sup>10418</sup> and the involvement of the Bosnian Serb leadership in municipal level affairs.<sup>10419</sup>

3244. The Accused, Koljević, and Krajišnik led political negotiations on behalf of the Bosnian Serbs and had the support of the SDS Executive Board.<sup>10420</sup> The President would often seek the advice of Krajišnik during negotiations.<sup>10421</sup> Krajišnik emphasised that there was no difference between the President, Koljević, and himself who worked as a team in negotiations; Krajišnik tended to repeat “the established, party line” in negotiations.<sup>10422</sup>

3245. Furthermore, Krajišnik had “great authority” among the Bosnian Serb municipal leaders and influenced how power should be exercised at the municipal level.<sup>10423</sup> **(The president of the Assembly as a legislative body was supposed to communicate with the municipal assemblies as a legislative bodies, while the Prime Minister was supposed to communicate with the Executive Boards of municipalities, as an executive bodies. Is everything in the Serb existence, except a slavery, wrong?)** As the President of the Bosnian Serb Assembly, Krajišnik was noted as a “skillful leader” of the local deputies.<sup>10424</sup> The President described Krajišnik to Slobodan Milošević as a “great Bosnian patriot” and told him that Krajišnik “would not give one foot of Bosnian land” and wanted all of BiH to remain in Yugoslavia.<sup>10425</sup> The Chamber recalls that the President and the Bosnian Serb leadership, including Krajišnik, formulated and promoted the Strategic Goals; for Krajišnik, the goal of separating from the Bosnian Muslims was the most important task.<sup>10426</sup> **(#A separating of states, not population!)**

(Witness statement of John Wilson dated 4 November 2008), para. 121; Izet Redžić, P3189 (Transcript from *Prosecutor v. Krajišnik*), T. 5071–5073; P2526 (Witness statement of Radomir Kezunović dated 21 May 2011), para. 75.

<sup>10416</sup> P5805 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 6 December 1991).

<sup>10417</sup> P5860 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 23 September 1991). See P5805 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 6 December 1991).

<sup>10418</sup> P5874 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 6 September 1991); P5835 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 22 October 1991).

<sup>10419</sup> P5833 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 29 October 1991), p. 2 (wherein Krajišnik told the Accused that he had gone to Ilidža the night before for a meeting of the board and “the right people got information, we invigorated them, they got a realistic evaluation, they were very pleased”).

<sup>10420</sup> D1277 (Minutes of joint meetings of SDS’s General and Executive Committees and Political Council, 11 March 1992), p. 1. See also paras. 2700, 2703–2705, 2824, 2832.

<sup>10421</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 140–141.

<sup>10422</sup> P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 214 (stating further that Krajišnik was often difficult to deal with during negotiations); P1353 (Shorthand record of 10<sup>th</sup> session of SerBiH Assembly, 11 March 1992), p. 16.

<sup>10423</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8628. However, as President of the Banja Luka Municipal Assembly and Banja Luka Crisis Staff, Radić testified that he did not receive any instructions from Krajišnik in his municipality, other than Bosnian Serb Assembly decisions signed by him. Between the beginning of the war and the end of 1992, Radić only saw Krajišnik in Banja Luka a few times when he came for the RS Assembly sessions held there. Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7524–7526, 7571–7574. However, the Chamber does not find Radić’s testimony in this regard, in particular regarding his presence in Banja Luka, to be determinative regarding Krajišnik’s authority among all Bosnian Serb municipal leaders.

<sup>10424</sup> Predrag Radić, P1 (Transcript from *Prosecutor v. Krajišnik*), T. 7431–7432, 7538–7540, 7607. See also P2 (Predrag Radić’s interview with OTP, 16 July 2001), pp. 62–63.

<sup>10425</sup> P5687 (Intercepts of conversations between (i) Ljiljana Karadžić and Slobodan Milošević and (ii) Radovan Karadžić and Slobodan Milošević, 12 June 1991), p. 8.

<sup>10426</sup> See paras. 2865, 2868, 2877, 2885, 2895–2903. According to Kecmanović, however, Krajišnik stressed respect for “other ethnicities, religions and customs”. D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), paras. 32–33. The Chamber however recalls its earlier finding that Kecmanović’s evidence was marked by evasiveness, contradictions, partisanship and indicators that his testimony lacked sincerity and candour. His testimony was also marked by indicators that he was seeking to protect the Accused. The Chamber therefore does not consider that it can rely on his evidence in this regard.



3246. Between April and May 1992 the President, Krajišnik, Koljević, Plavšić, Đerić, and Bogdan Subotić met often to discuss a number of issues pertaining to the conditions in municipalities and decisions were issued as a result of these meetings.<sup>10427</sup> Krajišnik was also informed about events and operations in the Municipalities.<sup>10428</sup> For instance, the Chamber notes that Krajišnik visited Bijeljina, often with the Accused, and that there was a close relationship between the Bijeljina branch of the SDS and the SDS in Pale.<sup>10429</sup> Krajišnik and the Accused also visited Sanski Most on the occasion of the formation of the SDS there.<sup>10430</sup> **(In 1990, far before the war! What is wrong with that? What is the Prosecution-Chamber after? These facts are irrelevant for any alleged crimes, and “gathering” so many irrelevant data should have created a picture of a complicity, because there was no any evidence that the President, or any other high official, was involved, or otherwise connected with any crime! An inference on a basis of another inference, on another inference, endlessly!)**

3247. In May 1992, the President, Mladić, and Krajišnik held a meeting with representatives of municipalities, including Rogatica, and discussed the creation of a Bosnian Serb state in BiH.<sup>10431</sup> Krajišnik also had close connections with Kušić, commander of the Rogatica Brigade, who was involved in the take-over of Rogatica and in the mistreatment and crimes against Bosnian Muslim civilians there.<sup>10432</sup>

3248. Krajišnik was also aware of Bosnian Muslim men being detained at Rajlovac Barracks in Novi Grad and in June 1992, he gave instructions to authorities at Rajlovac that nothing should happen to Bosnian Muslim detainees there.<sup>10433</sup> He was informed of details regarding the take-over in Vogošća, and he attended sessions of the Vogošća Serb Assembly, Novi Grad Municipal Assembly, and Novo Sarajevo SDS Municipal Board.<sup>10434</sup>

3249. During a January 1994 RS Assembly session, Krajišnik and the President were exalted by a member of the Assembly for “standing on top of the Serbian liberation movement and war” and described as their “highest leaders”.<sup>10435</sup>

i. Nikola Koljević

3250. The Chamber recalls that Koljević was a member of the SNB, one of the interim bodies that served as the *de facto* Presidency of the SerBiH in 1992, and functioned as one of the acting presidents of the SerBiH.<sup>10436</sup> Koljević was subsequently elected by the Bosnian Serb Assembly to the three-member RS Presidency on 12 May 1992.<sup>10437</sup> As stated above, the Presidency was enlarged to five members and on 6 July 1992, Koljević was allocated the task of international relations as well as information and propaganda-related issues.<sup>10438</sup> On 17 December 1992, the

<sup>10427</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 61–62. See P5858 (Intercept of conversation between Radovan Karadžić and Biljana Plavšić, 27 September 1991).

<sup>10428</sup> See, e.g., P5740 (Intercept of conversation between Momčilo Krajišnik and Jovan Tintor, 4 April 1992), p. 2.

<sup>10429</sup> See para. 606.

<sup>10430</sup> See para. 1920.

<sup>10431</sup> See para. 936.

<sup>10432</sup> See paras. 944, 948–951, 969–970, 973, 986, 999–1000, 1020.

<sup>10433</sup> See Novi Grad Fact section, para. 2221 (referring to P2334 (Intercept of conversation between Momčilo Krajišnik, Mijatović, and Ljubiša Vladušić, 8 June 1992), pp. 1–2, 4).

<sup>10434</sup> See Vogošća Fact section, paras. 2171–2172, 2246, 2359, 2375, 2386.

<sup>10435</sup> P1387 (Transcript of 38<sup>th</sup> session of RS Assembly, 17 January 1994), p. 46.

<sup>10436</sup> See para. 90.

<sup>10437</sup> Adjudicated Fact 1898; P3032 (Minutes of 1<sup>st</sup> constitutive session of SerBiH Presidency, 12 May 1992). See para. 96.

<sup>10438</sup> D440 (Minutes of 15<sup>th</sup> session of SerBiH Presidency, 6 July 1992), p. 3. See para. 97. In April 1992, Koljević had already been tasked with communicating with the international public on the situation in SerBiH. P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 2. See also KDZ240, T. 16116 (5 July 2011) (closed session); P1029 (Witness statement of John Wilson dated 4 November 2008), para. 139 (stating that Koljević tended to be more on the periphery of the Bosnian Serb leadership). However, given this is a personal opinion from Wilson, the Chamber placed no weight on that aspect of his evidence.

Bosnian Serb Assembly replaced the structures of the Presidency by establishing a single president and two vice-presidents of the Republic, electing the President to the position of President of the RS and Koljević as one of the Vice-Presidents.<sup>10439</sup>

3251. As early as October 1990, in a meeting before Serb representatives in Banja Luka, Koljević identified the purpose of establishing the SDS in furtherance of the unity of the Serb people and the promotion of Serb interests.<sup>10440</sup> **(So what?)**

3252. The Chamber recalls Koljević's acknowledgement that the process of re-organising municipalities was with the aim of creating "homogeneity of certain areas" and that he repeatedly called for the expulsion of Bosnian Muslims and the homogeneity of territories, claiming it was impossible for Serbs to live with anyone else.<sup>10441</sup> **(A horrifyin lies! Professor Koljevic was a humanist and a very tolerant man, and nobody ever heard him saying anything aggressive to others!)** Koljević was particularly extreme in his views and continued to repeat at important meetings that it was impossible for Bosnian Serbs, Muslims, and Croats to live together.<sup>10442</sup> Koljević also made a statement at the 34<sup>th</sup> session of the Bosnian Serb Assembly in 1993 about the aim being the "spiritual and moral revitalisation of Serbhood".<sup>10443</sup> **(So what?)** Koljević also discussed his views with the President and other members of the Bosnian Serb leadership in private conversations.<sup>10444</sup> **(So what?)**

3253. Koljević was closely involved in negotiations with international representatives.<sup>10445</sup> In January 1992, Koljević warned of the danger of an Islamic republic being created.<sup>10446</sup> **(So what?)**

3254. In this regard, Koljević met with Tudman and noted that they had a common interest of separating people, that an independent BiH did not suit them as it would separate them from their "mother lands", and that they advocated a sovereign Muslim, Serb, and Croat BiH.<sup>10447</sup> At the same meeting, Koljević also suggested that an agency be established to regulate the exchange of property.<sup>10448</sup> During another meeting related to the ICFY in September 1992, the President and Koljević reiterated that the Bosnian Serbs and the Bosnian Croats would not accept a unitary BiH state; a state based on one-man, one-vote.<sup>10449</sup> **(So what?)**

3255. In April 1992, Koljević proposed that Bogdan Subotić set up a separate Ministry of Defence, which he accepted and thereafter, Subotić started organising and preparing drafts of the Law on Defence and Law on the Army.<sup>10450</sup> **(So what?)**

3256. In May 1992, Koljević spoke to Bosnian Muslims in Pale and when they asked for guarantees that they could stay in their homes, he replied that "Serbs don't want to continue living with you here."<sup>10451</sup> **(A shameless lies by an instructed witness, whose wife died in another**

<sup>10439</sup> See para. 98.

<sup>10440</sup> See para. 2637.

<sup>10441</sup> See paras. 2721, 2762.

<sup>10442</sup> See para. 2728.

<sup>10443</sup> See para. 2806.

<sup>10444</sup> See, e.g., P5810 (Intercept of conversation between Radovan Karadžić and Nikola Koljević, 22 November 1991); P5760 (Intercept of conversation between Biljana Plavšić and Nikola Koljević, 25 January 1992), pp. 1, 4 (during which Koljević said "[t]he procedure itself and everything indicates that we are heading in the right direction. I mean, how good the objective we have chosen is" and Koljević and Plavšić further agreed on the idea of separation and the treatment of Bosnian Muslims "with indifference").

<sup>10445</sup> See paras. 2694, 2699–2700, 2703. Koljević and the Accused also discussed such meetings and negotiations with international representatives in private conversations. See, e.g., P5878 (Intercept of conversation between Radovan Karadžić and Nikola Koljević, 27 August 1991), pp. 5–9.

<sup>10446</sup> See para. 2694.

<sup>10447</sup> See para. 2694.

<sup>10448</sup> P986 (Transcript of a meeting between Nikola Koljević, Franjo Tudman, and Franjo Boras, 8 January 1992), pp. 13–14.

<sup>10449</sup> See para. 2705. Koljević also stated that the Bosnian Serbs would not accept the internal borders of BiH without some form of cantonisation. See para. 357.

<sup>10450</sup> See para. 115.

<sup>10451</sup> See para. 2317. See also fn. 9040.

**place and from another causes, but he allowed that her body be planted at Markale in August 1995!** Koljević also visited units on the ground and attended meetings in *inter alia* Bratunac, Foča, Vlasenica, and Pale.<sup>10452</sup> **(So what?)**

3257. Finally, on 14 March 1995, the President issued a decision to form a State Committee for Co-operation with the UN and International Humanitarian Organs, appointing Koljević as its President.<sup>10453</sup>

i. Biljana Plavšić

3258. Plavšić was also a member of the SNB, one of the interim bodies that served as the *de facto* Presidency of the SerBiH in 1992, and functioned as the other acting president of the SerBiH, along with Koljević.<sup>10454</sup> Plavšić was subsequently elected by the Bosnian Serb Assembly to the three-member RS Presidency on 12 May 1992.<sup>10455</sup> When the Presidency was enlarged to five members on 6 July 1992, Plavšić was allocated the task of, *inter alia*, dealing with contacts with UNPROFOR, except for military issues, and questions related to refugees and humanitarian aid.<sup>10456</sup> Plavšić was in charge of issues related to detention centres, including co-ordinating with the ICRC and other international organisations on this issue.<sup>10457</sup> On 17 December 1992, the Bosnian Serb Assembly replaced the structures of the Presidency by establishing a single president and two vice-presidents of the Republic, electing the President to the position of President of the RS and Plavšić as one of the Vice-Presidents.<sup>10458</sup>

3259. The Chamber recalls that Plavšić attended the first session of the Council of Ministers on 11 January 1992, during which the declaration on the promulgation of the SerBiH was discussed, including the priorities of defining the ethnic territory, establishing government organs in the territory, and the economic disempowerment of the current authorities.<sup>10459</sup> In another meeting, Plavšić emphasised the unity of the Serb people and their right to self-determination and thereafter continued to make similar speeches emphasising this right.<sup>10460</sup>

3260. Plavšić and the President communicated about preserving the common state of Yugoslavia and necessary steps to take to further Serb interests.<sup>10461</sup> The Chamber recalls that in May 1992, Plavšić spoke of the entitlement of the Serbs to 70% of the territory and that Bosnian Serbs “were used to living in wide spaces” while Muslims typically lived in cities.<sup>10462</sup> Plavšić further stated that “if it takes the lives of 3 million people to solve this crisis, lets get it done and move on”.<sup>10463</sup>

3261. On 4 April 1992, a commission consisting of Plavšić and Fikret Abdić, among others, as well as high-ranking army officials visited Bijeljina to assess the situation there.<sup>10464</sup> Plavšić visited the Bijeljina Serb Crisis Staff and congratulated Arkan for saving the Bosnian Serbs and

<sup>10452</sup> See paras. 693, 789, 841, 1106, 2317.

<sup>10453</sup> See P4543 (Radovan Karadžić’s Decision, 14 March 1995), pp. 1, 3. See para. 173.

<sup>10454</sup> See para. 90.

<sup>10455</sup> See para. 96.

<sup>10456</sup> D440 (Minutes of 15<sup>th</sup> session of SerBiH Presidency, 6 July 1992), p. 3. See para. 97. See also KDZ240, T. 16116, 16141 (5 July 2011) (closed session). Prior to this, Plavšić had been authorised to represent the SerBiH in contacts with the UN. P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 2.

<sup>10457</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*) T. 8942.

<sup>10458</sup> See para. 98.

<sup>10459</sup> See para. 2818.

<sup>10460</sup> See para. 2829.

<sup>10461</sup> See para. 2641; P5729 (Intercept of conversation between Biljana Plavšić, Rajko Dukić, and Radovan Karadžić, 2 March 1992), pp. 3–4; P5727 (Intercept of conversation between Biljana Plavšić and Radovan Karadžić, 2 March 1992), pp. 1–3.

<sup>10462</sup> See para. 2727.

<sup>10463</sup> See para. 2727.

<sup>10464</sup> See para. 626.

was filmed kissing and hugging Arkan.<sup>10465</sup> When, in the course of the visit, Plavšić asked Arkan to hand over control of Bijeljina to the JNA, he replied that he had not yet finished his “business” there.<sup>10466</sup> On 23 April 1992, Plavšić was in contact with Arkan’s men and left a message for him asking whether it was possible for her to visit.<sup>10467</sup> Plavšić also asked whether they could “possibly bring the merchandise” and the member of Arkan’s men she spoke with responded “understood, understood”.<sup>10468</sup>

3262. Plavšić openly supported paramilitary units, or “weekend warriors” as she called them, and during a Bosnian Serb Assembly session in November 1992, she openly invited them—including Arkan’s men and the White Eagles—to “send their volunteers to help the defence of the Serbian people in [RS]”.<sup>10469</sup> As stated above, Plavšić was an advocate of having all paramilitary units from territories where Serbs lived outside BiH come to assist them and was the “bridge” between Bosnian Serbs and the people who came from other states to assist in the conflict.<sup>10470</sup> Mićo Stanišić and Plavšić clashed over this issue.<sup>10471</sup> According to Mandić, Mićo Stanišić arrested paramilitary units and Plavšić would intercede on their behalf and have them released.<sup>10472</sup>

3263. The Chamber also recalls that in mid-April 1992, Plavšić visited the Alhos factory in Zvornik and met with Bosnian Serb local leaders, including members of the Zvornik Crisis Staff.<sup>10473</sup>

3264. In meetings attended by the President in May or June 1992, as well as in a television interview in July 1992, Plavšić acknowledged that there were detention facilities run by Bosnian Serbs in BiH, including in Pale, Ilidža, Banja Luka, and Prijedor; however she qualified that those in detention were only able-bodied men of military age who actively participated in “rebellions”, assisted such rebellions, or financed the purchase of weapons.<sup>10474</sup>

3265. On 7 July 1992, Plavšić was informed in writing that there had been “forced and wilful” efforts to move Bosnian Muslims out of Pale, resulting in a large number of criminal acts.<sup>10475</sup> Plavšić was informed by the UN that on 30 September 1992, approximately 300 Bosnian Muslim civilians were expelled by Serbs from the area of Grbavica in Novo Sarajevo; when questioned about the situation, Plavšić deferred any response.<sup>10476</sup>

<sup>10465</sup> See para. 626.

<sup>10466</sup> See para. 626. The Chamber further recalls that at a dinner with UNPROFOR representative, Cedric Thornberry, on 20 April 1992, Plavšić described Bijeljina as a “liberated” town. See para. 626.

<sup>10467</sup> P1106 (Intercept of conversation between Biljana Plavšić and “Rus”, 23 April 1992), pp. 1–2.

<sup>10468</sup> P1106 (Intercept of conversation between Biljana Plavšić and “Rus”, 23 April 1992), p. 2. Without further context, the Chamber is not in a position to determine the meaning behind Plavšić’s reference to “merchandise” and will not make a finding thereon.

<sup>10469</sup> Mićo Stanišić, T. 46385–46386 (3 February 2014); Momčilo Mandić, T. 4625–4626 (5 July 2010); P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), p. 20. See para. 608.

<sup>10470</sup> See para. 3195.

<sup>10471</sup> Momčilo Mandić, T. 4625–4631 (5 July 2010) (testifying that Đerić supported Plavšić and Mandić supported Stanišić on this issue and it culminated in a clash between Plavšić and Đerić, on one side, and Stanišić and Mandić, on the other). According to Đerić, he never approved of Plavšić’s statements or actions with respect to paramilitaries and Đerić did not consider that this “was the way things should be done”. P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 43. In June 1991, the Accused had discussed personnel issues in the MUP with Plavšić. P2222 (Intercept of conversation between Biljana Plavšić and Radovan Karadžić, 17 June 1991).

<sup>10472</sup> Momčilo Mandić, T. 4626, 4630, 4649–4650 (5 July 2010); Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 9725–9726 (testifying that Plavšić ordered the release of the Yellow Wasps in late November 1992). Furthermore, Mandić stated that he did not speak to the Accused for half a year because he allowed Plavšić to do this. Momčilo Mandić, T. 4627–4630 (5 July 2010); Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 9725–9726.

<sup>10473</sup> See para. 1253.

<sup>10474</sup> P1099 (Video footage of interview with Biljana Plavšić, with transcript) (stating further that the number of prisons run by Muslims, in Sarajevo in particular, “vastly outnumbers” the number of prisons run by Bosnian Serbs in BiH); P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 101–103, 138 (stating further that Plavšić countered that similar camps were maintained by other parties to the conflict). Mandić confirmed that this was one example of war propaganda spread by Plavšić as Bosnian Muslims did not have as many camps as Bosnian Serbs. Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*) T. 8936–8942.

<sup>10475</sup> See para. 2324.

<sup>10476</sup> See para. 2286. See also Hussein Ali Abdel-Razek, T. 5521 (20 July 2010).

3266. In meetings with international representatives, Plavšić openly stated that it was impossible for Bosnian Serbs to co-exist with the other communities, particularly the Bosnian Muslims, and that it was better to separate the communities; she also emphasised the importance of partitioning the territory so that the Serbs would be left in control of a single continuous block of territory.<sup>10477</sup> At a meeting with a delegation from Greece in March 1994, in the presence of Mladić, Plavšić expressed her disapproval of the President's appeasement and "diplomatic juggling" displayed at international negotiations.<sup>10478</sup>

ii. Ratko Mladić

3267. The Chamber recalls that Ratko Mladić was appointed Commander of the VRS Main Staff on 12 May 1992, after being selected by the President.<sup>10479</sup> The Main Staff was the highest operative body of the VRS.<sup>10480</sup>

3268. As the Commander of the VRS Main Staff, Mladić commanded the VRS in compliance with the authority that the President delegated to him; he issued regulations, orders, and instructions relating to the implementation of orders that the President had issued.<sup>10481</sup> The President selected Mladić for this role and promoted him to the rank of Colonel-General on 28 June 1994.<sup>10482</sup> Mladić remained in this position throughout the conflict until 8 November 1996.<sup>10483</sup>

3240. Mladić was in contact with and received instructions from the President and Krajišnik.<sup>10484</sup> In one conversation in May 1992, Mladić told Krajišnik that he would "stop by to get new instructions [...] So we'll arrange for what we should do next".<sup>10485</sup> (So what?)

3269. Mladić was informed of military developments and take-overs throughout the Municipalities, as well as crimes which occurred there, during his time as Commander of the Main Staff. For example, the take-over of Rogatica beginning on or about 22 May 1992 was planned and executed by the SRK and Mladić was informed of it.<sup>10486</sup> In May 1992, Mladić was informed that "Foča has been finished" and later in September 1992, that the percentage of Serbs in Foča was 99%.<sup>10487</sup> Furthermore, Batković camp was established in Bijeljina following an order from Mladić to set up a camp for "war prisoners" in June 1992.<sup>10488</sup> (So what?) On 6 June 1992,

<sup>10477</sup> See paras. 2725–2727.

<sup>10478</sup> P1485 (Ratko Mladić's notebook, 9 January–21 March 1994), pp. 180, 184, 186–187.

<sup>10479</sup> See para. 3115.

<sup>10480</sup> See para. 169.

<sup>10481</sup> See para. 170. See also paras. 3107, 3116, 3152–3156.

<sup>10482</sup> P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 317 (noting that the Accused, together with Krajišnik, had taken an interest in Mladić and requested that he come to assume the role as VRS Main Staff Commander); P3046 (Radovan Karadžić's Decree on promotion of Ratko Mladić, 28 June 1994), Reynaud Theunens, T. 16863 (19 July 2011). See also P1477 (Ratko Mladić's notebook, 14 February–25 May 1992), p. 292). See also para. 3115.

<sup>10483</sup> See fn. 461 (referring to P3034 (Track changes version of Reynaud Theunens's expert report entitled "Radovan Karadžić and the SRBiH TO-VRS (1992–1995)"), e-court pp. 287, 293); Ewan Brown, T. 21504–21505 (17 November 2011); P3914 (Ewan Brown's expert report entitled "Military Developments in the Bosanska Krajina – 1992", 27 November 2002), para. 1.64; P1355 (Minutes of 16<sup>th</sup> Session of SerBiH Assembly), 12 May 1992, p. 2; Manojlo Milovanović, T. 25439 (28 February 2012); P4446 (Organisational Chart of the VRS Main Staff Structure for July 1995). See also P1489 (Ratko Mladić's notebook, 28 August 1995–15 January 1996), p. 135 (noting that Mladić was at a meeting of the RS Supreme Command on 1 December 1995 with the Accused, Krajišnik, Plavšić, and others).

<sup>10484</sup> See Section IV.A.3.a.iii.A.3: Relationship between Mladić and Accused. See also, e.g., P1145 (Intercept of conversation between Momčilo Krajišnik and Ratko Mladić, 24 May 1992); P1519 (Intercept of conversation between Ratko Mladić and Momčilo Krajišnik, 27 May 1992), p. 2.

<sup>10485</sup> P1519 (Intercept of conversation between Ratko Mladić and Momčilo Krajišnik, 27 May 1992), p. 2.

<sup>10486</sup> See para. 971.

<sup>10487</sup> P1477 (Ratko Mladić's notebook, 14 February–25 May 1992), p. 255; P1480 (Ratko Mladić's notebook, 10–30 September 1992), p. 66. See also para. 2781.

<sup>10488</sup> See para. 642.



Mladić issued an urgent directive to secure communications from Sarajevo to Zvornik and mop up or cleanse the zone of “remaining enemy groups”, also stating that the maltreatment of the unarmed civilian population was prohibited.<sup>10489</sup> Mladić was also kept informed of events during the take-over in Vlasenica and was consulted during the armed conflict in Ilidža.<sup>10490</sup>

3270. On 1 July 1992, Mladić paid tribute to all members of the VRS for having successfully organised and implemented the co-ordinated “operation for breakthrough, expansion and cleansing of [the] corridor in Bosanska Posavina, between Eastern and Western Bosnia”.<sup>10491</sup> Mladić specifically congratulated the units of the Eastern Bosnia Corps and the 1<sup>st</sup> Krajina Corps for their unified efforts to support the position of the VRS Main Staff to realise its military and political goals for the “preservation of Serbianhood” in BiH.<sup>10492</sup>

3271. On 3 August 1992, Mladić ordered that *inter alia* Omarska, Trnopolje, and Manjača be prepared for upcoming visits from foreign journalists and members of the ICRC.<sup>10493</sup> Furthermore, in a meeting with Jovi Banjac in September 1992, Mladić was informed that only 5,000 Bosnian Muslims remained in Ključ, and that another 1,500 were leaving on that same day.<sup>10494</sup>

3272. The Chamber also recalls that in meetings with international representatives, Mladić spoke about the genocide committed against Serbs in World War II in areas including Srebrenica and Sarajevo.<sup>10495</sup> (So what?) Furthermore, the Chamber recalls that Mladić agreed with the President when he said in January 1993 that they could not live together with Bosnian Muslims anymore and that therefore Bosnian Muslims would be transferred out of Bosnian Serb territory.<sup>10496</sup> Mladić continued to make statements into 1994 about the necessity to fight against Bosnian Muslims and Bosnian Croats to the end that they vanish completely or disappear.<sup>10497</sup> Finally, the Chamber recalls the notice Mladić issued to the Main Staff in August 1995 in which, *inter alia*, he praised the VRS for thwarting “a planned and prepared genocide of the Serbian people, protecting the greater part of Serbian territories, and achieving victory after victory in the liberation of occupied historically and ethnically Serbian areas”.<sup>10498</sup>

3273. The Chamber also recalls that Mladić was involved in defining, adopting, and carrying out the Strategic Goals.<sup>10499</sup> Mladić advocated that the actions of the Bosnian Serbs should remain secret and recommended the adoption of a common rhetoric towards the public.<sup>10500</sup> He also stressed the importance of identifying a common enemy and that on this basis, “we must make our move and eliminate them, either temporarily or permanently”.<sup>10501</sup> In relation to carrying out the Strategic Goals, the Chamber recalls that Mladić issued important military directives, such as Directive 4 in November 1992 and Directive 5 in June 1993.<sup>10502</sup>

<sup>10489</sup> See para. 1278.

<sup>10490</sup> See paras. 1112, 1124, 2133. See also para. 2785.

<sup>10491</sup> P5509 (Letter from Ratko Mladić to all members of VRS, 1 July 1992), p. 1.

<sup>10492</sup> P5509 (Letter from Ratko Mladić to all members of VRS, 1 July 1992), p. 1.

<sup>10493</sup> See paras. 1404, 1784, 1849.

<sup>10494</sup> See para. 1565.

<sup>10495</sup> See paras. 2662, 2669.

<sup>10496</sup> See para. 2757.

<sup>10497</sup> See paras. 2766, 2769, 2771, 2806, 2832.

<sup>10498</sup> See para. 2815.

<sup>10499</sup> See paras. 2794, 2863–2864, 2868, 2874, 2876–2877. The Chamber notes that on 15 July 1994, Mladić complained that the Strategic Goals adopted by the Bosnian Serb Assembly had not been given the financial support needed and that on the contrary, political structures had hindered the VRS from carrying out certain operations which were directly within the purview of carrying out the set Strategic Goals. P1486 (Ratko Mladić’s notebook, 31 March–3 September 1994), pp. 209–210.

<sup>10500</sup> See para. 2864.

<sup>10501</sup> See para. 2864.

<sup>10502</sup> See paras. 2876, 2879, 3155–3156.

3275. Beginning in November 1990, Milošević and the President had a close association and the President would visit him frequently in Belgrade.<sup>10507</sup> Other Bosnian Serb leaders such as Krajišnik also met with Milošević but their meetings were less frequent.<sup>10508</sup> Prior to the start of the conflict and into 1992, Slobodan Milošević and the President were in constant communication with each other to discuss and co-ordinate both political and military tactics in relation to developments in BiH and Croatia.<sup>10509</sup> There was a close connection between the authorities in Pale and Belgrade, and the Bosnian Serb leadership consulted with Belgrade on developments in BiH.<sup>10510</sup> Points of discussion included (i) their opposition to the secession of BiH and the desire to remain part of Yugoslavia;<sup>10511</sup> (ii) opposition to the creation of an Islamic State;<sup>10512</sup> (iii)

10511 D1282 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 May 1991), pp. 1, 3; P5687 (Intercepts of conversations between (i) Ljiljana Karadžić and Slobodan Milošević and (ii) Radovan Karadžić and Slobodan Milošević, 12 June 1991), pp. 2–3; D3531 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 28 June 1991), pp. 3–4; P5880 (Intercept of conversation between Radovan Karadžić and Slobodan

political negotiations;<sup>10513</sup> (iv) regionalisation;<sup>10514</sup> (v) developments in Croatia and Slovenia;<sup>10515</sup> (vi) military preparations including mobilisation of the Serb population and the provision of arms;<sup>10516</sup> (vii) developments in Krajina;<sup>10517</sup> and (viii) issues pertaining to recognition of the independence of BiH.<sup>10518</sup>

3276. The Chamber recalls that from 1990 and into mid-1991, the political objective of the President and the Bosnian Serb leadership was to preserve Yugoslavia and to prevent the separation or independence of BiH, which would result in a separation of Bosnian Serbs from Serbia; the Chamber notes that Slobodan Milošević endorsed this objective and spoke against the independence of BiH.<sup>10519</sup>

3277. The Chamber found that based on a conversation between the President and Milošević on 24 October 1991, it was also clear that Slobodan Milošević was attempting to take a more cautious approach while the President was adamant that the goal of the Bosnian Serb leadership was to ensure that they would establish full authority in their territories and that they would announce their own Bosnian Serb Assembly.<sup>10520</sup> The Chamber also found that while Milošević expressed reservations about excluding Bosnian Muslims, the President was adamant that there were not

---

Milošević, 6 August 1991), p. 1; D4545 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 13 September 1991), p. 2; P5834 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 26 October 1991), p. 1; P5828 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 1 November 1991), p. 6; P5897 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 14 November 1991), p. 3; P5787 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 25 December 1991), p. 4; P5775 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 5 January 1992), p. 3.

<sup>10512</sup> D1282 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 May 1991), p. 3; P5877 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 4 September 1991), pp. 2, 4–5; P5828 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 1 November 1991), pp. 1, 9; P5766 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 15 January 1992), p. 2.

<sup>10513</sup> P5687 (Intercepts of conversations between (i) Ljiljana Karadžić and Slobodan Milošević and (ii) Radovan Karadžić and Slobodan Milošević, 12 June 1991), pp. 3–5; P5688 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 17 June 1991), pp. 1–3; P5893 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 24 June 1991), p. 2; P5875 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 July 1991), p. 2; D365 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, undated), pp. 1–2; P5859 (Intercept of conversations between Radovan Karadžić, Slobodan Milošević and unidentified persons, 24 September 1991), p. 8; D4497 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 26 September 1991), p. 1; P5832 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 October 1991), p. 11; P5897 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 14 November 1991), pp. 2–3; P5813 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 18 November 1991), p. 2; P5808 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 26 November 1991), p. 2; P5790 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 20 December 1991), p. 1.

<sup>10514</sup> P5688 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 17 June 1991), p. 3; D365 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, undated), p. 2.

<sup>10515</sup> D3531 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 28 June 1991), p. 5; P5890 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 1 July 1991), p. 1; P5887 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 8 July 1991), pp. 3–5; P5875 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 July 1991), p. 3; P5880 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 6 August 1991), p. 2; P5877 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 4 September 1991), pp. 1, 4; P5867 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 19 September 1991), pp. 1–2; P5861 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 23 September 1991), pp. 5–6; P5853 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 23 September 1991), p. 6; P5848 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 8 October 1991), p. 5; P5811 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 22 November 1991), p. 3.

<sup>10516</sup> P5861 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 23 September 1991), p. 5; P5883 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 9 July 1991), pp. 1–2; P5887 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 8 July 1991), pp. 3–5; P5853 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 23 September 1991), pp. 3–5; P5859 (Intercept of conversations between Radovan Karadžić, Slobodan Milošević and unidentified persons, 24 September 1991), p. 10; D4496 (Intercept of conversation between Radovan Karadžić and an unidentified female and Slobodan Milošević, 24 September 1991), p. 4.

<sup>10517</sup> P5866 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 18 September 1991), pp. 1–2; P5867 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 19 September 1991), p. 1; P5864 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 19 September 1991), p. 3; P5863 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 22 September 1991), p. 2; P5861 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 23 September 1991), p. 4; P5859 (Intercept of conversations between Radovan Karadžić, Slobodan Milošević and unidentified persons, 24 September 1991), p. 9; P5832 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 October 1991), pp. 1, 11; P5787 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 25 December 1991), p. 1; P5769 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 9 January 1992), p. 2; P5751 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 10 February 1992), pp. 1–2.

<sup>10518</sup> P5832 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 29 October 1991), p. 2; P5795 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 17 December 1991), p. 1; P5775 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 5 January 1992), p. 4; P5769 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 9 January 1992), p. 1; P5766 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 15 January 1992), p. 1.

<sup>10519</sup> See paras. 2644–2645, 2651.

<sup>10520</sup> See para. 2710. See also P5782 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 28 December 1991), pp. 1–2.

even 10% of Bosnian Muslims who supported Yugoslavia and that they could not take such a risk.<sup>10521</sup>

3278. The Chamber recalls that in December 1991, Milošević told the President that he should not give in to Izetbegović and that they had to stick to their line and that “if they want to fight, we’ll fight” given that the Serbs were stronger.<sup>10522</sup> They also spoke about the unconstitutional nature of the decision changing the status of BiH.<sup>10523</sup>

3279. On 26 December 1991, the Accused and Krajišnik spoke about their political strategies and the issues of sovereignty in BiH, regionalisation, and their mutual disappointment with Slobodan Milošević.<sup>10524</sup> The Accused in this regard stated that they would have to pursue their own policy even if it meant “splitting with Milošević”.<sup>10525</sup> In January 1992, Milošević told the Accused in an intercepted phone conversation that he would not describe the Accused as one of his “satellites”.<sup>10526</sup> **(Certainly, why would he! The President and President Milosevic were an ideological opponents, and President Milosevic opposed many of the President’s political moves that had been aimed to save the Serbs in Bosnia rather than to preserve Yugoslavia, which couldn’t be saved only by the Serbs in Bosnia! As the Chamber could have seen, President Milosevic made a formidable efforts to displace the President from the office, and also made many meetings with the President’s commanders and representatives without any knowledge of the President!)**

3280. In March 1992, in a meeting with international representatives, Slobodan Milošević described the situation in BiH as similar to “dynamite”, and if anyone favoured one of the parties, there would be hell but he had called the President and told him to “cool it”.<sup>10527</sup> Milošević also said that Yugoslavia hoped for intensive links with BiH.<sup>10528</sup> Later in the war, in meetings with international representatives, Milošević also made assurances that he would speak to the Bosnian Serbs, that he continued to condemn “ethnic cleansing” but that the world was “satanizing” the Serbs without condemning actions by the other parties.<sup>10529</sup>

3281. Beginning in 1992, Slobodan Milošević was informed by international representatives about the expulsion of Muslims in BiH; he responded that everything that would happen in BiH would be horrendous and the responsibility for these acts remained with those who decided to separate BiH and that he had no authority as far as the Bosnian Serbs were concerned.<sup>10530</sup> **(In that respect President Milosevic was right!)** In September 1992, in meetings with international representatives, leaders of the FRY expressed the view that the international representatives were justified in asking them to pressure the President.<sup>10531</sup>

3282. The President in September 1992 acknowledged the support given by “leading figures both in Serbia and in Yugoslavia” who strongly supported the Bosnian Serbs in achieving their goal, even if it was temporarily within BiH, but on the condition that the Bosnian Serbs defined “the borders towards the Muslims and Croats”.<sup>10532</sup> By January 1993, deputies in the Bosnian

<sup>10521</sup> See para. 2711.

<sup>10522</sup> See para. 2691.

<sup>10523</sup> See para. 2691.

<sup>10524</sup> P5785 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 26 December 1991), pp. 3–7.

<sup>10525</sup> P5785 (Intercept of conversation between Radovan Karadžić and Momčilo Krajišnik, 26 December 1991), p. 7.

<sup>10526</sup> P5769 (Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 9 January 1992), p. 6.

<sup>10527</sup> P779 (Sixth notebook of Herbert Okun’s Vance Mission Diary), e-court pp. 36–37.

<sup>10528</sup> P779 (Sixth notebook of Herbert Okun’s Vance Mission Diary), e-court p. 36.

<sup>10529</sup> D1140 (Letter to UN Secretary General, 2 February 1993) (under seal), p. 4; P4246 (UNPROFOR report re meetings with Slobodan Milošević, 25 March 1993), p. 2. See also D3054 (Notes of session of Council for Coordinating Positions on State Policy, 18 August 1992), pp. 10–12.

<sup>10530</sup> [REDACTED].

<sup>10531</sup> P784 (First notebook of Herbert Okun’s ICFY diary), e-court p. 53.

<sup>10532</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 16.

Serb Assembly called on Slobodan Milošević and the Serbian people to do more to help their brothers in the RS.<sup>10533</sup> **(So what?)**

3283. In May 1993, Slobodan Milošević addressed the Bosnian Serb Assembly and confirmed the solidarity of Serbia with the Bosnian Serbs but stressed that the assembly should accept the Vance-Owen Plan to avoid the disastrous consequences of the war continuing.<sup>10534</sup> He acknowledged that the war had been imposed on the Serbs who simply defended themselves.<sup>10535</sup> On this point, the President disagreed and stated that he felt deceived by Milošević and explained that the Vance-Owen Plan was catastrophic for the Serbs, that they would live in enclaves and areas like Zvornik would be “Turkish”, and that there was a danger that they would be bombed whether or not they signed.<sup>10536</sup> **(The President Milosevic supported all the peace plans, in spite of the Serbs in BiH disagreement! He couldn't be in any JCE with the President, who respected him, but didn't obeyed him or other advisors from Belgrade or the then Moscow!)**

3284. At a meeting on 24 September 1993 with Slobodan Milošević and Mladić, Perišić discussed the danger of war in the Krajina and stated that help in manpower, combat equipment, and financial resources was needed.<sup>10537</sup> Milošević stated that with respect to the “final verification of RS” it required political co-ordination with the President, economic co-ordination, military co-ordination with one Main Staff, as well as liaising regarding intelligence and security functions.<sup>10538</sup> Milošević further declared that crime needed to be fought decisively.<sup>10539</sup>

3285. In October 1993, Perišić discussed personnel issues related to officers from the FRY who had been engaged in the VRS and there was discussion of whether the FRY should pull out their personnel from the RS.<sup>10540</sup> At this meeting, Slobodan Milošević said that “Mladić needs to come here so that we can hear what he has to say”.<sup>10541</sup>

3286. The Chamber recalls that Slobodan Milošević attended a meeting held at the Presidency of Serbia on 8 November 1993, with among others, the President, Krajišnik, Martić, Mladić, and Perišić, where the following common objectives were discussed: (i) unconditionally strengthen the integrity of Serbia, (ii) set up the RS as a completely independent state; and (iii) ensure Serbs have complete power in the Krajina.<sup>10542</sup>

3287. At a meeting in December 1993, with Slobodan Milošević, Jovica Stanišić and others, the President stated that the end of the conflict was close and that the Bosnian Serbs were holding 75% of the territory; he acknowledged that some of this territory would have to be returned as the international community would not allow it.<sup>10543</sup> The President listed the Strategic Goals at this meeting.<sup>10544</sup> This meeting was convened to improve the “operational and tactical position” of the Bosnian Serbs and to discuss help from Serbia.<sup>10545</sup> **(Not at all! The meeting was convened with the aim to try to establish a leverage of the Yugoslav leadership on the President, after the**

<sup>10533</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), pp. 55–56.

<sup>10534</sup> P1371 (Transcript of 30<sup>th</sup> session of RS Assembly, 5–6 May 1993), pp. 29–30, 157–160; Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4235; Herbert Okun, T. 1828 (28 April 2010).

<sup>10535</sup> P1371 (Transcript of 30<sup>th</sup> session of RS Assembly, 5–6 May 1993), p. 161.

<sup>10536</sup> P1373 (Transcript of 31<sup>st</sup> session of RS Assembly, 9 May 1993), p. 18.

<sup>10537</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), pp. 339–340.

<sup>10538</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), pp. 341, 343–344.

<sup>10539</sup> P1483 (Ratko Mladić's notebook, 2 April–24 October 1993), p. 345.

<sup>10540</sup> P6162 (Excerpt from notes of FRY's SDC 14<sup>th</sup> session, 11 October 1993), e-court pp. 1, 5, 7.

<sup>10541</sup> P6162 (Excerpt from notes of FRY's SDC 14<sup>th</sup> session, 11 October 1993), e-court, p. 7. *See also* P6163 (Excerpt from notes of FRY's SDC 28<sup>th</sup> session, 2 November 1994), p. 47.

<sup>10542</sup> *See* para. 2883.

<sup>10543</sup> *See* para. 2886.

<sup>10544</sup> *See* para. 2886.

<sup>10545</sup> P1484 (Ratko Mladić's notebook, 28 October 1993–15 January 1994), p. 53.



**Owen-Stoltenberg peace plan had been rejected by the Muslims, and a new Contact Group Peace plan had been announced. President Milosevic was indicted for a many matters and deeds that he exerted in order to meet the Western expectations! The Western countries requested that President Milosevic maintain a close relationship with the leadership of the Serbs in Bosnia!)** Milošević agreed with a proposal from Mladić and suggested that “the operation” should be planned and the forces prepared but only following negotiations in Brussels.<sup>10546</sup> He also promised to provide fuel supplies from the state reserves for the operations.<sup>10547</sup> Milošević offered further assistance, stating that Perišić will “give everything that does not jeopardise combat readiness of units” in Serbia.<sup>10548</sup> Perišić further stated that they would help with weapons while Jovica Stanišić spoke about a special combat group which could be deployed;<sup>10549</sup> these units included the Red Berets and Arkan’s men.<sup>10550</sup> The following day, continuing the meeting, Stanišić and Perišić confirmed that that they would provide manpower of a few hundred men.<sup>10551</sup>

3288. At a meeting in Belgrade on 15 March 1994 attended by Jovića Stanišić, Martić, Mladić, and the President, Slobodan Milošević stated that “[a]ll members of other nations and ethnicities must be protected” and that “[t]he national interest of the Serbs is not discrimination”.<sup>10552</sup>

3289. International observers noted that Milošević had a dominant influence over the Bosnian Serb leadership and played a role in convincing them to accept certain proposals during international negotiations.<sup>10553</sup> However, by July 1994, there were rifts in the relationship between the RS and Serbia, and Slobodan Milošević complained about criticisms directed against Serbia.<sup>10554</sup> In private meetings, Milošević was extremely angry at the Bosnian Serb leadership for rejecting the Vance-Owen Plan and he cursed the President.<sup>10555</sup>

3290. The Chamber notes that while originally Milošević had similar interests to those as the Bosnian Serbs, when their interests diverged, his influence over the Bosnian Serb leaders also reduced.<sup>10556</sup> Milošević also questioned whether the world would accept that the Bosnian Serbs who represented only one third of the population of BiH would get more than 50% of the territory and he encouraged a political agreement.<sup>10557</sup> He stated that the Serbs had won the war, and that there were “hardly any” Bosnian Muslims in RS.<sup>10558</sup> By August 1994, leaders in Serbia criticised

<sup>10546</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), pp. 57–58.

<sup>10547</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 58. See also P3048 (Record of 21<sup>st</sup> session of FRY’s SDC, 7 June 1994), p. 5; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 55.

<sup>10548</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 57.

<sup>10549</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), pp. 59–61; P1473 (Ratko Mladić’s notebook, 27 January–5 September 1995), p. 80. See also KDZ446, P29 (Transcript from *Prosecutor v. S. Milošević*), T. 21025–21027; P31 (List of names referred to during testimony of KDZ446) (under seal); KDZ555, T. 17248–17258 (16 August 2011) (private session) (pertaining to the distribution of weapons); D1412 (Report of Republic of Serbia MUP, 8 August 1992), p. 10.

<sup>10550</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 80, 112–113, 166. See also P6210 (Report of Eastern Bosnian Corps, 20 September 1995).

<sup>10551</sup> P1484 (Ratko Mladić’s notebook, 28 October 1993–15 January 1994), p. 61. Later, in June 1994, Perišić spoke about requests Serbia had received for assistance in the war from the RS and the assistance they had provided with respect to financing and material assistance for combat operations and the strain this was placing on their own resources. P3048 (Record of 21<sup>st</sup> session of FRY’s SDC, 7 June 1994), pp. 5–8.

<sup>10552</sup> P1485 (Ratko Mladić’s notebook, 9 January–21 March 1994), p. 169.

<sup>10553</sup> Yasushi Akashi, T. 37705–37706 (24 April 2013). See also P820 (Witness statement of David Harland dated 4 September 2009), paras. 277–280.

<sup>10554</sup> P1486 (Ratko Mladić’s notebook, 31 March 1994–3 September 1994), p. 216. See also P820 (Witness statement of David Harland dated 4 September 2009), paras. 280–281; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), paras. 52–53, 161; P2457 (UNPROFOR Weekly BiH Political Assessment, 28 August 1994), p. 3; Anthony Banbury, T. 13336–13337 (15 March 2011); Vojislav Šešelj, T. 39564 (10 June 2013).

<sup>10555</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 188–190. See also John Zametica, T. 42468–42469 (29 October 2013) (testifying that Milošević tried to have the Accused removed after the Vance-Owen Plan); D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), para. 41; D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 42; Momir Bulatović, T. 34532–34533 (28 February 2013). The Chamber does not rely on Zametica’s general opinion that there was no joint criminal enterprise between the Accused and Milošević or that Milošević was not interested in a Greater Serbia.

<sup>10556</sup> P2451 (Witness statement of Anthony Banbury dated 19 May 2009), para. 54.

<sup>10557</sup> P1486 (Ratko Mladić’s notebook, 31 March 1994–3 September 1994), pp. 219, 221, 228. See also P3863 (UNPROFOR report, 18 May 1995), p. 1.

<sup>10558</sup> P1486 (Ratko Mladić’s notebook, 31 March 1994–3 September 1994), pp. 219–220.

Bosnian Serb leaders of committing “crimes against humanity” and continuing “ethnic cleansing” and the war for their own purposes.<sup>10559</sup>

3291. At a meeting held on 22 August 1994 between Slobodan Milošević and Akashi, it was clear to Akashi that Milošević’s break with the President was “serious” and stemmed from differences that arose over a long period of time.<sup>10560</sup> Milošević gave the impression that he was “a politician who is more in command of the overall situation” while the President was “a local leader wrapped up in the emotions of an ongoing civil war”.<sup>10561</sup> At the meeting, Milošević made it clear that there was a difference of views emerging in the Bosnian Serb leadership on the execution of the war.<sup>10562</sup> Specifically, Milošević stated that Krajina Serbs were well aware that a solution based on negotiations was the only way out and this is why they had not accepted the President’s suggestion to merge with the RS.<sup>10563</sup>

3292. Given the difference of opinion between the Bosnian Serb and the Serbian leaderships, in 1993 and 1994, the FRY reduced its support for the RS and encouraged the Bosnian Serbs to accept peace proposals.<sup>10564</sup> In this regard the FRY leadership was on notice about some of the extreme views held by the Bosnian Serb leadership and they could not support those views, including with respect to ethnic cleansing.<sup>10565</sup>

3293. During a meeting held on 20 September 1994 with Mladić, Perišić, and others, Milošević stressed that there had been a break between Pale and Serbia and reminded them that Serbian policy was defined in Belgrade, not Pale.<sup>10566</sup> He declared that the war must end and that the Bosnian Serbs’ biggest mistake was to want a complete defeat of the Bosnian Muslims.<sup>10567</sup> During the course of this meeting, Milošević further expressed his disapproval of the Bosnian Serb leadership’s disunity from the Bosnian Serbs in Krajina, stating that “the crazy doctor may think that Serbia must toady up to him—it’s not going to happen”.<sup>10568</sup>

3294. By November 1994, Perišić noted that the Bosnian Serbs accounted for 20% of the population but held more than 70% of the territory which, in his view, was unsustainable; however, according to Perišić, the Bosnian Serbs wanted “to preserve this at all cost”, but loss of territory was inevitable.<sup>10569</sup> Slobodan Milošević referred to the President’s belief that they could “wage an infinite war and they won’t give up on anything”.<sup>10570</sup> Milošević noted however that “our biggest advantage is that the territories, which are to be allocated to Serbs by the peace plan, are already in the Serbian hands so that nobody has to be removed from them”.<sup>10571</sup> He also explained that when they tried to convince the President and Krajišnik that they would be forced to do certain things, they replied that it was better to be forced than to accept.<sup>10572</sup> Milošević noted that the Bosnian Serb political leadership would “sacrifice many lives in order to preserve their

<sup>10559</sup> P2457 (UNPROFOR Weekly BiH Political Assessment, 28 August 1994), p. 3. *See also* D1140 (Letter to UN Secretary General, 2 February 1993) (under seal), p. 4.

<sup>10560</sup> P3861 (UNPROFOR report, 23 August 1994), pp. 1, 3 (noting that among others, Sergio de Mello and Kirudja were also present at the meeting). *See* P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 135.

<sup>10561</sup> P3861 (UNPROFOR report, 23 August 1994), p. 1.

<sup>10562</sup> P3861 (UNPROFOR report, 23 August 1994), p. 1.

<sup>10563</sup> P3861 (UNPROFOR report, 23 August 1994), p. 3.

<sup>10564</sup> D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 43.

<sup>10565</sup> Momir Bulatović, T. 34543–34546, 34549–34550 (1 March 2013); P6161 (Excerpt from notes of FRY’s SDC 8<sup>th</sup> session, 12 March 1993), e-court pp. 1–2; P6162 (Excerpt from notes of FRY’s SDC 14<sup>th</sup> session, 11 October 1993), e-court, p. 3.

<sup>10566</sup> P1487 (Ratko Mladić’s notebook, 4 September 1994–29 January 1995), pp. 16–17, 21.

<sup>10567</sup> P1487 (Ratko Mladić’s notebook, 4 September 1994–29 January 1995), pp. 23–24.

<sup>10568</sup> P1487 (Ratko Mladić’s notebook, 4 September 1994–29 January 1995), p. 26.

<sup>10569</sup> P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), p. 7; Momir Bulatović, T. 34552–34553 (1 March 2013).

<sup>10570</sup> P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), p. 25.

<sup>10571</sup> P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), pp. 25–26.

<sup>10572</sup> P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), p. 26.

vanity and to prove that they are not the ones who accepted the peace plan because a half of BiH is too little for them”.<sup>10573</sup> He spoke about the Bosnian Serbs wanting to take even more territory by force even while they already controlled half of BiH and described this as “complete madness”.<sup>10574</sup>

3295. Milošević tried to reason with the Bosnian Serbs saying that he understood their concerns, but that it was most important to end the war and that they would achieve any objectives denied them by the plan when peace talks resumed.<sup>10575</sup> When the RS did not accept this plan, Milošević imposed a blockade on the Drina River and suspended political and economic relations with the Bosnian Serb leadership; Milošević even wanted to remove the leaders from Pale and have them replaced by exerting influence on the deputies and the Bosnian Assembly.<sup>10576</sup>

3296. By May 1995, it appeared to international representatives that the split between Slobodan Milošević and the President was complete.<sup>10577</sup> At a 3 May 1995 meeting with Milošević, Milinović, Akashi, Banbury, and Kirudja, among others, Milošević stated: “I have good personal relations with Mladić. However, as long as Karadžić and Krajišnik are there, they will not accept a peaceful solution.”<sup>10578</sup> Kirudja observed that Slobodan Milošević still exerted influence over officials in the RS and RSK, including Mladić.<sup>10579</sup> This influence appeared to vary over time, but Kirudja was under the impression that Milošević considered Mladić to be loyal to him even after the relations between Belgrade and Pale deteriorated.<sup>10580</sup> Milošević also criticised Martić, and Kirudja noted that the President and Martić were aligned at the time.<sup>10581</sup> According to Kirudja, Milošević seemed to be “playing his usual game of switching his support for RSK leaders as the situation best suited his aims at the moment” and that Milošević’s control over RSK or RS officials seemed to vary with time, depending on events in the region.<sup>10582</sup> When Martić aligned himself with the President, both Martić and the President fell out of favour with Milošević.<sup>10583</sup>

3297. In November 1995, Slobodan Milošević addressed the Supreme Defence Council of the FRY, spoke about the leadership in Pale being the biggest obstacle to solving the problems in BiH, and criticised them for rejecting plans for the territorial division of BiH.<sup>10584</sup> Milošević told the Bosnian Serb leadership that they were not entitled to have more than half the territory in BiH, stating that

<sup>10573</sup> P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), p. 26.

<sup>10574</sup> P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), pp. 33–34. *See also* P3049 (Record of 31<sup>st</sup> session of FRY’s SDC, 18 January 1995), e-court pp. 1–2. Milošević also acknowledged that Koljević was in favour of signing a peace plan, but the Accused and Krajišnik did not ask for his opinion. P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), p. 41.

<sup>10575</sup> D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 66.

<sup>10576</sup> D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 66; Vladislav Jovanović, T. 34273–34276 (26 February 2013) (further characterising the relationship between the Accused and Milošević as a “marriage out of necessity” given their opposing political and ideological views, and it moved from a cordial relationship to a point where Milošević imposed a blockade against the Bosnian Serbs); D3027 (Report re humanitarian activity, 17 August 1994) (under seal), p. 1.

<sup>10577</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 144–147. *See also* P2567 (Note from FRY’s SDC 42<sup>nd</sup> session, 23 August 1995), p. 2 (during which Milošević expressed his reticence to meet with the Accused due to the Accused and his team having demonstrated fickleness and disloyalty; Milošević also showed Mladić a confidential letter from the Accused which showed the Accused’s intention to “blame Serbia and the FRY for any debacle ensuing from the disastrous policies of the RS leadership”).

<sup>10578</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 145. The Chamber notes that from the context of the conversation, Milošević is referring to the Bosnian Serbs when he said “they”.

<sup>10579</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 133, 147. In his role as Delegate of the Special Representative of the Secretary General to the FRY from August 1994 to June 1995, Kirudja dealt with all matters involving UNPROFOR’s relations with the FRY that were not military in nature. P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 2, 131.

<sup>10580</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 147. *See also* P2567 (Note from FRY’s SDC 42<sup>nd</sup> session, 23 August 1995), p. 2.

<sup>10581</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 146, 148 (stating further that in February 1995, he referenced the fact that Milošević would influence Martić over what was going on in the Bihać pocket, but not the Accused). *See* P3868 (UNPROFOR report, 16 February 1995), p. 4.

<sup>10582</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), paras. 146–147.

<sup>10583</sup> P3804 (Witness statement of Charles Kirudja dated 17 November 2010), para. 147 (stating further that based on comments made by Milošević, it appeared that Mladić remained loyal to him even when Milošević closed the border between the FRY and BiH).

<sup>10584</sup> P2604 (Minutes of 47<sup>th</sup> session of SDC, 28 November 1995), pp. 6–7.

there is no way that more than that could belong to us! Because, we represent one third of the population. [...] We are not entitled to in excess of half of the territory – you must not snatch away something that belongs to someone else! [...] How can you imagine two thirds of the population being crammed into 30% of the territory, while 50% is too little for you?! Is it humane, is it fair?<sup>10585</sup> **(#Senseless to comment#. This was not a subject of dispute, but the fact that President Milosevic kept the Bosnian Serb delegation far from any negotiations, and gave a precious parts of Sarajevo, almost 100% Serbian, to the Muslims! That was why the main negotiator on behalf on the Serbs in Bosnia Krajisnik didn't initial the Agreement, and President Milutinovic did it instead, which was improper! The President signed the Agreement after the delegation returned, because he didn't want to continue the war!)**

iv. Mićo Stanišić

**3298.** Mićo Stanišić was a member of the Preparatory Committee that established the SDS.<sup>10586</sup> He was also a member of the Council of Ministers and the SNB.<sup>10587</sup> On 24 March 1992, Mićo Stanišić was appointed Minister of the MUP.<sup>10588</sup> Stanišić served in this position until the end of December 1992 when he was relieved of his duties by the Bosnian Serb leadership, specifically at the request of Plavšić and Koljević.<sup>10589</sup> Stanišić went to Belgrade until he was appointed by the President again as Minister of the Bosnian Serb MUP during an interim six month period between January and July 1994.<sup>10590</sup> **(The President had no power to appointe a minister if the Assembly met regularly. However, the President appointed a commission, and investigating team to explore the objections and allegation of Ms. Plavsic on Stanisic and Mandic. The team was led by Koljevic, and after they honestly rocnognized that all the allegations were fake, and that Ms. Plavsic was misinformed, the President agreed with the new Prime Minister to call Stanisic back, because he was fully dedicated to the eradication of crimes!)**

**3299.** Mićo Stanišić was considered to be in the top leadership of the RS and had a very close relationship with the President, as well as his support.<sup>10591</sup> According to Branko Đerić, Mićo Stanišić and Mandić were the “President’s men” and Stanišić took orders directly from the President.<sup>10592</sup> Stanišić also reported to the President.<sup>10593</sup> **(Thi was all a Djeric’s misconception, since he thought that the ministries were supposed to obey Prime Minister, as it was in the Soviet model, while ministers had to act in accordance with the law, and be responsible to the Assembly. During the war these ministries connected to the security issues had to be in a close contact with the President, for an immediate information, and also because the**

<sup>10585</sup> P2604 (Minutes of 47<sup>th</sup> session of SDC, 28 November 1995), p. 9. See also P6163 (Excerpt from notes of FRY’s SDC 28<sup>th</sup> session, 2 November 1994), p. 32.

<sup>10586</sup> P1383 (Transcript of 36<sup>th</sup> session of RS Assembly, 30–31 December 1993), p. 57.

<sup>10587</sup> P3111 (Minutes of the 2<sup>nd</sup> meeting of the Ministerial Council of SerBiH Assembly, 17 January 1992), p. 1; Mićo Stanišić, T. 46341 (3 February 2014); P3050 (Minutes of joint meeting of SNB and SerBiH Government, 15 April 1992), p. 1.

<sup>10588</sup> Mićo Stanišić, T. 46327, 46353 (3 February 2014), T. 46440 (4 February 2014); P1354 (Minutes of 13<sup>th</sup> session of SerBiH Assembly, 24 March 1992), p. 7. See also Adjudicated Fact 2146; para. 3158.

<sup>10589</sup> Mićo Stanišić, T. 46327, 46353 (3 February 2014); T. 46437–46438 (4 February 2014); P1383 (Transcript of 36<sup>th</sup> session of RS Assembly, 30–31 December 1993), pp. 51, 59; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9267–9270 (testifying that Krajišnik informed Mandić and Stanišić of the decision from the Bosnian Serb leadership, specifically at the request of Plavšić and Koljević, to send them to Belgrade and terminate their positions). See Branko Đerić, T. 27947–27948, 27983 (24 April 2012) (testifying, however, that the Accused did not accept to have Mićo Stanišić and Mandić removed from their positions).

<sup>10590</sup> Mićo Stanišić, T. 46327, 46353 (3 February 2014); T. 46437–46439 (4 February 2014) (testifying that in the interim period he was in Belgrade, he did not work, but the Accused issued a decision appointing Stanišić as a “republican advisor” in order to protect Stanišić from being mobilised into the army during this time); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9267–9270.

<sup>10591</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 14, 20–22 (stating that with regard to Mićo Stanišić and Mandić, they kept visiting the Accused and failed to attend government’s sessions as they felt that “the government could be pushed aside” and “thought of themselves as belonging to the top leadership”); P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), p. 12. See P5646 (Intercept of conversation between Radovan Karadžić and Mićo Stanišić, 21 June 1992); P6624 (Intercept of conversation between Mićo Stanišić and Radovan Karadžić, 12 June 1991). See also P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 47.

<sup>10592</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 21–22. See paras. 2932, 3161.

<sup>10593</sup> See paras. 3164–3167.

**President had to know and accurately respond to all what he could be asked by the internationals!)**

**3300.** The Chamber refers to Section IV.A.3.a.ii.C regarding the split in the MUP and the creation of a Bosnian Serb MUP and Mićo Stanišić's involvement therein.<sup>10594</sup> It recalls that the ultimate split in the MUP structures was precipitated by a decision by the Bosnian Serb leadership which formed part of their decision to create a separate Bosnian Serb state with parallel structures. Mićo Stanišić was involved in the decision making and promulgation of this idea from as early as February 1992, where he spoke of the need to work towards organising a Bosnian Serb MUP starting at the municipal and regional levels and moving towards a Serb ministry.<sup>10595</sup> The Chamber also found that the creation of a separate Bosnian Serb MUP was a means of undermining the proposed independence of BiH. Finally, the Chamber found that the directives with respect to the division of the MUP structures and the creation of the Bosnian Serb MUP were communicated to and implemented at a municipal level and were a crucial step in the take-over of the Municipalities, as it created a structure which would allow Bosnian Serb authority to be maintained through a separate police structure.<sup>10596</sup> **(This is all as wrong as could be! The Minister Stanisić explained everything in his speech on 30 March 1992, a his first inaugural speech to the members of the Serb MUP, see:D4271:**

**The Minister of the Interior of the Serbian Republic of Bosnia and Herzegovina, Mićo STANIŠIĆ, will address the members of the police unit of the Serbian Autonomous Region of Romanija.**

**As of today the Serbian Republic of Bosnia and Herzegovina has its own police force. The legality of our existence is provided by the Constitution of the Serbian Republic of Bosnia and Herzegovina and the Law on Internal Affairs recently adopted by the Assembly at its session. Moreover, the legality of our existence is based on the result of negotiations of the three ethnic communities under the auspices of the European Community. As of today we will act as the police of the Serbian Republic of Bosnia and Herzegovina which will carry out its tasks and assignments professionally, and not politically, as the MUP /Ministry of the Interior/ of the old Bosnia and Herzegovina has done so far, in order to protect property, life, body and other securities of all citizens in the Serbian Republic of Bosnia and Herzegovina equally. Members of the police, we are not involved in politics. We must carry out our tasks professionally. For these reasons, long speeches do not belong to us, but as of today, good luck, get to work, in the interest of all who live in the Serbian Republic of Bosnia and Herzegovina. Thank you.**

**The #“result of negotiations of the three ethnic communities under the auspice of the European Community” was quoted as the very fundament for creation of the Serb separate MUP, because all the proposed plans always envisaged that the entites would have their own separate and independent police#. If the Muslim side didn't renege on the Lisbon Agreement there wouldn't be any war or aany “take-overs”, and therefore the establishment of the separate Serb MUP had nothing to do with this wha is asserted in this paragraph!)**

**3301.** Furthermore, the Chamber recalls that Mićo Stanišić also ordered that CSB heads were allowed to take-over the employees from the former MUP and assign jobs within the CSBs and

<sup>10594</sup> For example, as early as September 1991, Mićo Stanišić was informed that the Bosnian Serbs wanted to split the police structures in Vogošća given the disputes they were facing, but Stanišić said that “it needs some more time. One should act with his head cool”. P2219 (Intercept of conversation between Jovan Tintor and Mićo Stanišić, 12 September 1991), pp. 2–5.

<sup>10595</sup> See para. 2973. See also D4271 (Video footage of Mićo Stanišić's speech, 30 March 1992, with transcript).

<sup>10596</sup> See paras. 2990–2991.



SJBs, however, they had to inform the Minister of the Interior of all such decisions.<sup>10597</sup> **(So what? That was a ministerial duty!)** Furthermore, all heads of CSB were required to obtain prior approval from the MUP before assigning posts at the higher levels, such as the head of the SJBs.<sup>10598</sup> In addition, on 15 May 1992, Stanišić issued an order formalising the co-operation of the Bosnian Serb MUP and VRS, such that MUP personnel would be organised into war units and re-subordinated to the VRS during their participation in combat activities.<sup>10599</sup> **(So what? Not even the Muslim-Croat side would object that, since it was in accord with the Law on Interior)**

**3302.** In April 1992, Davidović was sent with others from Belgrade to help set up the Bosnian Serb MUP and to establish a special purpose unit under the direction of Mićo Stanišić.<sup>10600</sup> Those who went to assist the Bosnian Serb MUP were to act with Bosnian Serb MUP IDs in order to conceal their identity and the fact that the FRY was assisting in the war.<sup>10601</sup> **(#Wrong, and misunderstood! Mr. Davidovic and many others had been delegated to the federal MUP on behalf of the MUP in BiH, and since they originated from the towns in the Republic of Srpska, they had been a Serb MUP employees on a temporary detached duty#. The federal institutions had been functioning as a confederal since the 1974 Constitution!)** On arrival in Pale, Davidović reported to and then met with Mićo Stanišić and Mandić.<sup>10602</sup> Also, surplus weapons from the Federal SUP were sent to the Bosnian Serb MUP and were controlled by Mićo Stanišić and Momčilo Mandić.<sup>10603</sup> These weapons were transported from Belgrade to Pale in JNA helicopters in around April 1992 and consisted of uniforms, flak jackets, and automatic weapons.<sup>10604</sup> **(The Federal MUP was in an obligation to do much more, since there had been jeopardized the federal state, particularly before the BiH had been admitted in the UN!)**

**3303.** In Bijeljina, the Chief of the Bijeljina SJB reported to Mićo Stanišić on the situation in the municipality, and an almost daily reporting system was operating between the Bijeljina CSB and the Bosnian Serb MUP.<sup>10605</sup> The Chamber recalls that Mićo Stanišić informed Milorad Davidović that Arkan's forces were in Zvornik and Bijeljina and "helping to liberate territory [that] they believed should become part of [the RS]".<sup>10606</sup> In addition, Mićo Stanišić was informed that Arkan's men had taken over the Bijeljina SUP, and Stanišić commented that he knew, that nothing else could be done, and that's "how it ha[d] to be".<sup>10607</sup> In April or May 1992, after Arkan entered Bijeljina, the President met with Krajišnik, Mićo Stanišić, Frenki Simatović, Arkan, Pero Mihajlović, and Davidović in Belgrade to discuss "further activities" of the SDB.<sup>10608</sup> **(Fake and false! There is nothing to corroborate this absurd testimony of Mr. Davidovic. There was no**

<sup>10597</sup> See para. 2986.

<sup>10598</sup> See para. 2986.

<sup>10599</sup> See paras. 230, 3160.

<sup>10600</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 43; P2893 (Intercept of conversation between Pero Mihajlović and an unidentified person, 6 May 1992), p. 2.

<sup>10601</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 43–44, 46.

<sup>10602</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 45–46. See also P2221 (Intercept of conversation between Mićo Stanišić and Mićo Davidović, 17 May 1992). The Chamber recalls that Davidović was later tasked to lead a special unit of the Federal SUP to address problems with paramilitaries in northeastern BiH and arrived in Bijeljina on 27 June 1992; while Davidović's unit came from the Federal SUP in Belgrade it was re-subordinated to the command of the Bosnian Serb MUP. See paras. 634, 3204.

<sup>10603</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 39.

<sup>10604</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 39–40; Milorad Davidović, T. 15447 (24 June 2011). See also P2876 (Receipt of weapons issued to Brčko TO, 13 May 1992); P2877 (Authorisation from Brčko garrison); P2902 (JNA's travel log for vehicles, 8–31 May 1992). But see D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 18, 67. The Chamber notes that Subotić's evidence was marked by evasiveness and bias which undermined his credibility. The Chamber therefore does not rely on his evidence that no arms came from outside to arm the Bosnian Serbs and that he was not aware of any organised arming in the first year of the war. The Chamber does find, however, that the Accused proposed that Subotić be promoted for his organisation of the arming and training of Bosnian Serbs in RS for their "defence and survival" particularly in relation to attacks from Croatia. D3704 (Radovan Karadžić's clarification of promotion proposal, undated); D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 22–24.

<sup>10605</sup> See paras. 606, 3165.

<sup>10606</sup> See paras. 616, 1251.

<sup>10607</sup> See para. 616.

<sup>10608</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 66.

possibility that the President met with this composition, since if the President was meeting anybody in Belgrade, that would be the President or Prime Minister, not this group! Every single arrival of the President in Belgrade had been reported in media, why only this onewas not?)

3304. At the end of May 1992, Bosnian Serb leaders from Zvornik informed Mićo Stanišić and Mandić about the situation in the municipality, including the actions of the paramilitaries.<sup>10609</sup> Mićo Stanišić was also informed in May 1992 about the situation in Ilidža, and in particular, that they had received reinforcements which included “Arkanovci and Šešeljevci” to which Stanišić responded: “Good”.<sup>10610</sup> **(Let us see how the Chamber and Prosecution understand the**

**Serbian language! See P2229 and this “Good”:**

ŽUGIĆ, Nedjeljko	Today we’ve been through, well...a lot of trouble.
STANIŠIĆ, Mićo	Good. And where are you now?

**What there could be “good” in a “lot of trouble”? this “good” in Serbian would be adequate to a “understood”, or “I read you” in English. Now, the last sentence in the document, but not last in the conversation:**

STANIŠIĆ, Mićo	Tell me what the situation is like over there.
ŽUGIĆ, Nedjeljko	Well, we got reinforcements from GAGOVIĆ, some Arkanovci and Šešeljevci came, I don’t know...
STANIŠIĆ, Mićo	Good.

**Gagovic was the Commander of the 4<sup>th</sup> Corps of JNA in Lukavica, later known as a SRK. If Gagovic sent somebody, there would be a reason to comment it with a “good”, but obviously Stanisic only confirmed that he heard the interlocutor. Obviously, it was not the end of this conversation, and we only can guess what Stanisic said after stopped listening to Zugic, but for some reason this part is cut off. #This is an invalid document, the most probably deliberately crippled. A serious chamber would reject to value such a document, so more since there is no an audio of the conversation! In addition, the Chamber had the insight in the other at least two conversations between the Arkan’s men, Arkan himself and his colonel Legija, P5675, and D1248, pasted above in para 3183 of this Judgement, which exclude any finding like this one in this paragraph!)** In June 1992, the President received a report on the combat situation in Ilidža from Mićo Stanišić and the President instructed him “don’t hurry, just proceed according to your plan”.<sup>10611</sup>

**(So what? How these two facts are connected? Only because both are depicted in the same paragraph of the Judgement. But it is a too much of creativity on the Chamber’s side, and no a serious chamber would do it, or allow the juniors assisting in assembling this Judgement to smuggle such a connection! This kind of game could be done only in a deep despair and an absence of a real evidence!)**

3305. In an interview in October 1992, Mićo Stanišić stressed that the Bosnian Serb MUP assisted the VRS in combat operations, yet at the beginning of the conflict, the “burden of defence was borne by the police” and due to its organisation and dedication, “we established most of our borders, exactly like what they look like today”.<sup>10612</sup> **(So what? Since the JNA was hesitant to interfere in the conflict unless attacked directly, the police and the Territorial Defence were the only “Serb Force” to oppose to a many times more numerous sector armies of the Muslims and Croats. What they did was their right, and their legal and constitutional obligation, and they should be commended for their exercise of these duties!)** Finally, during

<sup>10609</sup> See para. 1284. By the end of July 1992, pursuant to instructions by Stanišić, Davidović planned an operation to arrest the paramilitary groups in Zvornik and Foča in co-operation with Andan and special units of the MUP. See paras. 866, 1290–1291.

<sup>10610</sup> P2229 (Intercept of conversation between Mićo Stanišić and Nedjeljko Žukić, 15 May 1992), pp. 1–2.

<sup>10611</sup> P5646 (Intercept of conversation between Radovan Karadžić and Mićo Stanišić, 21 June 1992), pp. 2–3.

<sup>10612</sup> D4274 (Article from Javnost, entitled “A Legal State is Being Established”, 3 October 1992), p. 3.

an Assembly meeting in November 1992, Stanišić affirmed his allegiance to the President and the SDS stating that he had always followed the policies of the SDS Presidency and he would not allow himself to be separated from them.<sup>10613</sup> **(So what? The SDS was a winner party, and was a ruling party. According to the Constitution and the Law on Defence, the party in power is obliged to obtain a responsible cadres, and to participate in the daily life and particularly in the preparations for defence. A ministers were supposed to be a political persons too, while others within the MUP were mainly professionals without any parti affiliation! Why the Chamber presumed that a mere association with the SDS, or a personal acquaintance with the President was a proof of crime?)**

v. **Momčilo Mandić (It would be senseless to comment anything about Momcilo Mandic, since he was #acquitted before the Bosnian court#, which is particularly mean and politically posed against the Serb officials.)**

3306. Momčilo Mandić was the Deputy Minister of the Bosnian Serb MUP between 1991 and May 1992, and was then appointed the first RS Minister of Justice from May to November 1992.<sup>10614</sup> Mandić left his position and went to Belgrade in November 1992 due to a conflict with Plavšić and Koljević.<sup>10615</sup>

3307. All decisions relating to staffing policies at the Bosnian Serb MUP required Mandić's approval and he consulted with the President and regional leaders in selecting candidates.<sup>10616</sup> Mandić worked with the support and approval of the President.<sup>10617</sup>

3308. The Chamber refers to Section IV.A.3.a.ii.C regarding the split in the MUP and creation of a Bosnian Serb MUP and Mandić's involvement therein.<sup>10618</sup> The Chamber found that Mandić took a leading role in ensuring that this division was carried out at a municipal level and in detailing how the new Bosnian Serb MUP was to be structured.<sup>10619</sup>

3309. Through the Ministry of Justice, Mandić was given the responsibility for the exchange of detainees through the Central Commission for the Exchange of Prisoners of War and Arrested Persons established by the Bosnian Serb Government on 8 May 1992.<sup>10620</sup> Mandić was directly involved in organising the exchange of detainees.<sup>10621</sup>

<sup>10613</sup> P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), p. 15. *See also* Mićo Stanišić, T. 46369–46370, 46403 (3 February 2014).

<sup>10614</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8603, 8605; Momčilo Mandić, T. 4427–4428, (30 June 2010), T. 4545 (5 July 2010); P1083 (Minutes of meeting of representatives of SerBiH MUP, 11 February 1992), p. 4; P3051 (Minutes of expanded meeting of SNB and SerBiH Government, 22 April 1992), p. 3.

<sup>10615</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8609–8610, 9267–9270 (testifying that Krajišnik informed Mandić and Stanišić of the decision from the Bosnian Serb leadership, specifically at the request of Plavšić and Koljević, to send them to Belgrade and terminate their positions). *See* Branko Đerić, T. 27947–27948 (24 April 2012). *See also* Milorad Dodik, T. 36909–36910 (9 April 2013); D3321 (Witness statement of Milorad Skoko dated 1 April 2013), para. 30 (stating that he noticed animosity between Biljana Plavšić and Nikola Koljević on one side and ministers Mandić and Stanišić on the other).

<sup>10616</sup> P1083 (Minutes of meeting of representatives of SerBiH MUP, 11 February 1992), pp. 1, 4; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8614, 8648.

<sup>10617</sup> Branko Đerić, T. 27947–27950 (24 April 2012); P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 22. *See also* Radomir Nešković T. 14340 (7 June 2011).

<sup>10618</sup> The Chamber also recalls that Mandić and the Accused discussed the preparations for the creation of a separate Bosnian Serb MUP early on. *See* para. 2971 (referring to P5806 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 3 December 1991), p. 2).

<sup>10619</sup> *See* paras. 2990.

<sup>10620</sup> *See* paras. 124–128. In June 1992, Mandić spoke to Krajišnik about criticism they had received about prisoner exchanges, and the fact that they were holding 400 prisoners at Kula Prison. P1101 (Intercept of conversation between Momčilo Krajišnik and Momčilo Mandić, 26 June 1992), pp. 2–3; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8886. *See also* P1129 (Letter from BiH Commission for Exchange of POWs to Central Commission for Exchange of Persons, undated).

<sup>10621</sup> *See* paras. 2111, 2160, 2417. In August 1992, Mandić and a Serb journalist visited Planjo's House in Vogošća, and were asked by one of the detainees about possible exchanges; Mandić replied that there was no need for any exchanges as the detainees were at their "homes". *See* para. 2417. *See also* P1128 (Intercept of conversation between Momčilo Mandić and Nenad Vanovac, 23 June 1992).

3310. Mandić was advised about Bosnian Muslims being driven out of Ilidža in May 1992 and he further informed Prstojević that he was aware that Prstojević was issuing ultimatums to Bosnian Muslims and evicting them from settlements.<sup>10622</sup> In a conversation with Prstojević in June 1992, Mandić said:

It has come to our attention and that of the Government that you are issuing ultimatums to some Turks; evicting people from certain settlements and people respond badly to it [...] Well please do not do anything like it, consult with Đerić first and those people up there, because this is very bad publicity for us [...] You have to be a little bit more flexible there and not touch those Muslims who are willing to listen and who are loyal. We cannot ethnically cleanse Ilidža or any other place. At least that is the attitude of the Government and political leadership and all.<sup>10623</sup>

Mandić continues and says that they should “place two or three Muslims somewhere” so that they could say that they were employing everyone who was loyal to the Serb state, regardless of nationality.<sup>10624</sup> The Chamber finds that it is clear from this conversation that what was important to the Bosnian Serb authorities was maintaining a certain appearance regarding what was said in public, rather than the protection of the non-Serbs.

3311. Mandić was also aware that the Crisis Staffs used detainees for forced labour, including digging trenches and fortifying barracks on the frontlines.<sup>10625</sup> He was involved in providing detainees from Kula Prison and Planjo’s House to perform forced labour in Ilidža and Vogošća.<sup>10626</sup>

vi. Jovica Stanišić

3312. Jovica Stanišić was the head of the SDB, which was part of the Serbian MUP.<sup>10627</sup>

3313. Stanišić and the President were in regular contact and discussed and co-ordinated a number of issues including political and military developments in BiH and Croatia.<sup>10628</sup> There was also co-ordination pertaining to the involvement of the JNA<sup>10629</sup> and recruiting volunteers.<sup>10630</sup>

<sup>10622</sup> See para. 2159.

<sup>10623</sup> P1110 (Intercept of conversation between Momčilo Mandić and Nedeljko Prstojević, 2 June 1992), pp. 3–4.

<sup>10624</sup> P1110 (Intercept of conversation between Momčilo Mandić and Nedeljko Prstojević, 2 July 1992), p. 4.

<sup>10625</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8768–8769, 8983–8985, 9107–9108 (testifying further that although Prime Minister Đerić insisted that prisoners of war not be used for physical labour, detainees were expected to perform labour and pursuant to the law on the military the army and the police had the right to request detainees to dig trenches or other similar types of work to defend facilities). See also P1143 (Intercept of conversation between Momčilo Mandić and Radivoje Grković, 3 July 1992).

<sup>10626</sup> See paras. 2149, 2427.

<sup>10627</sup> KDZ446, P28 (Transcript from *Prosecutor v. S. Milošević*), T. 23620 (under seal); P34 (Structure of Serbian SDB and Zvornik/Bijeljina MUP) (under seal); Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9082. Jovica Stanišić was opposed to the multi-ethnic character of the Federal SUP and was of the view that its role could be handled by the Serbian MUP. P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 38. The Chamber recalls that Davidović was tasked to lead a special unit of the Federal SUP and while Davidović’s unit came from the Federal SUP in Belgrade it was re-subordinated to the command in RS MUP. See paras. 634, 3204.

<sup>10628</sup> P2223 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 8 September 1991), pp. 1–3; P5801 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 4 December 1991), pp. 1–5; P5788 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 21 December 1991), pp. 1–3; P5781 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 29 December 1991); P5771 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 7 January 1992); P5768 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 12 January 1992); D301 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 22 January 1992), pp. 2–9, 11–13; P5622 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 25 January 1992), pp. 2–3 (wherein the Accused informed Stanišić about their opposition to the independence of BiH). At times, Jovica Stanišić and the Accused spoke in code. D301 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 22 January 1992), p. 5. See also P6305 (Photograph of Milan Martić, Radovan Karadžić, Momčilo Krajišnik, Jovica Stanišić, Franko Simatović, and others).

<sup>10629</sup> P5771 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 7 January 1992), pp. 2–3.

<sup>10630</sup> P5801 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 4 December 1991), p. 5.

Stanišić also liaised between the President and Slobodan Milošević.<sup>10631</sup> **(What was criminal in all of these activities? Mr. Stanisic was the Chief of the State Security of Serbia, and his job was to collect as many information as possible. The President had his own Party in the ruling coalition and the two Serb representatives in the BiH Presidency. Both of them had their legitimate interests to know what the other knows and other information!)**

**3314.** In May 1991, the President met with Jovica Stanišić and others including Franko Simatović at the President's apartment in Sarajevo, where among other issues they discussed maps of BiH.<sup>10632</sup> **(The witness in this foot note was not really a reliable ones. He pleaded guilt for a smaller fine. But, it is out of question that the BiH maps were any subject of any meeting in 1991, but rather the situation in the Serb Krajina in Croatia. Irrelevant, but there is already too many lies so to admit another!)** The President and Jovica Stanišić were also involved in creating an account which could be used for "fictitious payments" relating to weapons and ammunition which had been procured in FRY for the RS and which evaded the embargo.<sup>10633</sup> **(An idiotic assertion. Why would the President deal with this issue, since there was so many financial and economy experts? Beside that, it was well known that after the New Year 1992 the President and the witness didn't have any contact, since the President supported the Vance Plan for Krajina, which caused the witness's resignation, or replacement in the office in Krajina. So he couldn't have known anything about the period after the RA had been established! A "guilt plea" witnesses are a huge weakness of this Tribunal, and the issue is on the border of a morally acceptable conduct!)** Stanišić told the President in November 1991 that he hoped to have a chance to work with him.<sup>10634</sup> **(This is the best proof that all these testimonies about any cooperation and coordination of the President and Stanisic were fake. The entire conversation was about the President's attempts to get in touch with President Milosevic, and some Mira (a secretary) gave to Stanisic the note about that attempt. If Mr. Stanisic in November 1991 said that he hoped to have an opportunity to work with the President, it meant that till that moment they didn't work together!)** On 4 December 1991, Jovica Stanišić asked the President when he should send "men", to which the President responded, "[a]s soon as possible".<sup>10635</sup> **(So what? The entire conversation was dedicated to the Serb Golgota in the Western Slavonija, but the Chamber remembered only that some "men" will come to the President soon, nobody knew why. What is criminal in it? It may only be an evidence that both the men existed, that from time to time have spoken on telephone or met each other. A horrible crimes!)**

**3315.** Jovica Stanišić invited Arkan to visit the Serbian MUP and Arkan called Stanišić directly occasionally.<sup>10636</sup> Jovica Stanišić attended meetings with the President, Slobodan Milošević, and others throughout the conflict to discuss providing assistance from Serbia to the Bosnian Serbs, including in the form of personnel, such as units of the Red Berets and Arkan's men.<sup>10637</sup> According to Davidović, the Pale authorities, which included the President, Krajišnik, Mićo Stanišić, and Mladić, consulted the authorities in Belgrade—Slobodan Milošević, Jovica Stanišić, and later Perišić—"about everything"; this was "common knowledge as they did not have enough

<sup>10631</sup> See, e.g., P5872 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 20 December 1991); P5772 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 5 January 1992); P5773 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 5 January 1992), pp. 2–3.

<sup>10632</sup> Milan Babić, P741 (Transcript from *Prosecutor v. S. Milošević*), T. 13082–13084; Milan Babić, P742 (Transcript from *Prosecutor v. Krajišnik*), T. 3407–3409.

<sup>10633</sup> Milan Babić, P741 (Transcript from *Prosecutor v. S. Milošević*), T. 13083–13085.

<sup>10634</sup> P5614 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 29 November 1991), p. 2.

<sup>10635</sup> P5801 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 4 December 1991), pp. 3–4.

<sup>10636</sup> KDZ446, P28 (Transcript from *Prosecutor v. S. Milošević*), T. 23651–23652 (under seal).

<sup>10637</sup> P1484 (Ratko Mladić's notebook, 28 October 1993–15 January 1994), pp. 53–61. See para. 3287. See also P1485 (Ratko Mladić's notebook, 9 January–21 March 1994), pp. 165–179 (wherein Mladić provided details about another meeting on 15 March 1994 in Belgrade attended by Jovica Stanišić, Martić, Mladić, and the Accused).



resources of their own”.<sup>10638</sup> **(So what? The Sebs in Bosnia didn’t have any ally except in Serbia, although the President was under a suspicion to be too right from President Milosevic. But, how this loose alliance could be criminal?)**

3316. Stanišić spoke about the possibility of an all-out war and that they would “exterminate them completely”.<sup>10639</sup> **(Let us see how this is misused: D301, p.6.**

Radovan

But if it is finished quickly... I mean, this conversation was

KARADŽIĆ:

interesting and very useful and we believe that a lot can be done there. I then said to a man who’s very close to TUDMAN that the Serbs and the Croats might resolve all their contentious issues in a month or two. With elasticity and goodwill they could settle their disagreement. Otherwise, they are in for thirty years of torture. With the Blue Helmets, with disagreements, with all sorts of things...

Jovica

With killings.

STANIŠIĆ:

Radovan

Yes, yes.

KARADŽIĆ:

Jovica

No. We’ll then have to push them to go to Belgrade, you know!

STANIŠIĆ:

Jovica

Or we’ll exterminate them completely so let’s see where we’ll

STANIŠIĆ:

end up.

**So, Stanisic was talking about admitting somebody to Belgrade, a Serb Capitol, and as an alternative there would be an endless fighting to “their extermination”. Nothing is clear who, what, when and how, but a simple sentence is used for a heavy conclusion. Not to forget, the conversation was in January 1992, and entirely pertained to the Serbs in Srpska Krajina, not a word pertained to the situation in BiH, since there stil was no a war, and it was hoped that there will be no a war whatsoever!** In 1994, Stanišić told RSK MUP officials that he supported the objective to “fight to achieve the common goals of all the Serbian lands”.<sup>10640</sup>

3317. The authorities in Serbia were also involved in establishing multiple training camps for Bosnian Serbs including special police units of the RS and a camp run by Captain Dragan.<sup>10641</sup> The President supported the work of these training camps.<sup>10642</sup>

vii. Franko Simatović

**3318.** Franko Simatović, also known as “Frenki”, served under Jovica Stanišić in the SDB, as part of the Serbian MUP.<sup>10643</sup> The Chamber recalls that units such as the Red Berets and Arkan’s

<sup>10638</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 72 (stating further that he often saw Mićo Stanišić at the Federal SUP and Serbian MUP buildings).

<sup>10639</sup> D301 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 22 January 1992), p. 4.

<sup>10640</sup> P6307 (Letter from RDB to RSK MUP, 5 July 1994), p. 1.

<sup>10641</sup> P2852 (Video clips depicting award ceremonies), p. 3; [REDACTED]; P4262 (Request of Municipal Assembly Executive Board of Banja Luka, 19 August 1994); P3384 (Report of Eastern Bosnia Corps, 7 June 1992), p. 1; P3023 (Witness statement of Đorđe Ristanić dated 15 June 2011), paras. 97–103; Milan Martić, T. 38149–38152 (13 May 2013); P6317 (Letter from Captain Dragan to Serbia TO command, 8 November 1991); Milan Babić, P741 (Transcript from *Prosecutor v. S. Milošević*), T. 13119, 13121–13122; Milorad Davidović, T. 15513–15514 (28 June 2011).

<sup>10642</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 270; P3384 (Report of Eastern Bosnia Corps, 7 June 1992), p. 1.

men were directly subordinated to the Serbian MUP and to Franko Simatović.<sup>10644</sup> **(This Defence is not interested in this issue, but for the sake of truth, Arkan was a man of the Federal MUP, which was in a bad relations with the MUP of Serbia, and particularly with Mr. Stanisic! Why not to be accurate? However, the Chamber did have an evidence that F. Simatovi} investigated Arkan and his affiliations, which clearly contradicts to this “finding”:, see:**

Y 0 2 0 0 4 2 3

Republic Serbia  
Ministry of internal affaires /MUP/ Serbia  
10<sup>th</sup> December 1991

## OFFICIAL NOTE

According to checked information the Serbian Volunteer's Guard */(Arkan)-in handwriting/* Ljutice Bogdana Street No. 3 is connected to the company “Jugoskandik” the account 60811-620-315

*/Each month regularly payments with the assistance of RSNO (Simovic)/-in handwriting (Ministry of Defence)/in handwriting*

Signed: Frenki

3319. In a conversation on 28 January 1992 with the Accused regarding plans to meet, Simatović told the Accused: “You’re the main man there doctor, and that’s how it stays”.<sup>10645</sup> **(So what? Simatovic didn’t elect the President. This sentence is irrelevant and senseless!)** As stated above, Simatović also attended the meeting in April or May 1992 with the President, Mićo Stanišić, Arkan, and others to discuss “further activities” of the SDB.<sup>10646</sup> **(Unreliable witness, and no corroboration whatsoever!)**

3320. Simatović was also responsible for monitoring the training of Serb Forces, includings units trained in camps run by Captain Dragan.<sup>10647</sup> **(What was criminal in Simatovic’s conduct? And how Mr. Simatovic could have been a member of any JCE in BiH?)**

viii. Željko Ražnatović (Arkan)

3321. Željko Ražnatović, also known as Arkan, was the commander of a Serbian paramilitary group named after him.<sup>10648</sup>

3322. Arkan’s men were involved in operations in Bijeljina, Bratunac, Brčko, Rogatica, Sokolac, Vlasenica, Zvornik, Ilidža, and Pale in spring of 1992.<sup>10649</sup> Arkan himself was personally involved in the take-over operations in Bijeljina and Zvornik.<sup>10650</sup> Arkan also trained members of the Mauzer’s Panthers who operated in Bijeljina, Zvornik, and Brčko.<sup>10651</sup> **(Was there any other armed force, or Arkan’s men and the local Territorial Defence fought against civilians? How**

<sup>10643</sup> P34 (Structure of Serbian SDB and Zvornik/Bijeljina MUP) (under seal); Milan Babić, P741 (Transcript from *Prosecutor v. S. Milošević*), T. 13118; Milorad Davidović, T. 15824 (1 July 2011). See also P6305 (Photograph of Milan Martić, Radovan Karadžić, Momčilo Krajišnik, Jovica Stanišić, Franko Simatović, and others).

<sup>10644</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 80, 112. See also para. 830, 3287.

<sup>10645</sup> P5759 (Intercepts of conversations between (i) Radovan Karadžić and “Braco” and (ii) Radovan Karadžić and “Frenki” Simatović, 28 January 1992), pp. 4–8. In the summer of 1992, after Davidović arrested members of the Red Berets, Frenki Simatović phoned Davidović twice, cursed him, and asked how he had the right to act in that way. See para. 830.

<sup>10646</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 66.

<sup>10647</sup> Milan Babić, P741 (Transcript from *Prosecutor v. S. Milošević*), T. 13118–13125; P5614 (Intercept of conversation between Radovan Karadžić and Jovica Stanišić, 29 November 1991), p. 2; [REDACTED]. See also P6388 (Excerpt from video of interview with Vojislav Šešelj for “Death of Yugoslavia” documentary, with transcript), pp. 2–4.

<sup>10648</sup> See para. 232.

<sup>10649</sup> See paras. 232, 611–616, 714, 724, 768–769, 798, 969, 986–987, 1049, 1155, 1242–1246, 1249, 1251, 1255, 1260, 2301, 3182–3183.

<sup>10650</sup> See paras. 611–616, 1245–1246.

<sup>10651</sup> See paras. 233, 608, 611–612.

many Serbs had died during these fights? The Chamber is not interested in knowing what kind of fight was it, who initiated it, who was responsible for it, particularly for Bijeljina, which happened while the BiH still existed!)

3323. The Chamber recalls that after successfully taking over Bijeljina on 4 April 1992, Arkan was welcomed there and “treated like a god”; **(By whom he was celebrated? This was the #old BiH#, which ceased to exist on 6 April, when the Serbs withdrew from the common institutions and declared the Republic of Srpska as a sovereign state! But, if the Prosecution fulfilled its own duty and disclosed the exculpatory evidence, there wouldn’t be Arkan in Bijeljina at all. This is a document of the ECMM. They wrote a report how they wanted to interview Arkan, but prior to this they interviewed a group of Muslims in Bijeljina, who got in touch with Arkan. They were surprised to learn that these Muslims said had only the kindest words for Arkan and his unit present there in April 1992.)** some of his men were given official positions and based themselves in the local SDS building.<sup>10652</sup> **(Wrong and false!)** The Chamber recalls that Plavšić was in communication with Arkan beginning in April 1992.<sup>10653</sup> She congratulated Arkan for saving the Bosnian Serbs in Bijeljina and was filmed kissing and hugging him.<sup>10654</sup> **(So what? Ms. Plavšić did it on behalf of the BiH Presidency, because she visited Bijeljina on behalf of the BiH Presidency, together with Fikret Abdić, another member of Presidency, and Jerko Doko, a Defence Minister of BiH. All nothing to do with the SDS or the President!)**

3324. Arkan’s men were also involved in killings of Bosnian Muslim civilians in Bijeljina and Zvornik in April 1992.<sup>10655</sup> **(#It had never been established that a “civilians had been killed in Bijeljina#! Among those “civilians there were two dozen of Albanian mercenaries, and others had been terrorists under command of cpt. Hasan Tiric. This is the most favourite #distortion# of the Chamber, to depict the combat casualties as a “civilians killed by the Serbs#!) Arkan’s men and Mauser’s Panthers were also involved in mistreating Bosnian Muslims in Bijeljina, Bratunac, Rogatica, Vlasenica, Zvornik, and Hadžići, including in detention centres; these units also looted property of Bosnian Muslims and were involved in expelling Bosnian Muslims from Bijeljina and Zvornik after the take-overs in those municipalities.<sup>10656</sup> (If it was true for Bijeljina, then the Muslims wouldn’t celebrate him. All other allegations were not proven, because every group of men could present and identify themselves as a “Seselj’s” or “Arkan’s” men! This court afforded itself to pay more weight to a reputation than to a documents, or the judgements of the domestic courts, which are even more hostile than any other! Anyway, it had nothing to do with the President!)**

3325. Arkan attended meetings and had direct contact with the Accused.<sup>10657</sup> **(The Defence rejected that with indignation, because there was #no a simple corroboration# to this testimony of the witness who didn’t know much, and admitted in his testimony that he didn’t know anything of the President obvious efforts to fight all crimes!)** As noted above, Arkan wrote to the Accused in 1994 to inform him that his men supported the Accused’s “heroic resistance” against NATO and that “[a]s always we, with all our available forces, stand to protect Serbian people” and that they were expecting the Accused’s call to join the VRS to “protect Serbian nationality and Orthodoxy”.<sup>10658</sup> **(#Such a peculiar evidence! No signature, no stamp**

<sup>10652</sup> See para. 614.

<sup>10653</sup> See para. 3260; see also Momcilo Mandić, T. 4664 (6 July 2010).

<sup>10654</sup> See para. 3260.

<sup>10655</sup> See Scheduled Incidents A.1.1, A.16.1.

<sup>10656</sup> See paras. 631–632, 672, 768–769, 771, 986–987, 1155, 1245–1247, 1317–1319, 1361, 1365, 2104, 2112.

<sup>10657</sup> See paras. 3187–3188. (referring to P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 55; Milorad Davidović, T. 15465 (24 June 2011)).

<sup>10658</sup> P2854 (Letter from Party for Serbian Unity to Radovan Karadžić, 16 April 1994); Milorad Davidović, T. 15477 (28 June 2011). See also para. 3228.

and seal, no number of protocol, no evidence that this “letter” reached the President, nothing that would qualify this “letter” to be a credible evidence in such a serious case#! This kind of evidence could be produced thousands and thousands, and several of such a documents had been admitted in the file. Just one question: why Arkan allegedly wrote and allegedly sent this letter to somebody who, according to the Prosecution-Chamber was a member of the Joint Criminal Enterprise? Why it wouldn’t be expected that they had been in a daily contact and oral communication? Did the President respond, and did he invited Arkan in April 1994? Really, no a serious chamber would pay any attention to such a fake document, but even if it wasn’t fake, it is obvious that neither the President was close to Arkan, nor Arkan was invited in April 1994#!) In the autumn of 1995, at an event in Bijeljina, Arkan repeated his commitment to the President to return to defend the “Serbian territory and our Orthodox religion” if called by the President.<sup>10659</sup> On this occasion, the President awarded Arkan a certificate to congratulate him and thank him and his unit for their efforts in defending the Bosnian Serbs.<sup>10660</sup> (#A reasonable and serious chamber would establish what exactly the President did#. Then it would be clear that the President didn’t “award Arkan a certificate” but praised this two units for their courage and patriotism. Even if he decorated Arkan, it would be as with his unit proposed from the terrains, and there was no any formal obstacle to do that. Arkan never was indicted by any court, let alone sentenced, and only his rude nature and conduct made him a bad reputation. Anyway, the President was too bussy and to far from socialising with a commanders of a small units!)

ix. Vojislav Šešelj

3326. Šešelj was the leader of the SRS and of the “Serbian Chetnik Movement”.<sup>10661</sup> In May 1991, Šešelj praised the President as “the true leader of the Serbian people” in BiH, stating further that he enjoyed their “undivided trust” and that the SRS supported the policies of the SDS.<sup>10662</sup> (So what? Although Mr. Seselj friendly objected the President’s personal closeness with the Democrat Party, the relations between the two leaders remained firm and with a mutual respect. #Why would that be a crime#? Mr. Seselj spent 12 years in the UN Detention Unit and went a trial, although during the period of Indictment he was an opposition politician. #Nothing criminal is proven in knowing Mr. Seselj or in respecting him#! Not even in Hitler’s and Stalin’s times would be!#) Šešelj stated that BiH was fundamentally Serbian and that either Muslim fundamentalists should leave or the Muslims should accept this and become loyal citizens of Serbia.<sup>10663</sup> Also in May 1991, the President in an interview spoke of Šešelj and his “political force” but said that they differed in terms of the choice of method.<sup>10664</sup> (That didn’t mean that the SDS and SRS were a unique party, there were differences, but in a civilised manner, it didn’t damage their mutual respect! Anyway, it is a bit senseless to comment this part, since Mr. Seselj was acquitted before this Court, and this comments are just to show the methods of this Court!)

<sup>10659</sup> See para. 3228.

<sup>10660</sup> See para. 3228 (referring to P2858 (Video footage of Radovan Karadžić and Arkan at award ceremony in Bijeljina, with transcript). After this, Arkan left RS and went to Serbia. D3137 (Witness statement of Svetozar Mihajlović dated 17 March 2013), para. 10.

<sup>10661</sup> P6390 (Article from Der Spiegel entitled “Šešelj: Serbian Policy Must Not Be Defined in Washington”, 8 August 1991), p. 1; D3666 (TANJUG news report, 15 May 1993); Vojislav Šešelj, T. 39543–39545 (7 June 2013); P6389 (Vojislav Šešelj’s interview with Pogledi, 31 May 1991), pp. 1–2.

<sup>10662</sup> P6387 (Vojislav Šešelj’s interview with ON newspaper, 24 May 1991), pp. 1–2. See also Vojislav Šešelj, T. 39543–39544 (7 June 2013); D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), para. 37; D3667 (Transcript of Vojislav Šešelj’s press conference, 26 March 1992), p. 1.

<sup>10663</sup> P6387 (Vojislav Šešelj’s interview with ON newspaper, 24 May 1991), p. 6–7, 9 (wherein Šešelj further stated that Serbs, with their genetic coding, were born to be soldiers and were always ready to go to war and that they had fully achieved their objectives that they were trying to establish SRS boards in every Serbian municipality and consolidate the party).

<sup>10664</sup> D1281 (Articles from Večernje Novine entitled “Karadžić shocked me” and “Šešelj is amiable”, 9 May 1991), p. 2.

3327. Šešelj met with the President and the Bosnian Serb leadership on several occasions during the war in BiH.<sup>10665</sup> In May 1992, Šešelj spoke about contacting the President with respect to the withdrawal and deployment of his men.<sup>10666</sup> Šešelj sent large groups of SRS volunteer fighters from Serbia to assist in Serb operations in Croatia and BiH.<sup>10667</sup> Šešelj acknowledged that his men were in BiH and were in all areas for the “protection of the Serbian people” and the defence of their borders.<sup>10668</sup> Slobodan Milošević approved of the SRS’s action in sending volunteers.<sup>10669</sup> **(The Radical volunteers had never acted independently. The vast majority of them were the Seselj followers from Bosnia, and fought either within the JNA or VRS#!)**

3328. Šešelj’s men were involved in operations in Bratunac, Zvornik, Hadžići, Novo Sarajevo Vogošća, Brčko, and Rogatica in April and May 1992.<sup>10670</sup> Furthermore, Šešelj made public statements about the participation of SRS volunteers in the take-over of Bijeljina and specifically the significant contribution of Mirko Blagojević as the commander of the SRS units to the “liberation” of Bijeljina.<sup>10671</sup> In May 1993, Šešelj proclaimed Mirko Blagojević a “Vojvoda” in recognition of his participation in operations in municipalities including Bijeljina.<sup>10672</sup>

3329. The SRS and Šešelj advocated the idea of a homogeneous Greater Serbia which involved the unification of all Serb lands and the removal of the non-Serb population.<sup>10673</sup> **(This can not be more wrong! Everyone knew that Mr. Seselj considered that in such a meditated “Greater Serbia” all the population was Serbian with different religions. That may be proven in the coming times by the genetic explorations, but the President was neutral and indifferent about these ideas. On the contrary, the President always advised not to grab territories in which population doesn’t want to belong tho the state or entity with the other’s majority, but it didn’t mean that his respect for Mr. Seselj, and many other leaders that didn’t think like him decreased!)** In March 1992, Šešelj spoke about the prospect of great bloodshed in BiH and called upon the Bosnian Serbs to preserve all their ethnic areas.<sup>10674</sup> In a speech, Šešelj said that the “Muslims and Croats do not represent a threat for us for a long time already. Only, brothers and sisters Serbs, there should not be hesitating, waiting [...] the next time they strike, we should finish them off, so they never strike back”.<sup>10675</sup> Šešelj also spoke about BiH being undoubtedly Serbian, and that if “any Muslim fundamentalists do not like that, they will have to pack their suitcases and leave”.<sup>10676</sup>

<sup>10665</sup> D3666 (TANJUG news report, 15 May 1993); D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 36–37.

<sup>10666</sup> P2228 (Intercept of conversation between Vojislav Šešelj and Branislav Gavrilović, April 1992); D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 58–59.

<sup>10667</sup> P6388 (Excerpt from video of interview with Vojislav Šešelj for “Death of Yugoslavia” documentary, with transcript), pp. 2–4; Milan Babić, P742 (Transcript from *Prosecutor v. Krajišnik*), T. 3394–3395; D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 24, 29–30, 50, 55–59.

<sup>10668</sup> P6389 (Vojislav Šešelj’s interview with Pogledi, 31 May 1991), p. 1.

<sup>10669</sup> Vojislav Šešelj, T. 39571 (10 June 2013).

<sup>10670</sup> See paras. 3191–3192.

<sup>10671</sup> D3667 (Transcript of Vojislav Šešelj’s press conference, 26 March 1992), p. 12; P3033 (Reynaud Theunens’s expert report entitled “Radovan Karadžić and the SRBiH TO-VRS (1992-1995)”), e-court pp. 379–380.

<sup>10672</sup> D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), para. 49; P3033 (Reynaud Theunens’s expert report entitled “Radovan Karadžić and the SRBiH TO-VRS (1992-1995)”), e-court pp. 381–382.

<sup>10673</sup> Milan Babić, P742 (Transcript from *Prosecutor v. Krajišnik*), T. 3393–3394. See also D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 15–16; Vojislav Šešelj, T. 39554–39555 (10 June 2013); P2527 (Video footage of speeches of Vojislav Šešelj and Radovan Karadžić, 6 May 1991, with transcript), p. 1; P6391 (Excerpts from Vojislav Šešelj’s speech); P6389 (Vojislav Šešelj’s interview with Pogledi, 31 May 1991), p. 7; P6390 (Article from Der Spiegel entitled “Šešelj: Serbian Policy Must Not Be Defined in Washington”, 8 August 1991), p. 1. Šešelj also stated the SRS advocated brotherhood and unity of “Orthodox Serbs, Catholic Serbs, Muslim Serbs, Protestant Serbs and atheist Serbs” and complete respect for the rights of national minorities: D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 15–16, 31–35, 39, 41; D3667 (Transcript of Vojislav Šešelj’s press conference, 26 March–16 April 1992), p. 20; Vojislav Šešelj, T. 39600–39605 (10 June 2013). The Chamber does not find this evidence to be reliable. In reaching that conclusion the Chamber considered that Šešelj had a clear self-interest in testifying in this regard and his evidence was marked by political statements which undermined his credibility in this regard.

<sup>10674</sup> D3667 (Transcript of Vojislav Šešelj’s press conference, 26 March 1992), p. 1.

<sup>10675</sup> P6393 (Video clip of interview with Vojislav Šešelj). See also Vojislav Šešelj, T. 39589 (10 June 2013).

<sup>10676</sup> P6387 (Vojislav Šešelj’s interview with ON newspaper, 24 May 1991), p. 6; Vojislav Šešelj, T. 39546–39548 (7 June 2013).



3330. In May 1992, Šešelj spoke about the “traditional enemies” of the Serbs and the need for them to be united to prevent a “new genocide against the Serbian people” and of the revenge Serbs would take against Muslims if they repeated history again.<sup>10677</sup> Šešelj, on behalf of the SRS, also expressed his support for the formation of the SerBiH and his view that the Bosnian Serb authorities should demarcate Serb territory, proclaim its own TO and police in territories under its control, and simultaneously “liberate” those areas which were not under Serb control.<sup>10678</sup>

**(#Senseless to comment, just consult the Simon Wiesental Centre for research of the genocides in the WWII!#)**

b. *Accused’s knowledge of crimes and measures he took to prevent and punish them*

i. Knowledge of crimes committed throughout the Municipalities

3331. The Prosecution argues that from the beginning of the conflict in 1992, the President was notified of crimes committed against non-Serbs in the Municipalities by Serb Forces.<sup>10679</sup> The President acknowledges that he received information from the VRS, the MUP, and municipal bodies but argues that the information rarely referred to illegal activities at the local level, and when it did, the Bosnian Serb leadership reacted immediately.<sup>10680</sup>

3332. At the outset, the Chamber notes that the President received information about occurrences in the Municipalities from a number of sources. As President of the RS, he received reports and attended Bosnian Serb Assembly sessions where representatives would report on the situation in their municipalities.<sup>10681</sup> **(But this is not, and was not their job. The Assembly as any other parliament served for the political talks over the legislature, and the main and the only function of the Assembly was to produce the fundamental documents from it’s jurisdiction, all that doesn’t fall in the scope of the Government’s competences. Anyway, there was no useful information obtained by the MPs, pertaining to any of the presidential duties, as it can be seen from the transcripts of the Assembly sessions!)** He also met regularly with municipal representatives and obtained reports in this manner.<sup>10682</sup> **(All of the encounters of the President with a local officials were mainly about their problems in obtaining necessities for a daily needs. If the Chamber alludes that the President could have received any information on crimes, it is wrong, because this was not a way. The crime was within the scope of the MUP and judicial system, not within scope of a political persons or individuals)** His close associates also regularly visited the field and communicated with municipal leaders.<sup>10683</sup> **(So what? If there was something criminal on the side of the official authorities, they certainly wouldn’t “report” themselves to the superiors. Had there been crimes of a non-officials, they wouldn’t report it to the political persons, because there were a proper institutions, and it would be an empty chat to talk to the President, who was supposed to intervene only if the investigating agencies didn’t do their job. On the other side, the Prosecution-Chamber alliance charge-sentence the President exactly for the opposite, for the many investigations that had been conducted, so that more than a half of detained people had been released! The Republic of Srpska was not a “road gang” in which everybody could do whatever he wanted. The President was watched carefully by many deputies and oposit parties, so he couldn’t violate any rule even if he wanted!)** Furthermore, the Bosnian Serb leadership followed international

<sup>10677</sup> See para. 2657.

<sup>10678</sup> See para. 2798.

<sup>10679</sup> Prosecution Final Brief, para. 512.

<sup>10680</sup> Defence Final Brief, paras. 555, 641.

<sup>10681</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 86; P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 125–126.

<sup>10682</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 246 (notes from a meeting on 30 June 1992 between Mladić, the Accused, and municipal representatives from Srebrenica, Bratunac, Vlasenica, and Zvornik). See also paras. 3246–3247.

<sup>10683</sup> See paras. 3246–3248, 3260, 3262, 3269, 3303–3304, 3310.

coverage of the events in BiH during the conflict.<sup>10684</sup> **(Even far before the conflict the #international media had shown their extreme bias and an anti-Serb propaganda#, with an enormous production of lies. The fake media and false journalists are maybe the greatest shame and compromitation of the Western part of the international community! The fake journalists jeopardized a true journalist lives making them suspects of a propaganda and spying!)** Finally, the Chamber notes that from the beginning of the conflict in 1992, the President was informed by international representatives, such as Okun, Mazowiecki, and UNPROFOR officials of the forcible displacement of non-Serb civilians<sup>10685</sup> and that the issue of “ethnic cleansing” was also often raised with the President in media interviews.<sup>10686</sup> The Chamber will assess below the evidence pertaining to the information that the President received about specific municipalities. **(#Why the international officials would be trusted after the Serbs identified their ignorance about what was going on in reality#? There should be a special Tribunal to investigate and try the fake and irresponsible international representatives, journalists and some humanitarians, who were an ordinary spies?)**

**3333.** In relation to Bijeljina, when at least 45 non-Serb civilians were killed by Serb Forces on 1 and 2 April 1992 the Accused was informed of the event.<sup>10687</sup> **(This is below every decency: the Chamber had already known the structure of the Bijeljina casualties, among whom there were at least 9 Serbs, some of the Albanian Mercenaries and 27 Muslim extremists, commanded by H. Tiric, as proven in the file by the document of the Croatian (HVO) provenance!#)** On 4 April 1992, members of the BiH presidency and high ranking army officials assessed the situation in Bijeljina municipality,<sup>10688</sup> and the President made a public announcement referring to the “regrettable” incidents in Bijeljina but blamed the BiH Presidency for instigating chaos by calling for mobilisation.<sup>10689</sup> **(#Before being in Presidency#! What was the official position of the President on 31 March to 2 April? Was he in charge of anything? How could the Bijeljina incident be associated with the President at all? Bosnia still existed, and Captain Hasan Tiric was officially sent by the Muslim secret army under the Izetbegovic’s control to take-over Bijeljina from the Serb majority. The Presidency delegation had nothing to do with the President and the SDS! Ignoring such a blatant evidence disqualifies the Court as a whole!**

**3334.** At a meeting of the Bosnian Serb Presidency on 23 June 1992, the President expressed his view that Mauzer and Blagojević’s paramilitary units, which were active in Bijeljina, were very extreme, and that all units should be placed under a single command of the army or the police.<sup>10690</sup> **(#EXCULPATORY#!)** Meanwhile, at a Bosnian Serb Assembly session in late June 1992, the President said that the Bosnian Muslims who continued to live in Bijeljina, forming 20% of the population, were not considered “second class citizens” and that the government officials were actually trying to persuade them that they had nothing to fear.<sup>10691</sup> **(#EXCULPATORY#! Making his opinions known to all the Serb officials was aimed to facilitate for the non-Serbs as secure as possible environment. Had anyone had known that the President played a game of duplicity, nobody would forgive him, and that would be said loudly!)** The Chamber recalls that in fact during the summer of 1992, Serb Forces instilled fear in the Bosnian Muslims who

<sup>10684</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 9126; KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6825–6826 (closed session).

<sup>10685</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4191; KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6830–6832, 6834–6835 (closed session).

<sup>10686</sup> Jeremy Bowen, T. 10095–10096 (13 January 2011).

<sup>10687</sup> D3089 (Witness statement of Milivoje Kićanović dated 3 March 2013), para. 18. See Scheduled Incident A.1.1.

<sup>10688</sup> D3133 (Witness statement of Cvijetin Simić dated 16 March 2013), para. 32.

<sup>10689</sup> D394 (Announcement of SNB, 4 April 1992); D392 (Conclusions of SRBiH Presidency, 4 April 1992).

<sup>10690</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), pp. 219–220; Milorad Davidović, T. 15770–15773 (30 June 2011). See also P2900 (Letter from Bijeljina CSB to Radovan Karadžić, 29 July 1992).

<sup>10691</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 21.

remained in Bijeljina and that Bosnian Muslims were forcibly expelled from Bijeljina by members of the Bijeljina Crisis Staff, SDS, Mauzer's unit, special police units, and Vojkan Đurković, while others were sent to Batković camp.<sup>10692</sup>

**(First of all, #there was no a "Serb Forces" in Bijeljina#. Why would they be in Bijeljina instead on the front lines? In Bijeljina for a while there were a false "volunteers" who were renegades, and which had been arrested and expelled out of the RS. This sounds like a shameless gossip and a slander! Nothing of it was ever proven. Nobody was detained in Batkovic for an ethnic reasons. Mauzer didn't take part in any "expulsion" – which made him suitable for the high position in the post-war MUP, certified by the international police. Why this fact, a document of the same international community that is running this court, is neglected and the President forced to defend from something that has nothing to do with him? Arkan and Blagojevic quarrelled more among themselves than with somebody else. Blagojevic and Radicals had been a very known for protecting the Muslims, not for mistreating them? None of those named in such a paragraphs had ever been indicted and sentenced, but the OTP and Chamber use their names against this President as if they were proven criminals. A bad reputation of them is not sufficient to sue even them, let alone a completely distant third person!)**

**3335.** The Accused was later informed by the Bijeljina SJB on 29 July 1992 about the criminal behaviour of paramilitary groups during and after the take-over of Bijeljina, which resulted in rapes, thefts, robberies, killings, and the displacement of Bosnian Muslim and Serb civilians.<sup>10693</sup>

**What does it mean? That was the MUP's job to arrest them, not the President's. the entire quoted document is a highly #EXCULPATORY#, because it depicts that the criminals present in Bijeljina were not a "Serb Forces" and that they terrorised everyone, without an ethnic prejudice, see P2900,**

**p. 2** - terrorising of the population – both Muslim and Serbian - numerous rapes, thefts of property and foreign currency, unauthorised invasion of houses and removal of appliances, gold, artworks, etc.

- more than ten people of various ethnic origins were killed without apparent motive, and all these cases remained unsolved, not a single criminal report was submitted regarding these murders,

- the departure from the Bijeljina area of both Muslim and Serbian citizenry as a result of pressure and terrorisation by paramilitary groups,

- utilisation of the nearly introduced curfew for the commission of the above criminal actions, although there were also cases of theft, rape, robbery and murder during the day on the part of masked members of these groups.

**The promoted after a successful arrest of the Yellow Wasps, Mr. Dragan Andan continued to introduce the law and order in Bijeljina. By this document he informed the President of the Republic of Srpska that the situation is coming under control, because all, the Government, the Ministry of Interior and local regular "Serb Forces" are endeavouring to quit with any crime! P. 3!**

Since the above incidents affected the entire security situation in the Bijeljina area, causing lasting discontent and indignation in citizens of all ethnic origins, and because there was a potential threat of disintegration, chaos, and breakdown of the legally established authorities of the Serbian Republic of BH in the region, the Ministry of the Interior of the Serbian Republic of BH proposed, and the government of the Serbian Republic of BH decided on, the sending of an expert team of inspectors to the Bijeljina Security Services Centre with part of a special MUP unit. The purpose of bringing in the team of experts is to create the necessary security conditions for the legal and lawful functioning of the authorities in Bijeljina.

<sup>10692</sup> See paras. 671–673.

<sup>10693</sup> P2900 (Letter from Bijeljina CSB to Radovan Karadžić, 29 July 1992), p. 2. See also paras. 610–638.

**p.4:**

This approach to, and organisation of, operational activities, and the great dedication of almost the entire staff of the organ, have produced – in less than a month – evident results in the improvement of the security situation and the legality of work in all the segments of social life. For example, from 27 June to 27 July 1992, that is from the arrival of the expert team of the Ministry of the Interior of the Serbian Republic of BH:

1. There was no murder committed on the national basis, and two cases of murder with other motives were solved and the perpetrators were taken to a court.
2. By extensive operative interventions all necessary conditions were created for safe life of citizens and full protection of property and other material goods belonging to society and citizens. Therefore, in above-mentioned period of time, there were no armed robberies, breaking into private houses or shops, thefts of car etc.
3. Through preventive operative activities a few groups dealing with organised criminal were discovered, arrested and put under investigation or expelled from the area of the Public Security Centre Bijeljina.<sup>4</sup>
4. Public law and order in the town has been raised to enviable level and there was no serious incident which would disturb the citizens. Individual minor violations of public law and order (shooting, movements at the time of the curfew, arguments, threats) were efficiently solved and the perpetrators were taken immediately to the Magistrate.

**That this was not a “piece of cake” see the next para from p.5.**

Finally, to complete the picture, we must stress that the expert team of the MUP of the Serbian Republic of BH did encounter severe opposition and resistance during its engagement in Bijeljina, not only verbal but also armed. For example, some members of the expert team were threatened with liquidation, various misinformation was put into circulation, and lies spread about the alleged on-site activities and the rule of terror of the expert team, protest rallies against the “newcomers” were organised, and the CSB building itself was three times unsuccessfully attacked with heavy weapons in order to seize the building and banish the expert team of the MUP of the Serbian Republic of BH /as printed/.

**Zivan Filipovic described it in his way, but it had to be done. So, it was only to inform the President that the state security institutions are doing their job, and the President could only be satisfied with such a course of development, which he expressed by his encouragement of this course, writing a remark, p.6.**

**/Hand-written:/ Keep enforcing order and the rule of law.  
2 August 1992 Radovan KARADŽIĆ**

**The entire document is #sufficient to acquit the President not only for the Bijeljina events, but for all such the allegations throughout the municipalities!#)** Živan Filipović, former chief of the Bijeljina Municipal TO Staff, testified that the President and Mladić attempted to “shake off these paramilitary formations which only caused damage, both to the people and the army and the political sphere”.<sup>10694</sup> **(Is it taken as the President’s felony? It can only indicate how difficult was it to quit the feature!)** After the Accused complained to the Prime Minister of the FRY that Serbian paramilitaries were out of control, Davidović was sent to Bijeljina in early July 1992 to investigate the situation.<sup>10695</sup> **(#Not correct! Karadžić asked for a special unit to help in arresting paramilitaries!#)** Moreover, on 2 September 1992 the Accused was among the attendees who participated in a meeting with military and political officials in Bijeljina.<sup>10696</sup> The Accused acknowledged that the chief of the party, the MUP and the president of the municipality had been involved in crime “here and there”.<sup>10697</sup> **Again, an #abuse of the unfinished sentences of Mladić’s diary#. This hadn’t been said only about Bijeljina, it was an analysis of the overall**

<sup>10694</sup> Živan Filipović, T. 35818 (21 March 2013).

<sup>10695</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 73–75. See also paras. 634–638.

<sup>10696</sup> P1479 (Ratko Mladić’s notebook, 16 July–9 September 1992), pp. 131–132.

<sup>10697</sup> P1479 (Ratko Mladić’s notebook, 16 July–9 September 1992), p. 155.

**situation, look what the President said, incompletely put down by General Mladic:**

\* We have top-league Deputies,  
they have never been  
mixed up in crime,  
but the chief of the party, MUP  
and the presiden/?ts/ of the municipality  
have, here and there.-

**(#EXCULPATORY#! It was a general criticism of the practice by the President, a criticism of the practice in any municipality, not necessarily in Bijeljina, because the President spoke in plural, “presidents”, but this is why the arbitrary handwritten notes can not be taken as webatim. And, #how it could have been used against him#, as a proof of his backing crimes? But, anyway, in Bijeljina the President forced the municipal President to resign, and General Mladic demoted Mauzer to a private! And a bit further in the same document, the President said that a municipal authorities should not take too much in their hands:**

\* The municipal authorities must not  
take too many things into their  
hands, and have maximum  
respect from the army.-

**3336.** In relation to Zvornik, Colm Doyle passed on information to the Accused that he received from Martin Bell of the BBC that on 10 April 1992, 25,000 people were leaving the municipality.<sup>10698</sup> **(#Before VRS, before any command responsibility#! Just to look in the UN documents, to see that at that time the President didn’t have any armed force to command, didn’t have any capacity and official role, and there was no sufficient information, but even if there was a sufficient information, who was able to act and what way? The two ethnic communities clashed after the general mobilisation proclaimed by Izetbegovic. The Muslims took over at a first moment, then the Serbs consolidated and had re-taken the control. No man or institution all over the world would be entitled to order to one side not to defend. And no man would be obeyed, because everyone has a right to defend his own life and lives of his family!)** The Accused “seemed to be a little bit alarmed” and then advised Doyle that he did not trust or believe the BBC.<sup>10699</sup> At a mid-April 1992 meeting with international humanitarian organisations and members of the SDS and JNA, the Accused placed the blame for events in Zvornik on irregular paramilitaries who he claimed were not under the control of the SDS.<sup>10700</sup> **(#Paramilitaries of all ethnicities#! There were not only the Serb paramilitaries, but the Muslim also, and some of the HOS (Croatian) irregulars! But there was no a single armed group that was under the control of the SDS, because the President and all the relevant SDS officials agreed not to have a party armed formations, and that was well known, and could be seen from many documents!)** At a meeting held on 30 June 1992 between representatives of the Zvornik municipality, the President, Mladić and other officials,<sup>10701</sup> Branko Grujić, a representative of the Interim Government of Zvornik, stated that “[w]e have

<sup>10698</sup> Colm Doyle, P918 (Transcript from *Prosecutor v. S. Milošević*), T. 25275. See also Martin Bell, T. 9787 (14 December 2010); P1996 (Witness statement of Martin Bell dated 8 March 2010), para. 25 (testifying that he informed Doyle of the events in Zvornik and suggested it be brought to the attention of the Accused). In this regard, the Chamber recalls that following the attack on Zvornik by the Bosnian Serb Forces on 8 April 1992, approximately 10,000 people, the majority of whom were Bosnian Muslim, left Zvornik. See paras. 1250, 1360.

<sup>10699</sup> Colm Doyle, P918 (Transcript from *Prosecutor v. S. Milošević*), T. 25275. The Chamber received additional evidence that the Accused received information about the displacement of civilians from Zvornik. On 8 April 2010, [REDACTED].

<sup>10700</sup> [REDACTED].

<sup>10701</sup> P1478 (Ratko Mladić’s notebook, 27 May–31 July 1992), p. 246; D3654 (Witness statement of KW317 dated 26 September 2012), para. 69 (under seal). See also Marinko Vasilčić, T. 39954 (13 June 2013).



successfully implemented the President's decision to settle Divič and Kozluk with our children."<sup>10702</sup> **This is misinterpretation of what Mladic put down in a short remarks. Prior to what Grujic said, another participant, Milenko Stanic, (p.249) said:**

1. – The Government is to take a decision on confiscating property because of the large number of people who have fled. \_
- 2.- Problem implementing authority at levels below municipal, it has to be financed, given a name, and authority must be enforced. \_

**And the abandoned property was a great problem, since it was exposed to looting and destruction. The official position of the state organs (and the President personally) was that the #temporarily abandoned property must be given for a temporary use to the refugees, not to the domestic populations#, which didn't need it, and wouldn't keep it safe. See: D01709, 18 May 92, from the Zvornik municipality, signed by Grujic:**

#### Article 1

The Commission for Supervising the Use of Socially-Owned Flats is hereby formed.

#### Article 2

The members of the Commission are as follows:

- |                          |                              |
|--------------------------|------------------------------|
| 1. Rade VUKIĆ            | - chairman of the Commission |
| 2. Slobodan KRSTANOVIĆ   | - member                     |
| 3. Aleksandar VUKSANOVIĆ | - member                     |
| 4. Tomo JAŠIĆ            | - member                     |
| 5. Savo ČIČAREVIĆ        | - member                     |

**See: D01084, from Hadzici, 26 May 92:**

With this decision the commission for making a list of all abandoned flats and property on the territory of Hadžići Serb Municipality is being determined. Its members are:

1. Vaso TOMAŠ
2. Relja SOLDAT
3. Nevenko SAMOUKOVIĆ
4. Sreten PUŠARA
5. Aco MILOŠEVIĆ

#### II

The appointed commission is obliged to make a list of all abandoned flats and property on the territory of Hadžići Serb Municipality and also to seal them, so they could all be registered and placed at the disposal of Hadžići Serb Municipality.

**"#To make a list, to seal them,#" and the Municipality may have it at a disposal. All according the law. See further, D01710**

This Decision hereby establishes the criteria and conditions under which temporary accommodation shall be provided in abandoned flats and residential family buildings in the area of the Serbian Municipality of Zvornik.

## Article 7

The organ in charge of housing matters in the area of the Serbian Municipality of Zvornik shall keep records of persons accommodated in abandoned flats and residential family buildings in order to take /?preliminary/ actions from its jurisdiction and collect payment for costs necessary for /?preservation/ of the housing space.

**See further, D34, Pale, #protection of abandoned property, see: D02246, - the Government regulation of handling the abandoned property, See: #D111. the President's decision on this issue: Aug. 92:**

It has become common for local people to move into empty flats instead of refugees, and they sometimes even retain some kind of "right" to several flats.

The occurrence of abandoned flats is a war issue, and so are the refugees. This means that both occurrences are temporary.

Please strictly observe the following

## INSTRUCTIONS

1. *Temporarily abandoned flats can be given for temporary use to refugees only, not to local people.*
2. *Accurate records are to be kept on both the temporarily abandoned flats and the refugees. The temporarily abandoned flats can be given for use by a commission only, which issues the decision on the temporary use.*
3. *Any abuse, nepotism and failure to observe /these instructions/ entails not only political responsibility, but also criminal prosecution/.*
4. *In addition to legal obligations regarding conduct, you must display political awareness and tact when dealing with refugees, their accommodation and employment, as is required of you by the programme of the Party that has brought you to office.*

PRESIDENT OF THE PRESIDENCY  
Dr. Radovan KARADŽIĆ  
/stamped and signed/

**There is more than a sufficient evidence on what was it all about.**

Marko Pavlović said that they were active in moving out Muslims, and had also moved people for the sake of their "heroes" who had fled from Kovačevići.<sup>10703</sup> **Although B. Grujić testified that his words hadn't been recorded accurately, and although there is a great deal of cynicism in the Pavlović's words, it is still used against the President. See what had been said just before the "critical" words:**

- \* **Morale is not of the quality required. —**
- \* **We were most active in evicting the Muslims, we had brought peace to Šepak, Divić and Kozluk. Some of them wanted to move out, while we demanded it.**
- **We had to evict some of the people also for the sake of our "heroes" who fled from Kovačevići. —**

10703

P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 249–251, 253–254; Petko Panić, T. 19138–19139 (19 September 2011). *See also* Milenko Stanić, T. 34033–34034 (19 February 2013) (testifying that he could not recall the issues discussed at this meeting pertaining to Zvornik which were presented by Marko Pavlović). Branko Grujić testified that the note in Mladić's notebook is incorrect as he never uttered the words attributed to him and he insisted that it was a local decision to remove the Bosnian Muslims and the Accused did not allow forcible transfer. Branko Grujić, T. 40418–40420 (25 June 2013). The Chamber recalls that that Grujić's evidence was marked by multiple contradictions, evasiveness, and bias. *See paras.* 4237, 4239, 4255, 4270, 4279, 4283, 4308, 4357, 4441, 4572. In light of this, the Chamber does not believe his denial as to the content of Mladić's notes. The Chamber further notes that Grujić testified that the BCS word "*iseljavanje*" in Exhibit P1478 was incorrectly translated as "evicting" when it means "moving out at their request". Branko Grujić, T. 40421 (25 June 2013), Branko Grujić, T. 40458 (26 June 2013). The Chamber accepts the clarification made by Grujić but considers that in the context of the notes of the meeting, the meaning is effectively the same as "evicting". **#And that is not fair!!! On one hand are the Mladić's unfinished notes, on the other is a live testimonies, and the Chamber finds "a hair in egg".**

**“Evicting” some domestic people from an illegally occupied apartments for the sake of the refugees “heroically” escaped from Kovacevici, was not illegal, but was a bitter and cynical remark! The same Pavlovic, in the same document said that “we have to get rid ourselves from Zuca, capt. Dragan and other paramilitaries. All what had been said was a sort of criticism of the reality, which was not satisfactory. This can not be used against the President!)**

The Chamber recalls that in fact, most of the inhabitants of Divič and Kozluk were Bosnian Muslims and that after they were relocated, Bosnian Serbs who had fled their homes in other areas settled there.<sup>10704</sup> **(#All in accordance with the regulations, and all on the temporary basis, see the documents above, pertaining the handling of the abandoned property!#)**

**3337.** On 5 July 1992, the President stated that he had ordered an immediate investigation into the displacement of Bosnian Muslim civilians from Zvornik and had been told that the Bosnian Muslim inhabitants of Kozluk had requested approval to move to third-countries because they felt like hostages.<sup>10705</sup> He further advised that the Zvornik authorities possessed written evidence that they left of their own free will and added that they could return anytime they wanted.<sup>10706</sup> **(As said, as it happened, almost everyone returned to Kozluk)** The Chamber considers that the implication that the President learned that Bosnian Muslims were removed from Zvornik with the assistance of the Interim Government of Zvornik in order to settle Bosnian Serbs who had fled from elsewhere indicates that the Accused was aware of the forcible nature of the movement. **(There should be an #evidence, not an indication#. There was no any force in it. There was a previous attempt of the population of Kozluk to leave, but the Serb authorities of Zvornik dissuaded them, with the help of the Christian Orthodox Bishop and the Muslim mufti, guaranting them security, but when the local authorities couldn guarantee it’s own safety. They had to inform the population in Kozluk. If the Chamber rejects or denies these facts, it should have it said so!)** This is corroborated by the fact that the Accused was informed that the Bosnian Muslims who fled Kozluk had felt like hostages. **(And this is exactly how the Chamber should not make inferences without knowing the case in detail. The population in Kozluk didn’t feel like hostages because of any other reason, but for the reason that #they were not allowed to leave#. And this directs us to another, the only logical inference: the population “forced” the authorities to facilitate them the departure!)** The President was later made aware of further efforts to remove Bosnian-Muslim civilians held in the collection centre in Divič in September 1992.<sup>10707</sup> **Not a single “inference” is OK. Let us see this document from the fn. 10712, P05402**

In co-operation with the authorities of Zvornik Serb Municipality and deputy Jovo MIJATOVIĆ (member of the Republic War Commission), an appeal was sent to the Muslims in the region of Birač to pull out children and unarmed people. President KARADŽIĆ agreed with this and the Muslims agreed to have negotiations on 14.09.1992. The negotiations will be attended by deputy /name missing/, the security organ of the brigade command. We would like you to inform the president /name missing/ of the Serb Republic, Mr KARADŽIĆ in Bijeljina.

**(#EXCULPATORY#! Instead of being praised for supporting the evacuation of the minors and unarmed people from this combat zone, it is used for an accusation for an ethnic**

<sup>10704</sup> Petko Panić, T. 19136–19137 (19 September 2011), T. 19151–19152 (20 September 2011). See also paras. 1261, 1267, 1269.

<sup>10705</sup> P2937 (Radovan Karadžić letter, 5 July 1992) (under seal), p. 1.

<sup>10706</sup> P2937 (Radovan Karadžić letter, 5 July 1992) (under seal), p. 1.

<sup>10707</sup> P5402 (Telegram from Neimar to Kapija 333, 13 September 1992). See also P5403 (Telegram from Neimar to Kapija 333, 10 September 1992).

**cleansing! Unbelievable! Let us see P05403:**

At the request of representatives of Zvornik Serb municipality and the SJB and with the aim of resolving the issue of the collection centre in Divič and releasing the civilian population of Muslim nationality that are at the collection centre to the territory of Kalesija and Kladanj, they are asking to be authorized the possibility of transferring these people to the above territories through the light infantry brigade.

**The wording is clear: #“releasing the civilian population”#. Releasing, not expelling, and all of it after five months of a fierce fightings in the area.** On 21 January 1993, the President commented that the number of inhabitants in Zvornik remained the same but it changed from being 50% non-Serb to completely Serb, with more than 24,000 Serbs from Zenica and Central Bosnia having arrived.<sup>10708</sup> On 10 April 1993, the President attended a celebration marking “the day of the liberation of Zvornik”.<sup>10709</sup> **(So what? The Defence never contested that the President was alive at the time, that he was in the region and exercised his presidential duties to the possible degree! As far as it is concerned with the population, the Muslims controlled about 50% of the municipal territory, the ethnicities didn’t succeed in formatting the two municipalities, they fought instead and separated chaotically. The Serb part of Zvornik admitted as many refugees from Zenica. Those are processes within a civil war, what does it have to do with the President, who wanted to avoid this war at any cost!).**

**3338.** The Chamber also received evidence that the Accused knew that Nedeljko Prstojević, President of the Ilidža Crisis Staff, was involved in “ethnic cleansing” in Ilidža. In June 1992, after being relieved of his military command responsibilities due to his involvement in expelling Bosnian Muslims from Ilidža, Prstojević managed to return to Ilidža and continue this practice after he met with the President in Pale.<sup>10710</sup> **(This alludes as if this meeting was connected with an alleged “ethnic cleansing” committed, allegedly, by Mr. Prstojevic! #Prstojevic testified and denied that the Muslim civilians from Ilidza had ever been “expelled” but the Muslim combatants had#!)** Furthermore, on 2 July 1992, in an intercepted telephone conversation, Mandić confronted Prstojević about his involvement in forcing Bosnian Muslims out of Ilidža and advised him that the information about this had “already reached the top”.<sup>10711</sup> In addition, at a

<sup>10708</sup> See para. 2760. See also paras. 2772, 3068.

<sup>10709</sup> P5167 (Report of Zvornik Brigade, 10 April 1993), p. 2.

<sup>10710</sup> See para. 2132, [REDACTED]. **There is no a single word in this intercept that could have been a basis for any conclusion about any “cleansing”!!!**

<sup>10711</sup> P1110 (Intercept of conversation between Momčilo Mandić and Nedeljko Prstojević, 2 July 1992), p. 4. See para. 2159. **Look what is in this**

<p><b>intercept:</b></p> <p>Momčilo MANDIĆ:</p>	<p>It has come to our attention and that of the Government that you are issuing ultimatums to some Turks; evicting people from certain settlements and people respond badly to it. They are abusing this, those Muslims and the media and so on.</p>
---	--

<p>Momčilo MANDIĆ:</p>	<p>Well, please do not do anything like it, consult with ĐERIĆ first and those people up there, because this is very bad publicity for us and for everyone. They have the civil option, and they are killing and expelling us. You have to be a little bit more flexible</p>
----------------------------	--

there and not touch those Muslims who are willing to listen and who are loyal. We cannot ethnically cleanse Ilidža or any other place. At least that is the attitude of the Government and political leadership and all. It has already reached the top how in some settlement you gave them 24 hours to move out and they... Not the se..., no, not the safety..., what was it; what did you say? You are not..., you are not responsible for their safety or something like that.

<p>Nedeljko PRSTOJEVIĆ:</p>	<p>I know, but we did not say that, not in public. That’s not our politics.</p>
---------------------------------	---

July 1992 Bosnian Serb Assembly session, in the President's presence, Prstojević boasted about Ilidža's achievements in extending Bosnian Serb territory and driving Bosnian Muslims out of "territories where they had actually been [a] majority".<sup>10712</sup> **(#No a normal person would brag about such a kind of felony#. There was no any settlement with the Muslims that the Muslim extremists didn't have an armed unit, let alone a settlement with the Muslim majority. This certainly pertained to an "extending of the territory under the Serb control, and that was entirely #military wording and logics#, and it appeared that it never happened, and nobody could name this kind of settlements. Also, the Chamber didn't establish that the President was in the hall at that moment. The President was not obliged to attend the Assembly sessions unless invited to give a speech and respond, although he was present at almost all of the session, but not all the times. But it was never that he was in the hall all the time, and there is evidence on that. Such a weak evidence hadn't been seen since the Inquisition. Even Hitler and Stalin courts required something more than the inferences from inferences, from inferences,... endlessly!)**

**3339.** On 6 June 1992, the Bosnian Serb leadership, including the President, attended a briefing about Bratunac in which it was indicated that there were no Bosnian Muslims remaining in Bratunac and that it was a "fully liberated town".<sup>10713</sup> **(only town itself, but the rest of 80% of the municipality was in the Muslim hands!)** On 30 June 1992, the President was further informed by Ljubislav Simić, President of Bratunac, that from a situation where the Bosnian Muslims were the majority before the conflict, only two remained in the municipality.<sup>10714</sup> Simić also reported on looting by the army.<sup>10715</sup> **(So what? He was complaining, and if the President was in favour of looting, Simić wouldn't report it to him. This is #exculpatory#! Pertaining to the Muslims from Bratunac, it was well documented that after they didn't succeed to fight the JNA and to expel the Serbs, they #ultimately demanded to be approved that their civilians leave towards Tuzla!# it is proven and confirmed by the Muslim testimonies!)**

**3340.** On 23 June 1992, the President was informed of events in Bosanski Novi regarding the 9,000 Bosnian Muslims who left after being subjected to intimidation and a policy of harassment and discrimination at the hands of the Bosnian Serbs.<sup>10716</sup> **What does it mean – was informed? So what? This was a local development of a civil war, and the President was not in a position to know many things, particularly in this period, because there was no communication. But, even if he knew, what was it that he could have done? Why it happened only in June 92, while the rest of the BiH was inflamed in the war at the beginning of April? #Nothing happened before the Muslim extremists initiated fights against the Serbs#. And B. Novi is an example how the facts are distorted. The Serb authorities, after the failure of its attempts to pacify the area, proposed the population to temporarily move to Banjaluka, which is within the RS, or to Doboј, also in the Republic of Srpska, which the representatives of this population initially accepted, but refused to stay in Doboј in a poor conditions. So, the offers of the authorities were a temporary movement within the same regiona and entity. No crime was committed. Then, the population demanded to be facilitated to cross to Croatia, and**

Nedeljko  
PRSTOJEVIĆ:

Yes, but we did not say that in public, nor did we write it.

**We had to comment this intercept several times. This intercept could only be EXCULPATORY!!!**

<sup>10712</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 66.

<sup>10713</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 93–94, 101.

<sup>10714</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), pp. 246, 258. The Chamber notes that Ljubislav Simić testified that he said there were only two Muslims remaining in Bratunac ironically to highlight the problems being caused by paramilitaries. Ljubislav Simić, T. 37303–37304 (16 April 2013). The Chamber views Simić's evidence in this regard with caution given the problems with his credibility identified earlier in this Judgement at footnote 2268 and that he had an interest in distancing himself from such a statement.

<sup>10715</sup> P1478 (Ratko Mladić's notebook, 27 May–31 July 1992), p. 259.

<sup>10716</sup> KD2240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6786–6789, 6834 (under seal).



further to the European countries. There was no crime in the conduct of the authorities, and even if there was, what it has to do with the President?

3341. The Accused, in July 1992, acknowledged that there had been a number of “traitors” who had committed inhumane acts and that they would be tried and punished by law, but suggested that the most severe acts were rare and that there were more frequent examples of unlawful acquisition of property.<sup>10717</sup> **(#EXCULPATORY#! So what? It is everywhere in the world that the most severe crimes are less frequent. But, the Chamber didn’t notice that the President distanced himself and the authorities from those “traitors”, because the criminals were betraying the Serb people at the first place. At the same time a #Muslim high official Silajdzic was spreading the fairy-tales About 300,000 killed Muslims and 80,000 raped Muslim women#, and the President didn’t exclude that some severe acts had been committed, but that the majority of crimes pertained to an acquisition of property!)** The President characterised this as a consequence of the “inter-ethnic and religious war” and that some individuals were involved in taking the property of both Muslims and Serbs.<sup>10718</sup> The President stated that these crimes occurred without the knowledge of regular soldiers and affected their morale.<sup>10719</sup> **(Did the Prosecution submit any evidence to the contrary? There was many evidence that the very next level rectified a misdeeds of their subordinates, which proved that the state was against any crime?)**

3342. On 17 July 1992, the Bosnian Serb MUP wrote a report to the President and the Prime Minister.<sup>10720</sup> It stated that almost all paramilitaries lacked a unified command and engaged in looting, which posed a major threat to public peace and order.<sup>10721</sup> **(That means that the Serbian MUP was doing it’s job properly. How this could be used against the President? Good deeds are to be punished! Those days and a few days later there were the arrests of paramilitaries. The MUP only informed the President and Prime Minister, not requiring any action of them, but just informing that they were aware of the problem and that they will act! #ENTIRELY EXCULPATORY#!)** The report also stated that the army, Crisis Staffs, and War Presidencies had requested that the army round up as many Bosnian Muslim civilians as possible.<sup>10722</sup> **(The Serbian MUP was critical of such a requests and rejected it, and informed the President that it had been a mistake of the local officials. The fact that it had been required doesn’t mean that it was accepted and carried out. On the contrary! Since the entire domain was within the MUP’s competence, they only informed the President, which didn’t mean that there was required any of his action. #EXCULPATORY#!)** The Accused had already received information in May and June 1992 that Serb Forces were engaged in looting and that there were problems with robberies “of even Serbian people”.<sup>10723</sup> **(So what? #The President was informed by those who fought against the crimes, in accord with his orders#!The MUP was exercising it’s duties, and informed the instances that should be aware of the problem, but all of those paramilitaries had been put out of law as of 13 June 92, by the President’s order, and prior to that, by the Mladic and Djeric orders. How it could have been a “Serb Forces” since the President himself delegitimised all of these paramilitaries? See: D93, see D434, #ENTIRELY EXCULPATORY#! See D01633, 29 July 92.:**

<sup>10717</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 17.

<sup>10718</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 17. See also D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 14; P809 (Video footage of Radovan Karadžić’s Press Conference at ICFY, 18 September 1992), p. 1.

<sup>10719</sup> D92 (Transcript of 17<sup>th</sup> session of SerBiH Assembly, 24–26 July 1992), p. 17.

<sup>10720</sup> P1096 (SerBiH MUP Report on Some Aspects of Work Done to Date and the Tasks Ahead, 17 July 1992).

<sup>10721</sup> P1096 (SerBiH MUP Report on Some Aspects of Work Done to Date and the Tasks Ahead, 17 July 1992), p. 2.

<sup>10722</sup> P1096 (SerBiH MUP Report on Some Aspects of Work Done to Date and the Tasks Ahead, 17 July 1992), p. 3; Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8944; Momčilo Mandić, T. 5166–5167 (14 July 2010).

<sup>10723</sup> D414 (Minutes of 19<sup>th</sup> session of Government of SerBiH, 2 June 1992), p. 1; P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 54; Milorad Davidović, T. 15612, 15634–15636 (29 June 2011).

Serb Republic Bosnia Herzegovina Ministry of Interior Police Detachment, together with the Serb Republic Bosnia Herzegovina Army members, took over control of the territory of Zvornik municipality, on 29 July 1992 they disarmed paramilitary formations, which complicated the security situation in this area for a while, by looting, disturbing public order and peace, disabling functioning of the authority system.

During the course of this operation, 30 persons were arrested, including three of their commanders, and substantial quantities of artillery and infantry weapons were confiscated, as well as mine-explosive materials. Our side didn't suffer any losses, but two members of the paramilitary formations were wounded.

**See: D98 of 6 August 92**

The Presidency of the Serbian Republic of Bosnia and Herzegovina hereby announces that it issued an order a few weeks ago for all groups and individuals to subordinate themselves to the single command of the army and police. This idea has been implemented on the whole, apart from a few renegade groups in Podrinje and Ključ. The Ministry of the Interior of the Serbian Republic of Bosnia and Herzegovina arrested the groups and individuals who defied the law and looted and committed arson. This, therefore, does not concern the arrest of politically organised units, or ones with other names, that have subordinated themselves to the single command and are fighting courageously for the freedom of their Serbian Bosnia and Herzegovina and who deserve every praise.

/stamp/

PRESIDENCY  
OF THE SERBIAN REPUBLIC OF BOSNIA AND HERZEGOVINA  
Radovan KARADŽIĆ

**So, there was no empty treats, there were arrests.)**

3343. On 19 July 1992, the President wrote, *inter alia*, to the Novo Sarajevo, Pale, Ilidža, Hadžići, Rajlovac, and Sokolac municipalities, requesting that they, in co-operation with the SJBs, make an inventory of all housing facilities which were left vacant following the "voluntary departure" of the Bosnian Muslim population and that pursuant to a Presidency decision those facilities would be given for the temporary use of Bosnian Serbs from Sarajevo.<sup>10724</sup> **Completely #EXCULPATORY#! There is a set of documents on the subject of the abandoned property. The duty of the municipal authorities was to register, seal, save the property and if needed to give it for use exclusively to the refugees, for a temporary use with the obligation to maintain it while using it. Beside this P739, see many other documents from many municipalities: See D00034, Pale, protection of abandoned property, see: D02246, - the Government regulation of handling the abandoned property, See: the President's decision on this issue: 0111. Aug. 92:**

It has become common for local people to move into empty flats instead of refugees, and they sometimes even retain some kind of "right" to several flats.

The occurrence of abandoned flats is a war issue, and so are the refugees. This means that both occurrences are temporary.

Please strictly observe the following

#### INSTRUCTIONS

1. Temporarily abandoned flats can be given for temporary use to refugees only, not to local people.
2. Accurate records are to be kept on both the temporarily abandoned flats and the refugees. The temporarily abandoned flats can be given for use by a commission only, which issues the decision on the temporary use.
3. Any abuse, nepotism and failure to observe /these instructions/ entails not only political responsibility, but also criminal prosecution/.
4. In addition to legal obligations regarding conduct, you must display political awareness and tact when dealing with refugees, their accommodation and employment, as is required of you by the programme of the Party that has brought you to office.

PRESIDENT OF THE PRESIDENCY  
Dr. Radovan KARADŽIĆ  
/stamped and signed/

**What is wrong with this instructions?)**

**3344.** The Accused was informed on 28 July 1992 that paramilitary groups frequently followed VRS units into inhabited areas in order to loot after combat was completed in those areas.<sup>10725</sup>

**This is document P1500, let us see what it said:**

The analysis of paramilitary organisation in the territory of the SR BiH established that paramilitary formations exist in areas of responsibility of all the corps and are mainly located behind the lines of combat activities, in the rear and in inhabited areas. They rarely enter /the area of combat activities/ and then usually follow SR BiH Army units when liberating parts of the territory and inhabited areas, and are mainly motivated by looting. The exception are small groups active at the front, which place themselves temporarily and formally under the command of regular SR BiH Army or Police units, which is also contrary to the SR BiH Law on the Army.

**Let us see whether it is #“accusatory” or “exculpatory” exhibit#: the Commander of the VRS reports to the Presidency and other institutions what he had undertaken against the paramilitaries. This was 28 July, after 13 June and the President’s Order of the same kind, and some arrests had been done, or were underway, such as in Zvornik (The Yellow Wasps arrest action was just underway) it is exclusively #EXCULPATORY#, and wouldn’t be exculpatory only if the President opposed this order, which didn’t happen, since the order was in accord with his own orders D93, D434 and all other orders.**

A large number of paramilitary formations proclaim themselves units for special activities, selecting assignments on which they are engaged for a day or two, after which they remove themselves from the front line of their own accord, resulting in the weakening of the morale of soldiers and units fighting in the first combat lines from the beginning of the war.

**The Commander of the Main Staff of VRS identified those groups as a “self-proclaimed” special units, appearing at the beginning as a legal volunteers, and after being under the command “for a day or two”, becoming a paramilitary. During the entire process the Defence kept this position: their coming in the battlefield was legal, in accordance with the decision of the Federal Presidency, were registered in the municipal TO for salaries as a regular soldiers, #but later reneged#, and the authorities tried to arrest or expel them, which they couldn’t achieve without a help of the central MUP and the VRS. #EXCULPATORY#!**

Most of the paramilitary units were established around a core and individuals from the FRY /Federal Republic of Yugoslavia/, which mainly act from the standpoint and under the banners of Serbian opposition political parties (SPO /Serbian Renewal Movement/, SNO /Serbian National Renewal/, SRS /Serbian Radical Party/ and others). The exception are a few paramilitary units comprised of conscripts from the SR BiH area, which is the result of the violation of legal provisions on recruitment and conscription. These unlawful formations act under the banner of opposition parties, declaring themselves to be Chetniks or guard units with the intention of evading the front lines or organised armed combat under SR BH Army command.

**Here, the Mains Staff identified those groups as #affiliated to the opposition parties in Serbia and suggested also in the RS, and some of these parties had always been opposed to the SDS#**

A special feature are the plundering paramilitary formations from the FRY, which act independently in the areas of responsibility of the Herzegovina Corps and the Eastern Bosnia Corps with the basic goal of extracting material, technical and other types of goods from the SR BiH. These gangs of looters parade around in the rear of the front, in inhabited areas and municipal centres together with local war profiteers and individuals from the authorities who provide them with legitimacy and shelter, with the basic goal of covertly using them to plunder national assets and in their struggle for power and internal conflicts among the Serbs.

**From this document the #President could only see that the VRS and it’s commands are doing their job, in accordance with his own orders and the provisions of the SR BiH low on the Army#. Gen Mladic repeated in the strongest manner that all the independent groups and individuals were to be submitted to the unique command, except those who already**

**committed crimes:**

2. Individuals and groups that have committed atrocities, looting and other types of criminal acts are not to be included into units. They are to be disarmed, arrested and criminal proceedings are to be initiated against them in SR BiH Army courts, regardless of their citizenship.

**The document is completely #EXCULPATORY#!**

**3345.** On 16 August 1992, Doyle mentioned to the President that he was familiar with the practice of non-Serbs being forced to leave their homes and that some of these people were forced to pay money for permission to leave. The President agreed that this was not legal and should not happen.<sup>10726</sup>

**As any naïve or stupid man, #the President was extremely trustful of the international representatives#. Many Muslims payed a bribe to be put higher on a waiting list for leaving, and had to pay a fee for transportation, all other payments was not known. But, "paying money for permission to leave" is in a sharp contrast to the allegations about "expelling" or other ways of an "ethnic cleansing" because these two are excluding each other. Since Doyle informed the President in London, the Acused couldn't deny before researching, but immediately after he returned from London, the President issued an order banning everything what Doyle was talking about, see D00101**

To: MAIN STAFF OF THE ARMY OF THE SERBIAN REPUBLIC  
MINISTRY OF THE INTERIOR  
ALL SECURITY SERVICES CENTRES

Pursuant to our document of 13 June 1992 concerning the observation of international standards in war, I hereby re-issue the following

ORDER:

1. All protagonists should fulfil their obligation to observe international humanitarian law, especially the Third and Fourth Geneva Conventions;
2. All soldiers and employees of the Ministry of the Interior should be instructed to respect captured persons, civilians, medical institutions, private and public places, the Red Cross symbol and UN personnel and equipment;

**There is no any ambiguity, all was ordered. See further:**

3. Forcible resettlement and other illegal measures against the civilian population should be prevented, and any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void;

**An executive order of the Commander in chief, even before he checked whether Doyle was right, or not.**

4. Measures to improve conditions in all prisons in the Serbian Republic should be taken immediately, in accordance with recommendations made by the Red Cross during visits to those places. Pursuant to the previous Decision, all prisoners of war in poor health, who will not soon be rejoining enemy armies, should simply be released;
5. The International Red Cross should be informed immediately of all prisons in the Serbian Republic and accurate lists of persons detained in those prisons forwarded to them;

**So, the President indorsed the IRC, whose recommendations had to be followed by the state organs of the RS.**

6. All members of the army and police of the Serbian Republic shall provide assistance to members of the International Red Cross, the United Nations High Commissioner for Refugees and other humanitarian organisations. These persons must be provided with total security and access to all prisons where prisoners of war are held.



**An #exemplary care for the international norms#. The order never was denounced, nobody objected, nobody had a negative comments.**

General position:

In case of any suspicion or sign that international humanitarian rights have been violated, all organs of the Army and Police shall conduct energetic investigation in the zone of responsibility.

PRESIDENT OF THE SERBIAN REPUBLIC  
Dr. Radovan KARADŽIĆ  
/signed and stamped/

**. So, the President was informed about some criminal features, and immediately took measures with a remedies. #EXCULPATORY#! Apart from it, there is a contradiction in Doyle's words: if the #non-Serbs had to pay for "permission to leave", it doesn't look like a forceful leaving#. Now we know that the population was forcing the local authorities to facilitate them leaving the area, for which they had to submit up to 15 papers, plus to pay for the transportation costs. See: many documents showing that the population wanting to leave demanded it. During his testimony, Mr. Doyle praised the President for this document, because he didn't know if it was issued on the basis of his information!)**

**3346.** On 22 August 1992, the President was informed by a report from the Banja Luka MUP and from international organisations of the incident at Korićanske Stijene in which approximately 200 non-Serb men were killed by Serb Forces and thrown down a ravine at Mount Vlašić on 21 August 1992.<sup>10727</sup> **(The Chamber already knew that the Accuse was in London for the beginning of the Vance-Owen Conference. Here is what the witness Subotis said: D3695, para 246:**

me. He told me that my mission was to establish whether the army had a role in it and to see what they had done about it by that time, and to convey to them that he was demanding the heaviest sentences, the heaviest possible sentences for the perpetrators of that crime. He was literally yelling because he had received calls from representatives various international organisations and he simply couldn't believe that something like that had indeed happened.<sup>257</sup>

The Accused was angry because he had already received calls from international organisations about the killings and "he simply couldn't believe that something like that had indeed happened".<sup>10728</sup> **(So what? Would he be surprised had he ordered such a crime? How this could serve for the conviction of this President? #EXCULPATORY#! Another Chamber rightfully acquitted Minister Stani{i} of charge for this event, how the President who was more distant to the perpetrators could have been found responsible?)**

**3347.** On 25 August 1992, the Accused acknowledged his awareness of the "so called practice of ethnic cleansing" and that "the majority of those displaced are undoubtedly Bosnian Muslims".<sup>10729</sup> He wrote a letter explaining that he had issued an order that the forced transfer of the civilian population must be prevented and any written statements by refugees that they would

<sup>10727</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 242–246; Bogdan Subotić, T. 40105–40111 (20 June 2013); T. 40173–40175 (21 June 2013). See also D4379 (Witness statement of Vladimir Glamočić dated 10 February 2014), paras. 14–15; P3768 (Witness statement of Milan Komljenović dated 28 October 2011), para. 5 (stating that Glamočić admitted to him years after the incident, that the Accused had called him on the night of the Korićanske Stijene incident to demand answers); P5446 (Report of 1<sup>st</sup> Krajina Corps, 22 August 1992); D2040 (Special report of the 22<sup>nd</sup> Light Infantry Brigade, 21 August 1992). See Scheduled Incident B.15.6.

<sup>10728</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 246.

<sup>10729</sup> D4720 (Letter from Radovan Karadžić re London Peace Conference, 25 August 1992), p. 1.



not return were considered legally invalid.<sup>10730</sup> However, he stated that the civilian population must be allowed to move freely out of a war zone if that was their desire under the Geneva Conventions, blaming the failure on the part of the international community to understand the deep-rooted antagonism and hatred between the three ethnicities in BiH, which caused people to leave their communities in droves.<sup>10731</sup> **Let us see the entire document D4720, whether it could be used against the President:**

**LONDON PEACE CONFERENCE - BOSNIA & HERCEGOVINA**

With the London Peace Conference beginning tomorrow under Britain's Presidency I wanted to take this opportunity of writing to you directly in order to help clarify some important issues.

Firstly, and understandably, there has been a great deal of concern over what has become known as "ethnic cleansing". The majority of those displaced are undoubtedly Bosnian-Muslims, with a sizable number of Bosnian-Serbs also been forced to flee fighting, torture and intimidation.

The so called practice of ethnic cleansing has been an issue of prime concern to me and on 19 August 1992 I issued an order (No. 01-530/92) in which I declared:

*"The forced transfer of people and other illegal measures against the civilian population must be prevented; certificates on property or written statements by refugees that they will not return, if any, are not legally valid and are out of force."*

I have given a clear undertaking, and I repeat it, that all and any refugee must be allowed to return to his home or the territory from which he was displaced whenever he wishes.

**The document quoted in this para was this of 19 August 92, as D101, cited above. It was still a time when the President didn't have a complete picture of events on the terrain, and he trusted the internationals over any reasonable measure. See further:**

Under the terms of the Geneva Convention the civilian population must be allowed to move freely out of a war zone if that is their desire. There has been a failure to understand the antagonism and hatred, rooted in history, that now exists between the three communities of Bosnia & Hercegovina. This has encouraged people to leave their communities in droves.

I anticipate that many, if not most of those who have left will return once the situation in Bosnia & Hercegovina has calmed down. It is for that reason I support, and will do everything to help, the establishment of safe havens within Bosnia & Hercegovina.

**Look how naïve was he!**

By keeping the population within the Country we will ensure that the lure of western prosperity (it to the west that almost all the refugees are fleeing) is not a factor in deciding the future place of residence.

**There could have not been any possibility of a "permanent removal" of anybody, since the most responsible official of the RS made commitment that everyone will be able to return, and to have achieved it totally, he proposed not to have the population leaving towards the western prosperity, but to be taken care in the region.**

The EC can help, and Britain can use its Presidency to effect, however, it is important to understand that the mandate the EC has is that which it was granted by the republics of the former Yugoslavia. We invited the EC to mediate, not to judge.

**Conciliatory and #EXCULPATORY#!**

<sup>10730</sup> See para. 346; D4720 (Letter from Radovan Karadžić re London Peace Conference, 25 August 1992), p. 1.

<sup>10731</sup> See para. 346; D4720 (Letter from Radovan Karadžić re London Peace Conference, 25 August 1992), p. 1.

Stage managed atrocities by Bosnian-Muslims, such as the sniper assault on the school bus, the subsequent funeral offensive, the grenade attack on Douglas Hurd and the notorious bread queue shelling must end. The UN have confirmed that all these incidents were carried out by Muslim forces in the hope of provoking international outrage against the Bosnian-Serbs [*The Independent* 22 August 1992].

**The rest of the document is equally convincing, honest and conciliatory, and can not be used against either this President or any other Serb individual or institution. All #EXCULPATORY#!**

- 3348.** At an international press conference in September 1992, the President again acknowledged that there was “ethnic cleansing” in BiH and stated that this was not part of a policy, emphasising that people were leaving the territory out of fear and that if there were examples of expulsion by force this was to be condemned.<sup>10732</sup> **What is wrong with that? #EXCUPATORY#!** At this same press conference when confronted with allegations and reports of atrocities being committed by Bosnian Serbs, the President claimed the reports were not honest and did not report on what the Bosnian Muslims and Bosnian Croats were doing. He also questioned whether these acts were part of a policy and stated that in an “inter-ethnic and inter-religious war”, there was no need for a command to kill, given that the three ethnic communities had “been antagonised during centuries”.<sup>10733</sup> **Here is this para from P00908:**

Karadžić:

Is a... probably made on all of sides, but the question is, is it better it was part of policy or not, is it inter-ethnic and inter-religious war. So this kind of war does not require command start to shoot or stop to shoot, start to kill or stop to kill. We have been warning European Community that it will happen because three ethnic and three national communities have been antagonised during centuries. And this report I have seen, this report was not honest, this report didn't see what Muslims and Croats do. And we know that they do.

**This is not properly transcribed, it should be: “So this kind of war does not require command “start to shoot” but rather “stop shooting”, no “start killing, but “stop killing”. Whenever the President accepted any possibility that the Serb side committed crimes or atrocities, because he couldn't deny before a research, it was accepted as if he admitted the atrocities committed by his authorities. And this is not hones, and this is rather #EXCULPATORY#! That was how his honesty payed him back!)**

- 3349.** At a meeting attended by the Accused and Koljević on 30 September 1992, Lord Owen indicated that there was outrage with respect to a story in the New York Times regarding killings in Brčko in May and June 1992.<sup>10734</sup> The Accused refuted allegations that his forces had massacred 3,000 Muslims at a camp near Brčko and called on the U.S.A. to provide evidence of these accusations.<sup>10735</sup> While the number of persons killed as reported in the New York Times appears exaggerated, the Chamber has found that a large number of non-Serb men were indeed executed by Serb Forces at the Luka Camp in Brčko between at least 9 May and 16 May 1992.<sup>10736</sup>

**(However, the President was right in both senses: #neither it was right that there were 3,000 Muslis killed#, nor any of those killings had been committed #“by his forces”#. As we know after the eight years of the Trial (or rather five) these weren't “his forces” but renegades for whose arrest there was no sufficienf “his forces” and for that reason he asked the Prime Minister of FRY to send him a help of a dozen of specially trained policemen (Davidovic) to help in #arresting the renegades#. We also know that the same renegades have blocked,**

<sup>10732</sup> P809 (Video footage of Radovan Karadžić's Press Conference at ICFY, 18 September 1992, with transcript), p. 10.

<sup>10733</sup> P809 (Video footage of Radovan Karadžić's Press Conference at ICFY, 18 September 1992, with transcript), p. 3.

**disabled, arrested the legal municipal authorities, for opposing their conduct! So, #the perpetrator was not a “Serb Force”, but the police which arrested him WAS A “SERB FORCE!#)**

**3350.** At a meeting of the Serbian leadership on 8 September 1992 with the President and Mladić in attendance, General Simonović stated that “ethnic cleansing” had been done more by paramilitary formations than by the VRS.<sup>10737</sup> **(Exactly. And #EXCULPATORY#!)**

**3351.** On 19 October 1992, in reporting to members of the RS Presidency and VRS commanders on the Geneva peace talks, according to Mladić, the Accused stated that there had been a lot of discussion on “ethnic cleansing” and reminded the members that RS authorities must not participate in it.<sup>10738</sup> He then said: “We find it important to make a distinction between what is done by irresponsible individuals and what is done by the authorities.”<sup>10739</sup> **(Exactly! And #EXCULPATORY#! The Chamber has a funny sense of humour!)**

**3352.** In November 1992, Milojević, an Assembly official, complained at a Bosnian Serb Assembly session attended by the President, that a proposed citizenship law could be interpreted to allow “all the Muslims and Croats we expelled” to be citizens of the RS.<sup>10740</sup> **(So what? He may not like it, but it was in the prepared law, and this is also #EXCULPATORY#!)**

**3353.** On 26 November 1992, Owen and Vance wrote to the President, advising him that they had received credible reports about “renewed ethnic cleansing” by Bosnian Serb Forces in the Banja Luka area.<sup>10741</sup> **(Which appeared to be a Muslim propaganda, since the Muslim extremists in Banjaluka (M. Krzic and others) had been preparing an armed uprisal in BL, and were prevented! Anyway, the President invited the Co-Chairmen to visit BL with him, and they did!)**

**3354.** At a session of the Bosnian Serb Government held on 21 December 1992, at which the President was in attendance, Vladimir Lukić advised that all government bodies should be consistently applying regulations that require the return of illegally obtained property to its original owner.<sup>10742</sup> **(Did the President oppose this advise of the Prime Minister? If not, how this could be used against the President? This was his Prime Minister, nominated by him! #EXCULPATORY#!)**

**3355.** Throughout the ICFY negotiations in Geneva from December 1992 to September 1993, the Bosnian Serbs were confronted with reports of ethnic cleansing committed by the Serbs in BiH.<sup>10743</sup> During these negotiations, Lord Owen made very clear allegations about detention centres, military operations conducted against civilian populations, and the physical process of “ethnic cleansing” of areas.<sup>10744</sup> Lawrence Eagleburger, former U.S. Secretary of State, around January 1993, spoke in direct terms to all the parties about the nature of their activities and said that they would be held accountable.<sup>10745</sup> **(What the Excellencies said doesn’t mean that it was a**

<sup>10734</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4224–4225.

<sup>10735</sup> P3030 (Video of TV Belgrade news re Radovan Karadžić’s statement on events in Brčko, with transcript).

<sup>10736</sup> See Scheduled Killing Incident B.5.1.

<sup>10737</sup> P1479 (Ratko Mladić’s notebook, 16 July–9 September 1992), p. 173.

<sup>10738</sup> P1481 (Ratko Mladić’s notebook, 5 October–27 December 1992), pp. 48–49.

<sup>10739</sup> P1481 (Ratko Mladić’s notebook, 5 October–27 December 1992), pp. 48–49.

<sup>10740</sup> P1105 (Transcript of 22<sup>nd</sup> session of RS Assembly, 23–24 November 1992), pp. 60, 78.

<sup>10741</sup> P5420 (Fax from UNPROFOR forwarding ICFY letters, 27 November 1992), p. 4.

<sup>10742</sup> P3106 (Minutes of the 61<sup>st</sup> session of RS Government, 21 December 1992), pp. 1, 4.

<sup>10743</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 111–113.

<sup>10744</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 113–114.

<sup>10745</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), para. 115.

responsibility of the President or his authorities. And also doesn't mean it was as they alleged. Since they hadn't been there, they spoke on the basis of media coverage, or a reports of the internationals present there, bud in a reduced extent! What the Chamber is assuming: that the President was supposed to accept uncritically everything the internationals said? The Accuse was a highest official, but not the only official, and the institutions such as the VRS, the State Security, the MUP, informed him too, very often contrary to what was alleged by the internationals, no matted who they were! **#THEIR ALLEGATIONS ARE NOT EVIDENCE#! This is an imperial relict!)**

**3356.** On 2 April 1993, the President was present at the Bosnian Serb Assembly when it was reported that Foča was completely under Bosnian Serb control.<sup>10746</sup> **(And this was an argumentation of the parliamentaries over the #Vance-Owen maps# as a very unjust towards the Serb people. See: P01367, p. 25**

Fellow delegates, how can I explain this to myself, and especially convince Serbs in Foča that Foča can be in green, when the whole territory of Foča municipality, the area of 1272 km /as written, probably km<sup>2</sup>/, the biggest municipality in the former Bosnia and Herzegovina, and every part of it is in the hands of Serbs. Answer to this question was given by more than 26 thousand Serbs, together with refugees and 330 soldiers who were killed, who have something to come before Miloš So, the delegate from Foca, a prominent lawyer, explained what happened in the past year of the war. It wasn't entirely accurate, since the Muslim side kept a big portion of the municipality, Ustikolina at first, which was, and still is a seat of the Muslim municipality of Foca. The war had been imposed by the Muslims in Foce. They rejected a Serb proposal to form a two municipalities peacefully, but the Muslims attacked the Serbs and thus have chosen the war. Who in this world was supposed to stop the attacked Serbs to defend? That was a local situation, without any influence of the central organs, but even if there was a communication, nobody could prevent the Serbs to defend. But, this kind of inference is possible only when a defence is prevented to depict the whole picture. Reporting the war situation and the cours of events in the war didn't mean anything but a report about a combat success. Also, it is not established that the President was at that moment in the hall. **Even if he was, he couldn't discipline no one, particularly not an elected deputy!)** At the same session, he acknowledged that "we could not swear that there are no crimes" and that Serbs who committed crimes should be tried. However, the President claimed that he had only heard of 18 allegations of rape, but the propaganda had turned this into 18,000 cases of rape.<sup>10747</sup> **Let us see the para related here, P01367, p. 107-108, what the President said:**

As sovereign people we can not allow anyone to prosecute the Serbs who live in our parts, even if they eventually have committed crimes in our parts and, we could not swear that there are no crimes. We've heard of 18 instances of rape, in total. We

<sup>10746</sup> P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 25.

<sup>10747</sup> P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), pp. 107–108.

haven't checked all those instances, but we shall do so /since/ no one has the right to commit rape, 18 not 18 000 but 18. Propaganda has turned that into 18 000. We should try the Serbs who commit crimes. We won't allow anyone else to try them. We are sovereign people and we want to do that, and with that we bind the others to do that if they want to. If they don't want to, let them make farces, as TUDMAN did, by putting on trial and then releasing. Nevertheless, during this war we had never depended on criminals. Our commanders are respectable officers and if they are not officers then they are one of us, our people, the ones who are not officers by training. And when that is known, it is clear that our army never committed any crime, that is, the army never committed any crime and only an individual could have done that. But I doubt if someone from our army could do so, only an individual who is not in the army could have committed a crime. It is our duty as a state /and/ we will verify ourselves as a state, when we sanction that. That is the essence /and/ we don't know who else... Let the United Nations give evidence that someone committed a crime, and after that we shall investigate and try the person who committed it. Every father beats his own child when a child does something wrong and doesn't give the child to the neighbour to do that. That is for us very important. I can't understand how could

**What is wrong it the President's position reflected in this speech? It is completely #EXCULPATORY#. He didn't deny that there may have been crimes committed by the Serbs, and he wouldn't be considered serious had he denied something unchecked. But from the entire paragraph it is evident that the President and the officials are strongly against any crime, be it 18 or 18,000 rapes. However, there is another #mistake in translation#. The President said: "Nevertheless, during this war we had never relied on criminals, not "depended" see, in Serbian:**

да то раде ако хоће, ако неће нека праве фарсе као Туђман што је судио па ослобађао, али ми се нисмо у овом рату никада ослонили на криминалце, наши команданти су угледни официри, ако нису официри онда

**The Serb word "oslonili" should be translated as "relied".**

On 10 January 1994, the President commented that Bosnian Muslims had planned to build a big Islamic centre in Foča but by then it belonged 100% to the Bosnian Serbs, and that "it will never be theirs again."<sup>10748</sup>

**3357.** During a Bosnian Serb Assembly session in May 1993, at which the President was present, Vladimir Lukić stated that they had naively "raised paramilitaries" and called them "brotherly assistance" but "they were slowly less and less engaged in fighting and more and more in looting".<sup>10749</sup> **So what? The same said Gen. Mladic, and all other Serb officials, advocating to get rid of them. What Lukic said was what everyone said: the volunteers came in accordance with the law, but lately reneged.** Other deputies spoke about the problems they faced in municipalities with respect to disturbances, looting, and stealing where there were paramilitaries.<sup>10750</sup> **So what? Only to conclude that, in addition to all other officials, the deputies also were opposed to the presence of the paramilitaries. #EXCULPATORY#!**

**3358.** At a Bosnian Serb Assembly session held in late summer 1993, at which the Accused was present, Mladić said, "we cannot allow leaving the mosques with two minarets there".<sup>10751</sup> **(#Words of others#! But, still has to be understood properly: what Gen. Mladic was saying in**

<sup>10748</sup> P1385 (Transcript of 37<sup>th</sup> session of RS Assembly, 10 January 1994), p. 110. See also para. 2811.

<sup>10749</sup> P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993, e-court pp. 7, 39.

<sup>10750</sup> P1375 (Transcript of 32<sup>nd</sup> session of RS Assembly, 19–20 May 1993, e-court p. 65.

<sup>10751</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 7, 72.



his discussion on the peace plan was his opinion about the new extremism of the domestic Muslims, which, the extremism, appears to be not of a domestic nature, but of an imported nature. Understandable, the Chamber may have not been aware of this, but the members of the Assembly were, that the “mosques with two minarets” was something completely strange for the Islam in BiH, and meant an #Islam imported from Saudi Arabia#, together with “vahabism” and other extreme forms of Islam. See what Mladic said:

and we will do it if there would be a chance for it, even if it is theirs. But we cannot allow leaving the mosques with two minarets there. I have never seen such cultivated land. That speaks about their roughness and persistence. And we have to sort it out, because of our children who have perished, to teach them never to encroach our daughters, sisters, brothers and mothers. I am telling that as a soldier. I am not going to take the decision for that. I have

It is clear that Gen. Mladic doesn't propose anything, but warned that this kind of a #“new Islam”# will not be an Islam we knew, and that such an extreme Islamists will “encroach our daughters, sisters, brothers and mothers.” What does it have to do with the President. Mladic was free to express his thoughts, particularly since he didn't propose anything, nor his thoughts were to be adopted in a document. Similarly another deputy complained to the President that if a proposed peace agreement went through and Bosnian Muslims were granted a right to return to their territory they would have to compensate them for everything that they destroyed and burned, including the 17 mosques which they had “flattened”.<sup>10752</sup> Again, an #MP's verbal fight against acceptance of a peace plan is used against the President, as if he spoke on behalf of the President. Let us see what had been said, and in what context, (P01379, p. 24-25:

I would ask our President not to say again, not to say now if he comes out to speak again that it is only a big mountain. For us who were born on the mountain it is not just a big mountain. For us it is a gentle hill. For us Grmeč means life. If you take Grmeč away from us, you took everything. And it is obvious, now I have to be locally orientated. At Krupa na Uni, right behind the town, we went across Vučijak, Vranjska, Veliki Gradić, Mali Gradić, to Stevin Vrh, through the middle of Grmeč to Bjelaj. Serbian villages at the bottom of Grmeč were given, where never a single Turk lived nor will ever live. All Serbian villages at the bottom of Grmeč were separated. Grmeč, too. And, gentlemen, since it is written in this agreement that everyone will be able to go back to their own territory, that means that his people will be going back to Veliki Babić and we will have to compensate everything we destroyed and burned and 17 mosques that we flattened. That means that with Babić they will get Radić too, they will get everything. That is why I do not want to vote for that and I can not vote for that.

**And the President took floor immediately after this last words of the MP, and said:**

Dr Radovan KARADŽIĆ:

I have to start right away. It is not a reply; I just do not want this discussion to go the wrong way. I do not want to say I am disappointed, and I was always charmed by the deputy VJEŠTICA. He is really an exceptional person and he showed there exceptional fighting spirit, courage and ability and he showed everything very well. But nothing is true of what he just said. Gentlemen, if I can not defend the Neretva valley, I can defend the constitutional agreement. Nothing is like he said. The constitutional agreement is perfect. It is perfect because it gives us full freedom to agree if we want and not to agree if do not want. One of the biggest faults presented by VJEŠTICA is that the functions of federal bodies are not defined. That is what it is all about. The Federal bodies will do what we agree. Please, the main difference

What an MP said in fighting against a peace plan, being dissatisfied for his village and the entire area wasn't included where he wanted it, wasn't relevant. He never said who was the one who flattened the mosques, he was speaking generally, and he was entitled to say whatever he wanted without any restrictions. #Neither his words prevailed, nor were adopted and built in a document, nor he spoke on behalf of the President. But, what the President said were his own words, and he said that this MP said something, and nothing what he said was true. Does it matter? Why in a process against the President a #words of another person were more significant than a words of the very same President#, and a words of opposition to what another person said?)

**3359.** In April 1994, Akashi requested the Accused to allow the ICRC to evacuate Bosnian Muslims from Prijedor.<sup>10753</sup> **Here are excerpts from D705, which is the basis for this assertion:**

**D705:**

1. General de Lapresle and myself yesterday held meetings with Dr Karadzic in Pale and President Izetbegovic in Sarajevo. Present at the meeting with Dr Karadzic were Vice President Koljevic and General Mladic while Prime Minister Silajdzic and General Delic attended the meeting at the Presidency. Both meetings were held in a congenial and constructive atmosphere.

**A constructive atmosphere!** In response to Akashi's request, the Accused stated that the situation in Prijedor was an unfortunate development for the Serbs. While he accepted that the situation could have been predicted—he noted that civilians in the town had, at the beginning of the war, slaughtered each other—he maintained that the present situation had been prompted by a Muslim massacre of six Serb policemen from the town.<sup>10754</sup> The President agreed to the evacuation as suggested.<sup>10755</sup>

**There are several #inaccurate matters#: first, the President agreed that the ICRC could evacuate several persons that felt insecure, but when hi was informed that there is a request to evacuate many citizens in up to 80 trucks a day, the President opposed, and suggested another pace, which would enable that many make up their mind and decide to stay: D705, p. 3**

from the town. Currently, additional forces had been sent to the town to stabilize the situation and he had initially agreed to the ICRC request to evacuate individuals who feared for their lives, based on the belief that the numbers concerned were minimum. However, the ICRC had then indicated they intended to evacuate 80 truck loads of people at one go and this was unacceptable. He had no objection to them evacuating up to five trucks of people a day (approximately 100 people), as this would allow those left behind to reconsider their situation in light of the stabilized conditions in the town. In addition, while the Serb leadership accepted that the ICRC did not accept linkages, the population could not understand why there was no move to evacuate endangered Serbs from towns such as Tuzla, Zenica, Tarcin and Travnik.

**The Chamber should have noticed that #in April 94 there was so many Muslims in Prijedor, after exactly two years of war in BiH, and hadn't been "expelled" or "ethnically cleansed"#, which Mr. Akashi confirmed during his testimony. How come? Something is wrong, either there was no so many Muslims in Prijedor, or there was no "ethnic cleansing". Further, the Chamber neglected the President's attempt to give a sufficient time to some of those who wanted to leave to make up their mind and to decide to stay, which is in a strong opposition to a perceived President's intention to "expel" the Muslims from the Serb areas. Finally, if we count in all those who had been hiding or escaped as a combatants, and those who left Prijedor through Trnopolje, and those who wilfully left through other organisations, and**

<sup>10753</sup> D705 (UNPROFOR report re meetings with Radovan Karadžić and Alija Izetbegović, 7 April 1994), p. 3; Yasushi Akashi, T. 37704 (24 April 2013).

<sup>10754</sup> D705 (UNPROFOR report re meetings with Radovan Karadžić and Alija Izetbegović, 7 April 1994), p. 3.

<sup>10755</sup> D705 (UNPROFOR report re meetings with Radovan Karadžić and Alija Izetbegović, 7 April 1994), pp. 3–4.

**those who left on this request in 1994, and those who were there after the war ended, (See: D04002, see D... @ how many had been “expelled” and what way? #THERE WAS NO ANY TO BE FORCEFULLY EXPELLED#!)**

3360. The Accused continued to receive information about crimes—predominantly mass expulsions, as well as mistreatment, including beatings, rapes, robberies, killing and forced labour—being committed against non-Serbs in Bijeljina and other municipalities from 1994.<sup>10756</sup>

**D704 is one of the documents under this fn. See this para:**

e) Human rights situation in Banja Luka/Bijeljina:- Dr Karadzic said that he shared our concerns over the abuse of human rights, and that authorities were trying to control extremists in these areas. In Bijeljina, the authorities intended to soon replace the Chief of Police as the level of security he was providing to the population was unsatisfactory. He said that Bijeljina was the "Hongkong" of the Serb republic with a thriving black market, a large refugee population, a lack of infrastructure, and the resultant characteristics of a big city in terms of crime. In some cases, some residents had voluntarily asked to leave for Tuzla and, on arriving in Tuzla, had claimed that they had been expelled.

**The troubles in the cities during the civil war weren't produced by the state, but the state tried to improve the situation. What does it mean “the President received information”? He wasn't all-mighty God to act alone. The #RS institutions were doing what they could to secure the peace and rule of law. All of those efforts had been reported to the President and to the other state institutions, but the Chamber like the Prosecution, treats this exculpatory documents as aggravating evidence#!)**

3361. Even into 1995, the Accused was aware of, and involved in, arrangements made with respect to regulating the movement of non-Serbs out of Bosnian Serb territory which was described as being in accordance with the right to freedom of movement.<sup>10757</sup> **(#Not only “the right to freedom of movement”, but in accordance with many agreements that the sides signed with the ICRC, UNHCR and other agencies#! Let us see how it is wrong. P5213, the document of the Mains staff, asking the President of the Assembly and the president of the State Committee for Cooperation with International Organisations, (therefore, not asking the President) to give their opinion on a requests for departure of 166 civilians to the third countries, posed by the private agency for the exchange of material goods in Banjaluka, see:**

The Agency is carrying out this activity in cooperation with the UNHCR office in Banja Luka which guarantees the transport of these persons from Banja Luka, through Gradiška and Okučani, to a holding base of the Nepalese Battalion in Novska. Please inform us in writing whether you permit making it possible for these persons to move away to third countries, in accordance with the Protocol on the Freedom of Movement of the Civilian Population which the warring parties signed on 23 January 1995 and which envisages a free choice of place of residence for the citizens. Upon receiving your permission, /handwritten: we/ would give approval to this Agency and the UNHCR office to transport 166 persons across RS border crossings to third countries, as there are no persons on the list who are obliged to do military service.

**#No a trace of any crime#! A regular conduct, in accordance with a recently signed agreement, and many agreements since 22 May 92, 18 July 92, 27 August 92, and 30 Sept, and 1 Oct. 92.**

<sup>10756</sup> D704 (UNPROFOR report re meeting with Radovan Karadžić, 19 August 1994), p. 3; D3145 (UNPROFOR report, 6 September 1994; UNPROFOR press statement, 5 September 1994), p. 1; P2087 (UNHCR protest letter to Radovan Karadžić, 5 September 1994); D1136 (UNPROFOR report, 9 September 1994), p. 2; P2458 (UNPROFOR Weekly BiH Political Assessment, 11 September 1994), p. 4; Anthony Banbury, T. 13356 (15 March 2011); P5421 (Letter from humanitarian organisation to Radovan Karadžić, 16 September 1993), pp. 1–2 (under seal); P5423 (UNPROFOR report, 20 September 1994), p. 2; D3500 (UNPROFOR report, 7 October 1994), pp. 3–4.

<sup>10757</sup> P5214 (Letter from Momčilo Krajišnik to VRS Main Staff, 7 April 1995); P5213 (VRS Main Staff request to Radovan Karadžić, 6 April 1995).

**Let us see what was in D04839 of 23 January 1995:**

In order to improve freedom of movement during the period covered by the Agreement on Cessation of Hostilities, the parties agree to ensure that the following humanitarian organisations can also cross through the airport: Merhamet, Dobrotvor, La Benevolencija, Caritas and Adra, under special procedures and conditions that will be agreed directly between the parties by 1 February 1995.

**Here are humanitarian organisations that are recognized as authorised to require movement of population. See p.2**

**2. Free choice of place of residence – Item 5 (Carter Agreement)**

Each citizen in each place under the control of any of the parties has the right, during implementation of the Agreement on Cessation of Hostilities of 31 December 1994, to change their place of residence with their safety guaranteed. Both parties guarantee that they will not force citizens to change their place of residence. UNPROFOR will assist in changes of place of residence with transport, logistics and security. Citizens themselves will submit a written request for changing their place of residence, and the responsible authorities will approve the request. Each side individually will prescribe procedures for approving places of residence. Each side has the right to request, and the other side is obliged to approve, changes of place of residence for those citizens who state in writing that such a request was not granted under the regular procedure. For citizens who change their place of residence pursuant to this agreement and then, for any reason, request to return to their previous place of residence (change of decision), approval to return will be given under the same procedure.

**Here, in continuity with the Carter's Agreement on cessation of hostilities, the procedures are prescribed for carrying out the movement, and the UNPROFOR is included in it.**

The parties will meet regularly with the international consultative committee, comprising representatives of UNPROFOR (Civilian Affairs), UNHCR and the UN Centre for Human Rights, in order to present those cases in which the parties were unable to reach any decision. The consultative committee will review these cases and offer its opinion. The parties may decide to include the ICRC, within its mandate, in the work of the consultative committee as well.

This protocol is closely tied to implementation of the Agreement on Total Cessation of Hostilities of 31 December 1994, and further refines the Agreement on Freedom of Movement of 17 March 1994.

**properly signed by the Muslim, Serb sides and the UN.**

**And this document was a basis for the P05213, the Main Staff letter, asking an approval to approve a request submitted by the Agency, which could only be achieved with the UNHCR, as responded to the Main Staff of the VRS, in doc. P05214, Krajisnik's response:**

Reference: Your memo no. 12/44-17/2 of 6 April 1995 in which you ask for permission for the moving away of persons of non-Serbian ethnicity, pursuant to item 2 of the Protocol on the Freedom of Movement of 23 January 1995. We hereby inform you as follows:

Permission pursuant to this Protocol is not within my range of responsibilities, but a responsibility of the State Committee for Relations with UNPROFOR, which is headed by Dr Nikola KOLJEVIĆ.

We also remind you that at the latest meeting of the Supreme Command we reached an agreement to freeze the issuing of permissions to non-Serbian citizens fit for military service until an agreement is reached to allow reciprocity in terms of freedom of movement for the Serbs.

The State Committee for Relations with UNPROFOR is obliged to send a copy of the permission to you, so that you could give instructions to members of the Army of Republika Srpska to implement the Committee's decision.



In order to avoid earlier misunderstandings, it is very important to keep in mind that only the State Committee is responsible for issuing permissions.

If in future agencies which organise the citizens' departure from the territory of Republika Srpska should directly address you, refer them to the address of the State Committee.

**No one exercised any criminal conduct, and the President was not even mentioned, let alone involved in it. Not to approve these kind of requests would be a violation of all this agreements, as well as the international provisions on freedom of movement of civilians.**

3362. In an interview in July 1995, the President stated that Muslims in places like Bijeljina were completely safe but that there "is some intimidation by terrorist elements, by extreme Serbs who have lost everything in central Bosnia. But the authorities protect our citizens, regardless of whether they are Muslims or Croats. Therefore, what is happening is not *ethnic cleansing*, but *ethnic displacement*, people who want to leave."<sup>10758</sup> **(So what? If somebody is guaranteed the right to return whenever wanted, there is no any ethnic cleansing, nor any "permanent removal" of population!)**

3363. Based on the evidence set forth above, the Chamber finds that the President was promptly and well informed of the forced displacement of non-Serb civilians from the Municipalities by Serb Forces from as early as April 1992. **What evidence? Have the legal authorities committed any crime? Did the population demand to be facilitated to leave a zone felt as a hostile? No reasonable chamber would conclude that the events inherent to a civil war were pursued by the authorities without a thorough investigation. On one side, the Chamber didn't have any objective evidence that the transfers of the civilian population was forceful, except some biased and empty claims and beliefs. On the other side, there are many documents confirming that population wanted to leave, that the authorities created many obstacles in terms of papers, receipts of settled taxations and other legal documents. Further the population had to pay their transport costs, and if they didn't appear at the appointed bus, money had to be returned to them, see D01299**

On the basis of the information reported, president ĐEKANOVIĆ pointed out matters and problems to be solved, to the effect that the pressure and provocation by certain members of the Special Forces unit directed against Muslim and Croat families in order to compel them to leave should be stopped; that the question of what to do with several families from Gornji Čepak who cannot stay there but are still in Čepak should be dealt with; and that the killing of the ORŠULIĆ couple should be investigated.

Under this item of the Agenda, the case of Mirso Alen AVDIĆ and the recommendation that he be issued documents to travel abroad and visit his father was examined. Problems were discussed and security arranged for a convoy of people wishing to leave the area scheduled for next Sunday.

**Some individuals, even from some "special units" did pressure some families, but the authorities decided to stop it. Those "special units" soon after had been dismantled in the entire RS. Or see another K. Varos document: P02742 of 26 July 92:**



Information about activities in the course of yesterday was presented by Lieutenant Colonel PEULIĆ. He said that yesterday there had been intensive activities in the area of Vrbanjci. Yesterday there was a clash in the Ugar valley, but all the attacks were repulsed successfully.

He provided the Crisis Staff with detailed information about yesterday and said some members of the CSB /Security Services Centre/ special unit and other individuals had behaved in an unauthorised manner.

He said that yesterday there had been a turning point in the approach to armed activities by the coalition forces and that they had now adopted guerrilla-type warfare under the Jihad oath.

Savo TEPIĆ informed the Crisis Staff of recent developments in the Public Security Station and said it was his impression that many members of the special unit were acting without authorisation, but no one dared to criticise them because of the threats they make. Mane said there had been no provocations in the course of the night at the positions held by his units and the situation was stable, except that it was observed that six or seven Serbian houses had been set on fire in Kotor.

prevented. He also said that all these questions had to be cleared up and information provided on the behaviour of the members of the special unit at the meeting with S. ŽUPLJANIN, the chief of the CSB, scheduled for tomorrow. Žarko MIKIĆ said the Crisis Staff had discussed the behaviour of the members of the special unit on several occasions and shown itself unable to influence them and he asked Lieutenant Colonel PEULIĆ to help solve this problem. He also said that this kind of behaviour could endanger the whole operation, and especially make life more difficult afterwards.

At the end of this item, the President said that what had been done yesterday must not happen again and that this kind of behaviour by members of the special unit and individuals on our side must be dealt with and they must be put under control.

**On a daily basis the local Serb authorities took care of the lawful life and fought against any irregularity.)**

He continued to learn of such displacements throughout the conflict. In addition, he learned of other types of criminal activity committed against the non-Serb population by Serb Forces, including killings, rapes, and property related offences, from the beginning of April 1992 onwards.<sup>10759</sup>

(B) Knowledge of inadequate conditions and mistreatment of non-Serbs in detention centres

**3364.** During the conflict, information about occurrences in many detention facilities was forwarded to the Accused, prime minister, and the relevant ministers, namely the Ministers of Defence, Interior, and Justice.<sup>10760</sup>

**(So what? The state organs and agencies informed about difficulties with so many POWs and arrested people, which happened all of a sudden, unexpectedly, without any preparations. The same organs informed about difficulties in obtaining food to population, particularly due to the overall sanctions against FRY, and the Serbs in BiH. This was well known to the Chamber. There was no a single evidence that anything had been denied to anyone due to the will of the authorities, but exclusively due to shortage of everything. Usually, those reports had been a cry for help in materials that are at a minimum. #EXCULPATORY#!)**

**3365.** The President was present at a 24 April 1992 joint session of the SNB and Bosnian Serb Government, where it was decided that the Ministry of Justice would be responsible for the exchange of detainees.<sup>10761</sup> **(Here is the P01087 and the conclusion on exchange of prisoners, not simply “detainees”:**

<sup>10759</sup> The Chamber notes that Davidović stated that the Accused must have known that crime was “rife and widespread” and that there was much collusion between those committing the crimes and those in high positions. Milorad Davidović, T. 15735 (30 June 2011). The Chamber considers this evidence to be speculative and will not rely on Davidović’s evidence in this regard. **Then, why the paragraph containing this assertion survived? This kind of speculation was present in many testimonies of the foreigners and people that didn’t know what was where.**

<sup>10760</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8919, 9111. See paras. 3019–3020.

<sup>10761</sup> P1087 (Minutes of meeting between SNB and SerBiH Government, 24 April 1992), p. 1. See also para. 124.

- Adopted the decision that the Ministry of Justice shall take over the exchange of prisoners once the organs of the interior have completed their work.

**As it is evident, the Ministry of Justice was to manage exchange of prisoners once the organs of the interior have completed their work.** This is #completely legal and obligatory#, since there are an obligatory investigation of a possible crimes committed by prisoners. The Defence was asked why a prisoners of war that didn't commit a crime were detained, the answer is the only one: a prisoners of war are to be detained, and those who committed crimes weren't to be exchanged, but to be tried, while others were to be exchanged. **What is wrong with the President's presence?)** On 8 May 1992, the Government decided to form the "Central Commission for the Exchange of Prisoners-of-War, Arrested Persons and the Bodies of those Killed".<sup>10762</sup> **(Killed in combats, in Serbian it is "poginuly" while criminali killed would be in English "murdered", and any murdered was to be investigated, none of them to be exchanged!)** According to Mandić, the impetus for establishing the Commission was to provide "rule of law and legal security" for people detained, many of whom were civilians from conflict areas.<sup>10763</sup> **(So what? #Should those civilians, found themselves in a combat zone, be kept further in detention? The Army units couldn't differentiate who was combatant and who wasn't, or among combatants, who committed crimes, who didn't. It was up to the investigation institutions to decide. The Army units also had to move civilians out of the combat zones!)** The Chamber considers that this evidence demonstrates that the President knew early on in the conflict in BiH that civilians were being detained by Serb Forces.

**(#"Demonstrates" is not an evidence – since in the moment of somebody's apprehension in a combat zone – nobody is confirmed to be civilian! Only after investigations would be known!#** The Chamber should base its own considerations on evidence, not on "demonstration" of evidence. The evidence may show that the President have heard about arrests, or detention of different people, but what does it mean? In a combat zone there are many lawful occasions for detaining somebody, and in a civil war a number of such an occasions is endless, and what it proves that the President knew that somebody was detained? The Army and Police were obliged, both by the laws and by the President's orders, to act strictly in accordance with the domestic laws and the International Law of War, the Geneva Conventions and other norms, and they did so. Detaining people was not illegal by itself. Illegal could have been keeping detained people who were proven not to be involved in combats and didn't commit crimes. In a civil war, civilians literally fought against each other, and against legal armed forces, sometimes intermingled with the militaries, sometimes being a logistics for their combatants. So, a general assertions about detention of somebody is useless, and means a #violation of the Defence rights for the presumption of innocence#!)

**3366.** Allegations of large-scale detention of civilians were reported in the international press in May and June 1992 and John Wilson raised these allegations with Plavšić in the presence of the President.<sup>10764</sup> **(#International media are not a reliable source#, and the President and the RS state organs weren't obliged to pay any attention, as well as the international; representatives indoctrinated by the Muslim or their national propaganda.)** Plavšić acknowledged the existence of camps but said that they were only for military aged persons who were detained so they would not fight the Serbs and made counter-claims that the Bosnian Presidency was holding prisoners.<sup>10765</sup> **(Ms. Plavsic was right, there was no any detention**

<sup>10762</sup> P1088 (Decision of SerBiH, 8 May 1992), p. 1. At a further meeting of the SNB and Bosnian Serb Government held on 10 May 1992, members of the Central Commission for the Exchange of Prisoners of War and Arrested Persons were appointed. D409 (Minutes of meeting of SNB and SerBiH Government, 10 May 1992), p. 2. See also para. 125.

<sup>10763</sup> Momčilo Mandić, C2 (Transcript from *Prosecutor v. Krajišnik*), T. 8750. See also para. 127.

<sup>10764</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), paras. 101–103.

<sup>10765</sup> P1029 (Witness statement of John Wilson dated 4 November 2008), para. 102.

**motivated by anything else but by a possible involvement in hostilities, in combats, either as a combatants, or as logistics, financing, or active political support. #THE CHAMBER DOES NOT HAVE ANY EVIDENCE CONTRARY TO THIS POSITION OF THE DEFENCE, ONLY HEAR-SAY AND PROPAGANDA.#)**

**3367.** In June and July 1992, the Bosnian Serb leadership requested several reports on detention camps and prisoners.<sup>10766</sup> **(And this is an #exculpatory# evidence. Since there was many allegations about it, the Presidency, the Government and Ministries undertook steps to check which of those allegations were accurate and which were false. In this case the leadership and institutions reacted on allegations, is it a felony?)** On 17 July 1992, the Bosnian Serb MUP wrote a report to the President and the Prime Minister, indicating, *inter alia*, that the conditions in detention centres were poor.<sup>10767</sup> **(#EXCULPATORY#! The RS institutions did their job, it can not be used either against the President, or against the RS institutions!)** On 22 July 1992, it was reported to the government that there had been occurrences of unlawful treatment of detainees.<sup>10768</sup> **(#EXCULPATORY#! Evidently, this unlawful treatment wasn't a Government's will or a plan. As in any other country, the Government investigated and researched the issue, in order to be informed, because the villains from terrain wouldn't report themselves and their misdeeds. The "next level", i.e. superiors watched and rectified misdeeds or omissions of the superiors!)**

**3368.** On 25 July 1992, the President received a report from the ICRC following a visit to the Manjača camp.<sup>10769</sup> The President was informed that: (i) the authorities at the camp refused to notify the ICRC about the identity of the detainees; (ii) the ICRC's visit was terminated prematurely when it was observed that two detainees had been subjected to ill treatment during the visit; (iii) the ICRC observed frequent and widespread traces of severe beatings; (iv) the general living conditions including food, hygiene, clothing and accommodation were "absolutely insufficient"; (v) many detainees showed marked weight loss and signs of anaemia.<sup>10770</sup> The President was also informed about the medical conditions and concerns with respect to the detainees and that a list of detainees who allegedly died during detention would be submitted to the "Higher Authorities" with a request to open an investigation.<sup>10771</sup> **(So what? If the President didn't take it into consideration, if he didn't do anything in improving the situation, the Chamber would be right. But, #since the President took every necessary steps from the ICRC recommendations: #1. he sent a letter to the Prime Minister, expecting of the Government a "prompt action" on improvement of the conditions of detention facilities under the civilian authorities;# #2. he sent similar letter to the VRS Main Staff and it's Commander Gen. Ratko Mladic with the same instructions pertaining to the detention facilities run by the VRS#; #3. he informed the President of the ICRC about his steps; and, finally, #4. he undertook a process to close Manjaca, which had happened several months later. WHAT ELSE THE PRESIDENT COULD HAVE DONE? The cooperation with the ICRC was a two way road, and the President respected all the ICRC recommendations. Therefore, this is an #EXCULPATORY# evidence!)**

<sup>10766</sup> P1093 (Minutes of 5<sup>th</sup> session of SerBiH Presidency, 10 June 1992), p. 2; P1092 (Minutes of 25<sup>th</sup> session of Government SerBiH, 10 June 1992), p. 3 (indicating that the Ministry of Justice should make a report on the treatment of civilians and prisoners to be considered by the government and then presented to the Presidency); P3098 (Minutes of the 48<sup>th</sup> session of SerBiH Government, 28 July 1992), pp. 9–10 (stating that the Ministry of Justice and Administration was due to immediately prepare a Report on the state of detention centres and concentration centres for prisoners). *See also* D3109 (SerBiH MUP report, 22 August 1992) (reporting on the existence of detention centres in the SAO Herzegovina); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992) (reporting on the inspection of prisons in Trnopolje, Omarska, Keraterm in Prijedor; Manjača near Banja Luka, Krings Hall in Sanski Most, and the primary and secondary school in Bosanski Šamac).

<sup>10767</sup> P1096 (SerBiH MUP Report on Some Aspects of Work Done to Date and the Tasks Ahead, 17 July 1992), p. 3.

<sup>10768</sup> D430 (Minutes of 41<sup>st</sup> session of Government of SerBiH, 22 July 1992), p. 7.

<sup>10769</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), p. 4.

<sup>10770</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), p. 5.

<sup>10771</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), pp. 6–7.

3369. Several news articles criticising the detention centres in BiH were released in a British publication, the Guardian, in late July 1992.<sup>10772</sup> Also in late July, the Accused appeared on ITN and responded to allegations and reports about Omarska; during the broadcast, he said to the media: “come and see for yourselves”.<sup>10773</sup> **(Was it a felony? That certainly was a stupidity of the President, and his naïvity, because these invited journalists hadn’t been honest, they staged a scene and caused a horrifying consequences to the Serbian people. What Penny Marshal did with forging the “barb wire scene” in Trnopolje is a really crime with more bad consequences than the NATO bombing left!)** On 30 July 1992, the Accused responded directly to the Guardian in a letter, stating that it was “completely false” that Bosnian Serbs had organised concentration camps or that they were holding civilian prisoners.<sup>10774</sup> **(Certainly, the British and other international media criticised the detention centres in BiH, but only those under the Serb control, calling them “concentration camps” – and the Muslim propaganda called them a “death camps” and so on. All of it was a perfidious participation on the Muslim/Croat side. So, the President denied existence of “concentration camps” and camps for civilians, and invited and even gave the ride to the ITN TV crew to see for themselves. No warring country all over the world do that, not even close to that, none of the countries would give any access to a battlefield or to a rear to a friendly, let alone to a hostile media, but the President did it. And made mistake, of course, since the ITN crew abused the opportunity and forged the picture and footage. And this is one of the shameless actions of the internationals involved in our civil war. A ruthless and shameless. Pertaining “civilians”, there was as usually, taking in a civilians, but once they had been identified as civilians, they hadn’t been kept detained. The main evidence, the main proof is the fact that many, many detained people had been released once established that they didn’t participate in a combat activities!)**

3370. At the London Conference in August 1992, there was an agreement between the parties on a program of action with respect to humanitarian issues.<sup>10775</sup> It included recognition of the “acute problem of the unlawful detention of civilians and the deplorable conditions in which they were held”.<sup>10776</sup> **(This is a general provision, and for sure at least one side, the Muslim side, kept unlawfully detained civilians, and for that reason it was signed by the President, as well as in a case that some local Serbs do it in future. But, this recommendation and commitment of the sides doesn’t mean that it was established that one side, and which one, had committed this felony., therefore, it is also #EXCULPATORY#, since proves the President’s intention to accept and carry out the recommended program!)** This agreement recognised that the primary objective should be to secure the release and return of those detained. If this was not possible the agreement provided for other options including “repatriation to areas under the control of their respective ethnic authorities” or relocation.<sup>10777</sup> **But, let us see the main points from the document, D01142:**

d. It was recognised that in addressing the acute problem of the unlawful detention of civilians and the deplorable conditions in which they were held. The primary objective to secure their release and return to their homes. If not immediately feasible, they identified the following possible options in the light of the wishes of those detained and in keeping with the provisions set out at para 3 below:

- repatriation to areas under the control of their respective ethnic authorities;

<sup>10772</sup> Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7904.

<sup>10773</sup> Edward Vulliamy, P3777 (Transcript from *Prosecutor v. Stakić*), T. 7904, 8095–8096; Edward Vulliamy, T. 21037–21038, 21077–21078 (9 November 2011).

<sup>10774</sup> P3778 (Radovan Karadžić’s letter published in the Guardian, 30 July 1992).

<sup>10775</sup> D1142 (Programme of Action of the London International Conference, 27 August 1992), p. 1.

<sup>10776</sup> D1142 (Programme of Action of the London International Conference, 27 August 1992), p. 1.

<sup>10777</sup> D1142 (Programme of Action of the London International Conference, 27 August 1992), p. 1.



- choosing to stay temporarily in the area of detention;
- relocation in areas away from the conflict under international supervision;
- temporary refuge in third countries.

Therefore, #nothing else happened in the RS, but one of those possible and envisaged outcomes#. But, let us see how this Program of action characterised the issues of the unlawful detention and other felonies:

i) all parties to the conflict are bound to comply with their obligations under International Humanitarian Law and in particular the Geneva Conventions of 1949 and the Additional Protocols thereto, and that persons who commit or order the commission of grave breaches are individually responsible.

Therefore, "...#persons who commit or order the commission of grave breaches are individually responsible."# However, the Chamber is sentencing the President on no real evidence of individual or any other kind of responsibility. Let us see further:

ii) all the parties to the conflict have the responsibility to exercise full authority over undisciplined elements within their areas so as to avoid anarchy, breaches of international humanitarian law and human rights abuse.

It is evident that the London Conference recognised the existence of #“undisciplined elements”#, which implicitly recognised that there was no evidence of the violations committed by the official authorities. See further:

iii) that refugees and displaced persons should be allowed to return voluntarily and safely to their places of origin.

This is only one of many commitments that the refugees will have all rights to return to their own homes and places of living. THIS #ABSOLUTELY EXCLUDED ANY POSSIBILITY OF SO CALLED “PERMANENT REMOVAL”#. See further:

vii) that all such action should be in accordance with the agreement with the parties reached in Geneva on 22 May under auspices of the ICRC.

See how important was the Geneva Agreement of 22 May! It is mentioned in all the subsequent agreements as a basis. All movement of the civilian population in the RS territory was done in accordance with this agreement of 22 May 92., see further:

b. that no party can be expected to give guarantees of security on behalf of the other parties to the conflict.

c. that in granting safe access to the international humanitarian organizations there would be a clear understanding that no party would gain military advantage.

The only side that respected this provisions was the Serb side, while others took all advantages.

**3371.** The Chamber found that around 9 August 1992, Karadžić visited Kula prison with representatives of the media and the ICRC, and that the food was better that day and only clean rooms were shown.<sup>10778</sup> (#If it was really so, that meant that the management wanted to impress the President too#!). He released ten detainees, some of whom were above the age of 60 and others were ill.<sup>10779</sup> The President couldn't "release" anyone, he could only abolish them from further prosecution by a Presidential act, and that was what he did.

<sup>10778</sup> See para. 2150.

<sup>10779</sup> P2840 (Video footage of Radovan Karadžić's visit to Kula prison), e-court p. 1. One of the prisoners was blind in one eye and not able to fight. P2840 (Video footage of Radovan Karadžić's visit to Kula prison), e-court p. 2.



3372. Doyle encountered the President in the lobby of a hotel in Brussels on 16 August 1992 when the Times had published a photograph of an emaciated detainee in the Omarska camp. The President appeared to be taken aback by the news.<sup>10780</sup> **(#General shortages#! Although a photograph could easily be manipulated and also there was a #chortage of food for everyone#, the fact that the President “appeared to be taken aback by the news” is #EXCULPATORY#, meaning that it was not known to the President. And how it could have been known to him, since there was no communications. Anyway, no president all over the world would be taken responsible for an omission of his very, very distant subordinates!)**

3373. On 17 August 1992, the Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK was issued.<sup>10781</sup> It provided a sanitised version of the conditions in the camps, failing to mention the detention of any civilians and noting that most of the camps, especially Manjača, had inadequate premises with insufficient food, beds, and blankets.<sup>10782</sup> **(Well, this is really too much: the Chamber is suspecting a #“strictly confidential” document of the Government#, for not notifying something the Chamber expected to be notified, and what would be notified had it existed. So, for a #negative finding,# in the absence of any proof that it really existed, the Chamber somehow knew that the governmental inspection missed to mention civilians in a strictly confidential report from 1992, when there was no any Tribunal, and wasn’t expected that anyone but the Government could see the report? Is that a Justice? How any chamber could be allowed to make such a criminal inferences?)** It also alluded to difficulties with security due to poor co-ordination between the army and the police.<sup>10783</sup>

3374. As a result of further reports received by the President from international representatives, Mandić tasked Avlijaš with drafting a report on the situation in camps from Sarajevo to Prijedor.<sup>10784</sup> The report was issued on 22 October 1992 and was sent, *inter alia*, to the RS Presidency.<sup>10785</sup> It included information on several detention centres in BiH, including in Vlasenica, Zvornik, Prijedor, Sanski Most, and Banja Luka.<sup>10786</sup> It also noted that SJBs in Zvornik, Hadžići, and Ilidža were detaining people without any authorisation in law.<sup>10787</sup> **(#AI of in on the President’s order#! So what? The President received reports from the internationals, and immediately conveyed it to the Minister for Justice, who promptly reacted, tasking a responsible and experienced official to inspect the allegations! He found that there was detained people, since the locals had a right to keep detainees up to three days. The SJB didn’t have the investigators and other services for the criminal investigations, the SJB depended a lot on the Centres for Public Security (CSB) and courts, and it wasn’t possible to anyone to decide whether somebody captured in a combat zone is civilian, or combatant. But, anyway, this #report is complete and honest, because it criticised a several SJBs, and didn’t find civilians in other prisons. First of all, civilians are to be detained if involved in any kind of crime. Second, once it become proven that there is no crime committed by a detained person, and no a military involvement, such a persons were released immediately. AND HOW THE CHAMBER FOUND THAT A REGULAR FUNCTIONING OF THE GOVERNMENTAL AGENCIES, in accord with the presidential orders, AND REPORTING ON THIS, COULD BE AN EVIDENCE OF THE**

<sup>10780</sup> Colm Doyle, P918 (Transcript from *Prosecutor v. S. Milošević*), T. 25307.

<sup>10781</sup> P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992) (reporting, *inter alia*, on the inspection of prisons in Trnopolje, Omarska, Keraterm in Prijedor, Manjača near Banja Luka, and Krings Hall in Sanski Most).

<sup>10782</sup> P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), pp. 7–8.

<sup>10783</sup> P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), pp. 7–8.

<sup>10784</sup> D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 58; P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992).

<sup>10785</sup> P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), p. 1.

<sup>10786</sup> P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), pp. 2–6.

<sup>10787</sup> P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), p. 7.

**PRESIDENT'S LIABILITY#? This is rather #EXCULPATORY#, because that is a regular job of the agencies, which are supposed to carry it out regularly, and to inform the Presidency, Government and Ministries. This is rather a proof that the agencies did their job, and nothing in it is proving any liability of the President.**

**3375.** The Chamber concludes that the Accused became aware of the detention of civilians in April 1992 and inadequate conditions in Bosnian Serb run detention facilities by at least May 1992. **(#Wrong in many aspects#! What is a basis for this "conclusion"? What was the official position and authority of the President during April and May 92? Was he either formally, or factually in a position to influence the chaotic events on the terrain? First, until the end of May Karad'ić didn't have any commanding competence over any armed forces, nor there was other armed forces except the JNA, and local TO-s, under the JNA – and municipal command!# Second, the Law on All-Peoples Defence authorised every single municipality and local commune to organize the defence the way they find suitable, and if the JNA was not around, to carry out all the defense duties!# )** It further finds that the President sanctioned the forcible removal of civilians who were detained in these facilities either within BiH or to third countries. **(On what evidence is based this assertion? If there was no a secure option to house a refugees in a place where they come from, than there were other possibilities of a lawful handling of the civilians that are moved from their area which is within combat activities! See D1142:**

- d. It was recognised that in addressing the acute problem of the unlawful detention of civilians and the deplorable conditions in which they were held. The primary objective to secure their release and return to their homes. If not immediately feasible, they identified the following possible options in the light of the wishes of those detained and in keeping with the provisions set out at para 3 below:
- repatriation to areas under the control of their respective ethnic authorities;
  - choosing to stay temporarily in the area of detention;
  - relocation in areas away from the conflict under international supervision;
  - temporary refuge in third countries.

**All of these possibilities had been at disposal to the local authorities and the detained people, who the most frequently have chosen to go to the areas under control of their respective ethnic authorities", or to a third countries! How the President could be responsible and convicted for a fulfilment of an Argeement reached under the auspice of the UNHCR and the ICFY?)**

The Chamber notes the President's argument that during the rare visits by the RS authorities to Vlasenica, they were informed that the civilian population was well-treated, citing evidence that detainees at the Sušica camp told international representatives that they had received fine treatment in the camp.<sup>10788</sup> The Chamber also notes that on or about 21 June 1992, Dragan Nikolić and Goran Tešić entered the Sušica camp and took two detainees out for questioning and beat them to death; a false report was subsequently prepared to suggest that the two detainees died of natural causes.<sup>10789</sup>

**(How possibly the President could have known that? The very fact that "a false report was subsequently prepared" is #EXCULPATORY#, because the perpetrators didn't brag before the superiors about their misdeed, but tried to hide it! The #"next level"# wouldn't tolerate it!)** The Chamber accepts the President's submission that he and other members of the Bosnian Serb leadership did not learn of every single act of mistreatment of the non-Serb population throughout the Municipalities. However, the evidence establishes that the President was overall promptly and well-informed of crimes committed against non-Serbs in the

<sup>10788</sup> Defence Final Brief, confidential, para. 2839 [REDACTED].

<sup>10789</sup> See para. 1204, fn. 4146.

Municipalities as described above. **(This is not correct, because except for a several unreliable international sources, the President and the other RS leaders could have learnt about crimes only from their own, i.e. the RS institutions dealing with the crimes. Instead of taking it as an exculpatory evidence, the Chamber turns it to the convicting or aggravating evidence. #The Chamber expected that the RS Presidency and President do a sort of things that no presidency or president does. In was important that the MUP and VRS institutions fought against the crimes#, and the President was only informed, but not requested to do anything. When requested, he did act, but this to was taken against him!)**

(C) Misleading statements made by the Accused

3376. The Accused frequently minimised the extent of criminal activity in the Municipalities when speaking to the international media, negotiators, and to the public. Indeed, the President admitted to the Bosnian Serb Assembly that it was necessary to be cunning when faced with questions from the media and when dealing with international negotiators.<sup>10790</sup> **(This kind of staging and manipulating with sentences moved out of context is out of any decency, and certainly out of anything which is acceptable in a criminal procedure. Here is a part of this speech of the President. He was dealing with the mutiny caused by 1,200 rogue elements in the VRS, pointing out to the VRS and Gen. Mladic that this was their problem, a problem of discipline in the Army. Within this discussion the President said that he was challenged by a several thousand journalists, to which he couldn't say what he said to Mladic and others about the mutiny. Look at this para, P01379, p. 76:**

colonel to clean is not our people. Those are rebels and gang. They endangered whole state. I ask you to introduce the most necessary measures in all neighbouring units in order to prevent that. And I ask you to undertake all measures of readiness to crush a plot. I ask, firstly, to order them to withdraw. If they cannot withdraw you have to prepare everything and we will politically prepare and inform the people that we have nothing with that, that we pardon those 1200 soldiers, that we ask leaders to surrender themselves to their command. The mutiny must end today. And let's not talk like the others. Mister MLADIĆ, I have to have a media cabinet, but I do not have it. I have to fight. They spent hundreds of millions on media and I did not spend any *dinar*. I have to fight and I struggle with 2-3 thousands of journalists, congressmen and this and that. I have to come up in every show. You think that I am glad. The adrenaline raises every time and a pressure when I listen to the idiotic questions and have to find a cunning answer. And I do not have a media cabinet. I should have a personal photographer to record every step of mine, to publish it. I do not have him. I do not have anything. I have two-three advisers, I do not have a Chief of the cabinet like I should do, I do not a cabinet that should help me. I do not have luxury. I lived in a dog-house until four days ago. All that is not necessary and all that did not help to the

**The "idiotic questions deserved a "cunning answers". Therefore, no a single clue about misinforming the international negotiators, particularly not on the issue of crimes. Such a huge forgery should immediately result in dismissing the case, not only because it was a political speech, but it is #abused and distorted#, in order to denigrate the President, and to be able to convict him. #Ant the Chamber had a quite sufficient amount of evidence on the irresponsibility, bias, manipulations, indecency and criminal conduct of many fake journalists!# )**

<sup>10790</sup>

P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), p. 276; P1417 (Transcript of 55<sup>th</sup> session of RS Assembly, 22–23 October 1995), p. 61 (where the Accused complained about media pressure in relation to questions about killings).

The Accused claimed that civilians were leaving of their own free will and had signed voluntary declarations that they wanted to leave.<sup>10791</sup> **Here is this P02937 document:**

Your Excellency,

I received your letter and ordered an immediate investigation into the matter. I was told that the Moslem inhabitants of the village of Kozluk, near Zvornik, had demanded from the Bosnian-Serbian authorities to be allowed to move to Hungary and Germany, otherwise they would consider themselves as hostages. The Bosnian-Serbian authorities requested an undersigned paper with the demands the Moslems had made. The authorities of the municipality of Zvornik are in the possession of the written evidence that the departure of the inhabitants was done by their own free will. The evidence contains a list of names, as well as a statement that they were not under any kind of pressure. Each side has a copy of the document, and we believe that one copy went to the Red Cross.

It is quite clear that all of them may return any time they want to.

As for the "war criminals", if they are proved as such, they will be subjected to legal procedures in the way provided by the law.

**We see that the President didn't know what it was all about, and made a short research, and got the explanation from the terrain. As it is already known to the Chamber, prior to this demand there was another demand of the Muslims from Kozluk to leave. At the moment, the local authorities were in control of the processes in Zvornik, and they dissuaded the civilians from their intent to leave, helped by the Serb Bishop and the Muslim priest, imam. Later on, under the pressure of the paramilitaries, the authorities weren't in control any longer, and the Kozluk population demanded to be facilitated to leave. After the war almost all of them had returned to Kozluk, as it was promised by the RS authorities! Therefore, a false and fake assertion of the Prosecutor accepted by the Chamber, which wouldn't be by any reasonable chamber!).** The Accused made statements to the international media that the Bosnian Serb authorities did not participate in "ethnic cleansing", they were trying to stop this practice, and that acts of "ethnic cleansing" were being perpetrated by groups or individuals who did not originate from the Bosnian Serb authorities.<sup>10792</sup>

**P5596:**

**Radovan KARADŽIĆ:** The Serbian authorities did not participate in ethnic cleansing. In fact, we are trying to stop it. Such acts are being perpetrated only by groups of Serbs or by individuals, but they certainly do not originate from the Serbian authorities.

**In the document P12 from #14 February 92# there is nothing pertaining to the subject, nor there could be, since it happened before the war. In this document, a transcript of the meeting, the President made a positive propaganda for the ECMM and its leader, Mr. Doyle, with the aim to secure a people's respect for them. That was before the war, and when it was hoped that there will not be any war, see P12, p. 8:**

<sup>10791</sup> KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6789–6790 (under seal); KDZ240, T. 15972–15974, 15977 (4 July 2011) (closed session), T. 16057 (5 July 2011) (closed session); P2937 (Letter from Radovan Karadžić, 5 July 1992) (under seal); D4720 (Letter from Radovan Karadžić re London Peace Conference, 25 August 1992), p. 1.

<sup>10792</sup> P5596 (Video footage depicting interview of Radovan Karadžić on CNN, with transcript), p. 1; P12 (Extended session of Main and Executive Boards of the SDS, 14 February 1992), p. 8.



important, somebody today, those European monitors were present somewhere in Pale, an Irish guy is their leader and he is an excellent person who had figured out many things, he had an unpleasant experience with our people, some of our people are really arrogant. And I explained to him that it was totally normal what European monitors had done in Europe, that is in Croatia, we had had enough of that and we cannot see them. We know, by chance, that he is unbiased and that his people are unbiased, but what they had done is a disgrace for Europe, and that is what we keep saying. So, he accepted that. And one of your tasks is, please, it can happen that a lot of monitors come to Bosnia and Herzegovina these days. To be kind to the fullest, civilized, to "push" among them as many of our translators and escort who are educated and nice, because that is what the other side is doing. When

**(#How this words could be a basis for such an inference#?)**

For example, in a 23 April 1992 media interview, when questioned about the fate of Bosnian Muslims and Bosnian Croats living in Serb areas, the President said that there were "very few such people" and that in any event they had signed an agreement with the UNHCR to allow the return of people to their homes.<sup>10793</sup>

**What is wrong with this interview? It was a day after the President issued his Platform for the political solution of the conflict, in which the President said that no *fait accompli* will be recognised. Let us see what was said in the Peace Platform, D00110:**

5. Public commitment by all sides in BH that the policy of an accomplished act, even the one originated from the communist heritage, will not be accepted and territorial advantages gained through the use of force will not be recognized.

**This commitment would make any further fights for territories senseless.**

**#EXCULPATORY#! The same pertained to any "accomplished act," *fait accompli* as unacceptable. Also, what was an official capacity of the President on 23 April 1992? #No a public office, no might, no command over anyone#!**

However, by that time, the Accused knew that thousands of non-Serb civilians had been expelled from Bosnian Serb controlled territory,<sup>10794</sup> and he continued to learn of such expulsions during the conflict.<sup>10795</sup>

**(#This is wrong as a devil#! First of all, neither the international community, nor the United Nations qualified this as "expelled" but quite contrary: people escaped from the combats. See\$@\$@\$ . By 23 April the majority of refugees were the Serbs. Further, by this date there was no a war in many municipalities. The war happened in Sarajevo as of 6 April, but there was no the Muslim refugees, firther in Foca, Zvornik, Vlasenica, Visegrad, a three days skirmish in Bijeljina, and some incidents among the JNA and Croatian Army (HV) around Derventa and Posavina (Bosanski Brod and Brcko) The President knew about even more Serb civilians expelled or escaping from the Muslim/Croat held territories. That was after the two weeks of a bloody war, imposed to the Serbs by the Muslim/Croat coalition. The President at that time never President the Muslim/Croat leaders for an ethnic cleansing, because it was the time of chaos. Everyone knew what would happen if a civil and religious war starts, and this was the reason why the President made every effort to avoid the war, see: D01833, of 8 March 1992:**

**encouraged that all three communities in Bosnia-Herzegovina were committed to the Cutileiro talks on finding new internal constitutional arrangements among themselves. President Izetbegovic told him that some progress had been made in the Cutileiro talks. Dr. Radovan Karadzic, the leader of the Serbs, was also positively inclined towards these talks. He wanted to avoid a war at all costs in Bosnia-Herzegovina,**

<sup>10793</sup> D1591 (Radovan Karadžić's interview from Le Figaro, 23 April 1992), p. 1.

<sup>10794</sup> See paras. 3332, 3336.

<sup>10795</sup> See Section IV.A.3.a.v.A: Knowledge of crimes committed throughout the Municipalities.



**This sole document is so #exculpatory#, by excluding any war crimes, which couldn't appear without a war, that the Indictment shouldn't survive the disclosure of this document. No *mens rea*, no plans, no intentions, at least before 15 June 1992, when the President formed the VRS and defined who will be in the command of it!)**

3377. The Accused also shifted blame for the crimes away from Bosnian Serbs. For example, he often stated that: (i) his interlocutors had been misinformed; (ii) their sources were biased; (iii) crimes and terrible things had happened historically and were continuing to happen to Bosnian Serbs as well; (iv) everybody was guilty; (v) he had warned that the declaration of BiH independence would provoke a terrible war; and (vi) the international community was responsible.<sup>10796</sup> **(#ALL OF IT WAS PRESENT IN THE STATEMENTS OF THE MOST RESPONSIBLE WORLD LEADERS!# And what was wrong with these assertions of the President? (i) Were the international interlocutors (mis)informed by their Muslim hosts, their Muslim interpreters, of the interlocutors were present at every crime scene? Of course, they were (mis) informed by their Muslim hosts, and they usually didn't know any fact about events on the terrain!. In Sarajevo itself they didn't know where were the Serb, and where were the Muslim/Croat forces. (ii) Where, or not, their sources biased? What were their sources? The governments of a countries that had been completely hostile to the Serbia, the Republika Srpska and the Serbs generally. Were these sources objective? (iii) Was it true? Or it was the first time in the history that the civilians of the three confessions fought each other? It is insulting to the Serbs when the Chamber alludes and suggests that the Serbs didn't suffer a true genocide at least twice in the 20<sup>th</sup> Century. (iv) Everybody was guilty, wasn't it? The President even gave an anti-Serb statement, because the Serbs were the least guilty, they never started any fight, but certainly some of them defended more than necessary and thus committed crime. (v) and (vi) IT WAS NOT THAT THE PRESIDENT SAID IT, IT WAS SAID BY THE HIGHEST INTERNATIONAL AUTHORITIES, INCLUDING LORD P. CARRINGTON, AMB. CUTILEIRO, MIN. PINHEIRO, B.B.GHALI AND MANY OTHER AUTHORITIES. Let us see what is said in the P00811 exhibit, Okun's note for the file:**

I raised with him the issue of civilians fleeing from Jajce in the direction of Travnik. I said we were receiving reports that these people were being shelled and that their condition was extremely serious. Dr. Karadzic said there had been little or no shelling of Jajce; the town had been captured by infantry alone. He further said that civilians were protected at Jajce and that the town had been taken by a disciplined group of soldiers "who were not irresponsible." He said this was a disinformation campaign directed against the Bosnian Serbs. I responded that we had very different information, that I believed it to be reliable, and that -- in any case -- he should immediately call his commander on the spot and order him to protect all innocent civilians no matter what. I reiterated that the reports we were receiving said that thousands of people were fleeing Jajce. Dr. Karadzic said this was not so, but that residents of Jajce had left earlier. I reiterated in the strongest possible terms that he should call his local commander and order him to cease and desist from any activity directed at innocent civilians. I said this was a matter of the most extreme urgency. Dr. Karadzic said he would call his commander and so instruct him.

**So, neither the President called him, nor he was obliged to talk to him what he wanted to say to Mr. Vance, nor Okun could have known more about Jajce than the Serb Colonel over there,**

10796

KDZ240, P2935 (Transcript from *Prosecutor v. Krajišnik*), T. 6789–6790, 6820, 6826, 6830–6835 (under seal); KDZ240, T. 15972–15974, 15977 (4 July 2011) (closed session); Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4191–4192, 4200, 4203, 4252–4253, 4369, 4399; P790 (Seventh notebook of Herbert Okun's ICFY diary), e-court p. 37; Herbert Okun, T. 1505–1513 (23 April 2010); P811 (Herbert Okun's note re meeting with Radovan Karadžić, 31 October 1992); P1029 (Witness statement of John Wilson 4 November 2008), paras. 113–115, 122. See also P2451 (Witness statement of Anthony Banbury dated 19 May 2009), paras. 48–49; Anthony Banbury, T. 13337–13339, 13357–13358 (15 March 2011); D4720 (Letter from Radovan Karadžić re London Peace Conference, 25 August 1992), p. 2; P784 (First notebook of Herbert Okun's ICFY diary), e-court pp. 46, 53; P785 (Second notebook of Herbert Okun's ICFY diary), e-court p. 34; P786 (Third notebook of Herbert Okun's ICFY diary), e-court pp. 39–40; D1137 (Letter from RS, 2 April 1994), p. 2.

nor the President was and should have been expecting that Mr. Okun knew more than his commander on the spot, nor Mr. Okun was entitled to command the VRS, to which the President didn't command either, and finally, Jajce wasn't a civil area at all, but a completely militarised stronghold, and finally-finally, the Muslim/Croat side declared the war against the Serbs in BiH. Is anyone reasonable to tell us who was a source of the information that Okun received? Was it the Serb side? Or was it the Muslim/Croat side, which initiate fights, and when losing, start to cry to a people like Okun. And if somebody could say that this wasn't a political trial. All what is said in this paragraph is a pure politics. This kind of intervention and a biased conduct disqualify the international presence in the crisis areas, and it is a critical question whether the international mediators should be invited by a hosts, should they be met and spoken to orally, or only through a written correspondence!) But, let us see what is in the letter of the RS Government, D01137:

The purpose of the mission was described as assessment of the situation of the minorities in the region. We have to say that the report is mainly inaccurate and biased, aimed at discrediting the authorities of the Republic of Srpska. UNHCR officials, it seems, do not check the sources of the collected information nor its contents, and uncritically use statements of Bishop, Mufti and Caritas representatives in the field. They request the protection for the minorities, but they do not seem to be interested in a number of criminal charges brought in the region against individuals engaged in criminal activities of damaging the property of Muslims or Croats. The bias of the report is expressed in suggestive statements like: ICRC and UNHCR are unable to help improving the situation and the Serb authorities are not willing to improve it; or, Mrkonjić Grad is the next place to be targeted (no reasons are given); or, Jajce was once beautiful city, now houses are partly damaged or destroyed. However, UNHCR officials could have learnt that Croat children are given Catholic instruction in all primary schools in the region, and that Muslims refused to provide Islamic instruction for their children.

So, it was not only the President who was convinced that the international agencies were biased. And they had been very biased, and if needed for this Appeal, it is going to be presented to the entire world.

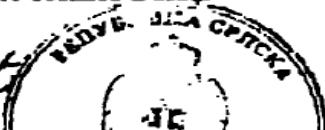
combat activities, and that therefore it is completely unjustified. The name Banja Luka is used to cover 29 municipalities where a large number of them have been affected by intense fighting and in the UNHCR report there is no mention of it. The problem of refugees of Serb nationality has been ignored although there are 200,000 of those and more than 400,000 of socially endangered in the region. It is absurd to raise the problem of jobs because the largest number of the population lost them thanks to the care of international community to implement vigorous sanctions against the Serbs.

But the UN agencies didn't pay any attention to the Serb sufferings, nor to the situation on terrain.

Knowing the situation of the Serbs in all the other parts of the former B&H, which is no different than the one in Sarajevo, we want to lodge a strong protest to UNHCR for breach of its mandate that you have defined as "maintaining neutrality and integrity carrying out humanitarian task of ensuring material and protection assistance to those in need". Political involvement of international humanitarian agencies may have unforeseen consequences, and it represents a direct interference in the negotiating process that should bring political solution for the former B&H and Yugoslavia. We expect UNHCR to stop campaigns and to contribute in the efforts to reach a broader assessment of the humanitarian problems within the context of the civil war in the former B&H.

Sincerely yours,

*Dr. Vladimir Lukić*  
Dr. Vladimir Lukić



So, the Prime Minister was rightfully much sharper than the President ever, shame on the President, for trusting the international "humanitarians" while they were lobbying and

**helping only one side in the war.)** In addition, Bosnian Serb leaders when confronted with allegations of rape and expulsion of Bosnian Muslims sometimes would also suggest that these abuses had been committed by Bosnian Muslims who were masquerading as Serb soldiers but did not deny that these crimes were happening.<sup>10797</sup> **(#CONFRONTED WITH ALLEGATIONS# - BY WHOM? The internationals took some Muslim propaganda and served it as their “allegations”, but rather as an accusations, and expected that the entire Serb state admit or deny it immediately! Instead of respecting the #Serb caution about confirming or denying some crimes#, it is taken as if the Serb officials admitted the crimes. This wouldn’t be decent to deny something before an investigation! Pertaining to a sharade with names and uniforms, this is something what really happened, even in the WWII, when the Croat Ustasas entered the Serb villages calling each other by a Muslim names. This way the Muslims introduced this practice, calling themselves by a Croat or Serb names. But, anyway, the Chamber is not interested in the truth, otherwise it wouldn’t pay so much credit to the Muslim allegations, which was a pure propaganda. To remind the Appeal Chamber, it was less than a year of war when the Muslim side went out public, claiming that there was 350,000 Muslim casualties and up to 80,000 raped women. This was to highest figure, but from the beginning it was in thousands. Why the state organs of the RS would pay any credit to this kind of propaganda? And the international community should have been cautious about the Muslim claims once it learnt about this false claimers.)**

3378. Throughout the conflict, the Accused boasted to the Bosnian Serb Assembly about the proper conduct of the Serb Forces, when he knew it was not true. **(How the Chamber could have known that? If the Chamber presumed that the President should consider himself well informed because some international representatives told him something, this is more that ridiculous. The President #relied upon the reports of the state agencies, the state security, the MUP, the military intelligence, and lower positioned officials and ordinary people#. The internationals hadn’t been even closely informed as these structures and sources!)** In a television interview on 20 August 1992 regarding the release of detainees from detention centres, the Accused spoke of only releasing prisoners of war who were too ill or weak to go back into battle, after initially offering to close all of the camps.<sup>10798</sup> He stated that “we don’t have people in prisons that have been removed from their own homes. Those people have been captured in the battle-field”.<sup>10799</sup> **(What was inaccurate in this interviews? #Why would the Serb side replenish the adversary army with their captured combatants? #Why the Serb side would keep innocent civilian in detention units, while they didn’t have enough food for the population and soldiers#? There is an evidence that a two soldiers shared one small pasteta a day. The riots in Banja Luka in September 93 was motivated by a bad social position of the soldiers and their families!)** The Accused claimed in a speech in December 1992 that “there were no civilians in our prisons”, that no institution which inspected their prisons found any civilians or women, and that they had released a large number of detainees.<sup>10800</sup> However, prior to that time, the Accused had been informed by Bosnian Serb government commissioned reports as well as by international representatives and the media that civilians were detained and many detention centres had inadequate or worse conditions.<sup>10801</sup> **(These two are not opposed to each other. The President didn’t say that the detention centres, improvised and adjusted inadequate spaces, were as hotels. He said that the Serb side had released many prisoners of war. Wasn’t it true that the President himself ordered that the Manjaca prison for POWs be dismantled and thousand POWs released, just prior to this interview? There also hadn’t been any civilians**

<sup>10797</sup> Herbert Okun, P776 (Transcript from *Prosecutor v. Krajišnik*), T. 4224.

<sup>10798</sup> P3695 (Excerpt from video clip of Manjača camp and interview with Radovan Karadžić). See Mevludin Sejmenović, T. 20496–20497 (27 October 2011).

<sup>10799</sup> P3695 (Excerpt from video clip of Manjača camp and interview with Radovan Karadžić).

<sup>10800</sup> P1364 (Transcript of 23<sup>rd</sup> session of RS Assembly, 17 December 1992), e-court p. 8; P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), p. 13.

<sup>10801</sup> See paras. 3366–3370, 3372–3375.

**or women, although in the ABiH there was about 6% of a female combatants, as their documents confirmed!)**

On 8 January 1993, the President also stated that “no soldier of ours would be allowed to rape a woman in the presence of another soldier” and described these stories as “terrible lies”.<sup>10802</sup>

**Here is how this part of the President’s speech looks like, P00921, p. 13**

of the Serb people. We, the Serbs in BiH, were the most co-operative in humanitarian matters. As you know, we released 6.000 war prisoners, nobody found a civilian in our prisons, not to remind you that nobody ever found a woman. Let me not remind you that no soldier of ours would be allowed to rape a woman in the presence of another soldier, if you know our officers and their strict upbringing in that respect. Those terrible lies are meant only to frighten the Serb people. It is clear, even to those who launch those lies that it is statistically impossible that only 2 or 3 women are ready to talk about it if 100 have been raped. It is clear that there are brothels in which the Serb women are held, but there is not even one brothel in which the Muslim women are held. It is clear to them that the Muslims and Croats bring old people and children to an exchange, while we bring exclusively the able-bodied men that responded to IZETBEGOVIC’s mobilisation. It is all clear to them. In spite of that, we were

**And this speech of the President wasn’t aimed to a public, let alone to the internationals, but only to the deputies, while 13 of them were opposition representatives, who wouldn’t miss an opportunity to blame the government and the President himself. The Appeal Chamber is maybe not obliged, but it would be a nice and just, to take into account this kind of bias against the Serb people, and to count in how huge experience of injustice it was faced with.**

**Another very peculiar “understanding” of the presidential duties and abilities, due to which the Chamber presumed that if the Government and governmental commissions informed the President how they were doing their job! The President could only have been satisfied and calm, because the Government and governmental institutions are taking care of regularities. The President could only intervene if there was no such a reports and the Government and governmental institutions didn’t do their job. In such a case, the President could only criticise the Government, reinforce his orders and eventually propose to the Assembly to vote against the Government, and nominate another Prime Minister. The President asked the Assembly to change the Government five times in a three and a half years, not because the Government or Prime Ministers made a mistakes, but because they were inexperienced and couldn’t cope with so many problems!)**

**3379.** On 2 April 1993, the Accused stated that the UN could present evidence of war crimes, but that it was for the RS to investigate and prosecute matters itself, and that their army could never have committed crime.<sup>10803</sup>

**(Certainly! There was so many allegations, but any serious allegation was to be investigated by the military police, and to be processed in a military courts. What is wrong with that? There may have been, and certainly had been, that a members of the VRS or police committed crimes, but not the VRS or Police as a legal formation. All so far known perpetrators of crimes hid their misdeeds from their most immediate commanders and superiors, and that is what the President meant saying what he said about the subject. It is not a news that the President opposed to any idea of such an international justice, he even didn’t recognized this Tribunal, but defended before it, as would defend before a storm or a flood!)**

**3380.** On 9 January 1994, the President went so far as to say to the Bosnian Serb Assembly that “[c]ontrary to the lies and slander of international propaganda-mongers, the Serbian army

<sup>10802</sup> P921 (Transcript of 24<sup>th</sup> session of RS Assembly, 8 January 1993), pp. 13–14.

<sup>10803</sup> P1367 (Transcript of 26<sup>th</sup> session of RS Assembly, 2 April 1993), p. 108.



maintained the knightly character and military honour, worthy of it.”<sup>10804</sup> (So what? That is true, and there is no any evidence that the VRS as an army did act criminally, apart from its members who had hidden their misdeeds from the very “next level”, i.e. from a most immediate commanders. It is well known how an army acts: with a plan, with a preparatory orders, executive orders, tasking a concrete unit, obtaining ammunition, food, fuel and all other needs, and finally, controlling the execution. None of individual crimes must be considered as a crimes of the Army or police. The same was with the American army in many countries, always differentiated between an individual crimes and a crimes ordered or tolerated by the President and a high commands!)

3381. The Chamber finds that the Accused minimised what he knew about criminal activity committed by Serb Forces and misled international interlocutors and the public with respect to that activity in Bosnian Serb claimed territory in the Municipalities. (This is another #wrong inference, and so general# that shouldn’t find any place in a serious Judgement, because it rather looks like a gossip#! The President was known as a person easy to confess that there was crimes committed by the Serbs, and very often it was taken as if he admitted that the “Serb Forces” committed it. There is no any interview where some question didn’t pertain to the atttrocities, and that the President didn’t answer that all the three sides committed horrible crimes, but the President never accused the very leaders of the two other sides, because it wouldn’t be in their interest to have such a crimes committed by their forces. #What the President knew was what his Army and Police informed him, and it was a quite different from what the international interlocutors said# to the President. At the beginning, the President trusted the internationals more than his services, which was wrong. The international interlocutors, first of all, didn’t make any investigation, but used a media, or propaganda sources, or had been under the control and instructions of their countries and governments, while the Army and Police were in a position to know better. Otherwise, the President wouldn’t have any time to do his own duties from investigating 80,000 alleged rapes, or 350,000 Muslim victims in a first year of war. What happened with all this allegations?)

(D) Prevention of criminal activity

3382. The Prosecution argues that the orders issued by the Accused to address crimes committed against non-Serbs were “simply window dressing designed to disguise [his] role in supporting the very crimes he was purporting to address”.<sup>10805</sup> (How possibly a “strictly confidential” documents and orders directed to the police, the military police and prosecution offices could be a “window dressing”? Had it been a case, there must had been many complains from the terrain to the President and his orders. Taking into account the Prosecution’s construct of the JCE and the number of people involved, there certainly would be many warnings of a possible accomplices against any measure of investigation and punishment of the crimes committed. Out of so many indicted and sentenced Serbs at least some of them would get public with his complains against the President for his alleged “duplicity”! but it never happened. Aside the main question: whi the President would be interested in crimes, unless he was a born criminal?) The President argues that he made legitimate efforts to prevent the commission of crimes and ensure Bosnian Serb Forces adhered to

<sup>10804</sup> P5525 (Audio Recording and Transcript of the Ceremonial RS National Assembly, 9 January 1994), p. 10; P5492 (Record of speech by Radovan Karadžić, 9 January 1994), p. 9.

<sup>10805</sup> Prosecution Final Brief, para. 541.



international humanitarian law.<sup>10806</sup> **(And he succeeded, since the Army as such didn't commit crimes, apart from some individuals or alienated groups!)**

1. Unlawful detention and inadequate conditions in detention facilities

**3383.** In relation to the treatment of detainees, on 8 June 1992, the SRNA broadcasted an appeal by the President to local authorities and prominent Serbs to, *inter alia*, ensure protection for all wounded and ill individuals irrespective of what side of the conflict they were on and to treat all prisoners humanely.<sup>10807</sup> **(#EXCULPATORY#!)** On 13 June 1992, the President issued an order to the VRS and MUP to apply and respect the international law of war and authorised the Minister of Defence to prepare instructions on the treatment of captured prisoners,<sup>10808</sup> which the Minister did.<sup>10809</sup> **(#EXCULPATORY#!)** In addition, the Chamber found that in June and July 1992, the Bosnian Serb leadership requested several reports on detention facilities and detainees.<sup>10810</sup> **(#EXCULPATORY#! What is wrong here? The orders were issued and a control was initiated. What is wrong? In which country president do more than that?)**

**3384.** On 1 July 1992, the President asked Mandić to release a Croat who the President believed was detained at Kula prison.<sup>10811</sup> The Chamber finds that this is indicative of the President's ability to secure the release of detainees when he felt like it. The Chamber also received evidence that Krajišnik and Mandić also intervened on behalf of detainees with whom they had personal connections.<sup>10812</sup> **(So what? If a high official of the Republika Srpska guarantees for somebody, it was a his right of discretion to release such a person. But it couldn't pertain to every detained people, otherwise the Serb community would be defeated and expelled from BiH! Does the Chamber mean that the President as the President should order all the enemies captured in the battlefield to be released? The people would arrest and detain him, and would be right!)**

**3385.** The Chamber recalls that around 15 July 1992, a high-ranking delegation of Bosnian Serbs from Banja Luka and Prijedor visited Omarska and were received by Drljača.<sup>10813</sup> Following the delegation visit, the President called Kuprešanin to suggest that he influence the municipal authorities in Prijedor to close the "investigation centres" in the municipality.<sup>10814</sup> **(#EXCULPATORY#!)** Kuprešanin subsequently asked the authorities of Omarska and Keraterm

<sup>10806</sup> Defence Final Brief, paras. 642, 741.

<sup>10807</sup> D426 (Radovan Karadžić's appeal re ICRC's plan for humanitarian aid to BiH, 8 June 1992), p. 1.

<sup>10808</sup> D434 (Radovan Karadžić's Order on the application of laws of war, 13 June 1992), p. 1; Momčilo Mandić, T. 5081–5082 (14 July 2010). *See also* D1849 (Radovan Karadžić's Order, 13 June 1992); P1134 (SerBiH Ministry of Defence Instructions on the Treatment of Captured Persons, 13 June 1992).

<sup>10809</sup> P1134 (Minister of Defence of SerBiH Instructions on the Treatment of Captured Persons, 13 June 1992), p. 1; D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), para. 281; Momčilo Mandić, T. 5083 (14 July 2010) (testifying that on the basis of this order Minister Subotić issued instructions on the treatment of captured persons and that those instructions made reference to international regulations, the treatment of those persons, who was in charge of detaining and releasing them and the conditions under which they could be used for work).

<sup>10810</sup> P1093 (Minutes of 5<sup>th</sup> session of SerBiH Presidency, 10 June 1992), p. 2; P1092 (Minutes of 25<sup>th</sup> session of Government SerBiH, 10 June 1992) (indicating that the Ministry of Justice should make a report on the treatment of civilians and prisoners to be considered by the government and then presented to the Presidency); P3098 (Minutes of the 48<sup>th</sup> session of SerBiH Government, 28 July 1992), pp. 9–10 (stating that the Ministry of Justice and Administration was due to immediately prepare a report on the state of detention centres and concentration centres for prisoners). *See also* D3109 (SerBiH MUP report, 22 August 1992) (reporting on the existence of detention centres in the SAO Herzegovina); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992) (reporting on the inspection of prisons in Trnopolje, Omarska, Keraterm in Prijedor; Manjača near Banja Luka, Krings Hall in Sanski Most, and the primary and secondary school in Bosanski Šamac).

<sup>10811</sup> P1102 (Intercept of conversation between Radovan Karadžić and Momčilo Mandić, 1 July 1992), pp. 2–3; Momčilo Mandić, T. 4606–4607 (5 July 2010).

<sup>10812</sup> P1101 (Intercept of conversation between Momčilo Krajišnik and Momčilo Mandić, 26 June 1992), p. 2; Momčilo Mandić, T. 4598–4603 (5 July 2010); P5651 (Intercept of conversation between (i) Momčilo Mandić and Petko Budiša; and (ii) Momčilo Mandić and Tomislav Kovač, 27 July 1992), p. 2.

<sup>10813</sup> *See* para. 1782.

<sup>10814</sup> *See* para. 1783; D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 46; Vojislav Kuprešanin, T. 43530, 43543–43545 (14 November 2013). *See also* P6510 (Excerpt of Vojo Kuprešanin's interview with OTP), e-court p. 11.

to close the facilities and to improve the living conditions for the detainees until their disbandment.<sup>10815</sup> **(Why it wasn't taken as an exculpatory document for the President?)**

3386. Vulliamy visited Omarska on 5 August 1992.<sup>10816</sup> He was told later by survivors from Omarska that the detainees who appeared to be in “better condition” were brought out to the tarmac area between the hangar and the canteen where the journalists would see them during their visit.<sup>10817</sup> **(And did those detainees had any incentive to lie? Why their words would have a greater value than a words of a Serbian officials? This would be too much that the Chamber grant a credit to such a biased statements.)** The Chamber recalls that the authorities at detention facilities such as Omarska, Trnopolje and Manjača transferred the majority of their detainees to other locations during this time period and further cleaned up the facilities.<sup>10818</sup> **(It is not sufficient for a Chamber's inference that this reports of a very known anti-Serb agitators were credible. But, anyway, even if it was such, that still can not be used against the President, because the President did his job, ordered to give a complete access to the ICRC, and even to media. All other wasn't in his hands, and there is no evidence that the President intervened afterwards to annihilate his own orders! There was no any evidence that the President tolerated any illegal and criminal activity, or a violation of the international humanitarian law!)** Furthermore, soon after the President agreed to open up the camps to international visitors, Keraterm was closed, with the detainees being moved to Trnopolje or Manjača by 5 August 1992.<sup>10819</sup> **(This is a bad construction. The President never heard of the Keraterm prison, and didn't order any make-up. The President didn't “agree to open up the camps to international visitors” he proposed it while in London, and invited the internationals, including media representatives, and took them in his plain, so that there was no any opportunity to emprove the look off the facilities! However, the President made a grave mistake by believing the internationals, and particularly media!)**

3387. On 6 August 1992 at a session of the RS Presidency, attended by the President, the treatment of detainees held in Serb controlled territory was discussed. It was concluded that the MUP would be ordered to examine the behaviour of all civilian authorities and individuals guarding detainees and report back to the MUP and the Presidency.<sup>10820</sup> **(#EXCULPATORY#! However, that was not the first decision, butone in a serial of orders to take care of the Prisoners of war! The President made such an order several times in 1992, while later, in 1993 to the end of war, there was a much better control of the local authorities! The Chamber had it all in the file!)** At this meeting it was stressed that international conventions on the treatment of prisoners of war should be followed to ensure the humane treatment of prisoners of war given that “they are in prisons and not concentration camps”.<sup>10821</sup> **(#EXCULPATORY#!)**

<sup>10815</sup> See para. 1783; D4011 (Witness statement of Vojislav Kuprešanin dated 11 November 2013), para. 46; Vojislav Kuprešanin, T. 43543–43545 (14 November 2013). See also P6510 (Excerpt of Vojo Kuprešanin's interview with OTP), e-court p. 11.

<sup>10816</sup> Edward Vulliamy, T. 21079–21080 (9 November 2011).

<sup>10817</sup> Edward Vulliamy, T. 21088 (9 November 2011). The Chamber recalls that the day after the international journalists visited Omarska, Sejmenović was taken out of Omarska by Kuprešanin. Kuprešanin had been instructed by the Accused to get Sejmenović a suit and allow him time to recuperate, and then he was planning round-table discussions for Sejmenović to speak publicly about the situation in Bosnian Krajina. See para. 1787.

<sup>10818</sup> See paras. 1409, 1789, 1851. See also P731 (Video footage from Kula, Omarska, Trnopolje, and Manjača, with transcript) (wherein Christiane Amanpour, reporting on Manjača, stated that “even though Karadžić authorised our visit to this camp, journalists were allowed less than half an hour to assess the situation”); Idriz Merdžanić, T. 21396–21397 (16 November 2011).

<sup>10819</sup> Idriz Merdžanić, T. 21395–21396 (16 November 2011); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4; P6585 (SRNA press release, 22 August 1992); P5555 (Report of Prijedor SJB, 29 September 1992), p. 4. See also para. 1804. See also D4725 (Report from Slobodan Avlijaš to RS Ministry of Legislation and Administration, 31 August 1992). The Chamber notes that Idriz Merdžanić, a Bosnian Muslim doctor who was detained at Trnopolje from 26 May until 30 September 1992, testified that after the Accused promised at the London Conference to allow journalists to visit detention centres, he ordered to have the camps “prepared” for the journalists’ visits and suggested that the killing incident in Room 3 at Keraterm on or about 24 and 25 July 1992 occurred as a result of this. Idriz Merdžanić, T. 21394–21396 (16 November 2011). See Scheduled Incident B.15.1. The Chamber considers Merdžanić’s evidence to be speculative as he was not in a position to know about specific orders issued by the Accused. Therefore, the Chamber will not rely on his evidence in this regard.

<sup>10820</sup> D465 (Minutes of 24<sup>th</sup> session of SerBiH Presidency, 6 August 1992), p. 2; P1603 (Decision of SerBiH Presidency, 6 August 1992); D97 (Conclusions of RS Presidency re prisoners of war, 6 August 1992); Momčilo Mandić, T. 5236–5238 (15 July 2010); D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 54.

<sup>10821</sup> D465 (Minutes of 24<sup>th</sup> session of SerBiH Presidency, 6 August 1992), p. 2.

The decision was relayed to SJB Chiefs in a number of municipalities who were obliged to provide reports in accordance with the RS Presidency decision by 20 August 1992.<sup>10822</sup> **(#EXCULPATORY#)** The SJB Chiefs were also informed about the RS Presidency order to release all civilians and to allow them freedom of movement.<sup>10823</sup> **(#EXCULPATORY#! Is something wrong in it? Why it wasn't sufficient for an acquittal on this point? What else the Presidency could have done, but to initiate the institutions to do their job?)**

**3388.** On 7 August 1992, the Accused wrote to Branko Đerić about reports they had received regarding detention facilities, including Manjača, and stated the ICRC and Mladić had been informed.<sup>10824</sup> **(#EXCULPATORY#)** The Accused also noted his expectation that the government would, on the basis of these reports, “take immediate measures for the improvement of the living conditions in the jails that are operated by civilian authorities on our territory”.<sup>10825</sup> **(#EXCULPATORY#! What else any president could have done?)** The President wrote to the ICRC with respect to these reports, and gave his re-assurance that the ICRC would be enabled to work without disturbance in RS and that he accepted “the majority of [their] remarks and recommendations for improvement of living conditions on these locations”.<sup>10826</sup> The President also accepted the ICRC suggestion to release all persons older than 60 years of age from detention and stated that they were ready to speed up the exchange of prisoners through a system of exchange commissions.<sup>10827</sup> **(#EXCULPATORY#)**

**3389.** On 8 August 1992, at a session of the RS Presidency, it was concluded, *inter alia*, that: (i) visits by representatives of the ICRC to all prisons must be arranged; (ii) all detainees above the age of 60 or seriously ill or wounded should be released; and (iii) amnesty should be declared for persons who have committed minor offences or were misled into committing such offences.<sup>10828</sup> **(#EXCULPATORY#)**

**3390.** On the same day, in a letter to, among others, the President, Tomislav Kovač, then Deputy Minister for Police Affairs and Tasks, identified the problems of detention of non-Serbs and proposed “that the status of these people be legally changed in compliance with international conventions on refugees, prisoners of war”, given the failure to properly categorise civilians, prisoners of war and those who had committed criminal acts.<sup>10829</sup> **(#EXCULPATORY#)** On 9 August 1992, the government responded to the letter immediately and established the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, which released its report on 17 August 1992.<sup>10830</sup> **(#EXCULPATORY#)** The Commission was tasked with determining the status of persons detained in prisons in the RS “in accordance with international

<sup>10822</sup> D3795 (Romanija-Birač CSB request to SJBs, 9 August 1992).

<sup>10823</sup> D3795 (Romanija-Birač CSB request to SJBs, 9 August 1992).

<sup>10824</sup> D100 (Letter from Radovan Karadžić to Branko Đerić, 7 August 1992); Herbert Okun, T. 1753–1754 (28 April 2010). *See also* P4982 (Witness Statement of Branko Đerić dated 5 April 2012), para. 39; D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 200, 219–221, 225. The Chamber does not find Subotić’s evidence that the only places of detention were under local authority and that he was not informed about the detention of civilians to be reliable. In reaching that conclusion the Chamber refers to its credibility assessment in fn. 9869 and more specifically that his evidence with respect to this issue was marked by evasiveness and contradictions and attempts to distance himself from the detention of civilians. **(Why would he “distant himself” from something that he didn’t do anyway? And how anyone could have differentiate who was civilian, and who was combatant? This was a civil war, and as Dzambazovic and others testified, the combatants fought in their civilian clothes!)**

<sup>10825</sup> D100 (Letter from Radovan Karadžić to Branko Đerić, 7 August 1992).

<sup>10826</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić, attaching an ICRC report, 7 August 1992), e-court pp. 2–3.

<sup>10827</sup> P3758 (Letter from Radovan Karadžić to Branko Đerić attaching an ICRC report, 7 August 1992), e-court p. 3.

<sup>10828</sup> P3071 (Minutes of the 25<sup>th</sup> session of RS Presidency, 8 August 1992), p. 1.

<sup>10829</sup> P1100 (Letter from SerBiH MUP to Radovan Karadžić and Branko Đerić, 8 August 1992), p. 1; D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 84; Slobodan Avlijaš, T. 35170–35171 (11 March 2013).

<sup>10830</sup> D3960 (Witness statement of Tomislav Kovač dated 28 October 2013), para. 84; Momčilo Mandić, T. 5139 (14 July 2010), T. 5239–5240 (15 July 2010); Momčilo Mandić, C3 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 9603–9604, 9820–9821 (testifying that representatives from the Ministry of Justice and Administration and the Ministry of the Interior were appointed to this commission); P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 2. *See also* para. 3373.

conventions, and to speed up the procedure of categorising such persons”, inspecting those facilities and submitting a report to the government of the Republika Srpska.<sup>10831</sup> Slobodan Avlijaš and Goran Šarić, as representatives of the Commission, visited Bileća, Trebinje, and Gacko and submitted a report to the Bosnian Serb government on 22 August 1992.<sup>10832</sup>  
**(#EXCULPATORY#!)**

3391. According to the minutes of the 30<sup>th</sup> session of the RS Presidency held on 6 September 1992, the President accepted a proposal from the Military Prosecutor’s Office attached to the command of the 1<sup>st</sup> Krajina Corp to pardon some detainees held at Manjača camp.<sup>10833</sup> **(#EXCULPATORY#! THE PRESIDENT COULDN’T DO IT WITHOUT A PROPOSAL OF THE MILITARY PROSECUTOR! The Chamber, just like the Prosecution, do not understand what was the position of the President, a constitutional, legal and factual one. It is the same as in any other country – President do his constitutional duties, and nothing else. Everything else was to be done by the institutions, not by President!)** The proposal stated that the detainees were suspected of having committed crimes and asked that they be exempted from further prosecution; however the minutes do not indicate the reason for the request.<sup>10834</sup>

3392. On 8 September 1992, the President sent a strictly confidential telegram to the presidents of all municipalities in RS instructing them to ensure “respect of international humanitarian law with regard to the treatment of prisoners of war” and that civilians who had not committed crimes should “not be kept in prisons and collection centres against their will” and that they should ensure their safe passage to territory where they seek refuge from the war.<sup>10835</sup> He also indicated that officials must accommodate the ICRC and the High Commissioner for Refugees.<sup>10836</sup>  
**(#EXCULPATORY#! And in accordance with all the agreements signed between the three sides and the UNHCR, ICRC and European Community! WHAT ELSE HE COULD HAVE DONE? IT WAS A “STRICTLY CONFIDENTIAL” DOCUMENT, NOT AIMED TO PUBLIC, AND IT WAS AS GENUINE AS IN ANY OTHER COUNTRY!)**

3393. In a meeting with international representatives in September 1992, the President agreed to “support any humanitarian issue” and “clean up” detention facilities but also in exchange requested that Bosnian Serbs, who he viewed as “hostages”, be allowed to leave Sarajevo.<sup>10837</sup>  
**(#EXCULPATORY#! And legal, and natural!)** On 11 September 1992, the President granted amnesty from criminal prosecution to 69 detainees who were being held at Manjača and Trnopolje.<sup>10838</sup> The President stated, a few days later, at a Bosnian Serb Assembly session that dealing with humanitarian issues would assist the Bosnian Serbs as they would get credit at an international level, and in this regard the disbandment of Trnopolje and Manjača camps would suit them so long as those detained were sent somewhere and did not return to the battlefield.<sup>10839</sup>  
**(#EXCULPATORY#! No president is entitled to jeopardize his army and his community by releasing enemy’s combatants who could appear on the battlefield the very next morning! It**

<sup>10831</sup> D466 (Decision of Government of SerBiH on establishment of Commission for Inspection of Collections Centres and other facilities for prisoners, 9 August 1992), pp. 2–3; D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 57. See also Slobodan Avlijaš, T. 35140–35142 (11 March 2013).

<sup>10832</sup> D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 56; D3109 (SerBiH MUP report, 22 August 1992) (reporting on the existence of detention centres in the SAO Herzegovina).

<sup>10833</sup> P3074 (Minutes of the 30<sup>th</sup> session of RS Presidency, 6 September 1992).

<sup>10834</sup> P3074 (Minutes of the 30<sup>th</sup> session of RS Presidency, 6 September 1992).

<sup>10835</sup> D3241 (Letter from RS Presidency to presidents of all municipalities, 8 September 1992).

<sup>10836</sup> D3241 (Letter from RS Presidency to presidents of all municipalities, 8 September 1992).

<sup>10837</sup> P785 (Second notebook of Herbert Okun’s ICFY diary), e-court pp. 23–24, 36.

<sup>10838</sup> P3721 (Report of 1<sup>st</sup> Krajina Corps re decision by Radovan Karadžić, 11 September 1992).

<sup>10839</sup> D456 (Transcript of 20<sup>th</sup> session of RS Assembly, 14–15 September 1992), p. 55.



**happened several times around Sarajevo, Rajlovac, where the Serb Army again captured the same combatants that had been captured in Bratunac, and released to Visoko!)**

3394. An agreement between representatives of the President, Izetbegović, Mate Boban, and representatives of the SDA, SDS, and BiH Presidency was reached on 30 September and 1 October 1992.<sup>10840</sup> They, *inter alia*, agreed to release all civilian detainees who were not suspected of having committed crimes.<sup>10841</sup> The document lists several scheduled detention centres under Bosnian Serb control, including Manjača, Trnopolje, Batković camp, and Kula Prison.<sup>10842</sup> **(This is not correct and not accurate: there were mentioned the camps under the Croat and Muslim control, not only under the Serb control. Why the Chamber is, in addition to the selective persecution, selective in any aspect, and does also a selection in numbering the prisons in the Muslim/Croat territory?)**

3395. The President, in October 1992, informed Mladić, Mićo Stanišić and Mandić that he had received information that some local authorities had ignored his instruction to allow unfettered access for the ICRC to detention facilities. The President demanded that they inform their subordinates to respect his instruction to allow access and that he would order a thorough investigation of all cases of failure to comply.<sup>10843</sup> **A completely #EXCULPATORY#! Beside his many genuine tasks and duties, the President payed tribute to the human rights and followed the implementation of his orders.**

3396. On 1 October 1992, Kuprešanin wrote to the President and requested a pardon to allow for the release of some Bosnian Muslim detainees who were being held at Manjača who had not participated in “the rebellion” against the RS.<sup>10844</sup> On 7 October 1992, pursuant to a decision of the RS Presidency, Kuprešanin authorised ten detainees who had been released and pardoned to be permitted to leave the territory of RS through the ICRC in Banja Luka.<sup>10845</sup> On 13 November 1992, the President issued an amnesty from prosecution in respect of numerous detainees who were held at Manjača.<sup>10846</sup> The Chamber considers that this further demonstrates the President’s ability to intervene in matters related to detention. **(So what? Was it wrong? Every President of a state is authorised to pardon some suspects, if so proposed by the Ministry or the Army. But, that had to be an exception, and couldn’t be massive! Or should he neglect the security of his own Army and population, and dismantle all the prisons for POWs, without any condition? His Army would have all the reasons to eliminate such an irresponsible president. All those pardonings of the POWs were done in accord of many state institutions, including the VRS and judiciary!)**

3397. It was not until 27 October 1992, that the Bosnian Serb Government officially decided that the existing illegal camps and assembly centres were to be dissolved as soon as possible and that the existing penal institutions legally formed in large centres in Republika Srpska were to be used, since the conditions there were suitable for legal treatment of prisoners and inmates.<sup>10847</sup> **(“It was not until 27 October that the BS Government officially decided...” is #not an accurate assessment#. First of all, during the previous months there had been issued #many orders# to**

<sup>10840</sup> P4859 (Agreement on the release and transfer of prisoners, 30 September and 1 October 1992), p. 1.

<sup>10841</sup> P4859 (Agreement on the release and transfer of prisoners, 30 September and 1 October 1992), p. 2.

<sup>10842</sup> P4859 (Agreement on the release and transfer of prisoners, 30 September and 1 October 1992), pp. 7–9.

<sup>10843</sup> D103 (Letter from Radovan Karadžić to Ratko Mladić, Mićo Stanišić, and Momčilo Mandić, 22 October 1992). *See also* Mićo Stanišić, T. 46403–46404 (3 February 2014).

<sup>10844</sup> P3722 (Request sent from Vojo Kuprešanin to Radovan Karadžić, 1 October 1992). A similar report was sent from the Manjača camp to the 1<sup>st</sup> Krajina Corps Command identifying individuals who did not deserve to be criminally prosecuted and who could be released and noting that not a single criminal report or other criminal documentation had been filed against individuals on a list and reported on their release: P3723 (Manjača camp daily report to the 1<sup>st</sup> Krajina Corps, 14 November 1992) (under seal).

<sup>10845</sup> D4211 (List of persons pardoned and released signed by Vojislav Kuprešanin, 7 October 1992).

<sup>10846</sup> [REDACTED].

<sup>10847</sup> P3102 (Minutes of the 57<sup>th</sup> session of RS Government, 27 October 1992), p. 6.



act in accordance with the international law of war, but because of a huge number of the captives it wasn't possible to achieve and execute these orders of the President, Ministers, Prime Minister and the Army commanders, including General Mladic! Only after many had been released it was possible to group the POWs in the existing prisons, with experienced administrations. So, it wasn't for the first time that the Government acted to this respect, but was ordering a transfer into existing prisons!)

3398. On 4 December 1992, the President indicated that he would order the release of all detainees held in Manjača provided that they be transferred to third countries.<sup>10851</sup> The Chamber found above that this is what indeed happened.<sup>10848</sup> **(#EXCULPATORY#)**

3399. Having considered the evidence recounted above of the President's efforts to end the unlawful detention of non-Serb civilians and to ameliorate the conditions in detention centres, the Chamber notes that while the President was aware of the large-scale detention of civilians as early as April 1992, it was not until June 1992 that he issued orders on the protection of detainees and requested reports.<sup>10849</sup> **(First of all, who established that there were civilians detained, for instance in Manjaca? In Omarska there were brought in all captured in the zone of attack on Prijedor, since 22 till 31 May 1992, but once the professional investigators found out who was a civilian without participation in the crime of rebellion, these had been released, and there was 59% of such a detainees. Neither in other detention units were civilians, except in some perent, but they also had been released immediately after investigation. If it was about civilians to be detained, why in Prijedor, as the most markant spot, only about 5% of the non-Serb population HAD BEEN BROUGHT IN, AND ONLY 2,5% SENT TO Manjaca?)**

Second, the President's official capacity before June 92 didn't allow him to act in that direction! He had been elected to the Presidency only on 12 May 92? He was without any command or other influence on the JNA before the VRS became the official armed force on 20 May 92. Didn't he establish the VRS by his order on 15 June 92, see P3035? What could he have done before this time, and before the late autumn 92? Meanwhile, before the President became thme presiding of Presidency, the Prime Minister Branko Djerić issued several orders to that respect, and General Mladic also, at the first half of May 92.) By that time, many civilians were already unlawfully detained in appalling conditions. **(#Unproven, uncorroborated, arbitrary#)** The Chamber didn't establish whether some detainees remained in a detention afer it was established that they had been "civilians", i.e. after the first results of investigations!) The Chamber further finds that the President had the authority to order the closure of detention centres and order the release of detainees as evidenced by how quickly his instructions to close Omarska, Keraterm and later Manjača and his instructions to release specific detainees were followed by the relevant authorities. **(These were an exceptional discretion authorisation of the President, but it couldn't becom a rule, because it would jeopardize the Serb Army and civilians. However, the President was keen to release all those ordinary combatants under the condition that they wouldn't join their Army, which is a legitimate position!)** However, by the time the Bosnian Serb Government officially decided to close all "illegal camps" on 27 October 1992, the make-shift detention facilities used throughout the Municipalities by Serb Forces to detain non-Serbs had already largely served their purpose of facilitating the process of the forcible removal of non-Serbs. **(This is not correct, nor the Chamber had any basis for such an assertion. There was a terrain captured by a chaos of the civil war, and many, many fought in their civilian cloathings and were really civilians. And the municipalities and their TOs were (due to the Law) entitled to defend as much as they**

<sup>10851</sup> D1851 (Letter from Radovan Karadžić to Daniel Shiffer, 4 December 1992).

<sup>10848</sup> See paras. 1408–1409.

<sup>10849</sup> See para. 3365.

could, and in a way they were able to do it. No any organ could order them to act differently, if such an organ couldn't protect them. Their own sovereign right was to save themselves, and unfortunately they had to defend against their own state, since the RS was not established in it's structure, neither was prepared, so to protect them!) The Chamber considers that the President could have intervened much sooner if he had had the will to do so. (This is an arbitrary assertion, without knowing the elementary facts and legal positions. Beside that, the President was not obliged, nor authorized to unilaterally release POWs, while the Serbs captured by their adversaries were kept detained, and the international community didn't care about any Serb need or concerns.) However, instead of exercising his authority to close make-shift detention centres, he spent months denying that the conditions in these centres were appalling and that civilians were included among the detainees. (A civilians could have been included only until it was established that they really had been civilians! Until that moment, they had been a suspects!) Furthermore, the Chamber notes that Batković camp, Kula Prison and the Rasadnik detention facility remained in existence during the war and that they continued to unlawfully detain non-Serb civilians.<sup>10850</sup> (No chamber could conclude as this without investigation and process. How this Chamber could have known it? Only by an uncritical acceptance of the witnesses that had been adversaries to the Serbs, and are motivated and educated to lie! And why it was always less that 3% or 4% of a non-serb population being detained and investigated, why not more that 50% or all of them? A presumed "systematic" approach of the Serb side towards the non-Serbs would require this percentage to be much, much higher!)

1. Forced removal of non-Serbs and protection of non-Serbs remaining in Serb controlled territory

**3400.** With respect to forced displacement of non-Serb civilians, in advance of the London Conference, the President issued an instruction to the VRS and MUP, on 19 August 1992 ordering that the forced resettlement of civilians should be prevented and that "any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void".<sup>10851</sup> (#EXCULPATORY#!) On 21 August 1992, the President pledged to prevent "ethnic cleansing" and punish persons involved in expelling the civilian population.<sup>10852</sup> (#EXCULPATORY#!) On 25 August 1992, on the eve of the London Conference, the President stated, in a letter to the international community, that he had issued the 19 August 1992 instruction, but that the civilian population must be allowed to move freely out of a war zone if that was its desire, blaming the failure on the part of the international community to understand the deep-rooted antagonism and hatred between the three ethnicities in BiH, which caused people to leave their communities in droves.<sup>10853</sup> (#EXCULPATORY#! And this was in accordance with all the agreements signed until this time between the warring sides and the international organisations, ICRC, UNHCR, and the Conference itself!) The Chamber considers that the President's comments in the 25 August letter were an attempt to downplay the forced nature of the movement of the population that was occurring, whereas by that time thousands of non-Serbs had already been expelled from Bosnian Serb claimed territory by Serb Forces. (#WRONG INFERENCE, for a several reasons: first, the Chamber is qualifying the chaotic events of the first several months of the war, out of which the first two months the President didn't have

<sup>10850</sup> See Scheduled Detention Facilities C.2.1, C.18.2, C.21.3.

<sup>10851</sup> D101 (Radovan Karadžić's Order to VRS Main Staff and RS MUP, 19 August 1992); Colm Doyle, T. 2875–2876 (27 May 2010). See also KW609, T. 46140–46142 (29 January 2014) (testifying that although the 19 August 1992 order was forwarded on by Drljača, these provisions were not observed in detention facilities in Prijedor to a large extent due to a small group of individuals, including guards and inspectors at the facilities, who did not behave in accordance with their authority or the law).

<sup>10852</sup> D109 (RS Presidency Declaration, 21 August 1992).

<sup>10853</sup> See para. 346; D4720 (Letter from Radovan Karadžić re London Peace Conference, 25 August 1992), p. 1.

any official capacity or authority over any “Serb Forces” – as the Chamber accepted the OTP qualification if it, the JNA, TO and paramilitaries. However, exactly these two months were the worst in terms of chaos and lack of control by all the sides! Second, the Chamber neglected the entirety of picture, namely that already by that time, the end of August 92, there was more Serb refugees than the Muslim and Croat together. By neglecting such a drastic half of the picture, the #Chamber is participating in a demonization of the Serbs#, depicting them as a ruthless power, instead of a twice smaller community, attacked by a Muslim-Croat coalition plus the Army of Croatia itself.

Pertaining to the second assertion, that “by that time thousands of non-Serbs had been expelled by the Serb Forces...” The Chamber #did not have any valid reason to conclude this#. First of all, nobody established that the “Serb Forces” forcefully expelled any of those civilians. The Chamber is conveying a Muslim propaganda and an international media campaign into an evidence, without any objective investigation. What the President was pointing out about the freedom of movement of population out of a combat zones, was something provided in all the agreements, as well as in the domestic and international laws of war. This kind of an irresponsible “inferring” is not acceptable even in a kangaroo courts. This is particularly irresponsible without establishing what of the movement of population falls within this obligation, and what was a crime. For instance, why there was no “forceful expelling” from the areas where there was no combat activities? This suggests that the President’s 19 and 21 August orders were not genuine efforts to stop “ethnic cleansing”, and were rather designed as an attempt to cast a positive light on the actions of the Bosnian Serbs in view of the commencement of the London Conference. (Wrong, and unacceptable speculation, and indecent by a serious chamber, since it rather looks as propaganda gossip. Here is why: if it was so, there must have been a parallel order, secretly conveyed to the same instances to neglect the first order. If not, how the instances on the terrain could have known that it was fake, and that they hadn’t been obliged to carry the order out? No serious Chamber would infer that way, which is lower than an old ladies gossip on a market short encounter. The evidence that it wasn’t fake is in the P02617 exhibit of 8 June 1992, for which period the Chamber concluded that the President didn’t take a necessary measures to protect the minorities: P02617, p. 2, the Decision on return of those who left...:)

All citizens who, for reasons of personal safety, temporarily left the territory of the Serbian Republic of BH, which had been engulfed in war, are obliged to return to their places of residence as soon as possible, until 20 May 1992 at the latest, and report to the Crisis Staff if their place of residence is controlled by the authorities of the Serbian Republic of BH.

Men of Serbian nationality aged from 18 to 60, previously residing in areas which are now not under the control of the authorities of the Serbian Republic of BH, are obliged to report to the nearest crisis staff on the territory of the Serbian Republic of BH until 20 May 1992.

(This is an example of a #positive discrimination#, the non-Serbs didn’t have to serve in the Army.)

Persons whose actions were not contrary to the interests of the Serbian Republic of BH have the right to return.

3401. In August 1992, the President issued instructions to the presidents of all municipalities to keep accurate records on the temporary use of abandoned flats by refugees and prevent any abuse in this regard.<sup>10854</sup> (#EXCULPATORY#) However, the Chamber recalls that the transfer of abandoned

10854

D111 (Radovan Karadžić’s Instructions to Presidents of Municipalities, 23 August 1992). See also Branko Đerić, T. 28018 (24 April 2012). Đerić also issued a decree regulating the temporary use of abandoned agricultural land and buildings. D2246 (Decree on the Temporary Use of Abandoned Agricultural Land, Agricultural Buildings and Agricultural Machinery and Tools, 20 August 1992); Branko Đerić, T. 28031 (25 April 2012).

non-Serb housing to Serb refugees had the effect of ensuring that non-Serbs who had fled their homes did not return to Serb held territory.<sup>10855</sup> **(Wrong! No para of any judgment could serve as a basis for such an inference. No matter who could have said anything, the only relevant was what the RS high officials committed themselves to, i.e. that the right to return and restore all the rights would be completely guaranteed. And that is what is counted, nothing else! And that is what had happened after the war in a full extemnt. And there was no any litigation about a state abuse of anyone's private property!)**

3402. Furthermore, the President issued orders for the protection of non-Serbs remaining in Serb controlled territory. On 11 July 1992 at the 38<sup>th</sup> session of the Bosnian Serb Government, a working group was formed to prepare regulations on the treatment of civilians of all ethnicities in the RS in accordance with constitutional rights and international conventions and obligations.<sup>10856</sup> **#EXCULPATORY#!** On 14 July 1992, the President instructed the presidents of the municipalities in the Goražde area to ensure that all Bosnian Croat and Bosnian Muslim inhabitants in villages who surrendered their weapons and did not intend to fight should enjoy the full protection of the RS state.<sup>10857</sup> **(#EXCULPATORY#! And this was in response to some hints and indications that the Muslim and Croat citizens didn't feel comfortable!)** He issued a similar order on 23 July 1992 that Serb authorities must act in accordance with the law and international humanitarian law and all inhabitants who surrender weapons and agree to live peacefully must be permitted to stay and be protected by the RS.<sup>10858</sup> **(#EXCULPATORY#!)** However, the Chamber notes that during this time period, Bosnian Muslims and Bosnian Croats were forced to leave Bosnian Serb claimed territory in the Municipalities through threats, coercion, or as a result of physical force. **(Wrong! Since many of the Muslim/Croat citizens didn't move anywhere, brings the Chamber to a question: #why only some of the M/C citizens wanted to leave, and other not, or why only some of them had been "expelled"? And the Chamber can not submit a single evidence that it was a forcible transfere, and not a demand of the civilians to leave a combat zones? The Chamber is taking all propaganda claims as an established facts, and this can not be valid even in a Khozak courts! The Chamber had a first class evidence that these orders of the President had been carried out exactly as it was written. There were a several Muslim villages in the Birac region, and on the Romania mount itself, who handed over their weapons and lived freely as long as they wanted. Already in august 92 a Prosecution witness Edward Vulliamy wrote how the Muslims and Croats in the Prijedor area lived while being loyal to the system, see P3788, p. 6:**

But down the road are other Muslim villages intact, peasants calmly bringing in the hay. Every house hangs a white flag - a piece of sheet or pillowcase - from the roof or from a tree: it is a guarantee against Omarska or Trnopolje.

'These are the people who accept the Serbian republic,' explains Major Milovan Milutonic from Army HQ in Banja Luka. 'If they do that, we just leave them alone.'

There are Croatian communities around Banja Luka too, exchanging their docility to the new order for a relatively quiet life.

**The witness could be anything, but not a pro-Serb journalist! And this is a first class evidence that the civilians had a choice: to live peacefully, or to engage in combats!)**

<sup>10855</sup> See, e.g., para. 2162.

<sup>10856</sup> D446 (Minutes of 38<sup>th</sup> session of Government of SerBiH, 11 July 1992), p. 6; Momčilo Mandić, T. 5136 (14 July 2010).

<sup>10857</sup> D95 (Instructions from RS Presidency to presidents of municipalities in Goražde area, 14 July 1992), p. 1; Momčilo Mandić, T. 5183 (15 July 2010). See also Herbert Okun, T. 1741–1742 (27 April 2010) (testifying that those who received these 14 July 1992 instructions may have understood that the Accused did not really mean them). The Chamber places no weight on Okun's testimony in this regard because it is speculative.

<sup>10858</sup> P2970 (Radovan Karadžić order, 23 July 1992).

**3403.** On 3 April 1994, the Accused issued an order to the Bosnian Serb MUP and VRS authorities to, *inter alia*, investigate criminal activity committed in the RS with particular attention to Prijedor, which was subsequently distributed to all RBD centres and Drina Corps units.<sup>10859</sup> **(#EXCULPATORY!#**

**Had they been “expelled” there would not be a thousands of them in Prijedor still in 1994!#)**

On 4 July 1994, the Accused conveyed to the municipal authorities in Prijedor that they should ensure full protection for the non-Serb population.<sup>10860</sup> **(#EXCULPATORY#! See the above quated P3788, which reflects exactly what the President ordered, as well as another paragraph from the same document, P3788, p. 3**

**Back in the town of Prijedor, women line the pavement outside police headquarters, waiting for transit papers to leave the area. Some say their menfolk had been in Omarska for four months.**

**The thousands of the Muslim civilians took refuge in the town of Prijedor, under the Serb control, while their males had been a suspects under the investigations!)** There had been incidents in mid-1994 of individuals attacking non-Serbs and their property, causing them to apply to municipal authorities to organise their collective departure abroad.<sup>10861</sup> **(This was a terrorist activity deep within**

**the Serb territory, a daily killings of the Serb civilians and soldiers, by individuals or groups that hid in a digouts throughout the war. One of the incidents was a bucherring of sixt Serb policemen, which scared both the Serb and Muslim civilians. The Muslim civilians related to those perpetrators felt extremely unsecure, and demanded to be allowed to leave. But, it was the sommer 1994, and this proves that they lived in Prijedor two and a half years of war without being “expelled”!)** The President instructed the highest authorities of the municipality to publicly

condemn such cases of assaults on non-Serbs and to maintain law and order, punish the perpetrators, and take measures to protect all citizens and their property against looting, including the property of individuals who had left or been killed.<sup>10862</sup> **(#EXCULPATORY#! It was useful that the local**

**authority officials do it publicly, so that every singe individual knew what was the official position. For that reason the international mediators proposed to the President to make public his strictly confidential orders, so that everyone could have known it, see P941!)** A state

commission was to be set up to deal with each registered case.<sup>10863</sup> **(#EXCULPATORY#! It is an evidence that the subordinates took it seriously what the President instructed them!)** The

Chamber considers by this time there were so few non-Serbs remaining in Prijedor after the overwhelming majority had already been expelled during 1992 that his instructions in this regard were rendered otiose. **(If so, then why the President was demanded to allow that the Muslim civilians**

**leave Prijedor by up to 80 tracks a day in 1994? Any why a propaganda about ongoing “ethnic cleansing” was intense? As if the Chamber was striving for a reason to undermine the genuine documents in favour of the President! And that can not be a fair trial!)**

**3404.** In response to concerns about the “ethnic cleansing” in Bijeljina in late 1994, the President explained to UNPROFOR that the authorities in Bijeljina intended to replace the Chief of Police given that he was providing unsatisfactory security for the population,<sup>10864</sup> **(#EXCULPATORY#!**

**The Chief of police wasn’t responsible for any misdoings, but he was not able to secure the safe stay for some of the endangered people!)** and later claimed that people leaving Bijeljina

were being forced from their homes by criminal elements.<sup>10865</sup> **Let us see what is in the P02458**

<sup>10859</sup> D1138 (Radovan Karadžić's letter, 3 April 1994); D4151 (Dispatch of RS MUP to all RBD Centres, 5 April 1994); D4816 (Drina Corps Order, 4 April 1994), para. 1. *See also* [REDACTED].

<sup>10860</sup> D4213 (Order of Radovan Karadžić, 4 July 1994).

<sup>10861</sup> D4213 (Order of Radovan Karadžić, 4 July 1994).

<sup>10862</sup> D4213 (Order of Radovan Karadžić, 4 July 1994).

<sup>10863</sup> D4213 (Order of Radovan Karadžić, 4 July 1994).

<sup>10864</sup> D704 (UNPROFOR report re meeting with Radovan Karadžić, 19 August 1994), p. 3. *See also* D3145 (UNPROFOR report, 6 September 1994; UNPROFOR press statement, 5 September 1994), p. 1.

<sup>10865</sup> P2458 (UNPROFOR Weekly BiH Political Assessment, 11 September 1994), p. 4; P2451 (Witness statement of Anthony Banbury dated 19 May 2009), paras. 60–61.



**report:**

5. As has been the case for the past several weeks, large numbers of non-Serbs were expelled from their homes in Bosnian Serb-controlled territory this week. Most of those who crossed the confrontation line were women, children and elderly men; men capable of performing physical labour were reportedly detained, and put in forced labour camps or work brigades. On 03 September, about 500 people crossed from the Banja Luka and Sanski Most areas into Turbe. On the same day about 1,000 crossed from the Bijeljina area into Tuzla; those crossing reported that 96 men were separated from the group before the crossing, and sent to the Lopare labour camp. On 07 September, about 150-200 crossed from Bijeljina into Tuzla; 1,000 more from Bijeljina crossed on 08 September.

**#Had it ever been proven that there existed a “labour camps”#? Not at all! But, everything became clear when we see who was the drafter of this report: a famous Anthony Bambury!!! There is no a day on which a thousand civilians crossed the confrontation line between Tuzla and Bijeljina. Another logical question is: #how many troops was needed to “forcefully expel” a thousand people? Which unit did it? Under which command? How many incidents occurred during this “forceful transfer?”# Let us see further, P2458:**

6. In a meeting in Pale between Head of Civil Affairs Vieira De Mello and Dr. Karadzic on 08 September, the latter claimed that those people departing the Banja Luka area did so of their own volition, whereas those from Bijeljina were forced from their homes by criminal elements akin to “Hong Kong mafia.” In a press conference after the meeting, Karadzic said that the Bijeljina expulsions were not the policy of the “RS”, were against its interest, and that they had stopped as of 48 hours earlier. Nonetheless, 1,000 more were expelled that day.

**The “Hong Kong mafia” that the President referred to was Vojkan Djurkovic on the Serb side, and certain lawyer (Basic or Pasic) in Tuzla, who organised those who wanted to cross over, and payed to the “mafia” for this operation!) While the Chief of Police was replaced in Bijeljina, the UNHCR office continued reporting on the arrival of “large numbers of refugees who had been forced to leave the Bijeljina area” including over 2,000 people between 18 August to 4 September 1994.<sup>10866</sup> (Arrival, certainly, because they wanted to move, but in order to have a benefit in Tuzla, they rather kept saying that they had been expelled. There was no a possibility to charge Vojkan Djurkovic, since he had a protection from those Muslims who were allegedly expelled! Similar was with Arkan, as the lately disclosed report of the ECMM confirmed!) On 9 September 1994, Vieira de Mello requested that the Accused allow Akashi and UNPROFOR to verify the humanitarian conditions in these regions and pressed for the arrest of Vojkan and his gang, who the Accused suggested might be acting under Arkan’s instructions in the area.<sup>10867</sup> See, Vojkan, commended by the ECMM#! On 15 September 1994, the Accused was told by international negotiators that his response to the crisis in Bijeljina was “insufficient [...] as the cleansing itself was apparently continuing” and that by the time investigations were completed “there would be nobody left to expel”.<sup>10868</sup> (This is something that had been said by the “international negotiators” or by a drafter of this report, not a fact#, see P3862:**

<sup>10866</sup> D3145 (UNPROFOR report, 6 September 1994; UNPROFOR press statement, 5 September 1994), p. 1. See also P799 (Excerpts from David Owen’s book entitled “Balkan Odyssey”), e-court p. 14.

<sup>10867</sup> D1136 (UNPROFOR report, 9 September 1994), p. 2.

<sup>10868</sup> P3862 (UNPROFOR report, 15 September 1994), para. 7. See also D3145 (UNPROFOR report, 6 September 1994; UNPROFOR press statement, 5 September 1994), p. 1. The Chamber recalls that on 23 September 1994, the Security Council passed Resolution 941 in which it noted that UNHCR and the ICRC had reported grave violations of international humanitarian law in Banja Luka, Bijeljina, and other areas of BiH under Bosnian Serb control, which it described as “ethnic cleansing”. See para. 403.

7. The HCA then mentioned the issue of ethnic cleansing in Banja Luka and Bijeljina. Karadžić had stated that he had replaced the Police Chief in Bijeljina for his failure to stop the expulsions and had initiated investigations on the role of Major Vojkan Djurković, allegedly responsible for the cleansing. The HCA stressed that this was an insufficient response as the cleansing itself was apparently continuing. By the time the investigations were over there would be nobody left to expel. SRSG Akashi continued to attempt to

**How something that may be said by the internationals could find a place in the Judgement, skipping an important reference to Vojkan Djurkovic and the President's initiation of investigation of his role?!**

On 26 September 1994, the Accused said to international negotiators that Serbs in Bijeljina were "fighting for their own land" and that "ethnic cleansing" would be an inevitable outcome of the international community's failure to establish any legal mechanism allowing the population to exchange their homes and move into cantons in which their nationality would be dominant.<sup>10869</sup>

**(This had never happened! This witness (Harland) lied, and there was no any possibility that the President talked to him without presence of his superiors, as Harland confirmed that the President didn't remember him, for he was sitting back and taking notes. However, neither Harland, nor his superiors have ever reported such an President's position, #which would be a sensational news in the**

**Conference on BiH#, in all the inter-Government communications, and in media too.)**

The Chamber considers that the President's statements to the international negotiators demonstrate his knowledge that "ethnic cleansing" was directly linked to the Bosnian Serb objective to establish a Bosnian Serb state and that he was not interested in preventing it. **(Whatever inference**

**the Chamber draws, it is not valid, because the premise is wrong and false. Harland lied, and this is very easy to prove: he was a note-taker, and he admitted that the President didn't remember him, because he was sitting in the fifth row taking notes. The only relevant evidence to this respect would be a genuine UN or EC document, signed by a head of delegation, or a testimony of such a head of the negotiating delegation, not an arbitrary improviosation of a note-taker!)**

### (3)Other crimes

3405. With respect to crimes more generally, including looting and property related crimes, when the Bosnian Serb government was informed on 27 February 1993 that public law and order in the Republic was extremely bad, it put the MUP, Ministry of Defence and the Military Security Service in charge of protecting the citizens and their property.<sup>10870</sup> **(#EXCULPATORY#!)** In May 1993, the President also issued an order for the security and protection of all places of worship in Banja Luka and called for the immediate execution of this order and a report on measures taken.<sup>10871</sup> **(#EXCULPATORY#!)** At a session of the Bosnian Serb Government on 11 July 1993, in which the President participated, the "need for a swift drive against crime", including

<sup>10869</sup>

P820 (Witness statement of David Harland dated 4 September 2009), para. 140; David Harland, T. 2113–2114 (7 May 2010). The Chamber notes that Gordan Milinić testified that the Accused formed a commission to examine the situation in Bijeljina in October 1994 and that the Bosnian Muslims living in Bijeljina told the Commission that they preferred to leave and the Presidency received letters of gratitude from Bosnian Muslims who emigrated. D3682 (Witness statement of Gordan Milinić dated 8 June 2013), para. 13; Gordan Milinić, T. 39771–39772 (12 June 2013). The Chamber notes that testimony of Milinić was marked by contradictions, bias and indicators that he lacked candour. The Chamber therefore does not find his evidence to be reliable in this regard. **(#This is the most comfortable, but the least correct position of any chamber, to dismiss every Defence witness without any reason, or any obligation to prove it's conviction that a witness was lacking candour. And why the #Harland's superiors didn't say what he said in his testimony? And why it was not written down in his reports? This is a shameless manipulation with somebody who wasn't suitable to testify about something that only his superiors could have testified.**

<sup>10870</sup>

D3569 (Excerpt from Minutes of 65<sup>th</sup> session of RS Government, 27 February 1993), p. 4.

<sup>10871</sup>

D106 (Radovan Karadžić's Order to RS MUP, 12 May 1993). See also Herbert Okun, T. 1767–1768 (28 April 2010).

killing, robbery, and profiteering was discussed.<sup>10872</sup> On 28 August 1993, in an order focused on the organisation of the VRS, the President instructed the Main Staff and MUP to create a plan to seize the uniforms of people who were not members of the army or police and who were committing crimes and other illegal activity in the uniforms.<sup>10873</sup> **(#EXCULPATORY#! It proves that many crimes already committed could have been committed not by a soldiewrs or policemen, but by a fake members of these forces. In the former Yugoslav system of the Al-peoples Defence, the reservists, i.e. all the able-bodied males, had their uniforms, gass-masks and other military equipment at their homes!)**

**3406.** Furthermore, Mićo Stanišić made efforts to remove criminals from the MUP. On 17 April 1992, Mićo Stanišić wrote to municipal CSBs and SJBS warning them that there had been reports of MUP members appropriating property and collaborating with persons with a history of organised crime and requesting that measures, including termination of employment and criminal prosecution, be taken against perpetrators.<sup>10874</sup> **(#EXCULPATORY#, both for the Minister Stanisic and the President!)** On 23 and 24 July 1992, Stanišić ordered that members of the MUP who had been criminally prosecuted or against whom criminal proceedings were being conducted should be dismissed from duty and placed at the disposal of the VRS.<sup>10875</sup> **(#EXCULPATORY#! And that really happened: in accordance with this order, Minister Stanisic and his subordinates #dismissed about 6,176 policemen and relocated them to the VRS#, see P02761**

In addition to other measures, pursuant to a request by the organs of authority, the Security Services Centres and police stations placed 6176 police officers, mainly from the reserve force, at the disposal of the Army of Republika Srpska. This was a considerable help in combat activities against the enemy. Although they did not take personal part in combat, it should be stressed that the members of the police helped the Army of Republika Srpska by capturing, pursuant to a request by military authorities, 2484 and bringing in 6985 draft dodgers.

**And, by that time there was neither media, nor the international mediator preassueres, it had been done for the genuine attitude of the Minister against crimes, as could be seen from all the records of the Governmental sessions!)**

**3407.** The Chamber notes that the rules on disciplinary responsibility of Bosnian Serb MUP employees during war stipulated that MUP employees who are terminated for disciplinary reasons should be reported to the VRS.<sup>10876</sup> **(#EXCULPATORY#! A disciplinary responsible employees were not a criminaly responsible, because both Gen. Mladic and Min. Stanisic didn't allow a criminaly responsible to avoid responsibility, see: P01500, p.1-2, of 28 July 92**

In order to prevent paramilitary organisation and to place all armed formations and individuals under the unified command of the SR BiH Army, and in accordance with the Law on the Army and the SR BiH Presidency decision;

**As it is evident, the Main Staff of the VRS and Gen. Mladic acted in accordance with the Law on the Army, and the Decision of the Presidency or the Serb Republic.:**

#### I O R D E R

1. that all paramilitary formations and their leaders, if they really have honest intentions of placing themselves in the service of the just struggle for the survival of the Serbian people, are to be invited to join regular SR BiH Army units, to be

<sup>10872</sup> P3139 (Minutes of the 74<sup>th</sup> session of RS Government, 11 July 1993), p. 8.

<sup>10873</sup> D4790 (Radovan Karadžić's Order to VRS Main Staff, 28 August 1993), p. 5.

<sup>10874</sup> D1671 (Warning of SerBiH MUP, 17 April 1992); KDZ601, T. 18625–18626 (8 September 2011).

<sup>10875</sup> P2771 (Order of SerBiH MUP, 23 July 1992); P2971 (Order of SerBiH MUP, 24 July 1992).

<sup>10876</sup> D4455 (Letter from Mićo Stanišić to all CSBs forwarding Rules on Disciplinary Responsibility, 19 September 1992), Art. 3.

deployed in accordance with their military specialities and level of military and professional training.

2. Individuals and groups that have committed atrocities, looting and other types of criminal acts are not to be included into units. They are to be disarmed, arrested and criminal proceedings are to be initiated against them in SR BiH Army courts, regardless of their citizenship.
3. Paramilitary formations, groups and individuals belonging to them and who refuse to be placed under unified SR BiH Army command, are to be disarmed and arrested in cooperation with the SR BiH MUP /Ministry of the Interior/ and criminal proceedings are to be initiated against them for crimes committed.

**Sentencing of the Minister Stanisić, and his subordinates as Zupljanin, is a big stain on this Tribunal and the very attempt to establish an international justice!**

However, the Chamber does not consider this an effective means of punishment or prevention of further crimes because such persons would continue to carry arms in proximity to civilian areas.

**(#What this Chamber is doing? As it can be seen from P01500, point 2. pasted above, a criminally responsible weren't acceptable either to the MUP or to the VRS. No a reasonable chamber could mix it up so much. None of those who were criminally responsible were admitted in any unit. Minister Stanisić re-directed more than 6,100 policemen to the VRS, which makes two light brigades. It had been done not because of crimes they committed, but because a lack of professional skillfulness and discipline. This is all wrong, and shows an enormous lack of knowledge of those assisting the Chamber about the nature of police and military work. In a police, the individuals were authorized to act independently, and to report about their activities, while in the Army the individuals didn't have such an authorization, and had to act in accordance with an immediate orders of the most immediate superiors.**

3408. Furthermore, on 27 July 1992, Stanišić issued an order stating that, in accordance with an order by the President, it was necessary to immediately remove individuals from the MUP who had been held criminally responsible for crimes or were known to have committed crimes during the war in BiH.<sup>10877</sup> **(#EXCULPATORY#! That was a strictly confidential order of the President issued on 23 July and repeated in the D4273, and therefore not aimed to the public! Also see P2771, a strictly confidential order by Stanisić)** On 12 September 1992, Zoran Cvijetić issued a document to all SJBs, advising that despite Stanišić's orders to remove criminals from the ranks of the MUP, a number of SJBs had not taken the problem seriously enough and that it was necessary for them to analyse the involvement of MUP employees in criminal acts and dereliction of duty so that it could be reported to the MUP.<sup>10878</sup> **(#EXCULPATORY#! A control of execution existed!)** In an interview in October 1992, Mićo Stanišić acknowledged that some individual members of the MUP had been expelled from their ranks because of acts which they had committed but he claimed that the number of such cases were rare but were taken seriously.<sup>10879</sup> **(#EXCULPATORY#!)** He also spoke about measures taken to deal with war profiteering and that most of the acts occurred at the beginning of the war when "there was a kind of legislative vacuum".<sup>10880</sup> **(#EXCULPATORY#!)**

3409. In addition, members of the government, VRS, JNA and MUP, including Mićo Stanišić, issued orders to various divisions in the Bosnian Serb MUP or VRS on crime prevention, to ensure compliance with international humanitarian law, prevent the abuse of detainees and mistreatment of civilians, and to report crimes or illegal camps on 24 April 1992,<sup>10881</sup> **(#EXCULPATORY#! It was even before the President took the office!)** 26 April 1992,<sup>10882</sup> 30 April 1992,<sup>10883</sup> 10 June

<sup>10877</sup> D4273 (Order of RS MUP, 27 July 1992). See also D1534 (Order of Romanija-Birač CSB, 28 July 1992) (wherein the RS MUP ordered all special units formed by SJBs during the war be disbanded and placed under the command of the VRS or dismissed from their areas of operation. Any crimes committed by these groups were to be reported to the appropriate institution).

<sup>10878</sup> D1077 (RS MUP order, 12 September 1992).

<sup>10879</sup> D4274 (Article from Javnost, entitled "A Legal State is Being Established", 3 October 1992), p. 2.

<sup>10880</sup> D4274 (Article from Javnost, entitled "A Legal State is Being Established", 3 October 1992), pp. 4–5.

<sup>10881</sup> D3826 (Order of JNA 5<sup>th</sup> Corps, 24 April 1992).

<sup>10882</sup> D2676 (Excerpts from instructions of SerBiH Government for municipal crisis staffs, 26 April 1992), pp. 1–2.



1992,<sup>10884</sup> 23 June 1992,<sup>10885</sup> 10 August 1992,<sup>10886</sup> 17 August 1992,<sup>10887</sup> 19 August 1992,<sup>10888</sup> 21 August 1992.<sup>10889</sup> **(#ALL EXCULPATORY#)** On 24 August 1992, Mićo Stanišić sent a dispatch to all CSBs and SJBs, requiring data by 30 August 1992 on all detention camps, prisons or collection centres, their location, the number of persons detained and who ordered the establishment and detention of people at the camps.<sup>10890</sup> **(#EXCULPATORY#)** On 14 May 1993, pursuant to an order by the President, Mladić ordered that the Geneva and Hague Conventions and other provisions of “the international law of war” be observed in all respects.<sup>10891</sup> **(#EXCULPATORY#)**

**3410.** The Chamber considers that while the Accused and his subordinates issued orders during the conflict regarding respect for international humanitarian law, the rampant criminal acts being committed against non-Serbs in the Municipalities continued. The Accused continued to learn about the commission of serious crimes committed by Serb Forces against non-Serbs throughout the conflict and yet he continued to issue the same type of generic orders.<sup>10892</sup> **(#EXCULPATORY#! Beside that, the President from his position wasn't commanding the VRS in terms of operational and tactical commands, since he handed this part of his ingerences to the Main Headquarted of the Army, and therefore could issue only general orders, pertaining to the obligations of the Army, about informing the Army on the political issues, or to inform the Army about his agreements with the negotiators, which pertained to the Army, particularly concerning ceasefires or withdrawals!)** He made no efforts to ensure that these orders were implemented on the ground so as to generate a positive effect on the prevention of crime. **(Wrong inference! How possibly the Chamber may have known that the President didn't make efforts to ensure an implementation of his orders? This wasn't up to him to control all of the orders he issued, because it was impossible, and no president all over the world could do that. The institutions had the President's positions on the subject, and the President had witnessed that the institution conveyed his orders in a good fate and in a very vigorous manner, and this was sufficient to him. The President orders end at the first person of an institution, commander or other chief, and institutions from that moment had their own orders (the President's orders became an executive orders of these institutions) and the possibility and obigation to control an implementation. In which country a president is controlling the lowest levels of executive branches! This is insane to expect a president to do everything in a country. And in any country, even without a war, and with a well built up institutions it is impossible to eradicate crimes and disable criminals.)** The Chamber therefore finds that these orders are not reflective of genuine efforts to prevent such crimes. **(This is too easy to dismiss the entire defence, but being too easy doesn't mean too honest and proper. Since the Chamber doesn't have any evidence that the President sabotaged his own orders with a parallel counter-orders, the Chamber doesn't have any reason to doubt in genuinity and sincerity of those orders, as Okun testified that he never doubted in sincerity of the President's orders, regardless of how much it had been successfully implemented. Even so, there were many sucessful arrests and judicial processes of perpetrators of the Serb**

<sup>10883</sup> D4670 (Telegram from Banja Luka CSB to all SJBs, 30 April 1992), pp. 1–2.

<sup>10884</sup> D3829 (1<sup>st</sup> Krajina Corps dispatch, 10 June 1992; Order of 1<sup>st</sup> Krajina Corps, 9 June 1992), p. 15.

<sup>10885</sup> D3837 (1<sup>st</sup> Krajina Corps dispatch, 23 June 1992).

<sup>10886</sup> D467 (Order of MUP of SerBiH to CSBs Sarajevo, Trebinje, Doboje, Bijeljina, Banja Luka, 10 August 1992), p. 1; Momčilo Mandić, T. 5240–5241 (15 July 2010).

<sup>10887</sup> D469 (Order of MUP of SerBiH, 17 August 1992), p. 1. See also Momčilo Mandić, T. 5268 (15 July 2010); Mićo Stanišić, T. 46401–46403 (3 February 2014).

<sup>10888</sup> D4255 (Prijedor SJB dispatch forwarding order from Mićo Stanišić to Banja Luka CSB, 19 August 1992).

<sup>10889</sup> D4256 (Banja Luka CSB dispatch to all SJBs, 21 August 1992; Prijedor SJB dispatch forwarding Banja Luka CSB dispatch, 24 August 1992); see KW609, T. 46144–46148 (29 January 2014).

<sup>10890</sup> D475 (SerBiH MUP Order to all CSBs and SJBs, 24 August 1992), p. 1; Momčilo Mandić, T. 5268–5270 (15 July 2010).

<sup>10891</sup> D3309 (VRS Main Staff Order, 14 May 1993); D104 (Radovan Karadžić's Directive to VRS Main Staff, 11 May 1993)

<sup>10892</sup> See Section IV.A.3.a.v: Accused's knowledge of crimes and measures he took to prevent and punish them.



**ethnicity, which had been presented to the Chamber by Col. Novak Todorovic, the President of the Supreme Military Court! Why such a distinguished witness and a judge didn't mean anything to the Chamber?)**

i. Investigation and prosecution of crimes committed against non-Serbs

3411. The Prosecution submits that the President supported a policy of non-prosecution of crimes committed against non-Serbs, which resulted in a climate of impunity for crimes committed against non-Serbs.<sup>10893</sup> The President submits that the RS was committed to proper military and civilian prosecutions but that with the chaos of war and difficulties associated with institution building, there were reasonable delays.<sup>10894</sup>

**3412.** The Chamber recalls that the Bosnian Serb civilian courts were established on 16 May 1992 in some Bosnian Serb Municipalities and that the military courts began to function in August 1992.<sup>10895</sup> **(Wrong! A date when it was decided to establish some institutions is not equal as a date when such an institution starts to function! There was needed a long period to put the courts to function, to find a facilities, and the most difficult, to find a professional judges, since many intellectuals had escaped already at the beginning of April!)** On one occasion in 1993, the Accused claimed to have the ability to stop criminal proceedings. At a Bosnian Serb Assembly session in the fall of 1993, the President advised that whenever there was an indication that someone had committed a criminal act it should be forwarded to the authorised body but that “if it is the state interest to stop it, we will see that, we will stop it just before the trial, but all of you will know that. All of you will know why something was postponed or why it was stopped for the interest of the state. However, it is not to be stopped without being investigated [...]”.<sup>10896</sup> **Again, this is an abuse of a political speech of the President in the Assembly, while he was fighting a special war of empty hear-say gossips about the white-collar crimes of the state officials, the same as Branko Djeric was testifying. Let us see what the President really said: P1379, p. 410**

Government. The Government should achieve the best results on the ground through the law. While acting in accordance with the law and if this law is an obstacle, the Government will present it to this Assembly and propose the changes of the Law. In that case, we will be the state, but there shouldn't be improvisations, there shouldn't be just talking that this person or that person robbed the state. If he has robbed it, then the statesmen, meaning people in politics and those in charge of the state, are not allowed to talk, they must not say this to anybody, because any information they are in disposal of should be given to Ministry of the Interior directly. They have to call for responsibility and to forward it to Prosecution. Ask Englishmen what they do when they learn about criminal act. It has to be investigated and nobody is allowed to stop any previous action, any investigation procedure. If we don't do it this way, we will ask ourselves who is guilty, this person or that person, or Government. The **So, a crimes of “robbing state” were discussed, and in the light of a futile gossips instead of a**

<sup>10893</sup> Prosecution Final Brief, paras. 549, 562.

<sup>10894</sup> Defence Final Brief, paras. 761, 771.

<sup>10895</sup> See paras. 253, 292.

<sup>10896</sup> P1379 (Transcript of 34<sup>th</sup> session of RS Assembly, 27–29 August, 9–11 September, 29 September to 1 October 1993), pp. 410–411. *But see* D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 212–213, 217 (stating that the Accused never exerted any pressure on the work of the judiciary).

**thorough investigation. See further:**

done in ice hockey game. Ministry of the Interior, National Security, Prosecutor's Office and Judiciary are to be ready to present information during any hour of the day. They have to be ready to talk about information which are confirmed and to bring them here and say how many criminal acts were committed, what is the destiny of the criminal charges, where they ended up, etc. In that case, there will be no doubts about the information and I think that this special war, which is raising doubts about everything, will be finished. I ask you, if you have any indications that someone, regardless of whether it was I or anybody else, has committed a criminal act, you have to forward it to authorised body. So, if it is the state interest to stop it, we will see that,

**So, the President recommended that he also be investigated had there be any allegations about a white-collar crime, just in order to ascertain the people that nothing is covered up, in order to quit the special war. See further: p. 411:**

we will stop it just before the trial, but all of you will know that. All of you will know why something was postponed or why it was stopped for the interest of the state. However, it is not to be stopped without being investigated, otherwise we will be finished having in mind our mentality.

**So, in a case that the perpetrator has a high position, and that a trial would endanger the state security, it may be postponed, but only with the knowledge of all the relevant institutions. THEREFORE, IT HAD NOTHING TO DO WITH THE WAR CRIMES, OR OTHER CRIMES EXCEPT FRAUDS AND ABUSE OF THE STATE PROPERTY. AND SUCH A MANIPULATION SHOULDN'T BE ALLOWED TO ANY CHAMBER! There is no any possibility to defend from such a huge number of distortions, manipulations, crippling sentences and meanings – all with the authority of a chamber, no matter if it was imposed by the Prosecution, or a young assistants didn't have experience!) furthermore, the evidence demonstrates that the President was able to intervene in proceedings as he had a military judge removed from his position in 1994 after the judge refused to follow instructions from the President about how to rule on a case.**<sup>10897</sup>

**So, general Subotic in his capacity in the Chief Inspector of the VRS intervened, we will see how and why. First of all, Mr. Latkovic was a Serb, and this reason is fake. :**

**However, Mr. Todorovic had been the President of the Military Court of the RS already two years. Another question is, why Mr. Latkovic was acquitted, and why some judges hadn't been dismissed for that?**

In light of the foregoing, the Chamber finds that the Accused had influence and authority over the courts.<sup>10898</sup>

**This Chamber's finding is based on para 36 of the Novak Todorovic's statement. Let us see what it said:**

**36.** In document 65#57 on page 60, I explained that the Supreme Commander had certain powers over the military judiciary, which remained independent from the Supreme Commander. The Supreme Commander had authority over military judges in the sense that they were part of the VRS, because the judges of military courts were officers, and their supreme commander, as for the entire VRS, was Dr KARADŽIĆ.

**So, as towards the other army officers, the Supreme Commander had competences to appoint or dismiss them, but in their work they had been independent from the Supreme Commander. Could it be more clear and unambiguous? It is understood that the President nominated or discharged the officers on somebody's proposal. Let us see para 37 of the same document:**

<sup>10897</sup> P3773 (Witness statement of KDZ532 dated 31 October 2011), paras. 32–36, 43–44 (under seal).

<sup>10898</sup> See also D2986 (Witness statement of Novak Todorović dated 17 February 2013), para. 36.

37. That President KARADŽIĆ did not intend to subordinate the work of military prosecutor's offices and military courts and call the independence of their work into question is best seen in the fact that the President of RS supported my proposal to relocate the VVS and the Supreme Military Prosecutor's Office to Zvornik because accommodation conditions in Zvornik were better, but an important factor was also to create a physical distance between the supreme military judiciary and both the GŠ in Han Pijesak and the civilian authorities in Pale.

**All other paras in this statement, an interview led by the Prosecution's official, deny any involvement of the President in the judicial system. Anyway, this affair in the military judicial system didn't have anything to do with a war crimes, but about an alleged crime in economy in a military factory.**

3413. In July 1992, the President assured international representatives that "war criminals" would be subjected to legal procedures.<sup>10899</sup> **This letter pertained to a possible war crimes. Let us see what B. Djeric was talking about.** However, Branko Đerić stated that when he advocated that procedures be put in place to prevent and try crimes in 1992, the Accused blocked such efforts and "thought that this could be dealt with later", and the MUP and Ministry of Justice did not implement government decisions that crimes be prosecuted.<sup>10900</sup> **However, this would be against the Constitution and law, because the ministries don't do that, don't execute the governmental orders, but leave it to be done by the judiciary, prosecutors and courts.**

Affairs and Minister of Justice, that simply wasn't going through. Secondly, I asked for a procedure to be put in place [...] To have procedures put in place in relation to possible crimes, to establish what a crime is, and then to deal with such matters, to process these matters. This would then simply come to a stop and I wasn't – I was unable to do anything. [...] The president of the party was the one who did the blocking, first of all, but I didn't really find any understanding with the others either. It all centred on President Karadzic. [...] I simply thought, well, I'm not a lawyer, I don't know what a crime is and what it isn't. So starting from the idea that we needed to act preventively, that certain boundaries had to be crossed and that we needed to have our own position on this matter, these two ministries were key ministries in that sense, and the government on several occasions adopted a conclusion on the responsibility in that sphere of the Ministry of Justice and the Ministry of Internal Affairs, for us to receive information, simply to know what's what. You know, I don't know. All I can do is set out from the idea that the government was there either to prevent something from happening or to process something if it did occur. JUDGE

**So far, so confused, he didn't say what kind of crimes he meant, but he confirmed that neither others understood and supported him on the issue. His concept of "governing" ministers was brought from the previous system, and he didn't accept that his Government's ministers could only be dismissed in the Assembly#. It was not up to the Government to decide #“what a crime is”#, because it is not negotiable, it is decided by a law! Also, there was no a way that Ministries could influence the Prosecution offices, or the courts, but Mr. Djeric didn't understand that, see what Min. Stanisic and Min. Mandic told to him in the Assembly, T.28001: [As read] #“Mr. Djeric says that he is in favour of rule of law and the constitution. Several times at government meetings, I made some critical remarks stating that the government cannot take over the powers of the Presidency and the assembly. Several times we adopted governments -- decisions made by the government establishing public institutions. All of that is done by the assembly, and you know that full well. Certain officials were appointed by the government which is supposed to be done by the assembly.**

<sup>10899</sup> P2937 (Letter from Radovan Karadžić, 5 July 1992) (under seal).

<sup>10900</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 14–15, 17, 22; Branko Đerić, T. 28002–28003 (24 April 2012).

Now, who is interfering in whose work, the government in the assembly's work or the assembly in the government's work? I kept saying that this is not right. Therefore, I was no good and I could not be part of Djeric's government." **And Mr. Stanisic, the Minister of Interior said to Djeric and the deputates, T28003-4: So Mr. Stanisic says at this very same assembly session:**

[As read] "I would appreciate it if some of the gentlemen here were to say I insisted, first of all, as the minister of the interior ... there is no rule of law without laws on the basis of which the Ministry of the Interior can work. The Ministry of Interior cannot work on the basis of #emotions. We will then turn into a mob committing acts of violence against its own people. I don't want to do that. I reject that. That has nothing to do with the rule of law. The -- when there is rule of law, the police force works and it's role is in the rule of law. Actually, that of the Ministry of the Interior is a preventative one: To report crimes and not to arrest and beat people. It is not for the police to do other work. There are other organs responsible for that when there is rule of law. I am in favour of rule of law and I insist that the police act in such a way or otherwise I will not accept this role." :

**Then, the President asked Mr. Djeric, T28004:** "Do you remember that that was the position; and do you remember that there was a certain lack of understanding there, that, perhaps, the police was wrong, according to the prime minister, but if they submit reports to the Office of the Prosecutor, #then they have actually carried out their basic function; is that right?

A. Yes.

**Therefore, the MUP finishes it's job once it hands a criminal report over to the Prosecution. Also, the Chamber didn't understand correctly what Djeric said about the President's attitude, see: T28047-48**

*THE PRESIDENT: [Interpretation] P1088 has already been admitted. I don't have time to call that up. Can I please ask that we look at the transcript from Stanisic/Zupljanin. MR. KARADZIC: [Interpretation] Q. This is the subject. Did our authorities make any distinctions as far as criminal prosecution was concerned? Was there any differences in terms of background, ethnic and religious? I'll read it out in English. MR. KARADZIC: Q. I'm going to read it out. "It was pointed out that the priority for both the national service and the crime investigation service, that's the MUP is to detect war crimes, provide documentation and file criminal reports, documents also provided for war crimes committed by Serbs." Line 6, your answer. Q. And this is what you say: "I already mentioned that." [In English] "I already mentioned that. No distinction was drawn. All crimes had to be prosecuted." That's it. That's your answer in line 6. So is that correct; namely, that the authorities did not discriminate in any way as far as the origin of war criminals was concerned? A. The authorities could not have acted otherwise, if we look at the constitution and anything else. So #there were no legal grounds for this, or there was no other reason for people to be treated differently#. Everyone had to be treated in accordance with the law. If there would be violations, that would be a violation. Illegal behaviour, it would have to be punished. That's what I said then, and I spoke about that at length yesterday, and I'm dealing with it today again. And I advocated -- I persistently advocated the following: All of those who went beyond certain boundaries had to be punished. You did see that at a very early stage the government adopted all necessary documents for that, and the government asked for it to be established whether crimes had been committed, whether there had been inhumane behaviour towards the civilian population, towards prisoners. The government wanted that to be established and punished, if that had happened.*

**...and also see para. 10, "it's not that crimes as such were justified but with regard to the timing of prosecutions, there was some procrastination... But, see in the para 16 of his Amalgamated statement what crimes Djeric had in mind:**



16. *JUDGE ORIE: What do you mean -- what were you referring to specifically when you said the level of criminalisation?* A. There was looting, simply put. Property was being alienated. Companies were being misused. Goods were crossing the border without the relevant documents. Resources were being wasted. Many questions. There was simply illegal action at work here. *JUDGE ORIE: Was that crime committed by -- if such a distinction could be made -- crime committed by people of what nationality or ethnicity?* A. The term "criminalisation" can also encompass that. All kinds of crimes, you understand, regardless of who committed them, whether it was committed by a member of this nation or that ethnic group or that ethnic group, whoever perpetrates a crime must be punished. We are talking about everything that can be considered a crime in a very broad sense. *JUDGE*

**Evidently, #only the "white collier crimes" could have been procrastinated, and this didn't pertain the war crimes. Let us see further:**

taken a stand with regard to these questions. You know the way it is. There is always some kind of whispering, some kind of rumours, and so on and so forth. So I really don't know what is what, you see? *JUDGE ORIE: What were these whispers and rumours about? Could you tell us?* A. Well, I mean quite simply, I mean, from the very outset, you had conflicts, you see. It is possible that there were some transgressions. I don't know. Well, if things like that happen, then the appropriate

**So, #rumors, gossips, whisperings were supposed to govern the ministers#, which was insane. See further, p. 10:**

see. In this respect, I encountered certain problems with the very top of the Serb republic, specifically with Karadzic, because he thought that this could be dealt with later. Do you understand that? And I asked for this to be done immediately. This very top -- well, quite simply, it's not that crimes as such were justified but with regard to the timing of prosecutions, there was some procrastination or some tolerance, if I can put it that way, but I wanted to have things dealt with immediately.

**Obviously, Mr. Djerić, being a professor all his life, didn't understand even the law on Government. Look, the same Amalgamated statement:**

14(a). With regard to the first part of the above, I resigned at the Assembly session in Prijedor in October 1992. The Assembly did not make a comment about my written resignation at that time although they could have accepted my resignation since it was written. For some reason the political leadership did not want to do that. My resignation was accepted at the following session in Zvornik in November. Although

**That wasn't "for some reasons of the political leadership" that his resignation wasn't adopted the same session, but due to the Law on Government. A resignation had to be considered and admitted only at a next session. And as he said during his testimony, the crimes he wanted to accelerate the processing were tied to the economy and a "white-collier crimes". Both the ministers who were in dispute with Mr. Djerić, spoke in the Assembly that the Government can not take a role of the judicial institutions, and that even ministries couldn't influence the courts or the prosecutions.**

**The main issue in the Djerić's testimony pertaining a procrastination of processing of some crimes never pertained a war crimes, but a "white colliers" crimes, as said in para 17 of his Amalgamated statement:**



17. Well, this was resolved by the constitution. The position of the government and the position of the president. But we had different ideas primarily as regards the effectiveness of government. Because the president, when these two ministries are concerned, in particular said we'll deal with this later, but I wanted things to be dealt with. I wanted prosecutions to take place in compliance with the government decisions. *Q. Well, what prosecutions did you want to take place?* A. Well, I wanted everything done in compliance with the conclusions of the government. Because as you see we spoke about the security of persons and property, about crime. Crime was the greatest evil in our society at that time.<sup>24</sup>

**So, the President was for a certain “procrastination” of the Prime Minister’s “count down” with the two ministers, and never about delay of any war crimes! And #“no procesutions should take place in compliance with the conclusions of the government!”!**

**Mr. Djerić clarified misunderstandings between the different institutions, but established that pertaining the basic rights, there was no differences, see: T. 27988:** You said I was against the president, or that I had -- had a difference of opinion. That is true. There was a divergence of opinion between me and Mr. Krajisnik and Karadzic on many things. But when it came to fighting for certain elementary rights of the people there were no differences, as was the case in many other things. It also had to do with their understanding of rights and obligations. They were there people who said, Let's leave it now for the time being. This is not the right time. We'll deal with it tomorrow and so on and so forth. Usually such people do not really have any kind of feeling for legal logic or the thrust of time [as interpreted]. Time is irreversible. Once it's gone, it's gone. There were many people in our authorities that mixed irresponsibility with dilettantism. There weren't just one or two but more. However, such people could not be accorded influence over important matters. *Q. An intervention for the transcript. The witness said "the arrow of time" and not "thrust of time."*

**A. I was trying to illustrate that the lapsing of time, past, present, future.**

**But the Chamber didn't notice this, as well as many other positive assertions which rebut many “findings” based on much weaker evidence. Also, Djerić said that the President wasn't justifying crimes, but was cotious to act quickly and to press the prosecution and courts on the issues of crimes in economy)** In addition, the Accused, in a meeting with Milorad Davidović and Mladić in the spring of 1992, said that while they should be trying to prevent looting and stealing by the Bosnian Serb MUP, it was more important to avoid conflicts between Serbs, even at the expense of not punishing criminal offences.<sup>10901</sup> **(This meeting didn't happen, and couldn't happen in this composition. No a word about in in Mladic's Diary, nor other documents. “looting and stealing” were not a war crimes, but were a “suitable” for an ideological attacks by the former communists, as Davidopvic himself was!)** According to Branko Đerić, Mandić and Mićo Stanišić were the “President's men”, taking orders directly from the President, and Đerić was dissatisfied with their work insofar as it related to security as they ignored government decisions with respect to prevention and prosecution of criminal activity.<sup>10902</sup> **(It is already commented! Mr. Djerić didn't understand his position towards ministers. Also, the Government couldn't elect the judges, nor could order any prosecution and trial, all of that is explained in the discussions in the Assembly. As far as it is concerned with the “president's” men, this is an old sectarian communist floscula; but, in a war, the two ministries are closely tied to te President, always!)**

**3414.** As discussed in greater detail below, there was a systemic failure to investigate and prosecute crimes committed against non-Serbs and few cases in which Bosnian Serbs committed

<sup>10901</sup> P2848 (Witness statement of Milorad Davidović dated 22 June 2011), para. 54.

<sup>10902</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 21–22, 24.

crimes against non-Serbs reached military courts.<sup>10903</sup> (#After all the obvious elements that it hadn't been question of crimes against non-Serbs, the Chamber continues with such an assertion. A "white-coller" crimes had been done only by the Serbs against the state property!#) The cases prioritised by the military courts in Bijeljina and Banja Luka in August 1992 pertained to failure to respond to mobilisation and desertion by Bosnian Serb Forces and cases involving Serb victims.<sup>10904</sup> The 10 July 1992 logbook for the prosecutor's office in Ključ shows that criminal reports were filed against Bosnian Muslims, with only few being filed against Bosnian Serbs.<sup>10905</sup> Furthermore, it was reported that most cases under investigation in the Military Court in Sarajevo in November 1993 pertained to crimes against the VRS.<sup>10906</sup> (Certainly, these kind of crimes were more frequent than others, and this argument couldn't be used for an inference that the military judicial system persecuten only those crimes. It must be established all the other way around, to depict and prove which crimes hadn't been investigated at all. The way must be to establish a positive facts, not negative one. The Chamber didn't even notice how many cases had been investigated and documented, and had been processed, completely during the war, or initiated and completed after the war. For instance, the Serb judges investigated thirty crimes committed by the Serbs against the non-Serbs in Sanski most. Since the perpetrators hadn't been available, these investigations served for a trials by the Muslim courts after the war, see 1802: Reports on on-site investigations from 1992, which were put together in the period of the ethnic cleansing of Sanski Most municipality by Serbian armed forces, have been found in this Court.

The reports were compiled by Serbian judges during the occupation of Sanski Most, and relate to the finding of certain Bosniak or Croat victims.

Therefore, no a cover-up, the Serb judges did their job. As well as the police, which discovered and reported these crimes!)

- 3415.** In relation to crimes committed by Bosnian Serbs against non-Serbs, authorities either failed to investigate or actively prevented investigations or prosecutions.<sup>10907</sup> But, this wasn't true! The truth was that Vojkan had been in the Commision for the exchange of people and reunion of families, but #he was expelled from this commission#, because he used to make a commercial arrangements with his counterparts in Tuzla. There was no a single Muslim who wanted to charge him, because he didn't use any force. Morally it wasn't acceptable, but criminally, nobody could sue him, not even after the war!) In Zvornik, municipal authorities were made aware of the massacre at Drinjača Dom Kulture but nothing was done to investigate nor was there anything done to investigate the crimes committed at Karakaj Technical School.<sup>10908</sup> (But, from the beginning it was clear that these crimes had been committed by the paramilitaries, which had been banned, arrested and handed over to the Serbian prosecutors, who prosecuted them and convicted them. What else was to be investigated?) Bratunac municipal authorities and police learned that civilians were brought to the hangar of Vuk Karadžić School and heard rumours some may have been killed but the Bratunac SJB Chief

<sup>10903</sup> See KDZ492, P3596 (Transcript from *Prosecutor v. Krajišnik*). T. 3929–3930 (under seal); P3632 (Schedules A and B of ICTY indictment against Momčilo Krajišnik); P2929 (Witness statement of KDZ531 dated 25 June 2011), pp. 9–10 (under seal); KDZ531, T. 15852–15855 (1 July 2011) (closed session); paras. 639–640.

<sup>10904</sup> P2929 (Witness statement of KDZ531 dated 25 June 2011), p. 9 (under seal); P3773 (Witness statement of KDZ532 dated 31 October 2011) (under seal), paras. 7–8.

<sup>10905</sup> Slobodan Jurišić, T. 47083–47085 (14 February 2014); P6671 (Excerpt from logbooks from Brčko, Doboj, Ključ, Sanski Most and Travnik Prosecutor's Offices).

<sup>10906</sup> D4880 (Report of Sarajevo Military Court, 2 December 1993).

<sup>10907</sup> In addition, to the proceeding examples, the Chamber notes that when Vojkan was arrested in 1993 for expelling Bosnian Muslims from Bijeljina, he was released after he produced documentation showing that he had been authorised to locate and expel Bosnian Muslims by Krajišnik. Svetozar Mihajlović, T. 35737–35740 (20 March 2013); Milorad Davidović, T. 15702–15703 (30 June 2011); D3137 (Witness statement of Svetozar Mihajlović dated 17 March 2013), para. 14; [REDACTED].

<sup>10908</sup> Marinko Vasilčić, T. 39937–39938 (13 June 2013). See Scheduled Incidents B.20.1, B.20.3.

forbade the police from investigating.<sup>10909</sup> **(It was easily understandable, since the war crimes had fallen within the military law competence, and the police hesitated to do any investigation. At the time, there was no even the VRS, which was established by a decision on 12 May 92, and enacted on 15 June 1992! There was no other army, but only the JNA, which was the only regular army in BiH until 20 May. The Muslims in Bratunac attacked the JNA on 3 May in Hranca, a village in the outskirts of Bratunac, and all the subsequent skirmishes had been a continuation of this conflict. How possibly the local authorities in Bratunac could have taken the competences of the JNA in the presence of the JNA?)** The Prijedor Crisis Staff and SJB, as well as the Banja Luka CSB and VRS were aware of the Room 3 massacre at Keraterm, however there was no investigation into the shootings or mention of the incident in reports on Keraterm.<sup>10910</sup> **The Keraterm Room 3 massacre was explained as an attempt of escape, and that is what was an official position. But the President had nothing to do with that, and even didn't know anything about it. In this case there are evidence that there was a riot and an escape attempt, while the Muslim attack on Prijedor was still going on!** Sokolac municipal authorities became aware of the killings at Novoseoci on 22 September 1992 the same day but no investigation was carried out.<sup>10911</sup> **If it was said, or assumed that the crime had been committed as a war crime, the civilian authorities had no competence to do any investigation. Since the militaries knew about it, that was up to them to conclude whether it was a crime, or a legal action in a skirmish between them and the Muslim extremists!** Municipal authorities were aware of the crimes committed in the Luka Camp in Brčko.<sup>10912</sup> Slobodan Avlijaš visited Brčko and was informed that approximately 226 non-Serb civilians were killed in Brčko and buried in mass graves and subsequently prepared a report which indicated that the victims were killed in combat.<sup>10913</sup> However, there was never an investigation because according to Ristanić, it was impossible at the time.<sup>10914</sup> **(Both, Avlijaš and Ristanić were the RS officials, and they had been working in a horrible, impossible conditions. #Ristanić was arrested# by the paramilitaries which committed crimes, and if Ristanić was in favour of their criminal conduct, they would never arrest him. The entire civilian authorities in Brčko had been mistreated by the paramilitary criminal elements, until the MUP and the Federal MUP forces arrested them (M. Davidović)** Crimes committed in Vlasenica were widely known and criminal reports were filed but there were no criminal or disciplinary proceedings.<sup>10915</sup> **(All of those crimes appeared to happen at the beginning of the conflict, and there was no either civilian, or military judiciary system. There are many documents confirming that from everywhere there were demands to form the courts, and to delineate the civil/military competences. The Chamber can not think about those areas as about a structured state, which it became after the first year, year and a half of the war! There were a fierce fightings imposed by the Muslim extremists, and they had committed crimes, while there was no crimes committed by the Serbs. Pertaining to a suburb called Drum, that was not a crime,**

<sup>10909</sup> D3194 (Witness statement of Rodoljub Đukanović dated 24 March 2013), para. 40; D3115 (Witness statement of Branimir Tešić dated 9 March 2013), para. 24. See Scheduled Detention Facility C.6.2, Scheduled Incident B.4.1.

<sup>10910</sup> See Scheduled Incident B.15.1; D470 (CSB Banja Luka Report concerning collection centres, undated), e-court pp. 2–4, 28–30; P3549 (Report of the Commission for Inspecting Collection Centres and Other Facilities for Captives in the ARK, 17 August 1992), p. 4; P2968 (Report of Prijedor SJB, January 1993); P6536 (Report of Banja Luka CSB, 20 January 1993), p. 3; Dušan Janković, T. 47341–47343 (18 February 2014).

<sup>10911</sup> Dragomir Obradović, T. 36096–36097, 36100–36103 (26 March 2013). See Scheduled Incident A.13.1.

<sup>10912</sup> See Scheduled Killing Incident B.5.1; D1436 (Report of SerBiH MUP, 17 June 1992), p. 3; D1412 (Report of Republic of Serbia MUP, 8 August 1992), p. 2; D1574 (Report of Brčko SJB, undated), pp. 2, 4; P2848 (Witness statement of Milorad Davidović dated 22 June 2011), paras. 115–116; Dragomir Andan, D3774 (Transcript from *Prosecutor v. Stanišić & Župljanin*), T. 21423–21424.

<sup>10913</sup> P1607 (RS Ministry of Justice report on prisons and camps on the RS territory, 22 October 1992), p. 3; P3023 (Witness statement of Đorđe Ristanić dated 15 June 2011), para. 212–223; Slobodan Avlijaš, T. 35196 (11 March 2013). See also D3105 (Witness statement of Slobodan Avlijaš dated 9 March 2013), para. 23.

<sup>10914</sup> P3023 (Witness statement of Đorđe Ristanić dated 15 June 2011), para. 210; Đorđe Ristanić, T. 16736 (15 July 2011).

<sup>10915</sup> See, e.g., Scheduled Incident A.15.1; D3093 (Witness statement of Mane Đurić dated 3 March 2013), paras. 34, 44; Mane Đurić, T. 35006, 35030–35031, 35059–35061 (7 March 2013) (private session); P3227 (Witness statement of KDZ033 dated 7 April 2010), paras. 64, 167 (under seal); D447 (SerBiH MUP, Analysis of functioning of the MUP, July 1992), pp. 18–19. Several perpetrators of crimes committed against non-Serbs in Vlasenica were eventually tried and convicted before the Tribunal and courts in BiH. See *Dragan Nikolić* Sentencing Appeal Judgement; P6132 (Verdict of BiH Court against Predrag Bastah and Goran Višković, 4 February 2010).

**that was a legal action against the Muslim stronghold that fired at the JNA command on a daily basis.)** While the police organs and courts were fully organised and constituted in Novo Sarajevo they were not active in prosecuting individuals or protecting individuals.<sup>10916</sup> **(Note entirely correct, see: @@@)** Batko was committing crimes over a period of months there and the military police and prosecutor's office had the capacity to arrest and prosecute him but did not do so.<sup>10917</sup> **It was only in Novo Sarajevo that there was a police station, but the entire municipality of Novo Sarajevo was on the confrontation line, and there was nobody who was able to control everything and everyone. And certainly the local authorities hadn't been in favour of Batko or any other criminal, and it wasn't that the municipal authorities (among them Neskovic too) nourished criminals, but weren't capable of quitting with them. Neskovic himself was an official, and he knew that the civilian police couldn't do much, leaving it to the military, and the military police planned his arrest or liquidation. As we have heard from the witness KDZ354, #Batko did all his misdeeds secretly, hiding in the dark and avoiding lightened streets#. See what KDZ354 said in her Amalgamated statement, P02444, para 47:**

**Batko returns**

47. These police left, and almost right away, so soon that we thought one of them might have been coming back, one of the two men who had come to the apartment the day before returned. He asked us for our ID cards. He also asked us who had been there, but he had arrived at the apartment so quickly, it was obvious that he must have seen them. It was also obvious that our apartment had been searched. I told him that it was the police, and that they had taken our ID cards, but that we were supposed to report to them. I said this about reporting just because I had heard it from somebody else, and I had the feeling that this man intended to do something with us. He left.<sup>10915</sup>

**Obviously, KDZ354 was aware that #mentioning the police the criminal named Batko would refrain from doing something wrong#. At her testimony, KDZ354 testified that Batko presented himself with a false name, T.13233**

**Q. But in any case, he had the need to conceal his identity; is that right?**

**A. Well, in that kind of thing, you know how it was. He said, "You can call me Dragan," even though no one asked him anything.**

**KDZ354, testimony, T.13221-222**

The next day the military police came. I'm saying that because of those white belts, and I had some relatives who belonged to such units, so -- I mean in peacetime, had belonged to these units in peacetime. So I could recognise the military police therefore.

So everybody addressed the commander of that unit as Zenga, Zenga. Zenga. So I have to say that he was very polite at the very outset. He addressed us in a very polite way. He asked for our IDs, and he was saying that we were just sitting there while his people were getting killed.

**Q. That's the one who had a Croatian accent; right?**

**A. Well, that was my impression, yes. I think that that was the case. He sounded like someone who had lived in Croatia a long time. You can hear that kind of accent.**

**Q. Do you remember that Zenga was the abbreviation used for members of Tudjman's National Guards Corps? Did you know that?**

**A. Later on I knew about that, yes. : So, the regular military police behaved differently. Further, on T.13240 of the transcript, KDZ354 described how Batko have hidden his misdeeds: He took these two pouches, and before that he had threatened us by saying, "If you are lying to me," he also fired some bullets close to my head, "I am going to kill you in front of your mother." However, as soon as he saw this gold, he took it and said, "If you**

<sup>10916</sup> Radomir Nešković, T. 14308–14309, 14316–14317, 14319 (7 June 2011); P5065 (Minutes of SRK Command consultation meeting, 15 November 1992), p. 12.

<sup>10917</sup> Radomir Nešković, T. 14316–14317 (7 June 2011).



decide to go out, if you talk to anyone about this, I have my men. I have my snipers. I have my men who are going to kill you." And then he left.:

**From whom was he fearing while threatening the ladies if they go out and say what happened? #Certainly, from the Serbian authorities in Grbavica#. No other inference is possible!)**

- 3416.** Furthermore, local or municipal authorities, SDS members, soldiers, and family members of President persons often pressured authorities to release persons President of committing crimes against non-Serbs.<sup>10918</sup> The military court in Banja Luka released Bosnian Serbs from custody before their cases had been completed so they could return to combat activities.<sup>10919</sup> **Let u see what the Chamber meant by concluding the last sentence: P03612:**

SUBMISSION FROM ACCUSED'S DEFENCE COUNSEL  
OF AN APPLICATION TO END CUSTODY

Criminal proceedings are underway in the court against the accused Obrenko ŠUGIĆ and Miladin ŠUGIĆ for the crime of murder described under Article 36, paragraph 2 of the BH KZ /Criminal Code/. This case was sent to the jurisdiction of this court by the Banja Luka Lower Court and is being heard under number I-I-6/93.

Criminal proceedings were initiated against the accused Obrenko ŠUGIĆ and Miladin ŠUGIĆ and against their brother Radenko for alleged crimes, but during the proceedings it was established that Radenko ŠUGIĆ did not participate in the commission of the crimes. Proceedings against him were stopped and he was released, while his two brothers were detained in custody, where they have been for a long time.

The investigation in this case that was held before the Banja Luka Lower Court, was fairly lengthy, but during all this time the evidence provided was not enough to conclude that there are reasonable grounds to suspect that the accused committed the crimes of which they stand accused. It will therefore be necessary to interrogate a large number of witnesses during the proceedings. Due to the self-evident state of war, the majority of these witnesses and injured parties have abandoned their place of residence and their addresses are consequently unknown. They are inaccessible to the court, as are the witnesses whom it will be necessary to hear during the trial. Since the lost their own brother in the fighting. Their parents are old and infirm, and they have their own families, whose subsistence has been jeopardised by their already lengthy time in custody. Both of them are ill, and Miladin ŠUGIĆ has lost consciousness on a couple of occasions. It is suspected that he is suffering from epileptic fits.

KZ, custody was not obligatory in this specific case. It is known to be the practice of the court to revoke custody against accused in similar cases in order to replenish manpower at the front. Since both accused are members of the Čelinac LPB /Light Infantry Brigade/, and due to their merit, their brigade intervened to release the accused from custody. Even the execution of the brigade's tasks was brought into question. In addition to this, all the residents of the village of Popovac, both Serbian and Muslim, wrote petitions, and the Čelinac SO /Municipal Assembly/ IO /Executive

**So, this is the source and basis for this inference. Could it be that way? A lawyer fighting to release his defendant from a custody because of to lengthy investigation and a lack of prospective that the investigation would be ended soon, mentioned that similar moves happened earlier. But, we do not know whether it really happened or not. Further, we do not know whether it happened in this case. How come the Chamber is promoting a defence submission from another (military) court to an evidence in this case? Even if it was a court's**

<sup>10918</sup> [REDACTED]. See e.g. P3611 (Proposal of the Military Prosecutor's Office attached to the 1<sup>st</sup> Krajina Corps, 29 July 1993) (under seal); P3616 (Proposal of the Military Prosecutor's Office attached to the 1<sup>st</sup> Krajina Corps, 29 July 1993). See also D2986 (Witness statement of Novak Todorović dated 17 February 2013), para. 15. [REDACTED].

<sup>10919</sup> [REDACTED]. See also P3612 (Submission to Banja Luka Military Court, 26 January 1993), p. 2; P3610 (Tactical Group 3 request, 27 August 1992); [REDACTED].



**deliberation, it shouldn't be charged to this President, let alone a mere defence submission!)**

: For example: (i) Zoran Žigić was released from prison a few days after being arrested due to a request for him to return to active duty even though it was reported to the Prijedor SJB by the Commander of Keraterm that he had beaten and killed prisoners there;<sup>10920</sup> **(The Chamber already knows that nobody should and could influence an investigating judge to maintain a custody for some suspect, or not. There were a reasons for either, prescribed by in the law, and it had nothing to do with the presidential duties. What the Chamber would conclude had the President intervened to release or not release a suspect. Once he intervened, asking for the reasons why some suspects had so long trial, meanwhile being out. In our judicial system there wouldn't be possible to keep a man 12 years in custody without judgment, as this court did with Dr. Seselj!)** (ii) the perpetrators of the killings of at least 77 men at Velagići School on 1 June 1992 were arrested but returned to their units without being tried with the support of the deputy prime minister of the RS and the chairman of the Ključ Executive Board;<sup>10921</sup> **Let us see what is the basis for this findings: P03616, a proposal of the military prosecutor, and reasons:**

### PROPOSES

the halting of investigative proceedings against 2<sup>nd</sup> Lieutenant Goran AMIDŽIĆ, personal details as on the request for an investigation to be carried out, and the other suspects, on reasonable grounds to suspect that they had committed the crime described under Article 142 of the adopted KZ /Criminal Code/ of the former SFRJ /Socialist Federative Republic of Yugoslavia/.

This is due to the fact that the majority of the suspects are inaccessible to the prosecuting organs and therefore cannot be brought in under custody, and because of the situation that arose when the suspects Željko BAJIĆ and Marinko MILJEVIĆ were brought in and placed under custody. It is also because of the stance of the deputy prime minister of Republika Srpska and the chairman of the Ključ Municipality Executive Committee that these proceedings should be halted until further notice.

We would further recommend that Zeljko BAJIC and Marinko MILJEVIC be released from custody.

**Evidently, there were some #reasons which led the military prosecutor to propose “halting” and not dropping the case#. But, what it has to do with the President? He wasn't asked, as ever, he didn't participated in any way, the judicial system was independent, and the case was to be proceeded once the conditions are fulfilled.**

and (iii) Daniluško Kajtez admitted to killing 12 individuals in Manjača in November 1992 but was released as a result of pressure exerted on the Military Court.<sup>10922</sup> **Regardless of admittance, an President had to undergo a trial, but the only witness, Grgo Stojic who testified in this case, was not available until the war ended, when Kajtaz had been tried and convicted.** The Chamber considers that this evidence suggests a systemic vulnerability of the justice system to external pressure, including by low-level municipal officials. **This is correct, but it happened only in several cases and at the beginning of the war. Everyone was armed, the unified command hadn't been established, but no case was covered up, or dropped on no legal basis. Particularly, the President had nothing to do with any of those omissions.)**

3417. On 20 December 1992, at a meeting of the Supreme Command in the presence of the President, Mićo Stanišić spoke of the need to strengthen the judiciary and to consider whether the

<sup>10920</sup> D1926 (Order of Banja Luka CSB, 1 July 1992); D1925 (Prijedor SJB criminal report, 2 July 1992), e-court p. 2; P6597 (Request from Prijedor Prosecutor's Office, 3 July 1992); D4140 (Official note of Prijedor SJB, 4 July 1992); Dragan Radetić, T. 45690–45691, 45700–45701, 45711–45713, 45715 (21 January 2014); P6598 (Decision of Prijedor Lower Court, 9 July 1992). See also P6596 (Letter from ARK sabotage and reconnaissance unit to Prijedor Prosecutor's Office, undated). See para. 1802. Žigić was eventually convicted by the Tribunal for the crimes he committed at Keraterm. See Kvočka et al. Trial Judgement; Kvočka et al. Appeal Judgement.

<sup>10921</sup> Adjudicated Fact 2447; P3616 (Proposal of the Military Prosecutor's Office attached to the 1<sup>st</sup> Krajina Corps, 29 July 1993); P6143 (Excerpt from ruling of Banja Luka Military Court, 29 July 1993), pp. 1–2; [REDACTED]; Novak Todorović, T. 34077 (20 February 2013). See Scheduled Incident B.10.1.

<sup>10922</sup> See Scheduled Incident B.1.1.

situation at the time was satisfactory since the courts were then attached to commands and corps.<sup>10923</sup> **(#EXCULPATORY#! Let us see what Minister Stanisic said at the meeting, doc.**

**P01469, p. 3:**

Minister STANIŠIĆ spoke about the need to investigate the situation related to *Golfs* and provide the accurate information after the facts have been found. The question of para-groups needs to be solved and they must be placed under one command as two types of authority may not function on the same terrain. The military judiciary needs to be strengthened. It is necessary to consider if the present solution is satisfactory as the courts are now attached to commands and corps. He also spoke about the military police, notably the police members and the need to co-ordinate them in the performance of the tasks entrusted to them.

**And see what the President said at the same meeting: P01469, p.5**

police needs to be formed. This is the first time we are making and defending a State ruled by law.

**That**

**was the first meeting of the Supreme Command, and a substantial part of the time was dedicated to the rule of law. After such a remarks as Mr. Stanisic said, the President made further consultations, and decided to distant the seat of the Supreme military court and the Supreme military Prosecution in Zvornik, as the President of the Supreme military court Novak Todorovic testified, see: D2986, commented in para 3412 above!)**

3418. The Chamber notes that in response to specific events, the President and other members of the Bosnian Serb leadership or Serb Forces sometimes called for criminal investigations. **(#EXCULPATORY#! It was a regular duty of institutions, but in some drastic cases, he political leadership was expected to react! The international mediators also wanted the leaders to speak up, so that the population could see what is the position of prominent people towards such a crimes!)** The Chamber notes the President's efforts to disband certain paramilitary groups, including through the assistance of the Federal SUP.<sup>10924</sup> **(#EXCULPATORY#! But, not only "certain" but all of paramilitary groups, as it was provided in all the President's strict orders! And the Chamber may have kept the Mauzer's Guard, or some other units with a "pitoresc" name was a paramilitary, it was not the case. Many units had their names, such as "Vukovi caa Drine – Wolves from Drina, or "White wolves" etc. but their subordination to the VRS was not questionable) !** Furthermore, on hearing of the Korićanske Stijene incident, the President requested an investigation and on 31 August 1992, Mićo Stanišić **(#EXCULPATORY#!)** ordered Župljanin, the chief of the Banja Luka CSB, to investigate the massacre.<sup>10925</sup> **(#EXCULPATORY#!)** However, Župljanin was advised by Drljača that an investigation could not be carried out because the officers who had participated in the convoy and incident were currently deployed in the battlefield.<sup>10926</sup> **(But, what does it have to do with the President, who was in London for Conference. Also, the perpetrators escaped in the Mount Kozara, and two of them Drljaca tried to disarm and arrest,** The Chamber recalls that none of the policemen involved in the incident were held accountable for their involvement in the killings.<sup>10927</sup> Rather the intervention squad involved in the killings was disbanded and subsequently returned to active combat.<sup>10928</sup>

<sup>10923</sup> P1469 (Minutes of VRS Supreme Command meeting, 20 December 1992), p. 3.

<sup>10924</sup> See paras. 3204–3210.

<sup>10925</sup> D4194 (Witness statement of Sveto Kovačević dated 7 December 2013), para. 40; D1881 (Dispatch from Mićo Stanišić to Banja Luka CSB, 31 August 1992).

<sup>10926</sup> D1882 (Letter from Simo Drljača, 14 September 1992); D1885 (Dispatch from Simo Drljača to Stojan Župljanin, 13 October 1992). See also Adjudicated Fact 2492.

<sup>10927</sup> See para. 1845. The Chamber notes that Subotić testified that everybody "did their part of the job" with respect to the investigation. D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 242–246; Bogdan Subotić, T. 40105–40111 (20 June 2013); T. 40173–40175 (21 June 2013). However, the Chamber does not find this evidence to be reliable because Subotić's evidence was marked by indicators that he was seeking to minimise his own knowledge of the investigation which followed this incident and in light of the fact that none of the perpetrators were ever held accountable.

<sup>10928</sup> See paras. 1844–1845.

3419. On 6 April 1993, Prime Minister Vladimir Lukić, with the support of the President, demanded the Command of the SRK and the Main Staff of the VRS to investigate allegations of looting, killing, arson and rape in Novo Sarajevo committed by the VRS.<sup>10929</sup> **(#EXCULPATORY#)** On 20 December 1994 Bogdan Subotić, on behalf of the Office of the RS President, ordered a thorough investigation of an incident involving members of special police and members of military police of the 2<sup>nd</sup> Krajina Corps.<sup>10930</sup> **(#EXCULPATORY#)** In February 1994, the President was notified about a meeting of the municipal leaders, MUP, and military and judicial organs due to “a very bad situation regarding public law and order in Trebinje municipality” and that military security organs failed to execute their part, as “groups of servicemen were harassing refugees”.<sup>10931</sup> **(#EXCULPATORY#! It is not a regular duty of the President to do so, but if the institutions needed his support, he intervened, and only if it was needed!)** The President ordered the VRS Main Staff to report back to him about the measures taken.<sup>10932</sup>

3420. During the conflict, there were some prosecutions of Serbs for crimes committed against non-Serbs.<sup>10933</sup> **(#EXCULPATORY#)** However, the calls for investigations and the prosecutions were insufficient in light of the sheer number of serious offences which were not investigated and went unpunished. **(First of all, it shouldn't have depended, and it didn't depen of the President calls for investigations. Just because this was a civil war, it was useful to have such a support and encouragement from the high officials. Anyway, There was no a case known to this Defence which had been covered. All had been registered and ready to process when possible. The Muslim police in Sanski Most inherited the entire investigative materials of crimes committed by the Serbs against the non-Serbs, see: D01802. This document rebuts all the assertions contained in the previous paragraph!)**

<sup>10929</sup> D3574 (Letter from RS Office of Prime Minister to VRS Main Staff and SRK command, 6 April 1993); D3563 (Witness statement of Vladimir Lukić dated 18 May 2013), para. 36; Vladimir Lukić, T. 38801 (28 May 2013).

<sup>10930</sup> D4640 (Letter from RS President's Office to RS MUP and VRS Main Staff, 20 December 1994).

<sup>10931</sup> P3053 (Radovan Karadžić's order to VRS, 19 May 1994), p. 3.

<sup>10932</sup> P3053 Radovan Karadžić's order to VRS, 19 May 1994), p. 3.

<sup>10933</sup> D3695 (Witness statement of Bogdan Subotić dated 16 June 2013), paras. 208–215, 218, 297; Savo Bojanović, T. 34817–34828, 34830–34835, 34842–34843 (5 March 2013); D3076 (Witness statement of Savo Bojanović dated 2 March 2013), paras. 11–12, 23–27; [REDACTED]; Novak Todorović, T. 34095–34098 (20 February 2013) (private session); D2986 (Witness statement of Novak Todorović dated 17 February 2013), para. 18; Radomir Nešković, T. 14310–14311 (7 June 2011). For cases in the civilian courts, *see* D1467 (Bijeljina High Court judgement in Branko Đurić case, 27 October 1995); D1490 (Indictment of Brčko Public Prosecutor, 28 July 1993); D4239 (Banja Luka Public Prosecutor's Office file on Sredo Aleksić), p. 8; D4240 (Banja Luka Public Prosecutor's Office file on Boško Bavarčić), e-court pp. 3–4, 14–15; D1798 (Banja Luka CSB criminal case file, August–September 1992), e-court p. 48. D4235 (Witness statement of Jevto Janković dated 24 January 2014), para. 7; Jevto Janković, T. 45956–45957 (27 January 2014). For cases in the military courts, *see* D1465 (Bijeljina Military Court indictment of Radovan Mićanović, 17 August 1993); D1466 (Bijeljina Military Court judgement in Radovan Mićanović case, 22 March 1995); D1481 (Bijeljina Military Prosecutor request re Cvjetković/Jurošević case, 29 October 1992); D1482 (Bijeljina Military Court record re Cvjetković/Jurošević case, 29 October 1992); D1483 (Bijeljina Military Prosecutor request re Cvjetković/Jurošević case, 30 October 1992); P6181 (Bijeljina Military Court's Dispatch to Military Prosecutor's Office, 28 January 1993); D1489 (Bijeljina Military Court decision in Cvjetković/Jurošević case, 1 April 1993) (under seal); D1757 (Indictment of the Military Prosecutor's Office attached to the 1<sup>st</sup> Krajina Corps, 18 July 1993); D1758 (Banja Luka Military Court's Judgement, 13 October 1993) (under seal); D1759 (RS Supreme Military Court's Judgement, 12 November 1994) (under seal); D1799 (Indictment of the Military Prosecutor's Office attached to the 1<sup>st</sup> Krajina Corps, 10 February 1993); D3081 (Bijeljina Military Court's verdict, 18 January 1994); D3077 (Supreme Military Court's Judgement, 16 May 1994); D1468 (Correspondence between Bijeljina Lower Court and Radovan Karadžić, 9 June 2011); D1469 (Correspondence between Bijeljina District Prosecutor and Radovan Karadžić, 24 August 2009); D3082 (Bijeljina Military Court's Verdict, 24 June 1993); D3083 (Bijeljina Military Court's Verdict, 27 August 1993); D3084 (Bijeljina Military Court's Verdict, 11 October 1993); D3085 (Bijeljina Military Court's Verdict, 16 September 1993); D3086 (Bijeljina Military Court's Verdict, 9 March 1993); D3087 (Bijeljina Military Court's Verdict, 22 June 1993); D3088 (Bijeljina Military Court's Verdict, 17 June 1993); D3079 (Bijeljina Military Court's Ruling, 19 June 1993); D3080 (Bijeljina Military Court's Proposition, 26 April 1993); D596 (VRS Military Court judgement against Jovo Pejanović, 17 December 1992); P3597 (Criminal report of the 6<sup>th</sup> Krajina Brigade, Sanski Most Military Post, 7 December 1992) (under seal); P3519 (Indictment of the 1<sup>st</sup> Krajina Corps Military Prosecutor's Office, 2 June 1993); D1788 (Banja Luka Military Court's Ruling, 5 April 1994) (under seal); D1793 (Banja Luka CSB criminal case file, October–December 1992); D1776 (Record of trial of Banja Luka Military Court, 17 December 1992) (under seal); D1777 (Letter from Banja Luka Military Court to Srbac SJB, 18 December 1992) (under seal); D1780 (Record of deliberation and voting of Banja Luka Military Court, 21 October 1993) (under seal); D1781 (Record of deliberation and voting of Banja Luka Military Court, 20 April 1995) (under seal); D1782 (Record of trial of Banja Luka Military Court, 20 April 1995) (under seal); P3633 (Judgement of the Banja Luka Military Court, 20 April 1995) (under seal); D1796 (Delivery Note of Banja Luka Military Court, 19 October 1994); P3631 (Judgement of the Banja Luka Military Court, 6 February 1993) (under seal). *See* P2931 (Bijeljina Military Court indictment of Zoran Tomić and Dragan Matović, 24 June 1993), pp. 54–60, 84–87; [REDACTED]. *See also* D4279 (Verdict of Banja Luka District Court against Mile Zgonjanin, 25 November 2008); Mićo Stanišić, T. 46395–46396 (3 February 2014) (testifying that the judgement was passed based on the evidence that was collected in 1992).

3421. The Chamber has considered evidence that in 1994 and 1995, the President issued orders with respect to improving the military justice system.<sup>10934</sup> **(#EXCULPATORY#!)** However, the Chamber is not convinced that they were sufficient to hold persons accountable for the very serious offences which had been committed in the Municipalities against non-Serbs in light of the fact that so many crimes against non-Serbs went without investigation. **(First of all, the #President made what was his duty, to order and facilitate the functional military justice system#. Nothing else he was expected to do, since the judges were both the regular army officers and the lawyers and judges, certified and professional. Second, if “they were not sufficient to hold persons accountable for the very serious offences...” how possibly the Chamber found that it was the President’s responsibility? Could there be some other causes, such as the abilities of the officials on the terrain and so on? Appart of all of it, the Chamber didn’t indicate which one of these crimes went without investigation? It is natural that the Chamber is “not convinced” because the Chamber starts with a presumption of guilt, not of innocence! If the Chamber wanted to be convinced in a negative fact, that something was not sufficient, what kind of discretion the Chamber seeks, and why in a cases of doubt didn’t decide in favour of the President? Another word, didn’t there was a requirement of a positive identification of a crime, not a belief that it could have been done better?)** In any event, the most serious crimes had already been committed by that time.<sup>10935</sup> **(At least one admittance of the Chamber that the crimes had been committed before 1994 and 95, i.e. in the first part of the war, while there was no any state structure and institutions. But, how many criminal cases are resolved in a countries with the developed judicial system, and in a peace time? And what does it mean? Have the President done his job? Had any official of the Republic of Srpska ever issued any order to undermine the President orders?)**

3422. In fact, the President was more concerned with punishing offences committed against Bosnian Serb Forces than the non-Serb civilian population. **(This is incorrect assertion, and shouldn’t be “finding” in any chamber. But, let us see what was a basis!)** This is demonstrated by the fact the President made efforts to ensure that crimes committed against Serbs were investigated and documented. On 17 June 1992, the President created the State Documentation Centre for Investigation of War Crimes against Serb People and appointed its head.<sup>10936</sup> **This is also incorrect. Let us see what was said at the Presidency session:**

10934

On 1 January 1994, the Accused ordered an inspection into the military prosecution system in Bijeljina after receiving reports of flaws in the system, primarily relating to the release of persons detained under reasonable suspicion of having committed grave criminal offences. D1419 (Radovan Karadžić’s order to president of Supreme Military Court, 1 January 1994). On 8 August 1994, the Accused ordered the VRS Main Staff to submit a report on problems in the military disciplinary tribunals and proposals to improve their function D1421 (Radovan Karadžić’s order to VRS Main Staff, 8 August 1994). On 6 September 1994, the Accused directed that criminal offences against life, limb, and property and the offence of war profiteering should be given priority and detention measures “applied to the maximum in the punishment of these offences” and instructing the Court and Prosecutor’s Office to urgently review all murder cases currently being tried in military courts and to submit analysis to him so that he could take further measures as President of the Republic. D2993 (Radovan Karadžić’s instruction to Supreme Military Court and Supreme Military Prosecutor’s Office, 6 September 1994). The Military Prosecutor’s Office of the VRS conveyed similar instructions to the Intelligence and Security Sector of the VRS Main Staff with reference to instructions from the President. D2998 (Supreme Military Prosecutor’s Office report, 8 September 1994). On 11 September 1994, the Accused instructed the organs of military security to review murder cases and report any irregularities observed to the Office of the President of the Republic. D1423 (RS President’s Office request to VRS Main Staff, 11 September 1994). See also D2994 (Supreme Military Court’s instruction, 16 September 1994), p. 1; D2986 (Witness statement of Novak Todorović dated 17 February 2013), para. 10. In a session on 15 September 1994, the RS Government, with the support of the Accused, authorised the MUP and the Ministry of Justice and Administration to collect information on crimes against humanity and other crimes violating international law, irrespective of the ethnicity of the victims of those crimes. D3364 (Witness statement of Dušan Kozic dated 7 April 2013), para. 18; D3373 (Excerpt from minutes of 4<sup>th</sup> session of RS Government, 15 September 1994), p. 2. On 15 December 1994, the Accused ordered the VRS Main Staff to issue instructions to security and military police organs setting forth their duty to act in accordance with requests and orders by military prosecutors’ offices and military courts. D1425 (Radovan Karadžić’s order to VRS Main Staff, 15 December 1994), p. 1. See also D1426 (Instructions of RS Military Prosecutor’s Office, 29 December 1994), pp. 2–5. On 4 January 1995, the Accused promulgated the Law on the Mandatory Submission of Information on Crimes against Humanity and International Law, which the Bosnian Serb Assembly had passed at its session on 29 to 30 December 1994. D1424 (Radovan Karadžić’s Decree on promulgation of Law on mandatory submission of information on crimes against humanity and international law, 4 January 1995), p. 1; P1405 (Transcript of 48<sup>th</sup> session of RS Assembly, 29-30 December 1994), p. 129. **(None of the regular activities excluded or undermined the obligation to investigate all the crimes regardless of the ethnicity of perpetrators of victims!)**

10935

See Section IV.A.2: Legal findings on crimes.

10936

P3064 (Minutes of the 8<sup>th</sup> session of the SerBiH Presidency, 17 June 1992), p. 1; D3990 (Radovan Karadžić’s Decree, 17 June 1992), p. 1.



3. that the Government draft decision on the establishment of a State Documentation Centre which will gather all genuine documents on crimes committed against the Serbian people during this war.

**Therefore, there was not mentioned “investigation”, but only “documentation”. In the original it was only for gathering documents, and the chief was not a professional in investigations, but a very famous writer! Only for a “gathering all genuine documents,” which would be investigated by the professionals. And an editor in the Official Gazette added the word “investigation”, but further throughout the documentation it had to be called Documentation Centre:**

The State documentation centre for investigating war crimes against Serb people in the Serb Republic of B-H is formed with the headquarters in Sarajevo (hereinafter referred to as the State Documentation Centre).

On 13 July 1992 the Presidency concluded that the work of the Commission for War Crimes Committed against the Serbian People of BH be urgently activated.<sup>10937</sup>

**This is also #misunderstood and distorted#. Any commission that was formed meant to collect what had been done to the Serbs in the areas where the RS MUP didn't have any access, while all crimes committed on the territory of RS were in the competences of regular services, and no commission was allowed to interfere in it's investigations. As the Chamber notified, it was about the crimes in BiH, (this para.) but didn't notice and didn't wonder: how the crimes against the Serbian people in the territory where the entire people couldn't have been documented, let alone investigated by the RS organs. The Serb MUP and other investigative organs didn't have any competence to investigate a crimes committed in the Muslim-Croat territory, but could collect data about crimes against the Serbs, while they didn't have any legitimacy to even collect data of crimes against the non-Serbs. See what had been said in P01465, p. 8, of 13. July 92:**

The work of the Commission for Investigating War Crimes Committed against the Serbian People in the Serbian Republic of BH and the former Republic of Bosnia and Herzegovina was discussed.

Conclusion:

The Commission for Investigating War Crimes Committed against the Serbian People will start work, even if it is necessary to replace the Commission members.

**and the former Republic of Bosnia and Herzegovina, clearly indicates that any commission or a documentation centre couldn't replace a MUP regular duties. Finally, the chief of the Documentation centre was a famous writer, not a lawyer, nor a criminologist, nor a policemen. Let us see what the MUP was doing on the same subject, D01360, of 19. July 92:**

Proceeding in accordance with the conclusions adopted at the meeting of senior personnel on 11 July 1992, whereby the tasks relating to the discovery and documentation of war crimes or genocide and the submission of criminal reports, as well as in accordance with other enactments (number Strictly Confidential 01-2/92 of 16 May 1992) and orders, were numbered among the priorities of the National Security Service and the Crime Prevention Service, a questionnaire on war crimes and victims of genocide has been compiled in the Information Analysis Administration.

**Evidently, the #MUP was doing it's job, and nothing replaced it#. The Minister Stanisic merged the two important departments, the National Security Service, and the Crime Prevention Centre to cooperate in investigating the war crimes. They had nothing to do with the Documentation Centre.**



A questionnaire will be completed at security services centres for all persons, regardless of ethnicity, (Muslims, Croats, Serbs and others) against whom criminal reports have been submitted on reasonable grounds for suspicion that they have committed the given crimes, as well as questionnaires for victims regardless of whether a criminal report has been submitted or the procedure of gathering evidence for the submission of a criminal report against a perpetrator is still in progress.

**“#Regardless of ethnicity”#.**

It should be borne in mind that questionnaires on war crimes remain a form of investigative documentation only, until such time as they have been proven (judicial sentence or decision by an authorised state commission) and will be so regarded, the more so because criminal reports will also be submitted against unknown perpetrators. On the other hand, questionnaires on victims may also be used for other purposes (if the elements of the crimes of genocide or war crimes have been demonstrated).

**This happened almost simultaneously with other activities in documentation of crimes in the areas not accessible to the MUP RS. So, #no a reasonable chamber would mix it up# and conclude that a documentation centre was replacing the regular organs and acted selectively. But it was so far from any reality. The head of the Documentation Centre Mr. Toholj had written and published a book called “Black book” about the collection of data!):.**

On 14 July 1992 the Government decided that measures be taken for the Commission to be activated for the establishment of war crimes perpetrated against the Serbs.<sup>10938</sup> **This is again about the different things. A commission was a political organ, and didn’t replace regular organs, see P01137, p. 10 of 14 July 92:**

-It was concluded that measures be taken for the Commission to be activated for the establishing of the war crimes committed against the Serbian people

**Establishing! Not investigating. Similarly, a commission for clarification of the crimes in economy was established, but the same, not to replace the regular organs: P01137, p. 6**

Decision on establishing a government committee for the investigation of the theft of both public and private property is adopted. Milan TRBOJEVIĆ, the president of the Commission Velibor OSTOJIĆ, Aleksa BUHA, Bogdan SUBOTIĆ, Vojin LALE, are appointed as members of the committee.

**(Only Mr. Trbojevic was a lawyer, all others weren’t, but were a political persons. However, the translation is wrong, and it should be instead of “for the investigation” translated “for the clarification”**

Усвојена је Одлука о формирању државне комисије за расвјетљавање плачке друштвене и приватне имовине. У Комисију су именовани Милан Трбојевић, предсједник Комисије Велибор Остојић, Алекса Буха, Богдан Суботић, Војин Лале, чланови Комисије.

**It is said: a state commission for clarifying (rasvetljavanje) which also didn’t replace the regular investigative organs, but could overview these organs whether they were doing their job, or whether they had been corrupted or not. But, not to miss a substantial question: why the Chamber would keep the President liable for something that the Government was doing in it’s capacity and competence? The President was not a head of a criminal gang, to be asked for a permission for any move, there was the Constitution and a clearly assigned duties!)**

On 6 August 1992, at a RS Presidency session, it was decided that the Commission for Investigating War Crimes Committed against the Serbian People must commence its work.<sup>10939</sup> **(That was the same document, D00465, and also pertained to the Commission for collecting documents from the people who escaped from the “other side”**. Mladić issued an order on 25 September 1992 that information about victims of crimes committed by the “Croatian-Muslim coalition” should be reported.<sup>10940</sup> **(Exactly, Mladic understood that it pertained to the crimes committed on the territory under the Croat-Muslim control)** On the same day, Plavšić ordered that all SAOs spread the word to their municipalities that it was necessary to urgently set up commissions to gather information on crimes perpetrated against the Serbs by the Croats and Muslims.<sup>10941</sup> **(Again, pertained to the crimes committed on the territory under the C/M control. What else? Where on the Serb territory were the C/M forces? And again, it was “to gather information” not to investigate!)**

<sup>10939</sup> D465 (Minutes of 24<sup>th</sup> session of SerBiH Presidency, 6 August 1992), p. 2.

<sup>10940</sup> D3987 (Order of Ratko Mladić, 25 September 1992).

<sup>10941</sup> P5506 (Request of RS Presidency to Municipal Assembly President, 25 September 1992), p. 1.

3423. On 28 September 1992, the Presidency concluded that the Committee for Investigation of Crimes against Serbian People should intensify its work.<sup>10942</sup> **(The same, the crimes on the M/C territory)** On 14 December 1992 the Banja Luka CSB Department Chief wrote to all SJBs to inform them that a meeting of senior criminal investigators from all centres would occur the following week in Bijeljina, at which the process of documenting crimes against the Serb civilians, their property, and Orthodox cultural and religious property would be analysed.<sup>10943</sup> **(Again, pertained only to the Muslim-Croat territory. How it is not clear? If it was concerned with the Serb territory, there wouldn't be any extraordinary analysis, and it would be in the daily reports!)** At sessions of the Bosnian Serb Government on 6 April and 26 to 27 May 1993, the work of the "State Documentation Centre for the Investigation of Crimes Against Serbs" was discussed, as was the "special importance" to instigate criminal proceedings against individual and group perpetrators of "crimes and genocide against the Serbian people".<sup>10944</sup> **(And where in the Republika Srpska these perpetrators existed? It pertained only to those perpetrators on the M/C territory.)** In March 1995, the President advised the Bosnian Serb Assembly that after reviewing data prepared by the Ministry of Justice and the Republican Prosecutor's Office on cases in civilian courts in 1994, that "on the whole, the situation in the domain of penal policy is unsatisfactory" and stated that "this might have far-reaching detrimental consequences for the overall defence capability of the Republic and the continued successful conduct of the war"; he proposed that the Assembly adopt a conclusion that civilian and military courts step up their work and pass more stringent sentences, especially with respect to criminal offences against the Serb Forces.<sup>10945</sup> **This, however, pertained to the crimes committed on the Serb territories, and those crimes against the Serb Forces could have been committed only by the Serbs, which weakened the defence capacities. How could it pertain to anything else? If it was as the Chamber suggested, or "found" in this para, then it would mean that till this time the judiciary didn't issue sufficiently "stringent" sentences against the non-Serbs! It is #impossible to eat a cake and to have it#! "Ne moze i jare, i pare")**

3424. The Chamber notes that some witnesses provided evidence that: (i) the MUP and justice systems treated perpetrators and victims of different ethnicities in the same manner;<sup>10946</sup> (ii) there was no cover-up of crimes in the MUP, including the CSBs and SJBs;<sup>10947</sup> (iii) there were problems in finding witnesses to proceed with a prosecution, especially in cases involving Muslim or Croat victims;<sup>10948</sup> (iv) there were purported issues deriving from the jurisdiction of the civilian and military systems, including confusion on the part of civilian and military authorities and inefficiency;<sup>10949</sup> and (v) that investigations and prosecutions were made difficult due to lack of resources.<sup>10950</sup> **(#EXCULPATORY#, even if rejected for no reason.)**

<sup>10942</sup> P3120 (Minutes of the 32<sup>nd</sup> session of RS Presidency, 28 September 1992), p. 3.

<sup>10943</sup> P6642 (Dispatch from Banja Luka CSB to all SJBs, 14 December 1992).

<sup>10944</sup> P3138 (Minutes of the 67<sup>th</sup> session of RS Government, 6 April 1993), pp. 5–6; P3112 (Minutes of the 71<sup>st</sup> session of RS Government, 26–27 May 1993), p. 12.

<sup>10945</sup> D1427 (Radovan Karadžić's letter to RS National Assembly, 10 March 1995), p. 1. In this regard, the Chamber notes that on 17 May 1995, following a meeting of the Government's Commission for gathering data on international crimes committed in the RS, Marko Lugonja on behalf of the Intelligence and Security Department of the SRK Command sent out a request to the Commands of all SRK units to "gather all the data and evidence in the zones of your units on war crimes against humanity and international law committed by the enemy against the Serbs and Serbian people. P2646 (Request of SRK's Intelligence and Security Department, 17 May 1995); P2715 (SerBiH MUP dispatch, 16 May 1992).

<sup>10946</sup> D4235 (Witness statement of Jevto Janković dated 24 January 2014), paras. 2, 7; Jevto Janković, T. 45949 (27 January 2014); D3663 (Witness statement of Goran Mačar dated 3 May 2013), paras. 26–27. See Dobrislav Planojević, T. 36258, 36262–36263, 36297 (28 March 2013); D3981 (Witness statement of Miroslav Toholj dated 31 October 2013), para. 72; Branko Đerić, T. 28047–28048 (25 April 2012).

<sup>10947</sup> Goran Mačar, T. 39525 (7 June 2013); Dobrislav Planojević, T. 36297 (28 March 2013). See also Čedomir Kljajić, T. 42241 (30 July 2013).

<sup>10948</sup> KDZ492, P3596 (Transcript from *Prosecutor v. Krajišnik*), T. 3937–3938 (under seal).

<sup>10949</sup> See Momčilo Mandić, T. 5125–5127 (14 July 2010); D3076 (Witness statement of Savo Bojanović dated 2 March 2013), para. 16; Savo Bojanović, T. 34844–34846 (5 March 2013).

<sup>10950</sup> D3663 (Witness statement of Goran Mačar dated 3 May 2013), paras. 23–24; Mićo Stanišić, T. 46360 (3 February 2014); D3197 (Witness statement of Dobrislav Planojević dated 23 March 2013), paras. 22–23. See also D447 (SerBiH MUP, Analysis of functioning of the MUP, July 1992), e-court p. 20; D2986 (Witness statement of Novak Todorović dated 17 February 2013), paras. 4–5, 20; P3773 (Witness statement of KDZ532 dated 31 October 2011), para. 8 (under seal); KDZ532, T. 21011–21012 (8 November 2011) (closed session); KDZ492, T. 20058, 20061, 20078–20079 (18 October 2011) (closed session).

3425. Having considered all of the evidence, the Chamber finds that there was a systemic failure to investigate and prosecute criminal offences committed against non-Serbs in the Municipalities during the conflict. **(Should the Chamber have been obliged to point out a positive evidence as a basis for this finding?)** The Chamber rejects the evidence presented that the justice system treated all ethnicities the same in light of the compelling evidence demonstrating a lack of investigation and prosecution of the serious criminal acts committed against non-Serbs which were brought to the attention of authorities, as opposed to a clear willingness to investigate and prosecute crimes committed against Serbs.<sup>10951</sup> **(This is based on a #wrong and distorted understanding# of the Commissions for Documentation, which never, under no conditions replaced the regular investigating bodies. Just take for a moment that the Defence is right regarding these commissions, and all the construct of a failure of the judicial system will fell apart as fake.)** In addition, lack of resources and difficulties with the determination of jurisdiction or finding witnesses does not explain or justify the lack of proceedings initiated against Serbs alleged to have committed crimes against non-Serbs because the evidence establishes that in most cases in 1992, absolutely nothing was done to investigate or prosecute the horrific crimes which were known to authorities. The Chamber considers that the inadequate level of investigations and prosecutions of crimes committed against non-Serbs is consistent with the President's position that such matters could be delayed during the conflict.<sup>10952</sup> **(This is #in contrast with the evidence: the President all the time kept demanding and ordering the strictest treatment of the war crimes#. However, the Chamber rejects to recognize a very clear Djerić's testimony about the "white-collared" crimes that weren't a priority for the President, particularly since the country was under the sanctions, and the suppliers may have done some irregularities, but it would be madness to persecute them for a small irregularities in a completely irregular situation! There is no a single valid evidence that any delay concerned with the war crimes, and this kind of merging the data and making a bastardous assertion does not fit with any fairness of a trial!)**

i. Rewarding of those who committed crimes against non-Serbs

3426. The Prosecution submits that the President rewarded officials who had committed crimes against non-Serbs rather than punish them.<sup>10953</sup> The President submits that there is no evidence that he rewarded an official who he knew had committed a crime and that proposals for promotions came from below.<sup>10954</sup>

3427. The Law on the Army provided the President with the exclusive competence to, *inter alia*, decide on the initial commission of officers, promote officers to the rank of Major General and above, and decide on the admission into service, subsequent appointment, transfer, and termination of service of officers with the rank of General.<sup>10955</sup> It also authorised him to effect "exceptional promotion" with respect to those officers who did not meet the ordinary criteria of rank promotion and to raise the rank of those officers who were found to have exhibited courage and excelled in command and control skills.<sup>10956</sup>

session). See also D1752 (Request from VRS Main Staff, 5 August 1992); D1755 (Information on crime trends and review of work of Military Prosecutor's Office attached to the 1<sup>st</sup> Krajina Corps, 19 September 1992), p. 1; D2836 (SRK information, 23 December 1993), pp. 3–4; Dragomir Milošević, T. 32869–32870 (29 January 2013) D2987 (Report of Supreme Military Court on the work of Military Courts, 20 February 1996), pp. 4–5, 10.

<sup>10951</sup> See paras. 3414–3416, 3422–3423.

<sup>10952</sup> See para. 3413.

<sup>10953</sup> Prosecution Final Brief, paras. 567–569

<sup>10954</sup> Defence Final Brief, paras. 1335–1336.

<sup>10955</sup> P2603 (SerBiH Law on the Army, 1 June 1992), Arts. 11, 369.

<sup>10956</sup> P2603 (SerBiH Law on the Army, 1 June 1992), Arts. 36, 40.

3428. The President promoted several officials who he knew had committed criminal acts against non-Serbs or held extremist views. **(To persecute somebody for his “extremist views” would be a renewed communist practice to persecute for thinking!)** On 24 August 1992 the President appointed Jovan Tintor, then president of the Vogošća Crisis Staff,<sup>10957</sup> as a presidential advisor and in April 1995 praised him before the Bosnian Serb Assembly for giving “everything for this Party, for this people”.<sup>10958</sup> Tintor had been involved in the expulsion and mistreatment of non-Serbs from Vogošća, and surrounding areas.<sup>10959</sup> He also held extremist views which were known to the Accused.<sup>10960</sup> **(The #political views are not relevant for a criminal prosecution, and until the end of the war, and two decades after the war Tintor wasn’t criminally charged, investigated, indicted or convicted#! There was no a convincing evidence that Mr, Tintor, a rich man and a private businessman who sacrifice his wealth for the local people wellbeing, committed any crime. It can not be inferred or claimed unless there is an investigation on what really happened, what the other side did and who were those who were allegedly expelled. Both the Prosecution and the Chamber incline to see a somebody’s reputation as a fact in criminal sense. But, a reputation is created by one’s opponents, and this is unacceptable in any criminal system!)**

3429. The President awarded Mauzer’s Panthers on 9 January 1994.<sup>10961</sup> The President was aware that Mauzer’s Panthers, a paramilitary group active in Bijeljina, was involved in planning and executing the forcible displacement of Bosnian Muslim civilians, committed killings and other crimes against non-Serb civilians in Bijeljina in 1992.<sup>10962</sup> **(However, this was not true. Mr. Mauzer himself appeared to be a bit arrogant, but there was no any criminal charge against him. To corroborate this, look at the fact that after the war the same Mauzer passed all the international police checkings and tests, and he was nominated to be a very high official in the MUP after the war. So, his reputation didn’t prevent the international police to nominate him, because, unlike in this court, the international police demanded an evidence, not reputation. As far as it is concerned with his “Panthers”, ther was no any evidence they committed crimes as well, and they fought on many battlefields correctly, celebrated by the people. They had never been even mentioned in any investigation!)**

3430. The Accused also awarded Miroslav Deronjić on 9 January 1994 and later appointed him as Civilian Commissioner for Srebrenica on 11 July 1995.<sup>10963</sup> Deronjić was the President of the SDS and chief of the Bratunac Crisis Staff and oversaw a policy of discrimination against Bosnian Muslims and was involved in operations leading to their expulsion from Bratunac and killings.<sup>10964</sup> On 6 May 1992, it was reported to the Accused and Mladić that Deronjić was “killing all Muslims by slitting their throats”.<sup>10965</sup> **(#Wrong in fact#. At this meeting there were only generals Mladic and Mandaric, not the President. Also, all other was wrong. It was true that there were some people from Vukovar, who came after some Bratunac-Srebrenica Muslims who killed their relatives in Vukovar, and raped a girl who was in the group, #but it is not true that the local Serb officials invited them#. On the contrary, the local officials were endangeroud by the same people, had quarrelled and demanded their departure. How a**

<sup>10957</sup> See para. 2361.

<sup>10958</sup> P5430 (Decision of the RS Presidency, 23 August 1992); P970 (Transcript of 50<sup>th</sup> session of RS Assembly, 15–16 April 1995), p. 317.

<sup>10959</sup> See Section IV.A.1.c.vi.C.1: Take-over of Vogošća town; Section IV.A.1.c.iii.C: Attack on Ahatovići.

<sup>10960</sup> [REDACTED].

<sup>10961</sup> P5525 (Audio Recording and Transcript of the Ceremonial RS National Assembly, 9 January 1994), p. 18.

<sup>10962</sup> See Section IV.A.1.a.1: Bijeljina; para. 3334.

<sup>10963</sup> P5525 (Audio Recording and Transcript of the Ceremonial RS National Assembly, 9 January 1994), p. 18; D2055 (Decision of RS President, 11 July 1995). See also para. 5692.

<sup>10964</sup> See Section IV.A.1.a.ii: Bratunac.

<sup>10965</sup> P1477 (Ratko Mladić’s notebook, 14 February–28 May 1992), p. 253. The Chamber notes that Mladić’s notebook refers to the President of the SDS as “Rodoljub Deronjić”. In addition one of the other Bosnian Serb leaders referred to in the notebook was “Rodoljub Đukanović”. In light of Miroslav Deronjić’s position as SDS President at the time, the Chamber finds that the reference is indeed to Miroslav Deronjić.



serious chamber could not see the mere facts from so many documents. Also, the old antagonism between the SDS local officials and the JNA high officers (over the ideology) made many gossips and denigrations, but lately it appeared not to be true, but only gossips. Finally, let us see what is written down in the Mladic's diary, P1477, p. 253-4:

06 May 1992

General MANDARIĆ:

255

- A front has opened up on the Drina

\* in Bratunac, 2 /?representatives/ of the SDS /Serbian Democratic Party/ are killing all Muslims by slitting their throats /Rodoljub ĐUKANOVIĆ → the President of the SDS and Rodoljub DERONJIĆ. —

- 2 detachments of the Bratunac TO, they brought in all the cutthroats from Vukovar, and killed everyone they laid their hands on in Ranče near Milići.

Ljubovija municipality President is asking /?permission/ to deal with them with his 5 detachments

Proposal: KARADŽIĆ to appease

them because they are threatening Major

RELJIĆ — the Commander of the okb /Armoured Battalion/-

That is the only axis towards

Sarajevo... -

- There are two okb on those 2 axes. —

— Send someone to Bratunac to calm them down.

In Bratunac, there is Major

Nikola RELJIĆ, the Commander of

the okb/ from the SM /?Sarajevo Mechanised/ Brigade.

The bodies of 9 Muslims have been found (young men who had been decapitated). —

- OJDANIĆ has found good connections in Višegrad. —

\* KARADŽIĆ to send someone to pacify the extremists

(ĐUKANOVIĆ and DERONJIĆ). —

- They pay no heed to the army.

#Before VRS, during the JNA, Karadžić was not in charge of anything#! Obviously, the JNA Generals were in Belgrade discussing the situation in BiH, 6 May 1992. There is no evidence that the President was informed about this meeting, neither he should be, because prior to 12 May the President didn't have any state office. General Mladic wasn't a "Bosnian Serb General" yet! What General Mandarić said about Deronjic was a mere speculation and gossip aimed to denigrate a JNA opponent, which is visible from the entire note. Therefore, what General Mandarić said is not valid, there was no established any crime as he described, and in particular not a crime committed by Deronjic. Until 6 May 1992 only Serbs had been killed in the area of Bratunac and Srebrenica. On 3 May the Muslim extremists ambushed the JNA column and had a real fight. Until 6 May, there were only the Serb victims. On 8 May 1992 the Muslim extremists ambushed and killed a very prominent Serb, Judge Goran Zekic, who was an MP in the common Assembly. The Serbs resisted only on 10 May, with a demand that the extremists hand over their weapons. As far as it is concerned with the President, it was only said that he should send somebody to "pacify the extremists", presuming that the President was not an extremist!]

3431. The President personally promoted Vojkan Đurković to the rank of major and awarded him a medal at a ceremony in Bijeljina in 1994 although the President knew that he had participated in "ethnic cleansing" of non-Serbs during the conflict.<sup>10966</sup> (#Wrong in facts#,

wrong in inference! Neither Djurkovic was in the VRS or any other President's formation, nor he was promoted, nor he was decorated#. Not even Arkan was decorated, but only his unit, which was an exemplary disciplined and brave unit. M. Davidovic #testified that he "thought" that the President promoted V. Djurkovic, although admitting that Djurkovic was in the Arkan's army#. No a reasonable chamber would put such a huge lie in judgement! Everyone knows it, and it was very easy to check. It appeared that the line up wasn't in 1994 but on 29<sup>th</sup> October 1995. It is most probable that Djurkovic even didn't have Arkan's rank of major, nor he ever was a major at all. Also, #Djurkovic worked morally obscure things, but with a full support of the Muslims wanting to cross the confrontation line towards Tuzla#. He was never criminally reported, or indicted, let alone found guilty. Although the President didn't like what Djurkovic was doing, there was no ground for banning his activity or to imprison him!) Furthermore, at a meeting of the VRS Main Staff on 5 April 1995, the President acknowledged that Vojkan had worked illegally.<sup>10967</sup> (#Wrong, in facts and in

**inference!# Look what had been said by the President:**

cultures, of worlds, /?birds of a feather flock together/, what Vojkan did is not allowed, for Vojkan too worked illegally, he was excluded from the State Commission, etc. What do private agencies do, they find, probably for big money, they secure him a foreign visa and secure him a passport to travel to that foreign country. What happens now, if that were being done by a state institution, we would be accused of ethnic cleansing. A private arrangement between a Muslim and a private firm is absolutely none of our business, absolutely none of our business, and

**:So, although Vojkan "worked" (past tense) "illegally" which in our language meant "unofficially", unregulated", not unlawful, i.e. not necessarily against the law, he was expelled from the State Commision.**

3432. In November 1993 and June 1994, the President promoted and awarded medals of bravery to members of the intervention squad, as well as high officials who were implicated in the Korićanske Stijene, such as Drljača, Paraš, Milutin Čado.<sup>10968</sup> **(The President, as it had been established during the process, awards individualst who were being proposed from grassroots. Until that time there was no information or evidence that these men committed any crime!)** On 3 September 1992, the 1<sup>st</sup> Krajina Corps reported to the VRS Main Staff that Drljača was responsible for the incident at Korićanske Stijene and that it had caused indignation among citizens and members of the 1<sup>st</sup> Krajina Corps, creating a "dark stain", but that it was fortunate that the "international community did not find out about it in more detail".<sup>10969</sup> **(It doesn't matter what was written in the army report, the #RS authorities conducted a proper investigation and didn't even try to cover up the incident!#)** Drljača was also the chief of the SJB in Prijedor and established Omarska by written order.<sup>10970</sup> **(The #establishing Omarska wasn't a crime by itself#. There are undisputable facts that the Muslim paramilitary formations attacked Prijedor and had been captured and detained, investigated and innocent individuals released#, whyle suspects had been conveyed to Manjaca. The Drljaca's reputation was not good, but more towards his police superiors than towards a non-Serbs, or any citizens. #The Chamber is advocating a persecution based on reputation, which makes all the judicial system to look like a lynch!#)**

also D1432 (Report of Eastern Bosnian Corps Command, 22 August 1994), p. 7 (wherein the Accused condemned Vojkan Đurković for criminal activities directed against members of the VRS).

<sup>10967</sup> P3149 (Minutes of 14<sup>th</sup> session of Supreme Command, 31 March 1995), p. 65 (indicating that the Accused stated at a meeting of the VRS Main Staff on 5 April 1995: "It is the standpoint of our policy, there has been a separation of peoples, of cultures of worlds" but acknowledged that Vojkan worked illegally). See also para. 3404; D1429 (Request of Bijeljina's Municipal Assembly, 24 July 1995) (which demonstrates that Vojkan was still at large in July 1995).

<sup>10968</sup> See para. 1845; KDZ523, P4257 (Transcript from *Prosecutor v. Brđanin*), T. 21164–21166 (under seal); P4264 (Award for bravery presented by Radovan Karadžić) (under seal); P4261 (Article in the Kozarski Vesnik entitled "Shoulder to Shoulder with the Army", 26 November 1993); P4265 (Compilation of video footage from various Serbian TV stations, undated, with transcript).

<sup>10969</sup> P3929 (Report of 1<sup>st</sup> Krajina Corps, 3 September 1992), p. 4.

<sup>10970</sup> See para. 1751.

3433. The Chamber finds that the evidence that the President rewarded or promoted his subordinates, who he knew had committed crimes, demonstrates that the President was indifferent to whether they participated in criminal activity directed at non-Serbs during the conflict as long as the core objectives of the Bosnian Serbs were fulfilled. **(#Not correct, and rather nasty and offensive conclusion without any support in evidence#. Neither it had been established that the awarded people had committed crimes, nor that it was known to the President that they committed a crime. A reputation was not sufficient for any kind of persecution! It should be kept in mind that it was a time of change not only a regime, but the entire one-party system, and many Serbs had been opposed to it, and denigrated each other, particularly the military were opposed to the civilian authorities that hadn't been a communists, and also between the military and police therwe were sone tensions and rivalry. But, this development has nothing to do with crimes! For a criminal prosecution there must had been an evidence!)**

1. Existence of a common plan shared by a plurality of persons

a. *Common plan*

3434. In this section the Chamber refers to its factual findings with respect to the Overarching JCE discussed above and will assess whether those facts establish that a common criminal purpose existed, and if so, when it came into existence and what was entailed in that common plan. The Chamber will also assess whether a plurality of persons acted pursuant to that common plan.

3435. The Chamber found that from 1990 and into mid-1991, the political objective of the Accused and the Bosnian Serb leadership was to preserve Yugoslavia and to prevent the separation or independence of BiH.<sup>10971</sup> **(That wasn't a crime, but an opposition to a criminal unilateral secessions. Once and for all: #BiH didn't have any legal possibility to secede without the Serb consent, and without the Serb votes, that made more than one third of the electoral body! How the Chamber presumes that the Muslims did have a legal position to do the secession, while the Badinter's Arbitrage Commission dnied it? Such a wrongful foundation of these litigations must deliver a wrongful and unlawful findings!#)** The central themes of this objective were to preserve the unity of the Serb people and to ensure that Bosnian Serbs would not become a minority in an independent BiH.<sup>10972</sup> **(#Is the Chamber, or the United Nations that formed this court of an opinion that the Serbs should have accepted such a drastic deterioration of their constitutional position#??? What international or domestic documents provided for this? Rejecting to become a deprived minority in their own state, after so many centuries of skavery and only seventy years of freedom, was not a crime, and neither BiH could get an independence without the Serb consent on the two bases: as a constituent people the Serbs were entitled to veto these kind of decisions, and the Serbs had more than one third of the members of parliament and in the voting population. The Muslim, side (Mr. Izetbegovic) proposed a division of BiH between the three ethnic communities, while clandestinely preparing an independence of a unitary state without any guarantee for the Serbs and Croats. It was only in fall of 91 he promised to "give" a high autonomy to the communities that were living in BiH. And this "promise" of his was given at the international conference ICFY. Until there is no clarified this question, whether the Muslims had a right to deprive the Serbs from their will and freedom, all the decisions will be fake, and the international community will not have any credibility!)** The Chamber also found that in October 1991, when it became clear to the Bosnian Serb leadership that BiH was

<sup>10971</sup> See para. 2651.

<sup>10972</sup> See para. 2652. See also para. 2942.

pursuing the path to independence and the Bosnian Serbs' objective of preserving Yugoslavia had been undermined, the focus shifted and plans were developed for the creation of a Bosnian Serb state.<sup>10973</sup>

**(The #Chamber neglected several facts and international documents, not to mention the domestic documents such as constitutions and laws. The international documents: not only the International Covenants of Human rights, mentioned in the EC decision to recognise the independence of Slovenia and Croatia, but the more actual, contemporaneous documents of the very same EC, such as the documents of the Hague Conference on Yugoslavia#. On 18 October 91, a week prior to the Assembly of the Serbian people had been established, the Hague Conference finished it's sixt session, see D03059, and established (in the annexes, which by an omission weren't attached to the document, but are unavoidable) that the minorities had their rights in the areas where it wasn't majority, as well as in the areas where they had been majority. #Everything what the Serbs required and what they did was within the scope of the Conference#. The entire concept of the JCE, particularly it's political qualifications, is falling down in the light of only these documents, let alone a permanent domestic and international documents. The President's statement in February 92 (14 Feb. 92) were legal and legitimate, and were founded not only in the results of the ongoing sub-Conference on BiH led by Carrington-Cutillero, but also on the results of the Hague Conference on Yugoslavia, which had been accepted by the President of Presidency of BiH Izetbegovic!) The process of regionalisation and the creation of SAOs were the first steps in this process,<sup>10974</sup> (#The regionalisation, the communities of municipalities, a new shape of a municipalities by a re-joining-joining action of a local communes – all of it was legal and legitimate, and no crime was committed#, and the Chamber erred in implementing the law contrary to the domestic legal provisions and standards, founding on these wrong findings the entire construction of the JCE! See, The SRFY Constitution of 1974, D1260, p. .**

#### Article 119

Communes may cooperate with one another voluntarily and on principles of solidarity; they may pool resources and form joint bodies, organizations and services for the conduct of affairs of common interest and the satisfaction of common needs, and may associate in urban and regional communities.

The constitution may make it obligatory for Communes to associate in urban or regional communities, as special socio-political communities to which specific affairs falling within the competence of the Republics, Autonomous Provinces or Communes will be transferred.

**or the Constitution of the Soc. Rep. of BiH from 1974, D1262, p. 90**

<sup>10973</sup> See paras. 2654, 2711, 2941–2951. The Chamber recalls that it considered the Accused's statement in February 1992 about creating a "sovereign area of the Serbian people", and the supporting statements of both Koljević and Krajišnik, to be highly probative in terms of explaining the changing objectives of the Accused and the Bosnian Serb leadership. See paras. 2819–2820, 2840. The Chamber notes that during his testimony Jovanović tried to downplay any knowledge of statements made by the Bosnian Serb leadership regarding their aspirations in BiH and characterised them as "euphoric statements". The Chamber also noted that the witness showed indicators of bias during his testimony. The Chamber therefore does not rely on Jovanović's opinion or assessment about the goal of the Accused or the Bosnian Serb leadership. Similarly the Chamber has had regard to this credibility assessment and does not rely on Jovanović's assessment and characterisation of the Accused's rhetoric during the war. It also does not find his evidence regarding the objective of "Greater Serbia" to be reliable. Vladislav Jovanović, T. 34268–34271, 34296, 34301 (26 February 2013), 34347–34348, 34351–34352 (27 February 2013); D3015 (Witness statement of Vladislav Jovanović dated 22 February 2013), para. 54. See also D3026 (Article from Yugoslav Daily Survey entitled "Montenegrin President: Decisive Step towards Peace in Bosnia", 21 June 1993), p. 1.

<sup>10974</sup> See paras. 2964–2965. Pašić stated that the Accused did not participate in the establishment of the communities of municipalities and was opposed to it and was not aware that the Bosnian Serb leadership used regionalisation as a means of grouping "Serbian" territories. D3849 (Witness statement of Radomir Pašić dated 5 July 2013), paras. 28–29, 32. However, the Chamber notes that Pašić's testimony was marked by evasiveness and indicators of insincerity which undermined the reliability of his evidence in this regard.

## Article 275.

In the interest of establishing long-term cooperation, municipalities whose territories are adjacent to each other may associate to form urban or regional units.

Associated municipalities shall establish, by agreement, the tasks which within the bounds of their rights and duties shall be entrusted to the associated unit; they shall form joint bodies and agencies, combine assets, adopt joint plans and development programs, and carry out other tasks in their common interest.

The conclusions and positions of the associated unit shall be binding on the municipalities when adopted by the assemblies of the associated municipalities.

## Article 276.

The obligatory association of municipalities into urban or regional units, which constitute separate socio-political units to which are transferred certain tasks from within the competence of the Republic or municipality, may be stipulated by law.

**p.90, and further, p.91**

## Article 277.

In a city which has more than one municipality, the municipalities must associate to form an urban unit, which is a special socio-political unit to which the municipalities, in their common interest, entrust certain rights and duties. Certain tasks from the competence of the Republic may be transferred to this unit.

## Article 278.

A regional or urban unit shall have statutes which are adopted by the assembly of the unit with the prior agreement of the assembly of the combined municipalities.

The statutes of a regional or urban unit shall establish the rights and duties of the unit, the manner in which these rights and duties are fulfilled, the way in which funds for financing them are associated, the organization of the unit's bodies, and other issues of importance for fulfilling the rights and duties of the unit.

: : ! and were followed on 24 October 1991 by the decision of the Bosnian Serb deputies in the SRBiH Assembly to establish a separate assembly, which was constituted the next day.<sup>10975</sup> (#All legal and in an accord with the ICFY# Both the Hague Conference sessions, on 18 and 24 October were finished and issued their documents, which hadn't been opposed by the Bosnian representative. As a matter of facts, the Bosnian representatives on the Conference even committed to give its "components" a large autonomy at the same Conference in the Hague held 16 – 19 September 1991, see the Document issued by the EC on 20 September 91:

**Bosnia-Hercegovina.**

Bosnia-Hercegovina suggested that the Conference should devote itself to the principle of self-determination of republics and not self-determination of peoples or nations. Bosnia-Hercegovina was nevertheless ready to give a large autonomy to components of its population. Bosnia-Hercegovina proposes a five-year arrangement which could be reconsidered after this period. If there is no agreement on a minimum of common functions, Bosnia-Hercegovina will hold another referendum. Bosnia-Hercegovina is in favour of a union of sovereign states in which sovereignty would proceed from the republics.

**In the same document it was established about the rights to self-determination:**

The Experts also agreed that full implementation of human rights and fundamental freedoms of all persons should be ensured, including the right of self-determination of all peoples.



These principles would be equally applicable whether Yugoslavia became a union of confederate or other type, or would be succeeded by independent and sovereign states. They would also be applicable, *mutatis mutandis*, if Yugoslavia or a part of it, would remain a Federation.

The Experts recommend that these principles be employed for the settlement of minority questions and embodied in the appropriate legal instruments, either a constitution or, as the case may be, in an international treaty.

The document wasn't tendered, but since it was an official document of the EC, and since the Chamber made this regulation problematic, we are entitled to depict this document (even under R 115) How possibly any chamber could have made conclusions about any JCE knowing about those documents that pertained to the Yugoslav crisis, which is anyway regulated in the other international covenants and documents? From that point on, there came into existence a plan which entailed the creation of parallel governmental structures to be followed by the physical take-over of Bosnian Serb claimed territory.<sup>10976</sup> (#Wrong inference, and wrong in using the facts: the Serbs had already have those areas under their authorities, as a result of the first multiparty elections 1990. Therefore, there was #no any need for the Serbs for a "take-overs"#, since they would have to "take over" this areas and municipalities from themselves. However, since the Muslim-Croat side had started the changes of the nature of BiH, contrary to the will of the Serbian people, the Serbs were entitled to organise their authorities, and it was in accordance with the existing domestic regulations, as well as with the most recent documents of the EC and the Hague Conference. Neglecting those documents the Chamber supports the other side which caused the war and atrocities, and also supporting the results of this UN Court in form of a disastrous conviction of so many innocent people, a gihg military and civilian representatives of the Serbian people. But, let us see what the Hague Conference "Treaty Provisions for the Convention" issued 4 November 1991. Regulated the matter of autonomies and respected authorities:

In addition, areas in which persons belonging to a national or ethnic group form a majority, shall enjoy a special status of autonomy.

Such a status will provide for:

- a. the right to have and show the national emblems of that *area*;
  - b. (deleted)
  - c. an educational system which respects the values and needs of that group;
  - d. i. a legislative body
  - ii. an administrative structure, including a regional police force
  - iii. and a judiciary
- responsible for matters concerning the area, which reflects the composition of the population of the area;
- e. provisions for appropriate international monitoring.

And this was a basis for the representatives of the EC to accept all of proposals of the Serbs in Bosnia to be resolved in the Conference on Bosnia, which started almost immediately after this documents had been issued.) Physical control of territories was a core element of this plan and the plan envisaged a territorial re-organisation which would allow the Bosnian Serbs to claim control of a large percentage of the territory in BiH.<sup>10977</sup> (A phisycal control of the territory is an obligation of every local commune, according to the Constitution and the All-people Defence Law. See the BiH Consttution, D1262, p.90:

<sup>10976</sup> See paras. 2708–2710, 2941–2951.

<sup>10977</sup> See paras. 2839–2856.

## Article 273.

In time of war or in the case of an immediate threat of war a presidency of the municipal assembly shall be formed, which shall decide questions within the competence of the assembly if it is impossible for the assembly to meet. The composition of the presidency shall be established by law.

The presidency is obligated, as soon as the assembly is able to meet, to present for confirmation by the assembly those decisions which it has adopted and which are within the competence of the municipal assembly.

**see other competences of municipalities, particularly in the domain of defence, D1262, p.89**

## Article 269.

Within the assembly of a municipality, a council for national defense shall be formed, whose composition and competence shall be regulated by law.

**There was #nothing criminal in it#, and particularly since the country to which the then Bosnia belonged, Yugoslavia, was in a state of war with Slovenia and Croatia, and the war affected BiH too, not only in sustaining a granades, but also through transportation of combatants and a war materials. See how it was provided in the BiH Constitution, D1262: para 252 )**

## Article 252.

The right and duty of the peoples and national minorities and the working people and citizens of the Socialist Republic of Bosnia and Herzegovina to protect and defend the liberty, independence, sovereignty, territorial integrity and constitutionally established social order of the Socialist Federal Republic of Yugoslavia and the Socialist Republic of Bosnia and Herzegovina are inviolable and inalienable.

**So, “rights and duty” to participate in the defence...territorial integrity of SFR Yugoslavia” and these right and duty are inviolable and inalienable!**

## Article 256.

The municipality shall regulate and organize territorial defense and civil defense, organize and carry out preparations of the populace, economy, public agencies and government bodies, direct the preparations of organizations of associated labor, local authorities and other self-management organizations and units, ensure the accomplishment of other tasks of national defense as established by law, and in time of war lead general popular resistance on its territory. The municipality shall fulfill its rights and duties in the area of national defense in accordance with the constitution, laws, system of national defense and the defense plans of the federation and the Republic.

**(#All the municipal structures were obliged to fully control it's territory#, particularly concerning with a possible transportation of the war material, combatants, explosives, etc. A matter of the territory that the Serbs in Bosnia would claim was another issue, and it wasn't envisaged to be a “fait accompli” issue, but a subject of the negotiations.)** These territorial claims were closely linked to the ideology promoted by the Bosnian Serb leadership, as they tried to revive historical territorial rights and focused on the perceived threats faced by the Bosnian Serbs from Bosnian Muslims and Bosnian Croats who were portrayed as their historic enemies.<sup>10978</sup> **(No reasonable chamber would say such a thing and neglect the unavoidable fact that the Serbs suffered a genocide during WWI and WWII, committed not by an occupier-aggressor, but by the domestic peoples, namely the Muslims and Croats, a subjects of the nazi NDH, Independent State of Croatia, a satellite of the Third Reich. The essence of the claims for the autonomous regions and autonomous authorities is exactly because of a protection from such a developments, and was envisaged in all the documents, a permanent international and domestic, as well as the Hague Conference on Yugoslavia just adopted. This is not up to any chamber to deny these historic facts and build upon such a foundation somebody's liability. In**

order to use such a possibility, the Chamber must have had some documents to rely upon. Since nobody ever denied a real jeopardy for the minorities, the Chamber didn't have any basis for incrimination of the ethnic cautions and fears, which was a reason to envisage the autonomies for minorities in the Haguse Conference documents!)

3436. The Accused and the Bosnian Serb leadership intended that these take-over operations be achieved militarily and that Bosnian Serbs maintain control over this territory through parallel structures of authority.<sup>10979</sup> (This is #completely wrong and unfounded inference#. First, there was no any need to achieve the control over the traditional Serb areas, where there was a legal Serb authorities#. Second, the Serbs didn't have any army, unlike the Muslim-Croat coalition, having a very mighty secret army called Patriotic league, Green Berets, (the Muslims) and ZNG, HOS and other groups, on the Croatian side. The Chamber had a sufficient evidence that the Serbs, and the President personally, opposed to all attempts to forming the Serb military or paramilitary formations. Also, it is false assertion tha the Serbs wanted to maintain the control through parallel structures of authority, since the Serbs had their own regular authorities. When the Serbs offered to the Muslims to forme their own municipalities in areas where they had conditions, doesn't mean anything "parallel" but regular local and territorial authorities of both the ethnic communities.) This plan to take physical control of Bosnian Serb claimed territory in the Municipalities through military means required the mobilisation and co-ordinated actions of the Serb Forces.<sup>10980</sup> (A completely unfounded, wrong inference and false assertion! There was no any "Serb Forces" neither it was envisaged to use them in a democratic process recognized and mediated by the European Community! The Serbs proclaimed their Assembly in the same building of the common assembly, and continued to participate in working of the common Assembly of BiH, as envisaged by the international documents. There was no any armed force at disposal of the Serbs in Bosnia, nor they needed any, until attacked. The Chamber is calling upon the paras of the very same Judgment, as if it is an evidence, which is not. The "taking over" started in a peaceful manner and far before the war, with the same authorities that had been elected in 1990, in the capitol of BiH, Sarajevo, as well as on the terrain. Nothing changed, except the local authorities reorganized their funds and started to function with a more autonomy, as envisaged by the ICFY, and accepted by Mr. Izetbegovic.) Earlier in this Judgement, the Chamber found that the use of force was envisaged to take-over power and there was no genuine concern about the manner in which power was taken.<sup>10981</sup> (The Chamber is multiplying apples and oranges, by editing some angry comments in a tel. conversation far before taking any steps with a decisions of the organs founded on the rights given by the constitution and by the Conference on Yugoslavia. A phrase "let everything go to fucking hell and that we take the express way" pertained to a dissatisfaction with the cheating tactics, and threatening that the Serbs would act adequately, not to use any force. Such an editing of sentences from different occasions is not right, not fair, and not honest.)

3437. Once the Bosnian Serb Assembly was set up, the President issued the Variant A/B Instructions in December 1991 to ensure preparations at the municipal level for the establishment of an ethnically homogeneous separate state. The Chamber found above that these instructions were central in terms of furthering the objectives of the President and the Bosnian Serb leadership from December 1991 onwards.<sup>10982</sup> (First, it wasn't established (beyond a reasonable doubt) that the President issued the A/B document. Second, as testified by D. Kapetina, see T41256 – 41258:

<sup>10979</sup> See paras. 2654, 2707–2715, 2844–2848, 2991.

<sup>10980</sup> See paras. 2844–2845. See also paras. 2898–2899, 3077.

<sup>10981</sup> See para. 3084.

<sup>10982</sup> See paras. 3073–3079, 3083, 3089.

**Q.** Mr. Kapetina, in paragraph 7 of your statement, you talk about the manual for developing a contingency plan that you wrote in 1990.

Were you shown the paper known as Variant A and Variant B, and what can

you tell us about it? **A.** First of all, I authored this manual, and as chief republic inspector, it was my duty to inspect together with other inspectors contingency plans, and through this manual I tried to help those who made such contingency plans in Bosnia-Herzegovina to make them more easily. And those who made such plans was everybody from local authorities, local communes, businesses, socio-political organisations, even associations of citizens. Each one had the obligation to develop a contingency plan, and I wanted this manual to facilitate their work and to teach them how to make these plans. On this page I tried to define contingencies using, of course, the provisions of the Law on All People's Defence. **Q.** In line 24 what is missing is that the making of these plans was their duty. Did you say that it was their duty?

**A.** Yes, it was their legal obligation. All those who made contingency plans were legally obliged to do so in keeping with the Law on All People's Defence. Everybody had to develop a contingency plan for contingencies such as aggression, military aggression, or internal conflicts that involved the use of weapons. **Q.** When you said a moment ago socio-political organisations were also an entity in the defence system, can you translate that into normal language? What are socio-political organisations? **A.** I'll try. In the previous system it was the League of Communists, The Socialist Alliance of Working People, The Socialist Alliance of Youth, and in the multi-party system it was the political parties.

**The witness, Dragan Kapetina, was the chief inspector in the former Ministry for Defence during the communist rule, and after the elections maintained the same position in a new Government and the Ministry for Defence. Mr. Kapetina wrote 1987 and 1989 a manual, that aided the subjects to create their "contingency plans". He confirmed that in this system it was an obligation of each and every institution, organisation and company to have the war plans, what they were to do in an emergency situation. How the Chamber neglect this domestic legislation? Why the Chamber neglects that it was envisaged only for an emergency situation, and that it was a legal obligation?**

The Chamber found that the structures and organs created pursuant to the Variant A/B Instructions—first and foremost the Crisis Staffs—played a central role in preparing for, and carrying out, the Bosnian Serb take-overs in the Municipalities and in maintaining Bosnian Serb authority and power after the take-overs were completed.<sup>10983</sup> These parallel structures were also created in such a way that the objectives, plans, and instructions of the Bosnian Serb leadership were easily communicated to Bosnian Serb leaders at a municipal level.<sup>10984</sup>

**(#Wrong in facts and in inferences#! A Crisis Staffs weren't any new organs, but only a way of functioning of the regular authorities for an emergency situation, no matter it was a water flood, storm, earthquake, energy or water supplies colaps, or a war at the end. So, the existing authorities weren't to be replaced by any new. How the Chamber could justify it's assertions about "taking-overs" while there was no a simple new organ of the state authorities? In what sense was it a "taking-over"? There was no even minimal change in a usual competences of the municipal organs, nothing that didn't exist before the war, or before the crisis that led to forming a Crisis Staff. This is simply a fog and**

<sup>10983</sup>

See paras. 3072–3096. Defence witnesses testified *inter alia* that Crisis Staffs (i) were established at various levels in BiH and were simply a means of responding to a crisis situation; (ii) were by no means “a secret system of command and control”; (iii) operated independently and did not receive instructions from the SDS leadership; and (iv) did not plan for the persecution of non-Serbs. D4194 (Witness statement of Sveto Kovačević dated 7 December 2013), paras. 10, 23; D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), para. 5. While the Chamber did find that Crisis Staffs were created at different levels in BiH and also by Bosnian Muslims, the Chamber does not find the remainder of the evidence of these witnesses to be reliable in this regard. In reaching that conclusion, the Chamber had regard to the manner in which the Crisis Staffs were created pursuant to the Variant A/B Instructions and the manner in which they were used to establish Bosnian Serb authority and control over municipalities and their involvement in crimes committed against non-Serbs. It also noted that the evidence of the relevant witnesses was marked by contradictions, evasiveness, and indicators of bias which undermined the credibility of their evidence in this regard. **(According to which instructions were created all other crisis staffs? Why they didn't need the A/B Variant? Because it had already been provided for in the laws and Constitution! What the crisis staffs did what wouldn't do a municipal authority? Nothing!)**

<sup>10984</sup>

See paras. 2940, 2944, 2947.

**smoke, and nobody is entitled to invent a crimes that didn't exist, or incriminate a conduct that had been in an accord with the domestic constitutions, laws and habits!)**

**3438.** On 12 May 1992, six months after the issuance of the Variant A/B Instructions, and after the second level of those instructions had been activated, the Accused presented the Strategic Goals before the Bosnian Serb Assembly. The Chamber found earlier that these Strategic Goals not only reflected the objectives of the Accused and the Bosnian Serb leadership but were also viewed as instructions to be followed at a municipal level in order to achieve those objectives.<sup>10985</sup>

**3439.** The Chamber finds that #there was nothing in the Variant A/B Instructions or the Strategic Goals which called for the commission of crimes *per se*.# **(Thank you very much!!!)** However, the Chamber found that ethnic separation and the creation of a largely ethnically homogeneous entity were some of the core aspects of the Strategic Goals and that the Accused and the Bosnian Serb leadership planned the military implementation of these goals which necessarily entailed the take-over of territory and the forcible movement of the non-Serb population to achieve that objective.<sup>10986</sup> **(#However, it is not correct and it is not possible, for the following reasons:**

**1. #The separation of the three member states in BiH had been agreed politically, and under the auspice of the ICFY, and on the basis of the Fourth Opinion of the Badinter's Commision. No side needed any armed force to carry this agreement out#.**

**2. #An ethnic separation had been introduced by the Slovans, Croats in their republics respectively, as well as the Muslims and Croats in BiH. There was no a rascial or class, or language reasons for the BiH to separate from Yugoslavia. It was exclusively an ethnic interest of the Muslim (and Croat) side. The #Serbs in BiH didn't respond to the Muslim separation from Yugoslavia by an armed force or any other kind of violence#, but made many concessions for the sake of the peaceful resolution. The Serbs in BiH were entitled to keep the entire BiH in Yugoslavia, because without the Serb consent there could not be any secession; the next objective of the Serbs in BiH was to stay in Yugoslavia, the way the Northern Ireland remained in the GB, because of a protestant majority in the territory, or as West Virginia decided to stay with the Union instead in Confederation, as the bigger part of Virginia decided.**

**3. Since the Serbs in BiH didn't oppose this separation from Yugoslavia by force, they instead #used the constitutional rights, as well as the agreed elements of a new arrangement for the BiH at the Conference under the UN-EC auspice, and in accordance with the laws#.**

**4. Althoguh the #Serbs didn't oppose the Muslim-Croat secessionist movements by force, the Muslim-Croat coalition tried to oppose the Serb delineation of the ethnic territories for an autonomy that was guaranteed by all the documents mentioned above, approved and accepted by Mr. Izetbegovic in September, October and November 1991 in the Hague on ICFY, and finally agreed within the Lisbon Agreement. The M/C coalition used a military force to prevent the Serbs in achieving their rights and agreed plans!#)**

**5. Unlike the Serbs, the Muslims were preparing for this violent operation the whole year in advance, by forming the secret army (PL and ZB) and starting the fights immediately after recognized. All the Serb actions were aimed to defend from these armed attacks.**

**6. Finally, the #Muslim side declared a war against the Serbs in Bosnia#.** Therefore, it is clear that the Variant A/B Instructions and Strategic Goals created the basis, and laid the foundations, for the structures through which a criminal purpose could be achieved. **(A "criminal purpose**

<sup>10985</sup> See paras. 2899–2903.

<sup>10986</sup> See paras. 2895–2903.



could be achieved” without the A/B paper and the Strategic objectives also. But, the Chamber acts as if a “criminal purpose” really existed, and this was derived from a clear position to include only undoubtedly Serbian territories in the Serb entity. In spite of the fact that there was no a single place without the Muslims to the end of war, in spite of the facts that no Muslim in the RS had any problem unless acted militarily against the RS and its citizens, the Chamber is maintaining this qualification only on a basis of the obscure witnesses who were taking notes at meetings, like Harland and Banbury. Does this kind of deliberation of the UN Court mean that the UN deny the rights for selfdefence to the Serb people, and will this be spread to some other nations, or would it be applied generally and un-selectively?) In reaching that conclusion, the Chamber also had regard to the manner in which the Variant A/B Instructions and Strategic Goals were implemented throughout the Municipalities and the objectives of the Bosnian Serb leadership with respect to ethnic separation. This involved a widespread and systematic pattern of crimes committed by Serb Forces against non-Serbs throughout the Municipalities, which is discussed in further detail below.

3440. The Chamber finds that the planned take-over of Bosnian Serb claimed territories went beyond the establishment of authority; it also entailed the removal of Bosnian Muslims and Bosnian Croats in order to create a largely ethnically homogeneous entity.<sup>10987</sup> **(#Wrong assertion and inference! As it is evident from the file, the homogenisation OF THE TERRITORIES was envisaged by all the three ethnic communities, but the only way in achieving the homogeneity was to include only those areas and settled places inhabited by a community concerned. No one community planned any resettlement of population. The Croats mentioned A RESETTLEMENT AND EXCHANGE OF POPULATION several times, but the President qualified it as a nightmare and rejected it (see the intercepted conversation with President Mili{evi}, and also never mentioned it on the Conference, let alone accepted or proposed the shifting of population.) This was founded on the ideology that Bosnian Serbs could not co-exist with Bosnian Muslims and Bosnian Croats.<sup>10988</sup> (#Then, why the Serbs concluded the Historic Serb-Muslim Agreement#? Then, why the Serbs invited the Muslims and Croats to stay with them in Yugoslavia#? It looks unreasonable to repeat this construction and false assertion contrary to everything that had been seen during the process. The Chamber had more than sufficient evidence that the President and his associates tied the assertions about inability to live with the Muslims only on the two facts, and conditions: the fact that the Islamic fundamentalism won power in the Muslim community, and the Muslims wanted an independent unitary state, where they would rule over the Serbs and Croats. Full stop. These facts can not be skipped, and everything has to be seen in this light.**

3441. The Chamber further recalls that there was an organised and systematic pattern of crimes committed by members of the Serb Forces and Bosnian Serb Political and Governmental Organs in the Count 1 Municipalities.<sup>10989</sup> **(Wrong inference! The Chamber can not “find” such a pattern, for the following arguments:**

1. **#If there was such a pattern, there would be no any municipality without it#;**
2. **The #war started in different municipalities on a different dates and a different causes, which indicates that there was no any plan#;**
3. **There is a #significant number of municipalities which didn’t have a war at all#;**

<sup>10987</sup> See paras. 2839–2856.

<sup>10988</sup> See paras. 2839–2956, 2895–2896. See also paras. 2670–2673.

<sup>10989</sup> See Section IV.A.2.v: Genocide: Count 1.

4. **There is a #significant, majority number of municipalities which didn't have any atrocities, crimes or any feature allegedly envisaged by the Strategic Goals;**

5. **It is important to point out that the so called "pattern" or any crimes didn't happen in the municipalities where the members of the Main Board of SDS were mayors, who would, had there been any "pattern", carry it out more precisely than in other minicipalities.**

6. **The Chamber or anybody else can not explain why the Serb authority's attitude #differed from one municipality to another, or from one Muslim to another, and can not avoid an inference that it had something to do with a Muslim conduct#. A similar systematic pattern of crimes against Bosnian Muslims and Bosnian Croats was repeated in the remaining Municipalities which spread over the three main regions relevant to the Municipalities component of this case, namely Eastern Bosnia, the ARK, and the Sarajevo area. (#Wrong inference, false assertion! In all of these regions there were both, municipalities and the Muslims who hadn't underwent any problem#, which depended only on their approach towards the Muslim armed attacks against the Serbs. Remember the Vulliamy's report from Prijedor, and the Muslim and Croat villages that didn't have any trouble, because they declared a peaceful position without any armed resistance!)**

3442. The Chamber found that a vast number of Bosnian Muslims and Bosnian Croats in the Municipalities were forcibly displaced from the homes, villages, and towns in which they were lawfully present to other locations in BiH or third countries. **(#This is a false finding#! A "vast number" of Bosnian Croats and Muslims demanded to leave because of the war developments, and there was no a single case that any armed unit expelled people from their homes. It was presented to the Chamber that there was a procedure for those who wanted to leave: they had to check themselves to a waiting list, they had to submit many papers about taxation and other obligations settled down, to pay for a transport, and then to wait at home to be notified when they will get their transport mean, busses or so. When this time came, they had been notified that they had a couple of hours to appear at an agreed spot. If some didn't come, the money for transport were to be returned to them, (see Kotor Varos doc.) Victims were given limited time to leave their homes, loaded onto trucks, buses, or trains and transported out of the Municipalities. (Wrong and false: #they had been informed about the time their bus was ready to take them, according to the list they made far in advance#. If it was as the Chamber suggests, there would be so many incidents and skirmishes that there would be all in the media. This simply didn't happen, ever!!!)** The Chamber found that in many cases Bosnian Muslims and Bosnian Croats were forced to leave following attacks against their villages or after the take-over of towns by Serb Forces. Many others were first arrested, and then unlawfully detained in detention facilities and transported out of the Municipalities. These expulsions resulted in drastic changes to the ethnic composition of towns and by 1995, almost no Bosnian Muslims or Bosnian Croats remained in many of the Municipalities. **(Wrong and not correct! Nobody was arrested unles in a combat zone! Then, after the first investigation all that had been captured in a combat zone and didn't participate in combats were released. Those who participated in combats were to be transferred to a facilities for POWs and exchanged, although all of them could have been tried, because they hadn't been an army, but a terrorists, and those who committed crimes were to be tried regardless of their ethnicity. Pertaining the assertion about the change of ethnic composition, it must be noticed that this happened also because many Serbs had escaped from the Muslim-Croat areas into the Serb zones. The Chamber was not ready to see the complete picture!)**

3443. In particular, the Chamber found that, in a similar pattern throughout the Municipalities, Serb Forces and Bosnian Serb Political and Governmental Organs were involved in the systematic forced movement of Bosnian Muslims and Bosnian Croats from the Municipalities, including in

creating an environment of fear in which Bosnian Muslims and Bosnian Croats had no choice but to leave the Municipalities.<sup>10990</sup>

**(A Section (IV.A.2.iii) in this Judgment can not be an evidence, and this is wrong inference. #Why some of the Muslims and Croats “had a choice” and remained in their homes and their municipalities, while others not#? If somebody didn’t have “a choice but to leave” it must be established what or who created such an environment. The answer that follows is not satisfactory, because a fear is extremely subjective feeling and may not have any real reason, it may be even a projection of own’s animosity towards those from whom one feared. Again, why there was a lot of Muslims, in many municipalities and even in the same municipalities that had been left without any trouble, who didn’t have this fear, weren’t physically forced, or harassed in any sense? Why many of the Muslim and Croat males voluntarily joined the VRS? An answer to this question will ruin the entire construction of the JCE!)**

The Chamber found that Bosnian Muslims and Bosnian Croats were displaced as a result of, or following physical force, threat of force, or coercion, or that they fled out of fear.

**(This is #too arbitrary and loose#, without any specificity: where and when a force had been implemented; when and how a threat of force had been exercised; how a “coercion” and intimidation had been exercised; what were the rest of “fears”? There was no any fear inflicted by the authorities, and the only fear was from the chaotic events of the civil war, which caused leaving of all the citizens, of all ethnicities. Also, those who had their relatives in the adversary’s army didn’t feel comfortable while a coffins with bodies of the Serb soldiers used to come, and that was one of the reasons why the President forbade the mass funerals!)**

This fear was caused by ongoing violence and various crimes committed against non-Serbs including *inter alia* killings, cruel and inhumane treatment, unlawful detention, rape and other acts of sexual violence, discriminatory measures, and wanton destruction of villages, houses and cultural monuments.<sup>10991</sup>

**(None of those crimes, if happened, the Chamber could associate with the legal organs and legal “Serb Forces”. Even if some of a members of the legal “Serb Forces” committed such a crimes, they did it out of the command and control of their superiors, clandestinely, and kept silent about that. No a single rape was proven, and no liability of the official authorities was evident. There was no any “discriminatory measures” or “unlawful detention”, because detentions had always been connected with a combat o rebel actions, and it concerned with only several percent, usually less that 5% of the non-Serb population. There was no evidence on “wanton destruction of villages” unless there was no an armed skirmish and these vilalges and homes used as a military strongholds. The evidence is the fact that many villages nobody touched. Beside that, nobody ever had proven that the authorities tolerated, let alone ordered any destruction. The Chamber, just like the Prosecution, adopted the two most obscure terms: the JCE and the “Serb Forces”, and neither is fair and correct. No a Serb could have proven anything, because a simple affiliation to the Serb nation includes all the Serbs in Bosnia. And a presumption of guilt and of a nature of civil war as a war of a professional, well trained and controlled armies delivered such a wrong conclusions!**

**3444.** Further, the similar manner and the short time period in which these crimes were committed support the conclusion that these crimes were committed during the course of well planned and co-ordinated operations which involved the military take-over of Municipalities and the expulsion of non-Serbs. The Chamber found that most of the crimes were committed between April to October 1992 in each of the Municipalities but then continued through to the end of the conflict. The Chamber found that many of the attacks on towns and villages in the Municipalities were carried out in an organised and co-ordinated fashion and involved members of the Serb Forces. These attacks and the crimes which were committed during and after the take-overs

<sup>10990</sup> See Section IV.A.2.iii: Deportation and inhumane acts (forcible transfer): Counts 7 and 8.

<sup>10991</sup> See Section IV.A.2.iii: Deportation and inhumane acts (forcible transfer): Counts 7 and 8.

followed a similar pattern across the Municipalities.<sup>10992</sup> **This is a multiply wrong inference! There are many others, the most real and evident from the exhibits and testimonies, and that is:**

- 1. If it was as the Chamber “found” in this paragraph, then #why the war didn’t start in so many municipalities before the end of May 1992#? Why in these municipalities the Serbs did everything possible to avoid the war, offering to the Muslims and Croats to form their own municipalities and live freely, #Two municipalities – peace#? Why in some, so many, the #two third of municipalities, there was no any war or skirmishes, and therefore no crimes#?**
- 2. A very persuasive inference would be: the chaos because of the abrupt violence everywhere,**
- 3. A lack of a state organisation, judiciary system, communications, goods,**
- 4. A seven weeks of the war period without any formal Serb army, except for the TO, which was without professional commands and severed in municipalities without a central command,**
- 5. The entire period mentioned in the above paragraph without a properly structured VRS, up until the end of 1992,**
- 6. Up until 20 May 1992 there was no a “Serb Forces”, and the Muslim side had the Patriotic League and Green Berets as the illegal armed forces got into a conflict with the JNA, and the JNA never attacked any settled place without being attacked from it. None of the armed events could be connected with the President at leas before 15 June, the date when the President issued the Order on Formation and Organisation of the Army. And this period was exactly the worst in the entire war.**

**3445. Having regard to the clear systematic and organised pattern of crimes which were committed in each of the Municipalities by members of the Serb Forces, over a short time period, the Chamber finds that these crimes were not committed in a random manner, but were committed in a co-ordinated fashion. (Again, the main question remainds without answer, i.e. #why some areas didn’t have this “coordinated fashion”#? And why it didn’t happen in the Sana River Valey until the end of May 92? Had it been a Serb plan, why the Serbs would wait the JNA to leave BiH, and then risk a conflict with the more numerous Muslim-Croat forces? Where, in which area, municipality, any settled place the Serb initiated fights? The Chamber can not point out a single one case!)**

**3446. The Accused disputes that there was a systematic expulsion of non-Serbs from the RS by arguing that the Prosecution disregarded the majority of municipalities where non-Serbs were protected and that this undermines the theory that there was a common plan.<sup>10993</sup> The Chamber does not consider that there is any merit to this argument, given that the Chamber found that the twenty municipalities in which these crimes were committed, and in relation to which the Chamber was tasked with entering findings, were of strategic importance to the Accused and the Bosnian Serb leadership and formed part of Bosnian Serb claimed territory. Even if there were no crimes committed in other municipalities in BiH, not covered by the Indictment, it would not affect the Chamber’s conclusion that crimes were committed in a systematic and organised manner in the Municipalities. (#Then, how the Chamber established a “systematic and organised manner”, since the Serbs didn’t implement it from the first**

<sup>10992</sup> See Section IV.A.2: Legal findings on crimes.

<sup>10993</sup> See Defence Final Brief, paras. 966–972, 979.

day; why not in municipalities with a superior Serb majority, and so on. In such a case, the Chamber contradicts itself: if it was because of the strategic importance of these municipalities, then it was not because the Serbs wanted ETHNICALLY PURE STATE, BUT BECAUSE OF SOME MILITARY REASONS! But, still the Chamber doesn't have an answer on several crucial questions, such as:

1. The alleged "systematic and organised manner" #couldn't be implemented without a war, but it is well known that the Serbs didn't want a war in BiH, they did advocate against it, the Serbs weren't rigid in the negotiations, and decreased their legal aspirations in order to avoid the war? Without an answer to the question who wanted the war, and who needed the war, and for what purpose, there is no just and correct findings of the Court#! It is unbelievable that this Court does not deal with the causes of the war and responsibility for the crime against peace! Such a way the Court is free to deliberate the most peculiar decisions, and contrary to this orientation, the Chamber charged the President for every form of the legal political life of the Serb community#!
2. Did the Serbs accept the suggestions and proposals that were the result of the ongoing conferences, including a possibility that the Muslims in a Serb majority areas may have their own municipalities, (see the ICFY documents from 1991) as it was envisaged by the Hague Conference?
3. Why didn't the Serbs form their secret army, if they did have so called Joint Criminal Enterprise? Why did the Croat and Muslim leaderships formed their own secret armies and prepared for a war beginning as early as of March 91? Against whom they formed their armies?
4. Did the Serbs, or the Muslim-Croat coalition, violated the Constitution, both the Federal and BiH?

Another word, the Chamber erroneously and uncritically accepted every single position of the Prosecution, in spite of the numerous evidence contrary to it.

3447. Having weighed the evidence discussed above in light of the systematic and organised manner in which crimes were committed in each of the Municipalities, the Chamber finds beyond reasonable doubt that between October 1991 and 30 November 1995 there existed a common plan to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory through the crimes as set out in more detail below. The Chamber finds that starting in October 1991, the President and the Bosnian Serb leadership agreed on how they would respond to the declaration of sovereignty in BiH and the measures they would take to create their own ethnically homogeneous state. (#Serbs only responded#! All of it on the Muslim-Croat side was illegal and anti-constitutional, while all of the #Serb responses were legal and in accordance with the ongoing Conference on Yugoslavia and the sub-conference on BiH#. The Chamber is persistent in a wrong and false usage of the term "ethnically homogeneous state". A #homogeneity pertained only to a territorial issues# and a flexibility in including only own settlements in own republic, and the President fought against any greed for territories and an ambition to include every single Serb village into the Serb constituent unit. On the other hand, the #President personally proposed that the forcefully taken territories wouldn't be recognized, and that the territorial issues had to be resolved on the Conference through the talks, and that the refugees will all have rights to return and recover their properties.# The Chamber doesn't have a firm and un-doubtable evidence for such an inference, and is erred by allocating the events of the civil war to only one side "aposteriority" in a manner: "this was



**happening, therefore it must be the leadership wanted it.” This was happening in all of our civil wars, and before the Bosnian, it happened in the war in Croatia!)**

*a. Plurality of persons*

3448. The Prosecution alleges that the President worked together with other Bosnian Serb military and political leaders to achieve the objective of the common plan.<sup>10994</sup> While the Prosecution submits that the membership of the alleged JCE fluctuated over time, it argues that each member made a significant contribution to achieving the common criminal purpose.<sup>10995</sup> The Prosecution then proceeds to list the named members of the alleged Overarching JCE and their respective contributions to the common plan.<sup>10996</sup>

3449. Beginning in late 1991, Krajišnik, Koljević, and Plavšić were intimately involved with the Accused in developing the policies and plans which formed the foundation of the common plan as defined above. They made speeches on the themes of preventing the independence of BiH and that Bosnian Serbs could not live with Bosnian Muslims and Bosnian Croats, **(#A PERMANENT DISTORTION: NOT “LIVE WITH BOSNIAN MUSLIMS AND CROATS – BUT UNDER THEIR DOMINATION IN A UNITARY STATE!!!# #This is contradictory: if the Serbs “could not live with Bosnian Muslims and Bosnian Croats” why the Serbs wanted Bosnia to stay in Yugoslavia? This is a grave abuse of the linguistic problems: the Serbs didn’t accept to be a national minority in their own country, under the Muslim domination, i.e. they didn’t accept to be a second class citizens in a newly and illegally separated Bosnia!#)** and ultimately advocated the separation of the three peoples and the creation of a separate Serb state.<sup>10997</sup> **(#Which had been immediately recognized and accepted by the International community#! That is how the Chamber limits the political and state actions of the Serb members of the BiH Presidency, and the president of the BiH Assembly! Krajisnik, Koljevic and Plavsic were the highest positioned Serbs in the common state organs, the Presidency and the Assembly of BiH. The Chamber acted as if somebody was entitled to demand the Serb legal and legitimate representatives in the highest Bosnian organs to accept the dictate and the unlawful and anti-constitutional actions of the other two sides, the actions that definitely change the position of their people that they represented. Who authorised this Court to make such an “arbitrage” in the political life of the Serbs in BiH? If the Serbs didn’t have the rights to oppose those illegal moves, there wouldn’t be any conference on BiH, and there wouldn’t be any plan for the internal reorganisation of BiH, including the first, Lisbon plan and the Cutilleiro’s plan, and the final Dayton Agreement, and three other plans in between. If the Serbs didn’t have any right to their own constituent unit in BiH, how would the UN and the EU, and many states unilaterally support the recognition of this transformation of BiH. Instead of identifying those who prevented a peaceful political solution, the Tribunal and it’s chambers are exercising a judicial assaults, humiliation, and finnaly a judicial violence and crime upon the Serbs in BiH!)** For Krajišnik, the goal of separating from the Bosnian Muslims was the most important task and he often recalled that the main Bosnian Serb objective was to create their own, “ethnically pure” state.<sup>10998</sup> **(As with the other Serb officials, the Chamber is wrong. #The first and the most desireable solution for the Serbs in BiH was to do nothing, but to stay in the country they already had been, meaning Yugoslavia#. And had the two other sides and the international community respected the laws and**

<sup>10994</sup> Prosecution Final Brief, para. 84.

<sup>10995</sup> Prosecution Final Brief, para. 84.

<sup>10996</sup> Prosecution Final Brief, paras. 85–109.

<sup>10997</sup> See paras. 2649, 2663–2664, 2721, 2725, 2727–2729, 2749, 2762, 2764, 2767, 2772, 2786, 2810, 2820, 2825–2826, 2829, 2832.

<sup>10998</sup> See paras. 2721, 2729, 2877, 2880, 2898, 3245.

constitutions, that would stay that way. As far as it is concerned with the Bosnian Serbs #“ethnically pure” state#, **this was never a plan** of Krajisnik, or any other Bosnian Serb official. For Mr. Krajisnik as for all other Serb officials, the “ethnically homogenous” state never meant “ethnically pure”, and the #“homogeneity of territories”# was to be achieved by a modest approach to the territorial issues, i.e. not to include settlements that belonged to the Muslims or Croats. See what Gen. Mladic wrote down from a Krajisnik speech to the military top commanders, see P1481: , P1481, p.146:

11.- \* **KRAJIŠNIK:**

- I admire the military successes. —
- It is very dangerous to seize their territories.-
- The /River/ Drina and the Neretva...
- We have a disproportionate engagement of the army in relation to the strategic

This is only one of many genuine evidence that the homogeneity was to be achieved by a #moderate territorial claims#, and not by any ethnic cleansing! The Chamber had the insight in many, many documents pertaining to the Serb attitude towards the other ethnicities to be living in the Serb republic, and not a single document to the contrary. On what evidence the Chamber founded this inference? Only on a hear-say evidence, on an unfinished sentences in the illegally obtained intercepts, only in imprecise conversations, or speeches that the attendees always understood as it should be understood, while the Chamber never understood it accurately, because of a linguistic nuances. Whether it was a matter of linguistics, or an intention of the Chamber, it is all the same for the President Serbs. But, it **must not survive in judgments.**

Krajišnik and Plavšić both spoke of ethnic cleansing as something that was necessary to achieve the goals of the Bosnian Serb leadership.<sup>10999</sup> (#This is a shameless lie#! If it wasn't a lie, why it wasn't reported to the UN Headquarters, and why the officials of the UN who negotiated with the named Serb representatives didn't warn the international community#? Because it didn't happen. Repeating the assertion about inability to live together is an abuse of the linguistic confusion, since everyone present to those talks knew exactly that it pertained only to an independent unitary Bosnia under the Islamic Fundamentalist regime, and not if the Muslims stayed in Yugoslavia, and certainly not the Muslims living in the Republika Srpska.) Krajišnik and Plavšić specifically agreed with the President that Bosnian Muslims should be transferred out of Bosnian Serb territory given that they could not live together.<sup>11000</sup> (#Had it really happened, the entire world would know it in an hour#! Is there in the UN documents any trace of this assertions of a UN officer who was not in charge of the political matters? No! #Why the Chamber of a UN Court is avoiding the UN official documents#, in this case, as in the case of Markale, as in many other cases, #preferring hear-say to the official documents#? This matters could be testified about only by the political negotiators of the same rank as the President, who knew what the President proposed, what he accepted and what he rejected. None of them testified to this direction, neither Akashi nor Cutilleiro, nor Owen in his books, nobody. Plavšić went as far as to state that “if it takes the lives of 3 million people to solve this crisis, lets get it done and move on”.<sup>11001</sup> (This is another lie. Ms. Plavsic was alleged to be saying it in some interview, but she denied it, and it was something within her ideological dispute with President Milosevic. Anyway, the witness that the Chamber is relying on couldnot know that, and he have read it somewhere, therefore, he didn't witness it!) In addition, Koljević repeatedly called for the expulsion of Bosnian Muslims and the homogeneity of territories, claiming it was impossible for Serbs to live

<sup>10999</sup> See paras. 2757.

<sup>11000</sup> See paras. 2757.

<sup>11001</sup> See para. 2727.

with anyone else.<sup>11002</sup>

**Here is para 2721 from the fn. 11013, what Krajisnik really said:**

Gentlemen, if we succeed in creating a confederal BH, it shall consist of three states. And the Serbian State will form an alliance with the Serbian States. Everyone will have one State. We don't need the relics of Yugoslavia which no one else wants. We accept Yugoslavia as a Serbian state, and not as a Yugoslavia which would have to include Macedonia, Slovenia and Croatia. I am not interested in Muslims in Bosnia and Herzegovina. That is why I think we need to be open and honest here. The **Remember, it was 25 February 1992, still there was no any idea of war, because the Conference was doing well. As it can be seen from this para, Krajisnik was quareling with some representatives in the Assembly about whether the Serbs should stick to the idea of Yugoslavia, or not, and was advocating to give up this idea, because nobody else wanted Yugoslavia any more. "We don't need the relics of Yugoslavia which no one else wants", and added that this Yugoslavia is not the one we knew, comprising (which would have to include!!!) Macedonia, Slovenia and Croatia. Than he said: "I am not interested in Muslims in BiH". What he said is a continuation of the previous sentence, which meant that he was not interested in persuading the Muslims in BiH to remain in such a Yugoslavia. How the Chamber could miss so much a very point Krajisnik made? It was before the war, and in the context of changing a political orientation of the Serbs in Bosnia from Yugoslavia to independent BiH internally transformed. If it wasn't clear to the Chamber, why they didn't clarify it with some linguist?**

**And here is P785, Okun's diary about a meeting of Cyrus Vance and Marti Ahtisari with the Serb delegation in Geneve. Obviously, once again, this was not a testimony of one of the negotiators, but of a note-taker, regardless of his rank. Let us see what was on the p.44:**

WG on B-H      Geneva  
9/19/92

5:00 PM - 6:50 PM • SERBS: R. KARADZIC  
M. KRAJISNIK  
Dr. Nikola KOLJEVIC  
Mr. A. BLUHA  
Mr. Misha Milosevic

• MA/CRV/HSO/Sgsg/DB/BBR  
(signing Agreement w. Ogata - of Agreement)  
on aid flight & land convoys

Kara - "Cannot deal with issues partially!"

CRV: Detainees from camps:  
- Need fixed date; good for you

KOL - Want it monitored

Monter: Re his 14 Points (from London Decisions)  
- How will they be implemented?  
- Want your advice.

Kara - We do not need war;  
- We should stop stay where they live  
- Croatia should be under sanctions

WG on B-H      Geneva  
9/19/92

Kara - I agree says he'll fight to the end.  
(cont) - "What end?"  
- We didn't start war, etc, etc.

KOL - you need to put pressure on the Muslims if you want to stop the fighting - BUT int'l community has not done this.

Kara - We wanted municipal admin a la Brussels - each his own quarter.  
- Continuous emphasis on ethnically-based territorial units  
(discussion of maps & cantonization)

KOL - War has shattered trust; Communities cannot live together anymore; to deny that is fantasy.  
- Only by having borders can we begin to do away with borders.  
(lengthy expatiation by KOL + Kara)  
(6:25 PM)

R0163971

**Prof. Koljevic said, as recorded in short terms: "the War shattered trust; Communities cannot live together anymore; to deny that is fantasy." Is this remark of prof. Koljevic in a manner of an academic discussion such to incriminate this excellent man? This is a crime, and Mr. Cyrus Vance would never qualify this as it is qualified by the Prosecution and now by the Chamber. There are other notes, as how the President said that We do not need war,**

**we should stop where they are... and so on. This can not be the basis for such a mean inference?:** Krajišnik, Koljević, and Plavšić also participated in formulating and promoting the Strategic Goals, and took steps to ensure they were implemented, and that organisational structures were created through which the criminal purpose could be achieved.<sup>11003</sup> **Again, this is based on a discussions that were a colloquial chatting on the subject in general. Here is the para 2723 of the Judgment, quoting what the President said on the subject of how many Muslims would stay in the Serb constituent canton: (2723. In February 1992, the Accused spoke about having less than 10% of Bosnian Muslims in their “canton” of BiH according to the proposed maps.<sup>9042</sup> ) What should be done to make the Chamber aware of the proper semantic understanding of this sentence? It was clearly said “according to the proposed maps”. And that was #the only meditated way of making the TERRITORIAL homogeneity#, to be reasonable in proposing the maps, not to include to many villages of the others who wouldn’t want it. Remember, it was in Ferbruary 1992, no war, no any possibility for “ethnic cleansing”, only a reasonable maps. Remember what Ajanovic of the SDA said the next morning after 18 March 1992, when the Cutilleiro plan was adopted, see D302:**

Commenting on tonight’s fifth round of the Conference on the future of Bosnia and Herzegovina, the spokesman of SDA, Irfan Ajanovic, estimated that the Muslim nation in its constituent unit or future ethnic canton would be a majority of 82 percent, while the Serbian nation would comprise 50 percent of the Serbian unit. He said that the approved document **(Therefore, it was a conference about forming three “cantons” or constituent Republics within BiH, such as exist in many countries, and the task of the UN-EC mediators to create a viable “cantons” for each of the ethnic communities.)**

- 3450.** In addition to their participation in the creation of the common plan and agreement with the political objectives of the President and the Bosnian Serb leadership, the roles held by Krajišnik, Koljević, and Plavšić throughout the conflict are indicative of their further contributions to the common plan. **(The Chamber is importing additional confusion in this Judgment. What was taken against the President and the other Serb officials happened before the war, while all, or at least the Serbs and the International community, hoped that there would be no war. And this was astaregic objective of the Serbian community in BiH: #to accept the BIH as an independent state provided it will be reorganized into the three etnhnic states – units.# SO, THE CHAMBER IS ERRONEUSLY ASSOCIATING EVERYTHING FROM THE LEGAL POLICAL LIFE OF THE SERBS IN BOSNIA FAR BEFORE IT WAS CLEAR THAT THERE WILL BE A WAR, AS IF THE SERBS WERE COUNTING THAT A WAR WILL BE FOR SURE. NOTHING BEFORE 12 MAY CAN BE CONSIDERED AS SAME STRATEGIC OBJECTIVES AS AFTER THIS DATE.)** Together with the President, Krajišnik, Koljević, and Plavšić were considered the top most powerful leaders in the RS.<sup>11004</sup> Krajišnik, Koljević, and Plavšić were three of the five members of the RS Presidency; **(Wrong! There was never five members of the Presidency of the RS, but only three. Had there being a state of war proclaimed for the entire Republic, there would be a war Presidency.)** Krajišnik was President of the Bosnian Serb Assembly and Koljević and Plavšić were Vice-Presidents of the RS; all three were appointed to deal with important issues throughout the conflict, relating to detention centres, communications with international organisations, as well as information and propaganda.<sup>11005</sup> **Here is a reference in para 2767, Krajisnik speaking about the separation with the Muslims: 2767. At the same session, Krajišnik stated that “the biggest tragedy would be if the Muslims accepted to live with us now. [...] That is the only thing I would never accept, and I would rather accept that we get a smaller percentage of the territory than it**

<sup>11003</sup> See paras. 2722, 2767, 2860, 2868, 2880, 2885, 2893–2894, 2898–2900, 2902, 3245.

<sup>11004</sup> See para. 3242.

<sup>11005</sup> See paras. 3240, 3250, 3257.

*is the case now, provided that we remain separated from the Muslims and that we have our country”.*<sup>9170</sup>

**Here is what Mr. Krajisnik said at the Assembly session in January 94:, P1385, p.123/24**

I believe that most of the Deputies are not mentally ready to say that they accept 33,3% of the territory. We must prepare ourselves for some proposal about which we will have to decide, like we had to with those 30%. We must say what we are ready to do it. In other words, we are ready to withdraw from some territories, in order for both us and them to be able to round up our respective integrated chunks of territory. It is a big step. I kindly ask you to think in this direction. Yet, it does not mean that this is policy and so on. As you could see in this shorthand notes and in those historical reports of ours, we must share the responsibility if we are going to give away some parts of our Republic. We must be aware of the other parts that we will keep /sic/.

This area has not been defended by the natives only, but by all of us, and we must take the time and analyse what we will lose and what we will gain. I know how

I am talking about this for the sake of history. Once the borders get drawn, there are always some sides which end up hump-backed /sic/. But that is not the problem, the problem is that people think that it could have been more, that there could have been a better solution found, but no, the state of facts, no /sic/. Believe me, the biggest tragedy would be if the Muslims accepted to live with us now. You saw how they meddle in the Croatian territory now, but Croats do not want it, they would lose the country. That is the only thing I would never accept, and I would rather accept that we get a smaller percentage of the territory than it is the case now,

**So, Mr. Krajisnik was persuading the MPs to accept less territory at the conference next week, putting his argumentation before them why it should be accepted. The Chamber is not looking for a context, nor for a documents that defined the Serb policy in BiH, but only for a solitary sentences that do not have any weight. In such a manner they could convict even St. Peter.**

**3451.** Krajisnik had great authority among the Bosnian Serb municipal leaders and had the ability to issue orders and influence how power should be exercised at the municipal level.<sup>11006</sup>

**(This wasn't true, and the President testified in the Krajisnik's case that it was a respect he enjoyed, not authority. But, did we see any of those "wrong" orders of his own? And even if we did, which we didn't, what it has to do with the President?)** Plavšić herself openly

supported Serbian paramilitary units and invited them to BiH to support the war efforts and was a link between these units and the Bosnian Serb leadership.<sup>11007</sup>

**Here is the para 3261 of the Judgment, containing this assertion:** *Plavšić openly supported paramilitary units, or "weekend warriors" as she called them, and during a Bosnian Serb Assembly session in November 1992, she openly invited them—including Arkan's men and the White Eagles—to "send their volunteers to help the defence of the Serbian people in [RS]".*<sup>10472</sup> *As stated above, Plavšić was an advocate of having all paramilitary units from territories where Serbs lived outside BiH come to assist them and was the "bridge" between Bosnian Serbs and the people who came from other states to assist in the conflict.*<sup>10473</sup> *Mičo Stanišić and Plavšić clashed over this issue.*<sup>10474</sup> *According to Mandić, Mičo Stanišić arrested paramilitary units and Plavšić would intercede on their behalf and have them released.*<sup>10475</sup> **However, the main issue in this sentences of Ms. Plavšić to:** *"send their volunteers" – which is something quite opposite to what the Prosecution and the Chamber understood. The #issue of volunteers was regulated by the law and by an order of the Presidency of SFRY, which equalized them with the regular soldiers in both, the rights and obligations. Ms. Plavšić never backed any*

<sup>11006</sup> See para. 3245.

<sup>11007</sup> See para. 3261.



paralimentary group as such, but only as a volunteers, while Mico Stanisic and Momo Mandic, as the ministers of Interior and Justice respectively, knew that the “volunteers” didn’t behave properly, and opposed the member of Presidency. #How possibly this could have been used against anyone, particularly against thie President?#) The Chamber further found that Krajišnik, Koljević, and Plavšić attended meetings and events throughout the Municipalities and were informed of crimes committed during and after the take-over of the Municipalities and in detention facilities there; (Principally, what it has to do with this President? However, this is again erroneously used facts and erroneously made inference. If they had been informed in municipalities that there were crimes, that means that the municipality authorities were reporting it to the top officials seeking a help! #Was there any evidence that the three named persons, these high official celebrated this course of events#?!?!)) furthermore, they were specifically informed of efforts to forcibly remove non-Serbs from the Municipalities which was the very result intended by the Bosnian Serb leadership from the inception of their plan.<sup>11008</sup> (One of the documents which the Chamber relied upon for this assertion is P5858, from 27 September, about Mr. Veinands’s arrival for the talks and the Conference on BiH, and nothing about any crimes in Municipalities, since it was Sept. 91 when it was not even clear that BiH would go for independence, let alone to have a war. Thus it seems that for the Chamber it was sufficient to establish that the President really existed and was there at the time and did some of his duties, to conclude that he must have been guilty!#)

**3452.** Based on the above, the Chamber finds that together with the Accused, Krajišnik, Koljević, and Plavšić shared the intent to effect the common plan to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory, and through their positions in the Bosnian Serb leadership and involvement throughout the Municipalities, they contributed to the execution of the common plan from October 1991 until at least 30 November 1995. (There is nothing like that in the referent paras: 3246 p. 61-61 pertains the military riots in BL 1993. 3246. Between April and May 1992 the Accused, Krajišnik, Koljević, Plavšić, Đerić, and Bogdan Subotić met often to discuss a number of issues pertaining to the conditions in municipalities and decisions were issued as a result of these meetings.<sup>10430</sup> Krajišnik was also informed about events and operations in the Municipalities.<sup>10431</sup> For instance, the Chamber notes that Krajišnik visited Bijeljina, often with the Accused, and that there was a close relationship between the Bijeljina branch of the SDS and the SDS in Pale.<sup>10432</sup> Krajišnik and the Accused also visited Sanski Most on the occasion of the formation of the SDS there.<sup>10433</sup> What does it mean, and what does it prove? This is #ridiculous#, and nobody should defend against such a #general and senseless assertions#. In one of those visits, the President and General Mladic forced the president of municipal assembly to resigne, only for not being strict about paramilitaries, and Mauzer to relinquish his “wild” rank of major (in the Arkan’s Army) and be degraded to a private. The President visited Sanski Most in 1990 “on the occasion of the formation of the SDS there”, and was it a crime? What does it have to do with the events in Sanski Most between May 92 and the November 95?)

**3453.** Turning to Mladić, beginning on 12 May 1992 when the Accused recruited and appointed him as Commander of the Main Staff, he commanded the highest body of the VRS pursuant to the authority delegated to him by the Accused, and issued regulations, orders, and instructions, implementing orders issued by the Accused.<sup>11009</sup> (Is it by itself a crime? Which of those regulations, orders and instructions were unlawful? Except for the Directive No. 7, which anyway wasn’t an executive order, and which the President didn’t read, there is no a single illegal order or other document.) Given his position and influence, Mladić was closely

<sup>11008</sup> See paras. 3246–3248, 3253–3255, 3260, 3262–3264.

<sup>11009</sup> See paras. 3266–3267.

involved with, and was kept well-informed of, military developments throughout the Municipalities, including during the take-over of towns by units of the VRS and in detention facilities where non-Serbs were held between April 1992 and November 1995.<sup>11010</sup> **(#What towns**

**had been taken over by units of the VRS#? There was no VRS before 20 May 92, there was the TO, autonomous for each and every municipality. That is why the war appeared to look like a chain of a municipal wars, beginning in a different times and on a different incentives! In the areas where the Patriotic League attacked the JNA, there was an action of the JNA, otherwise nobody protected the Serb people except the TO. #How this Chamber could conclude that non-Serbs had been detained between April 92 and November 95? Nobody was detained because for being “non-Serb”, because not all of the “non-Serbs” were detained, and even those who had been detained and found not suspected – had been released after the official investigation. This parts of the #Judgment looks like a Muslim propaganda#, or a campaign in media! Certainly doesn’t look like a legal document!)** As stated above, the

Chamber found that Mladić shared the objective with the Bosnian Serb leadership that Bosnian Serbs could not co-exist with Bosnian Muslims and Bosnian Croats and agreed with and promoted the plan to create a separate Bosnian Serb state and in particular took steps to ensure that the Strategic Goals were implemented. **(So far, there is no any crime on Gen. Mladic’s side.**

**Certainly, he would prefer the preservation of Yugoslavia, but between a unitary BiH under the fundamentalist authorities and a confederal BiH, not a single Serb would be confused – all and everyone would be for what Gen. Mladic is alleged to be! And that was the Serb legal and legitimate right, immediately recognized by the Badinter’s Commission, and by the UN and EC, who sponsored the ICFY!)** The Chamber therefore finds that Mladić shared the intent to effect the common plan and contributed to the execution of the common plan through his role as

Commander of the Main Staff and close involvement in operations by VRS units during which there were forced expulsions of non-Serbs and other crimes committed in the Municipalities. **(This**

**is a wrong assertion, and as all of a kind is not founded in the properly understood evidence. When and where the VRS “expelled” anyone?)** Furthermore, the Chamber found that despite

periods of tension and disagreements between the Accused and Mladić on certain aspects, the Accused maintained his role as Mladić’s superior and had *de jure* control over him, and exercised such control over him in fact throughout the conflict; thus, any temporary disagreements between the Accused and Mladić did not undermine their agreement or Mladić’s contributions to the common plan at any point between his appointment on 12 May 1992 until at least 30 November 1995.<sup>11011</sup> **(What “plan” existed between Mladic and the President? If it is meant**

**for an alleged JCE, the only problem is that such a common plan didn’t exist. What existed was the genuine right of the Serb people to influence their own future life!)**

**3454.** With respect to Mićo Stanišić and Mandić, Stanišić was the Minister of the MUP in 1992 and Mandić was the Deputy Minister of the MUP until May 1992, and subsequently, the RS Minister of Justice from May to November 1992; both were closely involved in the creation and development of the Bosnian Serb MUP from as early as 1992.<sup>11012</sup> **(The #creation and**

**development of the Serb MUP can not by itself be a crime#. The MUP of the Serbs in BiH had been created and developed #on the basis of the Conference results, both in the Hague and in Lisbon-Sarajevo#. Look at the documents. If the Chamber is of an opinion that the Serbs in BiH shouldn’t achieve what had been agreed, but just to be passive and wait that the Muslim side trick them, as Ajanovic said (See: D302) then the Chamber should put it first in the Statut of the Tribunal! This way of promoting an illegal “rights” of the Muslim fundamentalist movement to be superior to the Serb rights guaranteed by the International Covenants, looks like a smuggling a precedent into the international justice!)** The Chamber

<sup>11010</sup> See paras. 3269–3271.

<sup>11011</sup> See para. 3141.

<sup>11012</sup> See paras. 3298, 3300, 3306, 3308.

found that the directives with respect to the division of the MUP structures and the creation of the Bosnian Serb MUP were communicated to and implemented at a municipal level. **(So what? It had to be that way, because the MUP didn't exist just for the seat, but for the terrain. And it was appointed in the Conference, but even if it wasn't, when one sovereignty falls apart, those parts are entitled to recover in order to function! That was the main argument to proclaim Yugoslavia to be "dissolved"!)** These were crucial steps in the take-over of Municipalities, as a separate police structure would allow Bosnian Serb authority to be maintained in the Municipalities.<sup>11013</sup> **(This is a complete misunderstanding of the very nature of crisis and events. The Serb authorities in the Municipalities were legal and legitimate since the elections 1990, and they had the same MUP units and structures. What changed was that the top structure was divided into the three MUPs, the Serb, the Croat and the Muslim MUP, as it was agreed on the Conference, and was envisaged by all the Conference documents and in all the peace plans! There was no any possibility to be otherwise, because the police had also its own municipal authorities!)** The creation of this separate Bosnian Serb MUP was a means of achieving the objectives of the President and the Bosnian Serb leadership, and Mićo Stanišić and Mandić contributed to the execution of the common plan through their involvement in this process. **(The entire Serb population decided and participated in the creation of their separate constituent unit. It happened far before the war, and when nobody was sure there was going to be a war, all happened through the democratic and political process. Is the UN court of the opinion that the Serbs had been deprived from a right for selforganisation and selfdefence? How it was possible that the UN Court incriminate the entire legal political life of the Serb community in BiH, while the UN itself supported all the plans that envisaged the separation of BiH into three constituent units, with the police and all other legislative and executive institutions? In one of the judgments in this Court it had been found that (in the occasion of A and B paper) there was nothing wrong to selforganise and organise another structure of authorities once a previous system had collapsed. (I think it was in the Krajisnik Judgment, to find @ @ @).**

**3455.** In addition, as head of the MUP, Mićo Stanišić was informed of operations throughout the Municipalities during which there were forced expulsions of non-Serbs and other crimes committed.<sup>11014</sup> **(#Deadly combination#! This is a lie infirmed by this Court, illegally and without any basis in evidence, except a mass of the "Adjudicated Facts" and 92.bis statements! In the paragraphs 3301 – 3304 the Chamber is repeating what Davidovic said, but the Chamber neglected that it was Stanisic who tasked the MUP Special Brigade to arrest all the paramilitaries in Bijeljina, Brcko and Zvornik.)** Mandić was responsible for the exchange of detainees through the Central Commission for the Exchange of Prisoners of War and Arrested Persons and was informed of non-Serbs being forcibly moved out of the Municipalities.<sup>11015</sup> **(The exchange was a legal operation, and all the sides to the war had these commissions. Pertaining to a "forcible movement" this is a shameless lie, for which the UN agencies, including this court, are responsible, if pretending that the Serb authorities did it! The Chamber doesn't have any reliable evidence that the authorities were responsible for any "forcible movement", nor there was any forcible movement!)** Both Mićo Stanišić and Mandić were considered the "President's men"; Stanišić affirmed his allegiance to the President and the SDS stating that he had always followed the policies of the SDS Presidency and he would not allow himself to be separated from them.<sup>11016</sup> **(Why any president would take in his administration anyone who would be opposed to his policy? Was it a crime by itself? In such an attitude there is visible an anti-Serb orientation of the entire Court, which objects**

<sup>11013</sup> See paras. 3300, 3308.

<sup>11014</sup> See paras. 3301–3304.

<sup>11015</sup> See paras. 3309–3310.

<sup>11016</sup> See paras. 3299, 3305, 3307.

**everything that the Serbs did, no matter was it legal or illegal!)** Furthermore, Mandić made statements during the conflict that demonstrated his participation in the shared common plan, including when he stressed “we should split Bosnia in two parts” and that Muslims and Croats would have rights after “we clean them out”.<sup>11017</sup>

**(#JOKES, SAYINGS, PRIVATE CONVERSATIONS CONTRA DOCUMENTS# No a reasonable chamber would pay any attention to this telephone conversation between former colleagues, now on the two opposing sides. This was all a joke, as M. Mandic testified. And neither Mandic, nor his Croatian interlocutors were deciding about anything except about their jobs in Ministries. Their words, which had been recorded by the Muslim secret service, see: P01104: p. 4**

MM: Well, the Turks are tapping the line, fuck them.

**p. 10**

BK: Who is recording this, you or...?

MM: Munja, motherfucker. He broadcasts everything that I talk about on television and radio. Did you know it?

**“Munja” was their colleague from the previos MUP, and Mandic was aware that “Munja” was recording this conversation. Further, B. Kvesic gratified Mandic for the Roman latin letters on the RS money banknote, se P01104, p. 10**

BK: I can see how smart you are. You wrote it in Latin script on one side, and on the other side you wrote it in Cyrillic script.

MM: We don’t want to have a single-nation state, man. We want to have a democratic state where the Serbian people would be in the majority.

**So, if the Chamber considered this conversation to be serious, how the Judges didn’t notice this Mandic’s sentence, that the Serbs do not intend to have a monoethnic state, which is contrary to all the Prosecution/Chamber’s assertions.**

**And now the sentence that the Chamber liked so much to put it in the Judgment and take it as a basis of the convicting Judgment of the President, who neither participated, nor knew about this chatting; P01104, p.11**

MM: So, Croats and Muslims would also have rights. Excuse me, Croats and the rest of Muslims... after we /?/ clean them out.

**So, M. Mandic is telling to his Croatian colleague that his Croats are going to have all rights after being “cleaned out”. And if it is not a joke, there are no jokes at all!)**

**3456.** Based on the above, the Chamber finds that through their participation in the creation of the Bosnian Serb MUP structure, its very goal being to achieve Bosnian Serb authority in the Municipalities, together with the fact that through their positions as Minister and Deputy Minister of the MUP, and later Minister of Justice, Mićo Stanišić and Mandić were closely involved with the units carrying out the operations to forcibly remove non-Serbs from the Municipalities as well as the commission of other crimes. As such, the Chamber finds that Mićo Stanišić and Mandić contributed to the execution of the common plan until the end of 1992. Given that both Mandić and Mićo Stanišić left their positions at the end of 1992, the Chamber cannot find that they were members of the Overarching JCE after this period. **(Mr. Mandic was tried in the Bosnian Court, which is as fair towards the Serbs as this Tribunal is, and he was acquitted, although this Bosnian court would rather see him convicted. However, the Chamber was in the possession of so many documents issued and signed by these two Ministers which are in the sharpest contradiction to those inferences and assertions. Mr. Stanisic spent all his time in the Ministry of Interior in fighting for legality. The Chamber had seen his documents against**

any crime, and some of this documents are used against this President as a proof that there were crimes. Of course there were crimes, but the state organs fought against it!)

**3457.** Turning to Arkan and Šešelj, both provided and trained units of men who were involved in operations throughout the Municipalities during which forced expulsions of non-Serbs and other crimes occurred. **(This way it may be said: #during the severe raining there happened forced expulsions of non-Serbs#. What does it have to do with Seselj and Arkan. It must be established that the rain was causing the expulsion, and also it has to be established that Arkan's and Seselj's men were liable. It was well known that Seselj and Arkan were a fierce opponents. It is also known that Seselj never had any command over his volunteers, who were within the JNA. Also, Arkan has a bad reputation, but no criminal reports at all. A lately disclosed document of the ECMM from Bijeljina and Arkan's presence there confirms that the Muslims had to say about Arkan only the best. See this paragraph of a lately disclosed document R1028281 – 8284. an ECMM report from March 16, 1993:**

**35. ARKAN'S INTERVIEW**

THE OPPORTUNITY TO MEET "ARKAN" IN THE REGION OF BJN COULD BE OFFERED TO TEAM B3. SINCE HE IS ON THE LIST OF "SUPPOSED WAR CRIMINALS", THIS ENCOUNTER COULD BE DAMAGING FOR THE ECMM. HOWEVER, DURING OUR INVESTIGATIONS AT BJN, JANJA AND BATKOVIC, WE RECEIVED NUMEROUS TESTIMONIES OF MUSLIMS WHO SEE ARKAN AND HIS TIGERS AS A GUARANTEE FOR SECURITY IN THE REGION. OTHERS, SERBS AS WELL AS MUSLIMS, HAVE EXPLAINED TO US THAT THE TIGERS HAVE REDUCED THE LOSSES OF BELLIGERENT DURING COMBATS IN BRCKO AND BJN. THEY EVEN SEEM TO HAVE NEUTRALISED THE ACTIVITIES OF GANGS OF CRIMINALS FROM ANY ORIGIN WHO WERE LOOTING AND MURDERING THE INHABITANTS DURING THE BATTLE ITSELF.

THESE FACTS, WHETHER MYTH OR REALITY, DESERVE TO BE CHECKED WITH THE ONE WHO IS MAINLY INVOLVED - ARKAN HIMSELF.

**That is how a reputation may delude even a chamber composed of professionals. But, the crucial question is: how the cours of trial would go on if this document had been timely discokosed, as it was a Prosecution's obligation? No matter the President didn't have a close relation with Arkan, and didn't even have any interaction, the President is in a position do prove a negative facts, that he didn't have any relation with Arkan, and absolutely no interest or contact with Vojkan Djurkovic, the truth is essential!)** In addition, the Chamber found that Arkan communicated with Plavšić during the conflict **(Ms. Plavsic was in contact with Arkan of behalf of the Bosnian Presidency, not on behalf of the Republic of Srpska!)** and the President and Mićo Stanišić were informed of the involvement of Arkan's men in the take-over of Municipalities and crimes committed by his units.<sup>11018</sup> **(This is not a serious finding! Arkan and his unit didn't take over any municipality, a small part of his unit remained in Zvornik and participated in fights, but no evidence that they committed any crime, and the document pasted above proves something quite contrary, and this was the period of still existing the BiH Presidency, while the RS Presidency hadn't been enacted yet!)** Arkan was invited by the RS Presidency to participate in military operations in the Municipalities; **(A lie#!!!)** Arkan was also openly praised by Plavšić and the Accused for his contributions to the efforts to defend the Bosnian Serbs throughout the conflict.<sup>11019</sup> **(A lie#!!! His uinit was praised only for a proper participation in defence in the fall 95!)** Even as he left BiH, Arkan repeated his commitment to the Accused to return to defend the "Serbian territory" if called upon by the Accused.<sup>11020</sup> **(This "finding" relies upon the para 3198 of the Judgment, which is as follows: 3198. With regard to Arkan's men and Šešelj's men specifically, the Chamber concludes that the Accused knew that they were operating in BiH during the spring of 1992 and that they were invited by the RS Presidency to operate in conjunction with local authorities and forces.<sup>10315</sup> The Chamber also notes the Accused's direct interaction with Arkan and Šešelj and, moreover, that in May 1992**

<sup>11018</sup> See paras. 3198, 3260–3261, 3303–3304.

<sup>11019</sup> See paras. 3198, 3323, 3325.

<sup>11020</sup> See para. 3325.



*the Accused invited, without Mladić's knowledge, Arkan's men to participate in operations in the Sarajevo area.*<sup>10316</sup>

**Here is how this is wrong: Seselj's men present in any battlefield, including BiH in the spring 92 were exclusively within the JNA and under their command. Even Mr. Seselj was acquitted in this Court. As far as it is concerned with Arkan's men, they had been present in Bijeljina on 1 to 3 April 1992, #while the President didn't have any authority over the Bosnia and Hercegovina#, since it was the "old" BiH, before the recognition, and the BiH Presidency was in charge. Apart from the facts that Arkan's men didn't commit any crime this time, the President had nothing to do with this presence of the Arkan's men. The "President's direct interaction with Arkan and Seselj must be another crime which is not envisaged either by the domestic judicial system, or by the Statute of this court. And with Arkan there was no "direct interaction", while Mr. Seselj was a very respected member of the anti-communist opposition to which the President belonged also. As far as the "finding" that the President invited the Arkan's men" in Sarajevo in 1992, this is another lie, which could have been easily checked in the documents and intercepts from the time, see: D01248, of 15 May 92, p.4**

Legija: All the things he said, forget about it, that was not adopted, we came here and started organizing things on our own initiative, you know?

**Legija, the main Arkan's man said that what they had been promised by someone was not adopted, and that they "came here and started organizing things on our own initiative" but let us see further: p. 12, Legija and Arkan talking:**

Legija: Well, to start with, you know that DRAGIŠIĆ who..

Who called us and all.

RAŽNATOVIĆ: Yes.

Legija: Well, none of it was true, and he did not hook us up with anyone. Nothing, he completely deceived us.

Legija: And now I'll have to see, I'll have to find a solution.

And as for Dragiša, give him what he fucking deserves.

**Therefore, the Arkan' men had been invited by a private person, some Dragisic, who lived in Belgrade, who was not authorized by anyone, and couldn't connect them to anyone. It was not he President, otherwise it would be said in this conversation! Further, se D03705, a letter of Gen. Subotic, the Minister for Defence, explaining to a municipality the issue of volunteers, their rights and obligations. D03705, p.1 and 2**

The Army of Republika Srpska is the only legal and legitimate armed force tasked with the defence of the sovereignty, territory, independence and the constitutionality of Republika Srpska (Article 1, Law on the Army).

Individual volunteers or volunteer units, who, upon their request, enlist in the Army of Republika Srpska, shall have the same status rights as the active and reserve force of the Army, but also the same obligations and duties as members of the Army of Republika Srpska.

1. Volunteers and volunteer units shall wear uniforms and insignia proscribed as the uniforms and insignia of the Army of Republika Srpska (Article 4, Decision on the Establishment of the Army of Republika Srpska)

2. Volunteer units shall be involved in the formational and organisational structure of the Army, and the commanding and utilization of these units shall be based on principles of unity of command, single authority and obligation to implement decisions, commands and orders issued by superior officers, i.e. the Army Command (Article 173, Law on the Army).

If the volunteers and volunteer units fully accept the conditions (obligations and duties) stated under points 1 and 2 of this document, they shall be allowed to enlist in the Army of Republika Srpska and participate in the Army tasks. However, if they do not accept the aforementioned conditions, they shall be thanked for their good will, and their engagement shall be disallowed.

**See further: and another at least one intercept, which shows that Arkan's men weren't welcome in Sarajevo, and that their commander Legija couldn't get in touch with the President. See P5675:**

"Captain Legija":	They look at us as if we are from another planet. And now that guy Mladić arrived, I had an argument with him today ...
Ražnatović Željko:	Why, what was with Mladić.
"Captain Legija":	Well, we stopped 7.200 refugees...
"Captain Legija":	And I suggested to Mladić to exchange them for the barracks there.
"Captain Legija":	You know, we are humane people, that kind of bullshit and Mladić told me after they said that to check it out with my men.
Ražnatović Željko:	What did he say to you?
"Captain Legija":	That I should check it out with my men.
"Captain Legija":	They just don't want to accept us for who and what we are.
Ražnatović Željko:	Yes, yes.
"Captain Legija":	I don't think I can argue with them anymore. These people from up there are rather going to arrest me.
"Captain Legija":	Or this Karadžić guy up there. They are holding hands with the Muslims up there.
"Captain Legija":	All what they do is arguing over who will be in charge, and nobody wants to talk about how to organise the attack this offensive to take Sarajevo.
Ražnatović Željko:	Exactly.
"Captain Legija":	I talked with Šulc and Bojke and I don't know I think the best would be to go back there.
Ražnatović Željko:	That would be the best. Go and check whether there is any chance that you take the

**#"They just don't want to accept us for who and what we are!" could it be more clear? Or: "These people from up there are rather going to arrest me. "Up there" meant Karadzic and Pale, i.e. the top officials of the RS.. Or "this Karadzic guy up there. They are holding hands with the Muslims up there", and all other what the two interlocutors said, totally and definitely rebut everything the Prosecution alleged and the Chamber "found" about the President attitude towards the paramilitaries, and Arkan,' men in particular.)**

5458. Regarding Šešelj, he was in frequent contact with the President and the Bosnian Serb leadership and supported the policies of the SDS. More specifically, Šešelj advocated for a homogeneous Greater Serbia which involved the unification of all Serb lands and the removal of the non-Serb population; as such he clearly shared the common plan. **(This is also ridiculous!!! Mr. Seselj always explained, many times, including in the court room, that there wouldn't be any differentiation of a non-Serbs, since he considered all the Catholics and Muslims to be of the Serbian origine, i.e. the considered as the Serbs all belonging to the Serb culture and language regardless of their religious affiliation. But, this kind of charging an President for knowing somebody, a distinguished professor of law, a publicist and a colleague from the political life, is too much even for Stalin.)** He sent large groups of SRS volunteer fighters to assist the Bosnian Serbs in BiH in the implementation of the common plan throughout the conflict and contributed to the execution of the common plan as such.<sup>11021</sup> **(So, #the Chamber is pushing forward in spite of the facts#! The volunteers came in accordance with the law and the decision of the Yugoslav Presidency, and they acted exclusively under the JNA#, and later the VRS command. Beside that, Mr. Seselj did have many followers throughout Bosnia, and if they checked to the JNA as a members of the Radical Party, it didn't necessarily mean they came from Serbia!)**

3459. The Chamber therefore finds that Arkan and Šešelj both contributed to the common plan as envisaged by the President and the Bosnian Serb leadership by providing and training men who were involved in operations throughout the Municipalities during which there were forced expulsions of non-Serbs and other crimes were committed. **(#Wrong findings, wrong inference, everything wrong!# The Seselj's men didn't exist as a formation, because they had all been integrated in the JNA, and after the JNA withdrew, there wasn't any Seselj's group from Serbia in the VRS. Further, although some young man had been followers and members of the Seselj's SRS (Serbian Radical Party) all of them were from BiH, and none of them were independent, except for a short time some domestic group in Ilidza, which didn't fight, and didn't receive orders from anyone. The group had been banned, dismantled and deprived from a facilities where they had been accommodated. Another Seselj's fan, Vaske, participated in disabling this group. Arkan's men came to BiH, and left it before the President seised any power, and didn't return before 1995, when they had accepted the control of the RS MUP.**

**Another wrongness is that the training of the Seselj's and Arkan's man were aimed as the Chamber stated in this para. All of it was far before anyone knew that there may be a war in BiH, and it was because of the war in Slovenia and in Croatia, while the President didn't have any office in the BiH authorities. If some groups proclaimed themselves, or others proclaimed them as Seselj's men, it doesnit mean that they really were "Seselj's" man!)**

3460. With regard to the evidence presented in this case in relation to Slobodan Milošević and his membership in the JCE, the Chamber recalls that he shared and endorsed the political objective of the Accused and the Bosnian Serb leadership to preserve Yugoslavia and to prevent the separation or independence of BiH and co-operated closely with the Accused during this time. The Chamber also recalls that Milošević provided assistance in the form of personnel, provisions, and arms to the Bosnian Serbs during the conflict.<sup>11022</sup> However, based on the evidence before the

<sup>11021</sup> See paras. 3327–3330. Šešelj also stated there was no joint criminal enterprise between the Accused, himself, and other individuals to expel Bosnian Muslims and Bosnian Croats and that the Accused did not have an antagonistic attitude towards Bosnian Muslims and Bosnian Croats. D3665 (Witness statement of Vojislav Šešelj dated 1 June 2013), paras. 31–35, 39, 41; D3667 (Transcript of Vojislav Šešelj's press conference, 26 March 1992), p. 20; Vojislav Šešelj, T. 39600–39605 (10 June 2013). The Chamber does not find this evidence to be reliable. In reaching that conclusion, the Chamber considered that Šešelj had a clear self-interest in testifying in this regard and his evidence was marked by political statements. **Understood! How any Serb would tell the truth?**

<sup>11022</sup> See paras. 3275–3288.

Chamber regarding the diverging interests that emerged between the Bosnian Serb and Serbian leaderships during the conflict and in particular, Milošević's repeated criticism and disapproval of the policies and decisions made by the Accused and the Bosnian Serb leadership,<sup>11023</sup> the Chamber is not satisfied that there was sufficient evidence presented in this case to find that Slobodan Milošević agreed with the common plan. **(At least, a bit of truth, but just a bit: namely, it is correct that President Milosevic wasn't in accord with the Accused, and that there were the ideological differences among them, but not regarding Yugoslavia, but the second part is senseless, because there was no any "common plan"! Or, if President Milosevic "didn't agree" with a "common plan" #we do not have any evidence that he was aware of an existence of a common plan, and was able to reject his participation#?!?)**

3461. Finally, with respect to Jovica Stanišić and Franko Simatović, head and deputy head of the SDB, respectively, the Chamber recalls that Arkan's men and the Red Berets were subordinated to them and that they sent units to BiH which were involved in take-over operations in the Municipalities during the conflict; Stanišić and Simatović were also involved in establishing and monitoring training camps for Bosnian Serbs.<sup>11024</sup> However, the Chamber is not satisfied that there was sufficient evidence presented in this case to find that Jovica Stanišić and Franko Simatović agreed with the common plan. **(Did the Chamber establish that the named officials of Serbia knew about any "common plan" at all? The criticism from President Milosevic, President Bulatovic and others had been motivated, first of all, #by a misinformation and propaganda, which couldn't be checked because of the broken communications between the two leaderships, as well as because of a frustrations of the FRY leadership with the refusal of the RS leaders and people to accept their suggestions pertaining to the peace plans. However, the period for which the Chamber finds to be a period when a majority of the charged crimes had been committed there was a sufficient communication, which certainly would be cut immediately, had the FRY leaders been convinced that the RS leadership was involved, or liable for the chaos in the first year of war! Anyway, #since the Chamber accepted the Prosecution allegations about the common plan, agreed by so many persons, and known to so many persons and institutions, how come nobody in Yugoslavia and surrounding countries didn't know about that, and how come the international intelligence never found any evidence, not even a clue indicating that such a plan existed?# We have heard the President Bulatovic testimony, and him saying that on a mere gossip that the Prime Minister was in favour of killing the non-Serbs – the leadership of Serbia and FR Yugoslavia reacted fiercely and decided to quit all relations to the RS officials, see: @ @ @ )**

3462. The Chamber therefore finds beyond reasonable doubt that the Accused, Momčilo Krajišnik, Nikola Koljević, Biljana Plavšić, Ratko Mladić,<sup>11025</sup> Mićo Stanišić,<sup>11026</sup> Momčilo Mandić,<sup>11027</sup> Željko Ražnatović (Arkan), and Vojislav Šešelj were members of the Overarching JCE and that they formed a plurality of persons who acted pursuant to the common plan that existed between October 1991 and 30 November 1995 as defined above.

### *iii Scope of common plan*

3463. In concluding that a common plan existed to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory in the Municipalities from October 1991 to

<sup>11023</sup> The Chamber notes that the relationship between Milošević and the Accused had deteriorated beginning in 1992; by 1994, they no longer agreed on a course of action to be taken. Furthermore, beginning as early as March 1992, there was apparent discord between the Accused and Milošević in meetings with international representatives, during which Milošević and other Serbian leaders openly criticised Bosnian Serb leaders of committing "crimes against humanity" and "ethnic cleansing" and the war for their own purposes. See paras. 3280, 3289–3297.

<sup>11024</sup> See paras. 3312, 3314–3315, 3317–3320.

<sup>11025</sup> The Chamber finds that Ratko Mladić was a member of the Overarching JCE from 12 May 1992.

<sup>11026</sup> The Chamber finds that Mićo Stanišić was a member of the Overarching JCE until the end of 1992.

<sup>11027</sup> The Chamber finds that Momčilo Mandić was a member of the Overarching JCE until the end of 1992.

30 November 1995, the Chamber had regard to its findings that in internal discussions among Bosnian Serb leaders it was clear that the forcible movement of the population had occurred and had taken place in accordance with instructions received from the highest level of the Bosnian Serb leadership and was well planned.<sup>11028</sup> **(This is a #blatant forgery# and an unacceptable construct. Let us see on what evidence it was based: see the first part of fn. 11032 below: The Chamber notes that Defence witnesses testified, inter alia, that the Accused and the Bosnian Serb leadership (i) pursued policies which tried to preserve peace; (ii) tried to accommodate and respect the rights of non-Serbs; and (iii) did not support or plan the forcible movement of the population or the commission of crimes against non-Serbs". After numbering at least 12 (twelve) the most distinguished witnesses, among whom were at least three former or current presidents of republics, a professor of Law and member of the SANU – Serbian Academy of sciences and Arts, the Chamber laconically concluded: "However, the Chamber finds that their testimony was marked by contradictions, evasiveness, and clear indicators of partiality and bias, or was based on their own unfounded assessment or impressions. The Chamber found that these factors undermined their evidence and does not find their evidence in this regard to be reliable. While Ronald Hatchett also testified that the Accused was committed to ending fighting and saving civilians, this observation was only limited to his own assessment during meetings with the Accused in 1994 and is thus of limited weight." In addition to these testimonies there are many "strictly confidential" orders, recommendations and appeals to preserve the civilians, and also many internationally mediated agreements and obligations that the refugees are to return and recover their property. Contrary to these firm evidence there is nothing except the Prosecution allegations unsupported by any evidence, and a very few testimonies of the adversaries and political opponents.)** The Chamber also had regard to its findings that the Accused and the other members of the Overarching JCE were not only informed about the forcible take-over of towns and municipalities by Serb Forces, but were also aware that this had led to massive demographic changes through the forcible displacement of non-Serb civilians and resulted in ethnic homogenisation, which they supported.<sup>11029</sup> **This senseless assertions (those are not "findings" but the Prosecutor's assertions" are commented below, under the fn. 11039, however, all the construct of the Overarching JCE comprising a permanent removal of the Bosnian Muslims and Croats from the Serb territories in BiH is senseless, and must be desmentleed immediately, on the basis of facts that are as firm as concrete. What does it mean that the President was "not only informed about the forcible take-over of towns and municipalities by Serb Forces, but were also aware that this had led to massive demographic changes through the forcible displacement of non-Serb civilians and resulted in ethnic homogenisation, which they supported"? Being informed doesn't mean that the President or his associates did anything to produce such a process, and being aware of**

11028

#The Chamber notes that Defence witnesses testified, *inter alia*, that the Accused and the Bosnian Serb leadership (i) pursued policies which tried to preserve peace; (ii) tried to accommodate and respect the rights of non-Serbs; and (iii) did not support or plan the forcible movement of the population or the commission of crimes against non-Serbs.# Kosta Čavoški, T. 37052 (11 April 2013); Dragomir Keserović, T. 40914–40915, 40944–40946 (8 July 2013); D4194 (Witness statement of Sveto Kovačević dated 7 December 2013), paras. 5, 9, 15–16, 37; D4063 (Witness statement of Novak Kondić dated 23 November 2013), paras. 5–7; D4166 (Witness statement of Mikan Davidović dated 1 December 2013), para. 7; D3861 (Witness statement of Radovan M. Karadžić dated 14 July 2013), paras. 5, 10–11; D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 16, 18–18A, 46; Momir Bulatović, T. 34540–34541 (28 February 2013), T. 34560–34561 (1 March 2013); D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), paras. 18, 21; D3089 (Witness statement of Milivoje Kićanović dated 3 March 2013), paras. 18–19; D3072 (Witness statement of Pero Marković dated 1 March 2013), para. 28; D4313 (Witness statement of Gojko Kličković dated 7 February 2014), paras. 3–8; D3146 (Witness statement of Božidar Vučurević, 22 March 2013), para. 5. #However, the Chamber finds that their testimony was marked by contradictions, evasiveness, and clear indicators of partiality and bias, or was based on their own unfounded assessment or impressions. The Chamber found that these factors undermined their evidence and does not find their evidence in this regard to be reliable. While Ronald Hatchett also testified that the Accused was committed to ending fighting and saving civilians, this observation was only limited to his own assessment during meetings with the Accused in 1994 and is thus of limited weight.# D2741 (Witness statement of Ronald Hatchett dated 13 January 2013), paras. 10–12.

11029

See paras. 2846, 2850, 2852, 3363. Dodik testified that he never heard anyone at a Bosnian Serb Assembly or meeting speak about the permanent removal of Bosnian Croats or Muslims from BiH and that the Accused sought to resolve conflicts peacefully and the crimes in BiH were committed by paramilitaries. Milorad Dodik, T. 36842–36843, 36914 (9 April 2013). The Chamber notes however that Dodik's evidence was marked by contradictions, indicators of insincerity, and partisanship which undermined the reliability of his evidence in this regard. **(How possibly the main political opponent to the Accused could have been undermined because of the "partisanship?)**



the process could only produce more the President orders and obligations to revert the situation once it would be possible. But the conclusion that it all “resulted in ethnic homogenisation, which they supported” is a nasty and unacceptable forgery. Neither the Serbs in Bosnia “supported” this kind of homogenisation, nor it could be recognized at the end of the war. The Chamber had a sufficient evidence that the homogenisation pertained only to the creation of the boundaries, so that all the border settlements may decide to belong to one or other entities. Here are the facts that nobody can deny:

1. the Serb side wanted to avoid the war at any cost, and did everything to have the war avoided, the Chamber has the evidence from Secretary Cyrus Vance;
2. the Serb side made many concessions for that purpose;
3. the Serb side had offered many abilities to have every ethnicity to be safe and satisfied, such as forming of their own municipalities regardless of a canton or constituent unit it belongs to, and this possibility remained even when the war broke out;
4. There was no a single day without one of the Conferences on BiH going on;
5. The results, proposals, recommendations and agreements of all of these conferences gave the Serbs in Bosnia the right to proceed with their activities to establish their high autonomy in BiH;
6. No matter what different people were chatting during telephone conversations, or even what some MPs may have said in any occasion, the only official in charge of the rights to return was the President. He was the one who, according to the Constitution, represented the Republika Srpska as a state – entity, and if the President agreed that the refugees will have all the rights to return and to regain their properties, it was the only to be counted, and no allegation about a “permanent removal” could survive;
7. The President had proposed, as early as April 22 1992, in his Platform (see D01587) that no a forcefully taken territories should be recognised, which meant that a war was senseless, 5. Public obligation of all the sides in BiH not to accept a “fait-accompli” policy, nor the policy derived from communist heritage and that no advantage achieved by force should be justified.

king into account the fact that the Conference on BiH was going permanently, that the President accepted the principles of conferences, particularly that the final settlement to be done on the Conference, both pertaining to political and territorial matters, including rights of refugees, the Overarching JCE was impossible. NO A PERMANENT REMOVAL WAS POSSIBLE! How the Prosecution, and now even the Chamber imagine this? That wasn't a Wild West, there was the conference and regulations, and nobody could count on a *fait accompli* in any sense.)

The Chamber found that the Overarching JCE members, including the President, promoted and shared the objective of creating a Bosnian Serb state which was ethnically pure and contiguous Serb areas that would require a re-distribution of the population.<sup>11030</sup> (Big deal, the evidence of such a huge charge is a two paragraphs of the very same Judgement. Here is a paragraph on which the Chamber is relying as on a firm evidence for this “finding” and assertion, while it is another assertion of the Chamber, without any corroboration: 2896. The Chamber further finds that the Accused promoted the implementation of the Strategic Goals as a means of creating a Bosnian Serb state and warned against including “too many of our enemies” in the state which they would create. In doing so the Accused emphasised the first

11030

See paras. 2896, 2898.

*Strategic Goal and the importance of separation from the other two ethnic communities in BiH. The Accused was adamant that this ethnic separation was necessary and acknowledged that the “freedom struggle” of the Serbs had not been finished and would result in many casualties and again made reference to the historic crimes committed against the Serbs. The Chamber finds that the first Strategic Goal and the separation of the national communities was the most important to the Bosnian Serb leadership and their objectives. (First, the President said “a #separation of states”#, not population, see P956:*

The Serbian side in Bosnia and Herzegovina, the Presidency, the Government, the Council for National Security, which we have set up, have formulated the strategic priorities, that is to say, the strategic goals for the Serbian people. The first such goal is separation from the other two ethnic communities - separation of states.

*The same wanted all the secessionist Republics, a separation from others and forming their own states. What is a difference between this para, and the para above, both are empty assertions, nothing else. Let us see the next on which the Chamber counts in this fn. 11041: 2898. The speeches of other Bosnian Serb deputies and Bosnian Serb leaders demonstrate that they supported the Strategic Goals and the approach advocated by the Accused. It is also clear that war, the military conquest of territory, and the movement and resettlement of the population were envisaged by the Bosnian Serb leadership in the implementation of the Strategic Goals. The Accused promoted and shared the objective of creating a Bosnian Serb state which was ethnically pure and creating contiguous Serb areas which would require a redistribution of the population. So, #the Chamber is testifying in their own case against the President#, quoting one empty para to support another empty para, all full of empty assertions based on nothing, or on a wrong understanding of the Serbian language and words of the President. The President never said that it was about the separation of the ethnic communities, but a “state separation”. The President never said that there was an objective of “eliminating the Drina as a border between Serbian states”, (see para 2897) but between the worlds, meaning East and West, see the transcript of the 16<sup>th</sup> session of the Serb Assembly). What somebody may have changed while publishing it in the Official Gazette is not the President’s liability. Further, the assertion that a “contiguous Serb areas would require a redistribution of population” is wrong, mean and unfair, because the Chamber had enough of evidence that the President himself was extremely opposed to any redistribution of populations, see: (intercept with Milosevic, June 91, see D1282:*

Radovan KARADŽIĆ	Of course it would be a difficult negotiation and a great problem and how to use each principle. We didn’t want to leave and we still believe that it would be a pity if Bosnia were to fall apart. That is our basic stand and when it comes to it, we will announce that everybody, every party should announce their own position.
Slobodan MILOŠEVIĆ	Your position should be that you are against secession and that you want Bosnia to stay in Yugoslavia!

*The first ideas of the division of Bosnia came from Mr. Izetbegovic, see D@@@ and then from the Croats, see further D1282*

Radovan KARADŽIĆ	Will the majority of Muslims decide to get their cantons? There was an option that the Croats proposed that Bosnia should be independent, in a union of independent states. And that it should completely become a canton, as national cantons and that it should be independent within the union of independent states. We asked them to elaborate this thoroughly because we haven’t ... thought about it yet. And when they thoroughly elaborate this situation, then we would take a look.
Slobodan MILOŠEVIĆ	Don’t waste time on that, nothing is to become of that!
Radovan KARADŽIĆ	No, I want to see what they have to say. I want to see what it would look like. Can then such a Bosnia divided in cantons stay within the Federation?!

*the response to journalists 4 May 92 in Politika, and other) But, let us see what the*

**President sent as a message to the Muslim population in the RS, a public appeal, in May 92, D00119, p. 1**

The fragmentation of Yugoslavia also led to the transformation of Bosnia-Herzegovina in three units. A number of Muslims and Croats is to live in the Serb Bosnia-Herzegovina and a number of Serbs is to live in the Muslim and Croat Bosnia-Herzegovina. It may be you that is to live in the Muslim, or in the Serb Bosnia-Herzegovina. That will depend on political agreement, which is inevitable. For the time being, you are in the Serb Bosnia-Herzegovina and you are to enjoy the same rights as Serbs do. Many Muslim villages have laid down their arms and are enjoying full protection of the Serb army and Serb state organs.

We want you to live peacefully at home, but we must be sure that you will not attack us from behind. Therefore you must lay down your weapons and become civilians, in order to enjoy the protection of civilians stipulated by the Geneva Convention. In accordance with that convention, we shall secure for you safety at your homes. According to the same convention, we shall let you pass with all your property in the direction of your own choosing and we shall allow you to return when the war is over.

**So, there is no ambiguity: the most responsible official of the RS is publicly committed to the fair treatment of the Muslims and Croats in the Serb areas. He is also informing the minorities that at the end of the war they may be living in their constituent unit, because it will depend on the political agreement "which is inevitable" but meanwhile they shouldn't fight and should be civilians and enjoy all the rights as the Serbs, to stay or to leave, but to return when the war is over.**

**Here is a document about evacuation of the Muslim civilians from village Arapusa, Bos. Krupa municipality, on May 1 1992, agreed between the Serb authorities and representatives of the population: D01353, 1 May 92:**

- All residents of Arapuša and refugees from Bosanska Krupa (460 people in total) will be evacuated.
- The convoy will be guarded by forces from the battalion from Donji Petrovići under the command of Rajko DRLJAČA.
- After reaching the destination, the above-mentioned security forces will return to Donji Petrovići.
- After the convoy leaves Arapuša, the Battalion Command under Božo ERCEG will be responsible for providing security for the entire village of Arapuša and all movable and immovable property.
- On the basis of the agreement with the War Staff Command of the Serbian Municipality of Bosanska Krupa (with Mr Miroslav VJEŠTICA), as soon as peacetime conditions have been created, the Command is obliged to ensure the safe return of the residents to their homes in Arapuša and the refugees to Bosanska Krupa.

**This is a manner of an evacuation of the population from the combat zones, within the same municipality, and there were a written guarantees for a safe return.**

3464. The Chamber finds that the only reasonable inference to draw from all of the evidence analysed earlier in this Judgement is that the crimes of deportation, inhumane acts (forcible transfer), and persecution (forcible transfer and deportation) were intended to achieve the objective of the Overarching JCE and that the President and other members of that JCE shared the intent for these crimes. With respect to forcible transfer and deportation as underlying acts of persecution, the Chamber also finds that the President and the other members of the Overarching JCE shared the specific intent to discriminate on the basis of the identity of the victims as Bosnian Muslims or Bosnian Croats.<sup>11031</sup> **(This kind of inferences are damaging the reputation of the UN and this**

<sup>11031</sup>

In addition, based on all the evidence, the Chamber finds that the Accused was aware that his conduct as discussed further below was part of a widespread and systematic attack directed against a civilian population.

Court. Such a markant conclusions shouldn't be based only on inferences, there must be a real evidence. There are more that one more reasonable inference, such as the chaos of the civil war, antagonisms on the local level, revenges for something that adversaries had committed some days prior to incidents. However, it should never be accepted that there was a forceful displacement of population. However, so far nobody had shown a single real evidence. Could anyone imagine a forceful displacement of population without incidents, resistance, skirmishes, journalists recording such an event, wounded people, a formidable armed force???? Nobody ever reported about any force, or any presence of the armed soldiers, or any numerous presence at all. On the other hand, there were to many evidence to the contrary: the waiting lists, composed only by those who wanted to cross the front line to their ethnic majority territory, and to or three intermediaries, checking whether the applicants obtaine all the required papers and thus fulfilled the conditions to leave. In some municipalities there were up to 15 papers and receipts required, which was rather an obstacle to departure.

3465. Similarly, the Chamber also had regard to the manner in which the take-over of Municipalities was carried out by Serb Forces and the number of Bosnian Muslims and Bosnian Croats who were residing in the Municipalities prior to their take-over. There was no a single example of so called "take over by the Serb Forces". Which municipality was taken over by forces? All of the municipalities in question were the municipalities with the Serb majority and the legal authorities with the Serb majority, or there was a substantial part of population of the Serb affiliation. In such a Serb municipalities, where there was a substantial presence of the Muslim or Croat population, the Serb authorities proposed that each ethnic community form it's own municipality, as in many cities all over the world, and to establish it's organs of power, security, education, anything that could function apart, while a municipal services that were common would be run by a common roof institutions. Nobody can deny it! If so, there is no a bit of the JCE. Let us see what Mr. Alija Izetbegovic said at the ICFY in the Hague, at the ICFY on 18 October 1991, just after the Serbs left the Assembly session:

TRANSCRIPT OF 2<sup>ND</sup> PEACE CONFERENCE ON YUGOSLAVIA, THE HAGUE 18 October 1991.

!D07816 p.25.26



/.../

Alija IZETBEGOVIĆ

I would like to say a few words about what has been said — about the specific situation in Bosnia and Herzegovina with respect to the fact that it is a state of three constituent peoples.

Yes, Bosnia and Herzegovina is a state of the Serbian people. Serbs in Bosnia and Herzegovina are not an ethnic minority. Representatives of the Serbian people, that is, the party which aspires to represent the Serbian people, present ideas about the possibility of a special status of sorts, that is, autonomy, political autonomy within Bosnia and Herzegovina in areas inhabited by the Serbian people.

All such options are possible and it appears that they are not in contradiction with the text of the document you submitted.

Therefore, I see no problem in finding a satisfactory solution.

Naturally, I believe that the Serbian people should have their say in the matter and be a constituent part of the state of Bosnia and Herzegovina, in view of its status as a pillar of the state. This is the case now. I would like to point out that the President of the National Assembly of Bosnia and Herzegovina is a Serb; nine of the 23 ministers are Serbs and some of them head key ministries; either 72 or 75 members of parliament are Serbs; in more than 50 municipalities, in 46 or 47 municipalities, the Municipality Presidents are Serbs, and so on.

Thus, the status of the Serbian people is not on paper alone, in the Constitution. They constitute a real segment and a proportional part of the authorities. No one has yet come out and said that Serbs in Bosnia and Herzegovina are threatened, that their rights are threatened. On the contrary, I believe that the status of Serbs in power, especially those in the local authorities, is greater than their proportional number. According to the latest census, Serbs constitute 31.3% of the population of Bosnia and Herzegovina.

It is my understanding that the position of the Serbian people in the existing constitutional documents is satisfactory, that is, good, and that it can be resolved within the framework of these documents in keeping with the positions you adopted here.

Thank you.

/.../

**So, #before the war, the Serbs had a legitimate substantial power in more than 50 municipalities#, out of 109 total number, while only Sarajevo had 10 municipalities. #THERE WAS NO ANY “TAKE-OVER OF MUNICIPALITIES”#What would be a need that the Serbs “take over” any new municipality?Such an ignorance of the facts is intolerable! However, the “International Community” was fully aware of the anti-constitutional nature of the Muslim action, as it was recorded in the Conference documents, see:**

**: 24/12/91 - 16:54  
: hagg1837/cpeul985**



9. President Izetbegovic emphasised that the EC Ministerial decision of 16 December had obliged him to ask for the recognition of the independence of Bosnia-Herzegovina; he had no other choice. He was confident that this decision would be supported by his parliament (both the Presidency and parliament endorsed the decision on 20 December with only the 2 Serbian members of the 7 strong Presidency and all Serbian representatives of the parliament opposing the move). However, President Izetbegovic was evasive when asked to explain, in view of the opposition of one of the three nations forming Bosnia-Herzegovina, whether the act was constitutional, although he claimed that it was. Representatives of the Serbian community in Bosnia-Herzegovina met Lord Carrington and stressed that Izetbegovic's act was unconstitutional and that the Serbs in the republic wished to continue to be associated with the "rump" Yugoslavia and not an independent Bosnia-Herzegovina. Izetbegovic said that he very much wanted UN peace keeping forces deployed in Bosnia-Herzegovina as soon as possible. All of Lord Carrington's interlocutors feared that Bosnia-Herzegovina's request for recognition would lead to armed conflict in the republic.

The EC was aware that there was **#neither constitutional, nor political preconditions to require and grant the independence#!** Also, it was not only the President who predicted that the "BiH request for recognition would lead to armed conflict in the republic"! what now? Are the all of them responsible for what happened in the civil war, or there is an exclusive responsibility on those who knew that the recognition would cause a war, but proceeded with the unlawful and anti-constitutional acts? For that reasons Mr. Badinter in his opinion No. 4 recommended that BiH is not qualified for the recognition, because one of the three constituent nations, a pillar of the state, the Serbs, didn't agree. However, this referendum was also a big cheat, because it didn't have a required majority, nor it was confirmed and ratified in the Assembly. Some of the internationals assisted a fraud in political life and democracy without precedent!)

With respect to the widespread practice of unlawfully arresting and detaining non-Serbs prior to removing them from Bosnian Serb claimed territory, the Chamber notes that there were repeated attempts by the President and the Bosnian Serb leadership to justify the existence of detention facilities in which they knew that civilians were detained. (The Chamber doesn't have a single evidence for these assertions. In many municipalities there didn't exist any detention facility, nor there was any crimes, and it entirely depended on the conduct of citizens regardless of ethnicity. In municipalities where there was combat activity of the Muslim side, there were a detention facilities, because there were many captured combatants. There are a numerous examples and evidence that had a civilian been taken in and detained, immediately after established a fact, civilians were released. On the other hand, what was a percentage of the Muslim or Croat population that had a troubles, and how many had been detained? This data would ruin the Chamber's findings to dust!)

Promises were also made to international representatives to improve conditions and release detainees.<sup>11032</sup> **It had been fulfilled!** However, the Chamber finds, in light of its factual findings with respect to the Municipalities, that these assurances were completely at odds with the reality on the ground. (First of all, it didn't entirely depend on the Serb side, but the Muslim/Croat sides made it impossible to improve anything. As they never started conflicts in some municipalities, they didn't stop their volatile actions in some other, but the Chamber prevented the Defence to depict the both sides of coin. Neither the Prosecution nor the Chamber ever submitted any credible evidence that the conditions in detention facilities

11032

See Section IV.A.3.a.v.B: Knowledge of inadequate conditions and mistreatment of non-Serbs in detention centres. (So what? The Serbs were under a total sanctions, and not prepared for a war, and it wasn't possible to do better!)

could have been better, but hadn't been improved deliberately. Without that, the Chamber couldn't infer as it did, namely that it was a crime of the Serb authorities. On the contrary, the Defence submitted a sufficient evidence about generally bad economic situation, a shortage of food, energy, water, medicines, and particularly about an unexpected development and a huge number of captured combatants. These facts can not be denied, and being so, this is shading another light on everything what the Chamber did.) This reality involved the unlawful arrest and detention of thousands of Bosnian Muslims and Bosnian Croats following the forcible take-over by Serb Forces of villages, towns, and municipalities, before they were ultimately transferred to other locations.<sup>11033</sup> (#There is no any village "taken over" by force, in which the Muslim forces didn't start the war against their Serb neighbours, or the JNA, or the VRS after 20 May 92. # There are many, many villages exclusively or predominantly Muslim or Croat, which didn't have any problems, but that entirely depended on them and their decision whether to fight, or to keep a civil life and be a civilians. This truth nothing can change. See the entire evidence, and in particular D2424 and P3788, E. Wulliamy reports! Regarding this matter, the villages that did have troubles with the Serb Army or police are a remarkable minority, i.e. not as a rule, but as an exception, while the villages that didn't have any trouble were in majority!) The Chamber finds that the Accused and the Bosnian Serb leadership were not only aware of these detention facilities but used unlawful detention at these facilities as a core element in achieving their objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory. (#THIS IS UNACCEPTABLE ACT OF THE CHAMBER#!The leadership didn't deal with the security matters, and detentions were in competence of the Army or the Police!# This is not true, and there is no evidence regarding to this. As Gen. Galic wrote, civilians evacuated from a combat zone were to be housed somewhere, and it was the most immediate to accommodate them in his barracks. He asked to cease with this practice and accommodate them somewhere else. From his order, see: D432 of 10 October 1992:

#### COMMANDS OF ALL SRK UNITS

Having in mind that there are occurrences of collecting women, children and old people of Muslim nationality and transferring them in Corps Command where are additional difficulties regarding their accommodation, feeding and taking care of the above mentioned categories of population, and in effort to organize this matter in the future, hereby I

#### ORDER

1. Women, children and old people from places that are not loyal to our system of government should secure on territories of municipalities of their previous staying in organization of civilian authorities, enabling that they are treated correctly, secure safety of their lives, accommodation and feeding.

2. Prisoners from combats should be sent to Corps Command with taking care of all measures for their safety during the trip. After their processing by officials from Corps Command, they will be placed in "Kula" Prison where they would be handed over on further treatment to Police officials and Commissions for exchange. Treat with prisoners pursuant with International Agreements.

3. For Muslims who stays loyal for sure, enable conditions for their life and work in accord with the possibilities of the community.

It is clear that he was well aware that these civilians #weren't detained, but only accommodated# while the firghts were going on. That Order is the most illustrative example of the misunderstanding and abuse of the accommodation of civilians in a combat zone. This was an obligation provided by the law. If it happened that those civilians decided to be transferred to the Muslim territory, then it could have happened, such as from the Lukavica barracks or Kula prison, or Trnopolje camp, but the decision was always their, and no force was applied.) They also used the unlawful detention of civilians to secure the "exchange" of Bosnian Serbs detained by Bosnian Muslims. (No matter whether the warring sides were entitled to do a retorsion, i.e. a reciprocal measures, this didn't happen on the Serb side.

There were such a demands from different locals, but the authorities never approved it, unless the civilians didn't want it to be done. The only quoted evidence was what Zupljanin said at a MUP meeting, but he only said that there were such a demands, while his attitude towards the issue was negative, and he never said that it had been carried out! See D447, p. 8

- The army and Crisis Staffs/Wartime Presidencies demand gathering as many Muslims as possible and leave such non-defined camps to the Internal Affairs /as printed/. The conditions in these camps are poor: there is no food, some individuals do not comply with the international standards /as printed/ because, among other things, the concentration centres are not appropriate or for other reasons.

**#Proper conduct of the officials#!** The “concentration centres” should be translated as “collection centres. What is the most important is the fact that a high MUP official, Zupljanin, was criticising this kind of demands, and particularly the conditions in the facilities. It is clear that this practice was #condemned by the MUP officials already in July 1992#, and it is obvious that there was no any deliberate worsening of the conditions, but it was an inevitable consequence of the abrupt hostilities among citizens! See further, the same D447, p. 8

It is necessary to reassess the current modes to organise the functioning of the police, according to exact plans in wartime conditions. Along with this, it is necessary to systematise a large number of active-duty and reserve police officers by the Rules of Procedure /as printed- for instance in Bosanska Dubica border lines and the role of the police have to be defined.

Because of the casualties (in Mrkonjić Grad 20 active-duty and reserve police members were killed in only one operation) the role of the police has to be defined, its direct engagement in combat activities, and related to this, the reinforcements. /One illegible sentence/. It is difficult to tell the exact number of

**As seen, nobody was ready for a war, all the organisation was a peace time tipe, and on the side of authorities there was no any inclination to crimes! Or Mr. Bjelosevic, the Chief of the Doboj CSB, the same document D447, p. 10:**

Interference of local politics-the typical example is Teslić, which should be a part of the Doboj centre but it is not - causes conflicts, so that it is necessary that the Crisis Staff or another institution decides where it belongs. Things were similar with Bosanski Šamac but the problem was solved as we took Modriča.

The people that the Army arrests or captures are brought over in groups and left without any documents regarding reasons for the arrest. Therefore the Army should take care of war prisoners and those who were arrested for reasons that the Internal Affairs are in charge of stay in the jurisdiction of the MUP, of course with proper paperwork.

**(#Proper conduct of the officials# Both the Chiefs of the CSBs, Banja Luka and Doboj, described the chaotic situation which was not deliberately produced by the authorities, but on the contrary, the authority attitudes are reflected in the two Chiefs words! And the chiefs of the regional police were more critical than the Chamber, but a villain was not the President, but the civil war!)** The Chamber therefore finds that the Accused and the Bosnian Serb leadership shared the intent to unlawfully detain Bosnian Muslims and Bosnian Croats as one of the means through which they could achieve their objective of ethnic separation. **(This #sounds only as a gossip or a calumny#, because it is so far from any truth, and not corroborated by evidence. Again, the President kept repeating all the time, before the war and during the war, that nothing will be resolved by the force, and everything will be resolved on the Conference, as it really happened at the end. But only these two discussions of Zupljanin and Bjelosevic at a confidential MUP session are sufficient to rebut the sentence above!)** The Chamber therefore finds that the only reasonable inference from this evidence is that the crime of persecution, through the underlying acts of unlawful detention and the imposition

and maintenance of restrictive and discriminatory measures, was intended to achieve the objective of the Overarching JCE and that the Overarching JCE members, including the Accused, shared the intent for these crimes. With respect to these underlying acts of persecution, the Chamber also finds that the Accused and the Overarching JCE members shared the specific intent to discriminate against the Bosnian Muslims and Bosnian Croats on the basis of their identity.<sup>11034</sup>

**(This would be #the least reasonable inference#, and one of many more reasonable inferences would be what the two high MUP officers said on 11 July 1992: a general lack of everything, an unexpected abrupt of a civil war of everyone against everyone, a poverty of the country under the sanctions, a lack of preparations for a war, and so on! The Chamber had heard the Prime minister Lukic testifying on the occasion of a Croatian entity Herceg – Bosnia Prime Minister Prlic's visit to Banjaluka in 1993, and his statements exactly contrary to what the Chamber inferred, see T.38836-37**

**Q.** Could you please read the first two sentences. **A.** "My wish to visit Banja Luka to convince myself that Croatian people live here was realised today because political conditions in that regard have been established. Serbs and Croats in these areas did not wage war. The majority of Croats remained in Banja Luka which is as a result of a positive attitude of the Republika Srpska. Therefore, the departure of Croats from these areas should be prevented. In other words, the vacating of the apartments which should be regulated by law." This was said by Jadranko Prlic, the president of Herceg-Bosna whom I mentioned a few minutes ago. I had known him from before the war. **Q.** Thank you. What kind of a reaction did this provoke on the Croats in Banja Luka? **A.** The reactions were mostly positive, although some could be negative too. It wasn't always harmonious. It was not all wine and roses. The majority of politicians, however, understood that this was the direction to move in and this also gave us strength to continue working in this way.

**And there was admitted D3621, see it:**

"My wish to visit Banja Luka and to convince myself that Croatian people live here was realized today, because political conditions in that regards have been established. Serbs and Croats in these areas did not wage war. The majority of Croats remained in Banja Luka, which is a result of a positive attitude of the Republika Srpska. Therefore the leave of Croats from these areas should be prevented, respectively, the moving out from the apartments, which should be regulated by law"-as said today by Jadranko Prlic, president of Herceg Bosnia who is in an official visit to the Government of the Republika Srpska ,in a short meeting with the journalists.

When explaining relations between the Herceg Bosnia and Republika Srpska on the military plan, Mr. Prlic said that a great task has been accomplished because all frontlines were calmed down and truce was established at all battlefields. "The priority is to establish directions of economic cooperation between the two new states, Herceg Bosnia and Republika Srpska on the area of the former BiH, which is a beginning of establishing neighborly relations in general."

Nevertheless, as said by Mr. Prlic, "if we couldn't have lived together, we should continue living as friendly neighbors".

**Mr. Prlic realised that if there was no any fightings, the human rights are preserved, and this meant that if the authorities had any possibility to prevent any bad event, the authorities would do that! And the Chamber had these evidences at their disposal, and therefore no inference was possible as a way to deliberation, because there are evidence!)**

**3466.** Thus the scope of the Overarching JCE includes the crimes of deportation, inhumane acts (forcible transfer), persecution (forcible transfer and deportation), and persecution through the underlying acts of unlawful detention and the imposition and maintenance of restrictive and discriminatory measures ("JCE I Crimes"). However, having considered all of the relevant evidence, the Chamber finds that it is insufficient to demonstrate that the only reasonable inference is that the other acts of persecution charged in Count 3 of the Indictment or the crimes of murder and extermination charged in Counts 4, 5, and 6 of the Indictment were included in the common plan or intended by the Accused. **(It is a miracle!!! However, there is no any evidence that the**

<sup>11034</sup>

In addition, based on all the evidence, the Chamber finds that the Accused was aware that his conduct as discussed further below was part of a widespread and systematic attack directed against a civilian population.



**President contributed to any of those crimes, neither there is any reasonable explanation how that would be in his interests!)** In coming to this conclusion, the Chamber has considered not only the evidence of the President's intent for the JCE I Crimes, but also that the President received information about the perpetration of crimes committed by Serb Forces against non-Serbs throughout the conflict, including that Serb Forces killed approximately 45 non-Serb civilians in Bijeljina in April 1992 and approximately 200 non-Serb detainees at Korićanske Stijene in August 1992 and continued to act in furtherance of the common plan. **(First of all, if the Chamber had any evidence that the President had an intent for the JCE I Crimes, the Chamber wouldn't need any other additional corroboration as how he was "informed about crimes." What does it mean, he "was informed?" #The Serb Police (MUP Services) had informed the President about what they had been doing in investigations and prevention of the crimes!# The Services (a State Security, a Criminal Department and others) informed him just to know and could answer to anyone's question, but it was not supposed that the President do anything, because it was not in the realm of his duties. The President had every reason to be satisfied that the Services are doing their job. But, the two examples quoted in this paragraph are completely wrong, to the following reasons:**

- 1. What has to be done to indicate that the Bijeljina incident didn't appear under the President's authority, since at that moment there was a unique BiH still functioning?**
- 2. The Presidency was in charge, B. Plavsic and F. Abdic and J. Doko visited Bijeljina on behalf of the unique authorities of BiH, not on behalf of the Serb authorities.**
- 3. The Serbs in Bijeljina didn't initiate the skirmish, it was the Muslim side and Capt. Hasan Tiric, who was tasked by General Karavelic to go to take control over Bijeljina on 31 March 92, see D1608, a Croatian Secret Service document:**

Captain *Labud /Swan/* (commander of the Patriotic League for the Tuzla-Doboj region). The official date of the unit's foundation is 31 March 1992. On that day, acting on orders from Vahid KARAVELIĆ and Captain Swan, Hase TIRIĆ, the present commander of the Black Swans unit, and about 15 members of the Patriotic League found themselves in Bijeljina with the task of forming a special purposes unit, and at that time he allegedly opposed VRS /Army of Republika Srpska/ forces in their attempt to take Bijeljina.

**The allegation about Tiric's opposing the JNA further distant the President from this event, since neither there was any Serb army, nor the President had any official state office, nor the BiH common institutions had dissolved yet! 4. the first victims were the Serb civilians, 5. and there was no 45 Muslim victims, but up to ten the Serb victims! What any defence could do except to submit an evidence which rebut all the inferences and make them impossible and vain? How any reasonable chamber could neglect so obvious facts?)** The Chamber is of the view that another reasonable inference available on the evidence is that while the President did not intend for these other crimes to be committed, he did not care enough to stop pursuing the common plan to forcibly remove the non-Serb population from the Municipalities. **(This was not established, particularly from the standpoint what the President could have done, and did he do what he could. Without a specific intent, which was not established at the President's *mens rea* there must have been established whether the President deliberately missed to act, or he acted, but with a variety of success. As Mr. Okun said, he never considered the President orders to be disingenuous, but to the contrary, a very commendable, but these orders hadn't been implemented on the terrain, see: T.1818** *THE WITNESS: Your Honour, could I make a brief statement in connection with what Dr. Karadzic just said?* *JUDGE KWON: Yes, please. THE WITNESS: Thank you. Dr. Karadzic, I'm surprised to hear you say that I alleged that your appeals were disingenuous. I said the opposite. I said they were praiseworthy, I said they were commendable, I said they had merit. I said they were not observed in the field, but I never President those documents of being anything but sincere. THE*



**PRESIDENT: [Interpretation] Thank you, Mr. Ambassador. This is a very highly positioned international official, Mr. Okun, and his testimony didn't leave any doubt about the intent of the President. How can this be neglected, since it was clear that the witness wasn't prone to the Serbs at all?!?)**

„While the Chamber considers that these other crimes resulted from the campaign to forcibly remove the non-Serb population from the Municipalities, the Chamber does not find them to be an intended part of the common plan. The Chamber will therefore consider below whether the Accused is responsible for these crimes pursuant to the third form of JCE liability below. **(Until we dismantle this construction of the Overarching JCE, nothing could be said on this senseless and nasty assertions. But, if “it didn't intend to be a part” of a common plan, why the President was convicted for those crimes? Why “in dubio pro reo” principle disappeared in this case, and we had seen so many doubts?)**

(c) Accused's contribution to the Overarching JCE

*i. Submissions of the Parties*

3467. Having found that the Overarching JCE existed from October 1991 and continued until at least 30 November 1995, the Chamber will now assess whether the Accused's significantly contributed towards that JCE during this time period. In making that assessment the Chamber has limited itself to the Accused's conduct during the period of the Overarching JCE. Any conduct which falls outside the temporal scope of the Overarching JCE has only been considered, if at all, for the purpose of establishing the Accused's intent to participate in the JCE. It can now turn to each of the alleged contributions through which the Prosecution alleges the President implemented the Overarching JCE.

3468. In paragraph 14 of the Indictment, the Prosecution alleges that the President significantly contributed to achieving the objective of the Overarching JCE through the commission of crimes in one or more of the following ways:

(a) Formulating, promoting, participating in, and/or encouraging the development and implementation of SDS and Bosnian Serb governmental policies intended to advance the objective of the JCE; **(Therefore, the #Prosecution is looking for a side responsible for the war#. The policy of the SDS and the Serb community couldn't in any way be criminalised, since it was a policy of maintaining the statu quo, i.e. conservative, #while the other sides imposed changes that were unlawful, anti-constitutional, unilateral, and prepared the secret armies needed to achieve such an unlawful objective!#)**

(b) Participating in the establishment, support and/or maintenance of Bosnian Serb Political and Governmental Organs and Bosnian Serb Forces through which the objective of the JCE was implemented; **(#Wrong and unacceptable deduction ad absurdum!# It was not the Serb policy that needed a force to be implemented, it was the Muslim/Croat policy of denial of the Serb legitimate rights to be achieved. So, the Serbs didn't initiate any change except the change of system from an one-party to the democratic system. The others wanted the changes that concerned the Serbs too, and without their consent. When the others in BiH (Muslims and Croats) started to impose the changes of the nature of common states, Yugoslavia and BiH, the Serbs in BiH didn't respond by any violence, but declared the same, a change that would**

**fit their vital interests. And what happened? The Serbs had been denied this right, and had been attacked militarily, and imposed a war!)**

- (c) Disseminating, encouraging and/or facilitating the dissemination of propaganda to Bosnian Serbs intended to engender in Bosnian Serbs fear and hatred of Bosnian Muslims and Bosnian Croats or to otherwise win support for and participation in achieving the objective of the JCE;<sup>11035</sup> **(This #qualification is not decent, and is insulting, since only in the 20<sup>th</sup> Century the Serbs sustained two genocidal campaigns, and the third attempt in 1991 and on#. #There almost 80% of the Serbs from Croatia dissapeared, in the BiH Federation there is no more than 5% of the Serbs, on Kosovo the same, and to assert this would be as same as if somebody denied the Holocaust!# Even before the war in Bosnia there was so much of horror in Croatia against the Serbs, that any assertion about propaganda looks like an insult! Beside that, there were the OTP witnesses who confirmed that nobody could make any propaganda, since the Serbs knew wery well what they could have expected! A chain of evidence of a selective persecution and other discriminatory measures of the Prosecution is endless!)**
- (d) Directing, encouraging, facilitating, and/or authorising Bosnian Serb Political and Governmental Organs, SDS officials and members, and Serb Forces to carry out acts in furtherance of the objective of the JCE; **(#All false! There is no a trace of it in evidence! What the leadership encouraged, facilitated and/or authorised the Serb pollitcal and Governmental organs was in accord with the Conference (ICFY) and it's results in agreed transformation of BiH, always underlining the necessity to keep stick to the international law procisions. If it was not so, why the Prosecution didn't present a contrary evidence?)**
- (e) Participating in the design or formulation of acts carried out by Bosnian Serb Political and Governmental Organs, SDS officials and members, and Serb Forces in furtherance of the objective of the JCE; **(The Prosecution is understanding #all the political life of the Serbs in Bosnia as a JCE#!!! The Prosecution can not give a satisfactory answer to a simple question: 1. Did the Serbs have the rights to what they claimed for? 2. Did the Serbs could achieve their claims by a political means envisaged by the ICFY in the Lisbon Agreement and all the subsequesnt proposals? 3. Did the Serbs tried to prevent the rest of BiH to secede from Yugoslavia, or the rest of BiH tried to deny the Serb rights to a high degree of authonomy envisaged by every single document of the ICFY, and accepted by the Muslim leader Izetbegovic? 4. What of all those alleged crimes, joint criminal enterprises, atrocities and other violations of the humanitarian laws would be committed if the Muslim side didn't try to win theentire Bosnia for themselves, i.e. if they didn't renege on the Lisbon Agreement? The OTP was obliged to know all the relevant facts before indicting the higest representatives of only one side!)**
- (f) Obtaining, facilitating, encouraging and/or supporting the participation of JNA/VJ forces and Serbian paramilitary forces to further the objective of the JCE;
- (g) Failing to take adequate steps to ensure that Bosnian Serb Political and Governmental Organs and/or Bosnian Serb Forces would act to protect Bosnian Muslims and Bosnian Croats residing in areas under their control;

11035

The Prosecution submits that this included claims (i) that Bosnian Serbs were in jeopardy of oppression, including genocide, at the hands of Bosnian Muslims and Croats; and (ii) that territories on which Bosnian Muslims and Bosnian Croats resided were Bosnian Serb land. See Indictment, para. 14(c).

- (h) Facilitating and/or encouraging the commission by Serb Forces and Bosnian Serb Political and Governmental Organs of crimes that furthered the objective of the JCE by failing to take adequate steps to prevent and/or investigate such crimes, and/or arrest and/or punish the perpetrators of such crimes;
- (i) Engaging in, supporting, and/or facilitating efforts to deny or provide misleading information about crimes against Bosnian Muslims and Bosnian Croats and about the role Serb Forces had played in those crimes to representatives of the international community, non-governmental organisations, the media, and the public; and
- (j) Directing and/or authorising the restriction of humanitarian aid to Bosnian Muslim and/or Bosnian Croat enclaves located in territory controlled by Bosnian Serb Political and Governmental Organs and/or Bosnian Serb Forces in an effort to create unbearable living conditions for inhabitants there in furtherance of the objective of the JCE.<sup>11036</sup> **(NONE OF IT HAD BEEN PROVEN!)**

3469. The Prosecution argues that the Accused led the Overarching JCE in translating the pro-Serb ideology into SDS and governmental policies designed to further the objective of the permanent forcible removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory.<sup>11037</sup> The Prosecution submits that the President was the key figure in creating power structures that would transform policy into action by transforming the SDS bodies into RS structures and laying the groundwork for the creation of the Bosnian Serb MUP, Crisis Staffs, Bosnian Serb Government and Presidency, TO brigades, and the VRS.<sup>11038</sup>

3470. The Prosecution alleges that the Accused dominated, guided, and directed the actions of the Bosnian Serb Political and Governmental Organs and Serb Forces throughout the period of the Indictment.<sup>11039</sup> The Prosecution further argues that the Accused disseminated propaganda to incite Bosnian Serb fear and hatred of Muslims and Croats, which had the effect of encouraging his subordinates to follow his example.<sup>11040</sup> The Prosecution also argues that the Accused obtained, facilitated, and encouraged the participation of JNA forces in arming Serbs and in the take-over of the Municipalities; the Accused further oversaw and encouraged the participation of Serb paramilitaries in pursuit of the common purpose.<sup>11041</sup>

3471. The Prosecution argues that the Accused, by denying the commission of crimes, justifying them, and/or misleading the international community and the media, created an environment of impunity, through which he encouraged the ongoing implementation of the common plan.<sup>11042</sup> The Prosecution further submits that the Accused (i) failed to take adequate steps to ensure that Bosnian Serb Political and Governmental Organs and/or Bosnian Serb Forces would act to protect non-Serbs in Serb claimed territory, and (ii) by doing so, in turn facilitated and/or encouraged the commission of crimes in furtherance of the common purpose of the Overarching JCE.<sup>11043</sup>

<sup>11036</sup> Indictment, para. 14.

<sup>11037</sup> See Prosecution Final Brief, para. 597; Indictment, para. 14(a), 14(e).

<sup>11038</sup> See Prosecution Final Brief, para. 598; Indictment, para. 14(b).

<sup>11039</sup> See Prosecution Final Brief, paras. 598, 600; Indictment, para. 14(d).

<sup>11040</sup> See Prosecution Final Brief, paras. 597, 600; Indictment, para. 14(c).

<sup>11041</sup> See Prosecution Final Brief, para. 599; Indictment, para. 14(f). With regard to whether the Accused's contribution to the Overarching JCE through obtaining, facilitating, encouraging, and/or supporting the participation of the JNA/VJ forces and Serbian paramilitary forces, the Chamber has included the VJ/JNA and Serbian paramilitary forces under the definition of Serb Forces. See Indictment, para. 14(f). See also para. 159.

<sup>11042</sup> See Prosecution Final Brief, para. 601; Indictment, para. 14(i).

<sup>11043</sup> See Prosecution Final Brief, para. 601; Indictment, para. 14(g), 14(h).

3472. In response, the Accused argues, *inter alia*, that he never had the objective of expelling Bosnian Muslims and Bosnian Croats from Serb areas of BiH and that he did everything humanely possible to avoid the war.<sup>11044</sup> The Accused further alleges that he did not promote hatred against other peoples and that, in fact, he always promoted respect for the Geneva Conventions and insisted on humane treatment of non-Serb civilians and prisoners of war.<sup>11045</sup> Furthermore, he concedes that at a state level, there were plans to defend Serbs or to protect Serb territory, but that there were never any plans or instructions on harming, expelling, or disenfranchising non-Serbs.<sup>11046</sup> According to the Accused, the Bosnian Serb Political and Governmental Organs were not created or maintained for the purpose of committing crimes against non-Serbs.<sup>11047</sup> The Accused also contends that he had no control over the VRS and that he did not support or use paramilitaries to implement the common plan.<sup>11048</sup> The Accused argued *inter alia* that the Strategic Goals were not the basis for the expulsion or destruction of non-Serbs in RS and were merely political goals to be realised through negotiations.<sup>11049</sup> The Accused submits that he did not promote a climate of impunity for crimes committed against non-Serbs.<sup>11050</sup> Furthermore, the Accused argues that there was no JCE and moreover, that he did not possess the intent to further any common plan of the JCE or to commit crimes.<sup>11051</sup> Finally, according to the Accused, his only “significant contribution” is shown in his efforts to maintain peace, legal order, and the security for all citizens in BiH.<sup>11052</sup>

3473. The Chamber will assess these alleged contributions as far as they are relevant to the Overarching JCE. In that regard, the Chamber notes the alleged contribution at paragraph 14(j) of the Indictment which pertains to the Accused’s role in restricting humanitarian aid to Bosnian Muslim and Bosnian Croat enclaves in Bosnian Serb claimed territory. In its final brief, the Prosecution refers to the restriction of humanitarian aid in relation to the implementation of the third of the Strategic Goals through the issuance of Directive 4, namely the establishment of a corridor in the Drina Valley and the elimination of the Drina as a border between the RS and Serbia.<sup>11053</sup> It also refers, more generally, to the fact that in directing and authorising the restriction of humanitarian aid to the Eastern enclaves in an effort to create unbearable living conditions, the Accused furthered the common purpose of the Overarching JCE.<sup>11054</sup>

3474. However, the Chamber does not consider restrictions on humanitarian aid to be relevant to the Accused’s alleged contribution to the achievement of the objective of the Overarching JCE for the following reasons. The Chamber recalls that the crime base for which the Accused ultimately faces responsibility in relation to the Overarching JCE mainly pertains to events in 1992 and 1993 in twenty municipalities in BiH defined by the Chamber earlier in this Judgement as the “Municipalities”. Above, the Chamber found that the crimes of murder, extermination, persecution, deportation, and inhumane acts (forcible transfer) were committed in the Municipalities by Serb Forces during and after their take-over and in detention facilities there. The Chamber did not receive any evidence of restrictions of humanitarian aid into the Municipalities, which would have contributed to the creation of unbearable living conditions forcing the Bosnian Muslim and/or Bosnian Croat populations from these Municipalities to move

<sup>11044</sup> See Defence Final Brief, para. 218.

<sup>11045</sup> See Defence Final Brief, para. 222.

<sup>11046</sup> See Defence Final Brief, para. 223.

<sup>11047</sup> See Defence Final Brief, paras. 226–230.

<sup>11048</sup> See Defence Final Brief, confidential, paras. 1052–1137, 1248–1285, 1293–1298.

<sup>11049</sup> See Defence Final Brief, paras. 1286–1293.

<sup>11050</sup> See Defence Final Brief, para. 761.

<sup>11051</sup> See Defence Final Brief, paras. 231–285.

<sup>11052</sup> See Defence Final Brief, para. 285.

<sup>11053</sup> See Prosecution Final Brief, para. 175.

<sup>11054</sup> Prosecution Final Brief, para. 600.

out. The evidence that the Chamber did receive was that there were restrictions on humanitarian aid going into the Eastern BiH enclaves—Bihać, Goražde, Žepa, and Srebrenica from the spring of 1993 until the summer of 1995.<sup>11055</sup> The Chamber is not satisfied that such restrictions can attach in any meaningful way to the Accused's alleged contribution to the common purpose of the Overarching JCE, which was implemented through the commission of crimes committed in the Municipalities primarily in 1992 and 1993; therefore well before the period of these restrictions elsewhere in BiH. **(When wanted, the Chamber has ability to see.)**

## ii. Analysis

3475. The Chamber found that the Accused was at the forefront of developing and promoting the ideology of the SDS. **(#NOW, THE SDS AS A PARTY IS ACCUSED#! TOGETHER WITH THE "SERB IDEOLOGY"#!)** This ideology included the non-separation of Serbs, the identification of historical Serb territories, and the creation of a unified Serb nation. **(#THE "UNIFIED SERB NATION ALREADY EXISTED SINCE 1918, BOTH IN ETHNIC AND A STATE-NATION TERMS! THIS WAS A SERB ACHIEVMENT AND ANY CHANGE OF IT WAS A VIOLATION OF THE OLDEST HUMAN AND NATIONAL RIGHTS!# IS IT POSSIBLE THAT THE UNITED NATIONS COURT DOES NOT AND DOES CONTEST IT?#)** These principles formed a core element of the policies of the SDS and informed the objectives of the Bosnian Serb leadership.<sup>11056</sup> **(#There is nothing more wrong. The Prosecution-Chamber did have the Program of the SDS, which at a very core had a fight for democracy, multiparty system, an open society, freedom for the cultural development, freedom for a religious life, and a good relations between different nations, and so on.#** The very same Chamber found that the President started his political life with an enthusiasm about a common life in Bosnia, in full accord among the ethnicities on the main issues. **#How come the Chamber had it forgotten#?** What happened meanwhile? Meanwhile the SDA (Muslim Party) reneged on the proclaimed program on preservation of Yugoslavia and decided to secede from Yugoslavia, neglecting the Serb opposition to this huge change, which anyway couldn't be done without consensus of the three peoples in BiH. This is wrong also for the following reasons: The "non-separation" of Serbs had been achieved by forming Yugoslavia as a common state of the Serbs, Croats and Slovenians 1918, and again in renewing Yugoslavia in 1945. So, "non-separation" in a sense of state separation wasn't any objective or ideology, since it already existed. The SDS ideology included a preservation of Yugoslavia as a common state of all the South Slavs, and not to achieve something that didn't exist. In another terms, ideological terms, the Chamber may have misunderstood the Serb inclination to an ideological division on the right and left, i.e. on monarchists and socialists (communists) and the President was speaking about it far before Yugoslavia was falling apart.) As the Chamber found above, while the political objectives themselves were not criminal, they created the basis and laid the foundations for the structures through which a criminal purpose could be achieved.<sup>11057</sup> **(#This thesis has a deep rift in logics, and since this is the crucial moment of this Judgment, the damage couldn't be recovered!#** But the finding (or inference) must had been be different. If the political objectives themselves were not criminal, and it was evident that it could have been achieved by a political means, then the objectives didn't lead to the crimes, but the Muslim-Croat denial the Serb rights either to preserve their belonging to

<sup>11055</sup> Restrictions of humanitarian aid into Srebrenica, as well as in Sarajevo, will be dealt with elsewhere in this Judgement. See Sections. IV.B.1.a: Chronology of events in Sarajevo, IV.B.1.f.i.B: Shortage of food and supplies in Sarajevo, IV.C.1.b.ii: Restrictions on humanitarian convoys and the humanitarian situation in Srebrenica. For evidence on restrictions of humanitarian aid going into the Eastern BiH enclaves, see, e.g., [REDACTED]; P2243 (UNPROFOR report re meeting with Ratko Mladić, 14 February 1995); P1470 (UNPROFOR report re meeting with Ratko Mladić, 5 March 1995), pp. 3–4.

<sup>11056</sup> See paras. 2651–2653, 2940–2943.

<sup>11057</sup> See paras. 3435–3440, 3447.



**Yugoslavia, or to achieve their genuine goals within BiH. Although the Serb side took all the precautions to achieve the objectives by a peaceful political means and to avoid a war, the other two sides tried to deprive the Serb community from their rights by a military means, forming a secret armies and sabotaging political talks and the peace conferences!)** The Chamber finds that the Accused, first as President of the SDS, and then in turn as President of the SNB, Presidency, and RS, played the most important role in laying the ground work for that criminal implementation through the creation of, and support for, the structures and bodies which carried out that plan. **(#Wrong, wrong, wrong!# What the Chamber can say on this question: why the Serb political objectives, as being legal and not criminal, and being recognized by the EC, the Badinter Commission, and UN before the war as an endeavour possible to be achieved by the Conference, and finally recognized by the Dayton Agreement – why it had been denied by the Muslim-Croat armed attack and the war that lasted 45 months? Does the Chamber and the UN Court advocate that the Serb side was obliged to obey such a drastic deprivation of the basic rights? This approach and this process is the most serious violation of all the international institutes and documents, such as the UN Charter, the International Covenants on Human Rights, and other. Why? Because the UN court is slipping over the essential fact – that the Serbs did have their rights, and accepted much less than was entitled for the sake of a peaceful solution. But, the Muslim side wanted to prevent the Serbs from realising their legal rights, and started the war. So, if the Chamber “found” that the President was responsible for “through the creation of, and support for, the structures and bodies which carried out that plan.”. Then the Prosecution-Chamber alliance was obliged to prove that the Serbs didn’t have any right to form their institution, which were envisaged to regulate the life in their constituent unit, but formed it without a legal basis and only for the purpose to carry out the criminal plan. However, nobody could prove that. The “structures” in terms of the instances of authority existed since the elections 1990. What had been formed were only the Republic level institutions. It had been done not only on the basis of the right for selforganisation, or on the basis of the International Covenants on Human Rights, but on the ground of the decisions of the Conference (ICFY) from the first, Lisbon Agreement, to the last one, the Dayton Agreement. The fact that these structures participated in the organisation of defence and other war events – it was not their primary purpose, nor it could have been avoided once the Serbs had been attacked and imposed the war!)** He did so by developing an ideology which was loaded with Serb nationalism and emphasising the unity of Serbs and the importance of creating an ethnically homogeneous Serb state.<sup>11058</sup> **(“Creating an ethnically homogeneous Serb state” is not a crime in any sense, and it wouldn’t be an issue if the Muslims didn’t want to secede from Yugoslavia, and subjugate the Serbs under their Islamic regime. As such, the issue of the Serb state was recognised by the EC and UN, which facilitated the Conference to achieve it. An ideology, and other political questions lead us to a liability for the crime against peace, which is not in the scope of this Tribunal. But, if it is needed for an establishment of a *mens rea* of the President, then the Chamber must take into account the *mens rea* and *actus reus* of each and every leader of the Muslim community, from the Islamic Declaration of Mr. Izetbegovic, to the every single document before the war that led to a Serb fears and cautions, and finally to the war.)** The Chamber finds that the Accused was central in outlining the goals of the Bosnian Serb leadership and the measures which would have to be taken to establish Bosnian Serb authority in territories which they claimed.<sup>11059</sup> **(The “Bosnian Serb authorities” #already existed#, and the only new matter was to enable the Muslims and Croats to form their own municipalities if wanted. The Chamber didn’t have a single example of an offensive Serb intentions, but only a defensive, aimed to prevent the armed attacks on the Serb community, with the aim not only to subjugate the entire community to the Muslim fundamentalist rule, but to expel all the Serbs out of BiH, as General Dzambasovic testifies that the objective of the Muslim leadership was “to liberate all to the last foot of the territory of BiH”**

<sup>11058</sup> See paras. 2651–2654, 2670–2673, 2839–2841.

<sup>11059</sup> See paras. 2707–2714.

3476. The Chamber found that the Accused envisaged a separation of the Bosnian Serbs from non-Serbs in BiH and that war in BiH would result in “population homogenisation” and that he called for the creation of ethnically based entities in BiH.<sup>11060</sup> (#Mixing oranges and apples##! The President envisaged that the secessionist policy imposed by the Muslim leadership would lead to a war in BiH, which would result in homogenisation of population, killing of many, destruction of properties and settlements – all of it unless BiH doesn’t give up the unlawful secession, or unless BiH become transformed and decentralised. How this mixage is possible and allowed??? In order to avoid so predictable development, and to avoid any crime, the Serbs gave up their right to stay in Yugoslavia, and accepted an independent, but transformed Bosnia, and that was welcomed by the EC and UN, and accepted by the three ethnic communities in BiH. If the President wasn’t calling for a creation of the ethnically based entities, which de facto existed, there wouldn’t be any consent to the independence, and there would be a worse development, with an endless conflict. That was why the Conference was established, to which the Serb side remained faithful, and therefore can not have anu liability for such a development.) The Accused also encouraged the identification of Serb areas from which Bosnian Muslims would be excluded.<sup>11061</sup> (#This is a forgery, this is a bastards sentence, either created by an assistant, or because the Chamber didn’t understand what it meant to create a territorially homogenous region#. It meant to exclude territories, settled places as a whole, administratively, from one entity to another – if the inhabitants wanted it, simply by drawing the administrative borderline on one or the opposite side of such a settlement. And that really requires a huge amount of misunderstanding, if not a bad will and intended attack on the truth not to see from the documents and even examples from practice, that it had nothing to do with any “exclusion” of population. Just an example of the Dobratnici group of the Croatian villages, which concluded an agreement with the maternal municipality of Knezevo (former Skender Vakuf) in the presence of the ECMM, to dissociate and to associate with the neighbouring municipality of Jajce, see T20851, testimony of an OTP witness Nenad Krejic Q Thank you. I’ll try to remind you. Is it true that the lowerbottom concentration of 15, 20 villages in Okur [phoen], are these Croatian settlements across the Ugar canyon, which separates Croatian and Serbian settlements? I believe it’s called Dobratic. A Yes, correct. The entire area is called Pougharje, named after the Ugar River, and Dobratnici was one of the four local communes before the war. And nowadays -- and this area was taken out of the pre-war Knezevo municipality to form a separate municipality called Dobratic which belongs to the Federation of Bosnia-Herzegovina. Q Could we agree to begin with that there are no Muslim villages in what remains and that the Muslims lived in Skender Vakuf, that is to say Knezevo? A Yes. We have just cleared that up with the Prosecutor. In the little town of Knezevo itself and two smaller suburbs, Sapani and Bastina, which are one kilometre from the centre of town each, they contained very few houses....) We may now see how much the development on the local level depended on the local circumstances, the same OTP witness, T20854 Q And you did not fight with Dobratnici all the time, did you? A I hope you don’t mean myself. Q Certainly not. A No, especially at the beginning of the war there was an understanding between Knezevo municipality -- or, rather, that part of Knezevo municipality made up of Croats that we should avoid conflict of all sorts, and we had no reason to fight anyway. You’ve already mentioned that there’s a deep canyon of the Ugar River there, and it has always separated the 100 per cent Croatian area on one side and the Serbian side. There was no reason for war between them, and we displayed restraint and containment until the war when some other circumstances that prevailed that were beyond the control of the civilian authorities of Knezevo or Dobratnici. We had a sort of gentlemen’s agreement until then. The Map illustrating the testimony is D1880, showing how big area inhabited by Croats was

<sup>11060</sup> See para. 2711.

<sup>11061</sup> See para. 2711.

**agreed to separate from the Serb majority municipality of Knezevo (Skender Vakuf) .** Not only did the President formulate and promote these policies, the Chamber finds that he was adamant that he would not allow anything to stop the Bosnian Serbs from achieving their objectives.<sup>11062</sup> **(But this had to be understood and interpreted toward a completely opposite direction: the President didn't say that it was his will, but he warned all and everyone that the Serbs are decisive either to prevent the secession from Yugoslavia, which was their right that would even President Lincoln recognize, as he recognised the same right to West Virginia, or to have their own entity in BiH. As a representative of this ethnic community, the President didn't allow any possibility to stop the community in exercising their rights. All peacefully and politically. Now, a more than academic question is: should the Serbs give up their fundamental rights, because the opponents would try to deny those rights by a military means?)**

**3477.** The Chamber also found that the Accused was pivotal in making careful preparations to allow the Bosnian Serbs to respond to any move towards independence by BiH with the creation of its own parallel structures and take-over of power at a municipal level.<sup>11063</sup> **(Again, this is completely wrong, for the following reasons: 1. There was no any "take-over" of power at a municipal level, because "take-over" in Serbian means "preuzeti" i.e. take something away from somebody, while it had never been said or meant "preuzeti" but only "uzeti" i.e. "take" meaning get control of. 2. A "responding" to moves that were illegal, anti-constitutional and in contrast to the Serb legitimate interests – is simply the main objective of every politics. 3. While attacked politically, the attacked community is defending by a political means, but when attacked militarily by own state, a defence must be military!) .** The Accused's involvement in this regard included formulating policies and actively promoting the creation of the parallel governmental, military, police and political structures that were used to gain or retain control of Bosnian Serb claimed territory.<sup>11064</sup> **(Since the Serb political objectives, i.e. policy of claiming the territories for their autonomy within BiH, was not criminal by itself, the right for self-organisation of any community is also not a crime by itself. The only crime, and all the #crimes that appeared, was in the attempt of armed prevention of this legal Serb political action!#).** These parallel structures were designed to support the existence of a separate Bosnian Serb state and allow for the furtherance of the objective of the Overarching JCE.<sup>11065</sup> **(The first part of the inference may have been correct, although it should be said that the Serbs accepted it to be a "constituent state" or constituent unit in BiH instead to stay in Yugoslavia, and had it been achieved by political means, that would be so. The second part is wrong, because no a Serb official or institution wanted, planned or promoted that kind of the Serb state. A separate Serb state structures were aimed to prevent chaos and to maintain the peace, but it appeared that those institutions were needed to facilitate the defence of the people and territories against an illegal military attack!)**

**3478.** For example, the Accused was responsible for the distribution and promotion of the Variant A/B Instructions, which the Chamber has found formed the basis on which Bosnian Serb Crisis Staffs, Bosnian Serb municipal assemblies, and other parallel municipal structures were established in the Municipalities.<sup>11066</sup> The Accused actively monitored the implementation of the Variant A/B Instructions, followed developments which occurred at a municipal level, and co-ordinated efforts to ensure they were implemented.<sup>11067</sup> He issued precise directions with respect to the establishment and maintenance of Bosnian Serb authority and emphasised the importance of the Instructions in achieving

<sup>11062</sup> See para. 2710.

<sup>11063</sup> See paras. 2940–2942, 2947.

<sup>11064</sup> See para. 2839.

<sup>11065</sup> See paras. 2944–2951.

<sup>11066</sup> See paras. 3073–3075.

<sup>11067</sup> See paras. 3079–3081.

the objective of creating a Bosnian Serb state.<sup>11068</sup> In this regard the Chamber found that the President instructed how the Crisis Staffs would function and be structured and this was one of the ways in which the President exercised his authority over them.<sup>11069</sup> **(So what?#LEGAL AND OBLIGATORY#! If the Serb political objectives were not criminal by themselves, (see para 3475) the existing authorities, no matter acting as a Crisis Staff, or a War Presidency, or a regular peace time organs, had their obligations to secure the area of their responsibility. Everything the local authorities did before the war was in accord with the domestic laws, and Constitution, undet the threat of punishment for a high treason!)**

3479. The Accused was instrumental in the formation of, and support for, the Bosnian Serb Assembly and used this as the formal means through which the Bosnian Serb ideology and objectives were officially sanctioned and disseminated.<sup>11070</sup> **(That is a basic role of the legislative representative institutions served for. The Chamber is anxious to notice that the political objectives and preparations to control own territory by itself wouldn't deliver any crime, but only a forceful prevention of the communities to achieve their legitimate goals were producing crimes!)** The Chamber also found that the Accused had influence and authority as the leading figure in the Bosnian Serb Assembly.<sup>11071</sup> **(Influence maybe, but the President didn't have any authority in the Assembly, since it would be a violation of the Constitution, and the representatives wouldn't allow it. The President was rather at a disposal to the Assembly, while his presence wasn't obligatory to him, neither he was present every minute. But, if the representatives or the Government needed some information concerning the international negotiations, the President must have been in the vicinity, to respond!)**

3480. Throughout the existence of the Overarching JCE, the Chamber found that the Accused was at the apex of a number of political, governmental, and military structures and was not only instrumental in establishing these structures, but he was also able to use his power and influence over them in order to further the objective to permanently remove the Bosnian Muslims and Bosnian Croats from Bosnian Serb-claimed territory. **(If it was so, then it must have been very easy to the Prosecution-Chamber alliance to submit a single convincing document about the President's intentions, plans or acts towards a permanent removal of Bosnian Muslims and Bosnian Croats. However, there is no a single evidence to that direction, while there is a plethora of evidence to the contrary! As far as it is concerned with the presidential duties that the President exercised, it was strictly regulated by the Constitution and the Law, and controlled by the opposition! Nothing extraordinary!)** The Chamber found that the Accused demanded and enforced the strictest of discipline within the SDS in its adherence to the policies which he had developed.<sup>11072</sup> **(Wrong!!! The President never made a sole decisions, there was always a democratic process of making decisions. The President, as a President of the SDS, was obliged to secure the decisions were implemented strictly, and not changed in an unauthorised way!)** In this regard, the Chamber found that the Accused had *de jure* and *de facto* authority over the SDS party and its members and exerted the greatest control and authority over its institutions.<sup>11073</sup> **(Wrong! As the above, the President was completely faithful to the democratic procedure, he sustained a criticism very often, and didn't succeed to have all his proposals to be adopted. There is a sufficient evidence of that, both in the SDS and in the RS Assembly. The locals in the SDS used to be even harsh towards the President's interventions**

<sup>11068</sup> See paras. 3080–3081.

<sup>11069</sup> See paras. 3086–3087.

<sup>11070</sup> See paras. 2944–2950.

<sup>11071</sup> See para. 2951.

<sup>11072</sup> See paras. 2940–2943.

<sup>11073</sup> See para. 2940.

in “their business”, as can be seen from the S. Srdic’s statement, D2265, p.47-48

- NK: It sounds like you were complaining about STAKIĆ, meaning that KARADŽIĆ had let STAKIĆ operate with so much power.
- SS: It’s possible that I said that. It’s possible. I wouldn’t say no but, because nobody tried to prevent them from going out there /inaudible/

or p. 58:

- NK: Do you know of anyone that STAKIĆ particularly retaliated against, or had political conflicts with?
- SS: I knew he couldn’t stand KARADŽIĆ, and he was saying that Pale would never govern Kozara, and that KARADŽIĆ should never come to Prijedor.
- NK: But then KARADŽIĆ brought him back as President, so, I’m confused, can you explain that?
- SS: Believe me, everybody else was also confused. You know, we were all confused by the fact that KARADŽIĆ would receive all of them in Pale, KOVAČEVIĆ, DRLJAČA, SAVANOVIĆ, TRAVAR, STAKIĆ, but when it was KARADŽIĆ’s turn to come to Prijedor, they didn’t like it.

and many others! But, all of this looks rather like a gossip, without any basis in facts!

3481. The Chamber finds that through insisting on this strict discipline and relying on his extensive authority, the President was more easily able to direct, encourage, facilitate, and authorise actions which furthered the objective of the Overarching JCE. **(Wrong!!! It was only an intervention aimed to make some individuals and groups to stick to the adopted policy, not to one’s own private policy. And the most of the President’s influence he used for a benefit of the peace, of a respect of Constitutions, and when the war started, almost exclusively his activity was aimed to a restraint of the Army, respect of civilians and free passage of the humanitarian aid.)** The Chamber also found that the SDS party structures, which the Accused supported, facilitated communication between the higher level leaders, including the Accused, and the municipal SDS leaders.<sup>11074</sup> **(The Chamber may say something like that only pertaining to the peace period, before the elections 1990 and before the war broke out. At the very beginning of the war there was no communications at all, and this particularly concerns the first year of war, the one for which the Chamber “found” the President responsible for persecutions and other crimes in Municipalities, mainly in the western part of country. There was a sufficient evidence that there was no sufficient communication, particularly within the SDS, whose activity was froze. The way the Chamber presents the President is exactly what the Prosecution tried: to depict him as an autocrat and dictator within the SDS, which is far from any truth!)** The Chamber finds that this was a crucial link in the chain to ensure that the Accused’s policies were effectively disseminated and that he could monitor the way in which they were implemented at a municipal level. **(There was no any President’s policy. The Chamber itself asserted that the Serbs in BiH had their intentions and objectives. The President adopted the people’s program and as a represent of the Serb community checked it in the SDS and on the general elections, and the Serbs in BiH approved it and wanted their representatives be faithful to their constituency, which is the only way to be!)** There was a direct and regular line of communication between the Bosnian Serb authorities at a municipal level and the Bosnian Serb leadership or RS authorities, including the Accused. **(Wrong assertion, because there was a sufficient evidence that particularly in the first year of war there was no even a minimal communication between the President and other leaders in Sarajevo and those in municipalities. This is in particular impressive in a year for which the Chamber “found” to be the period of the persecutions and killings. But, the way the Chamber is concluding is: there were some communications, therefore the crimes had been ordered by the President. This is wrong, and shouldn’t be allowed. Instead, there should be an evidence on what was the content of these**



**communications!)** This line of communication allowed the Accused to monitor developments at a municipal level and to issue precise directions with respect to the establishment and maintenance of Bosnian Serb authority.<sup>11075</sup> **(But the Chamber had every reason, as would any reasonable chamber, to conclude that even the poor communication with the terrain the President used to influence the development to the better. Not to mention that the President very frequently was out of the country, at the conferences, and this additionally decreased his abilities to be in contact with the terrain. The only valuable evidence would be a document depicting the President orders that enabled a commission of crimes!)**

3482. The Chamber found that the Accused was intimately involved in identifying Bosnian Serb claimed territories, and advocated and worked towards a territorial re-organisation which would allow the Bosnian Serbs to claim control and ownership of a large percentage of the territory in BiH. This was done in order to establish the borders of the Bosnian Serb state in accordance with their territorial and strategic aspirations.<sup>11076</sup> **(Exactly! That was the Serb right, and that was a task given by the mediators at the Conference. All the three sides made their maps, but the international mediators particularly. They demanded the sides to bring their own territorial proposals. How come the Chamber still doesn't know that? But, what the Chamber said in this para is in contradiction with it's assertion that the method of homogenisation was expelling the non-Serbs, while in this para the Chamber recognized that the homogenisation was to be done by re-organization of the territories!)** The Chamber also found that the Accused supported the military successes of the Serb Forces which resulted in major changes to the demographic landscape of BiH. **(The President was in a quarrel with the VRS just for a contrary reasons, because he was stopping the Army when winning and limiting it just to the defence. The Prosecution witnesses, as Milovanovic, Skrbic, Obradovic and other testified that the President objected to the army for being "so militant". There is more than enough evidence that this assertion is wrong. The military successes had nothing to do with the demographic landscape, since the political matters, such as return of refugees wasn't in any aspect a matter of military, but exclusively of political negotiations. Those who encouraged the Muslim side to go for a war are responsible for the movement of population. There is almost none of the Serbs in the Federation BiH!)** He ultimately supported the military implementation of their goals which necessarily entailed the take-over of territory and the forcible movement of the non-Serb population to achieve that objective. He viewed these military operations as a necessary means of defining Bosnian Serb territory and creating their own state and these operations resulted in the ethnic homogenisation of Bosnian Serb claimed territory in the Municipalities.<sup>11077</sup> **(But this #has nothing to do with the ethnic composition, neither the Army defined the Bosnian Serb territory, which was defined a centuries ago#. The Army defended this territory. Had it been done without a war, it would look the same, only there wouldn't be refugees and casualties. Also, the defence of the Serb territories was important only within the defence of the Serb population, while the military territorial successes meant nothing, because of the Conference. The Serbs defended many territories and municipalities, but it had been given to the opposite side around the Conference table! Several Serb municipalities of the pre-war City of Sarajevo, that had been defended throughout the war, had been given to the Muslims at the Conference!)**

3483. The Chamber further recalls its finding that the Accused formulated, promoted, and disseminated the Strategic Goals and that he tied the promotion of these goals to the threat faced from the Bosnian Muslims and Bosnian Croats who he continued to identify as their historic enemies and to minimising the number of those "enemies" who would remain in their state.<sup>11078</sup> **(Not correct! First, it**

<sup>11075</sup> See para. 3080.

<sup>11076</sup> See paras. 2839, 3090–3091.

<sup>11077</sup> See paras. 2845–2846, 3091–3096.

<sup>11078</sup> See paras. 2895–2896, 2901–2903. Kecmanović stated that the Accused and Krajišnik were among those who shared the view that it was necessary to find a solution to conflicts in BiH through political negotiations and to avoid or stop war at all costs and that the Accused did not view Bosnian Muslims and

was about who should be prevented to leave Yugoslavia, which was a common home of all the South Slavic nations. It was a painful development, but the politicians had to explain to their people why the Serbs shouldn't further insist on preservation of Yugoslavia. As regard to BiH, the only matter was whether to be modest about the territorial claims, or to insist on every single village, no matter how many Muslims or Croats may be dissatisfied for being included in a canton with the other's majority. The Chamber does not have a right to neglect the facts and evidence that corroborate this position of Defence! Otherwise, the Chamber is writing a new History of the region, which for sure would be a source of new tensions. Nobody is entitled to do that, let alone the UN Court!) The Chamber found that the President was steadfast in emphasising that ethnic separation was necessary in the promotion of these Strategic Goals.<sup>11079</sup> Further, he received and gave updates about developments and progress made towards their achievement, including territorial control through military operations and the separation of people.<sup>11080</sup> **(Certainly wrong! The military operations had the only purpose to preserve the population and to endure until the political settlement would be achieved. No territorial or demographic issues had been connected with the military operations! Otherwise, the Serbs would keep their municipality in the City of Sarajevo and other places that had been defended!)**

3484. The Accused also activated the second level of the Variant A/B Instructions which were intimately linked to the physical control of Bosnian Serb claimed territory.<sup>11081</sup> **(A #control of one's own territory is an obligation even during a peace times, let alone when against a people is declared a war#. The authorities on these territories were established during the elections 1990, and didn't change until the elections 1996. Since the Muslim-Croat coalition didn't want (the Muslim component) a political solution so that all the three communities be satisfied, it was clear that they would try to prevent any Serb autonomy by an armed force for which they had been preparing a secret army a whole past year. Who was, according to this Chamber's finding, supposed to control the areas where the Serbs had been majority? All of it is provided by the Constitution and several domestic laws, and no regulation enabled different conduct, which would be prosecuted as a high treason!)** The Chamber found that while the Accused envisaged the use of force to take-over power he was cautious about the way in which this would be portrayed at an international level. **(This wrongful position of the Chamber is the source of many other errors in this process. There was no any need for use of force "to take over power" neither the President envisage a use of force in the case of transformation of BiH, but he envisaged a chaos and a civil war if Bosnia continued to force the independence without the transformation and decentralisation. The power already belonged to the ethnic communities in almost 90% undisputed areas, and no "take-over" ever happened. A use of force appeared when the Muslim side decided to renege on the Lisbon Agreement, and to try to prevent the Serbs from organizing their constituent unit!)** However, there was no genuine concern about the manner in which power was taken and there was a clear disjuncture between the Accused's public statements to international observers and his private discourse in this regard.<sup>11082</sup> **If the Chamber (like the Prosecution) persists on a "take-**

---

Croats as enemies. D3645 (Witness statement of Nenad Kecmanović dated 27 May 2013), para. 35; Nenad Kecmanović, T. 39124–39125 (31 May 2013). The Chamber however notes that Kecmanović's evidence was marked by evasiveness, contradictions, partisanship and indicators that his testimony lacked sincerity and candour. His testimony was also marked by indicators that he was seeking to protect the Accused. The Chamber therefore does not consider that it can rely on his evidence in this regard. **(The witness was the main political opponent (with Dodik) to the President, (no partisanship) #but he didn't accept to confirm the lies against President Karadzic#, in spite of the fact that their political differences remained to these days. There are many other evidence that the ordinary Muslims and Croats have never been considered by the President as enemies, but only parts of their extreme leaderships. That is what the President said in Banjaluka at the meeting 12 May 92.)**

<sup>11079</sup> See para. 2896.

<sup>11080</sup> See para. 2901.

<sup>11081</sup> See para. 3083.

<sup>11082</sup> See paras. 3084–3085. Defence witnesses stated that the Accused was very moderate and tolerant both in speeches he gave in the lead-up to the war and through his policies and that he insisted on respect for minorities and the peaceful resolution of problems. Savo Čeklić, T. 41230–41231, 41239 (11 July 2013); D3126 (Witness statement of Jovan Nikolić dated 10 March 2013), para. 60; D3853 (Witness statement of Zvonko Bajagić dated 5 July 2013), para. 41; D4077 (Witness statement of Anđelko Grahovac dated 23 November 2013), para. 10; D3724 (Witness statement of Branko Grujić dated 22 June

over” term, no argument can help, but there was no any “take-over”. The Serbs had one third of power on the central level, and a complet authority in all the municipalities where the Serbs and “Yugoslavs” were a majority population. So, it can only be said that the Serbs were in a position to defend the power which they already had. And that was their obligation, and their necessity, an ultimate defence of survival!) There was an even greater disparity between his assurances given in speeches and orders and the reality on the ground. (If there was a criminal orders, why the Chamber relies on a chatting of other people, allocating their jokes to the President as his own standpoint? However, it a strictly confidential orders of the President hadn’t been entirely implemented, as the witness Okun said, there may be many reasons, and the last one would be an insincerity of the orders, as also Mr. Okun testified. The most probable and the most reasonable inference would be that some of the President orders couldn’t be implemented because of the combat activities of the adversaries. The next could be that the forces on the terrain didn’t have sufficient manpower, or a capable and professional officers. But, if the other side to the conflict didn’t respect a ceasefire, nobody could, not even the President, order the attacked units to do something else, but to defend themselves!) What transpired in the Municipalites were widespread crimes committed by Serb Forces against Bosnian Muslims and Bosnian Croats and this resulted in the creation of a largely ethnically homogeneous state which corresponded to the objective of the Bosnian Serb leadership.<sup>11083</sup> (This is as much wrong as everything what this Tribunal represent and does. The crimes in the Municipalities appeared only on the incentive made by the Muslim armed assault on, first JNA, and later on the Serb civilians and the VRS. There is more than sufficient evidence that corroborate this assertion of the Defence. Had this Tribunal been a real court, it would find it by itself and protect the President from so long process and detention. Now, after the process, and all the evidence that the Defence had submitted, it is unbelievable that the Chamber makes that kind of inferences. There was no any objective that was counting on the achievement by the military means, because it all had to be done at the Conference, as it had really happened. Many territories had changed the “owner” at the Conference table, as the President knew from the beginning, and that is why he prevented the VRS to take more territory, or to defeat the adversaries completely. There is evidence about it.)

3485. The Chamber now turns to consider the Prosecution’s submission that the Accused disseminated propaganda to incite Bosnian Serb fear and hatred of Muslims and Croats, which had the effect of encouraging his subordinates to follow his example. The Chamber recalls that the President was also a central figure in the dissemination of propaganda against Bosnian Muslims and Bosnian Croats. This propaganda identified them as the historic enemies of the Serbs.<sup>11084</sup> More specifically, the President in speeches repeatedly referred to the crimes committed against Serbs during World War II, and that they could not allow the Bosnian Muslims to declare themselves a majority people in BiH on this basis and threaten the Serbs again.<sup>11085</sup> The President’s speeches were also used to promote the idea that the Bosnian Serbs could not live together with the Bosnian Muslims and Bosnian Croats and formed the foundation for the separation of the three people and the creation of a Serb state.<sup>11086</sup> The

---

2013), para. 44; Branko Grujić, T. 40373–40374 (25 June 2013); D3692 (Witness statement of Jovan Ivanović dated 9 June 2013), para. 33; D3528 (Witness statement of Milan Martić dated 7 May 2013), paras. 23, 70–71; D3051 (Witness statement of Momir Bulatović dated 25 February 2013), para. 12; D2549 (Witness statement of Branko Radan dated 3December 2012), para. 20. The Chamber notes that the evidence of the relevant witnesses were marked by evasiveness, contradictions and/or indicators of insincerity and therefore does not find their evidence that the Accused did not intend to commit crimes and always called for respect of minorities to be reliable. However, the Chamber finds that the Accused did speak in terms which portrayed himself publicly as the peaceful negotiator but he insisted that this peace was conditional on following the objectives of the Bosnian Serbs. The Chamber also places no weight on Filipović’s personal opinion that the Accused prevented “bigger bloodshed in BiH” through his policies. D3140 (Witness statement of Živan Filipović dated 18 March 2013), para. 21. **The Chamber is erred in disqualifying so many witnesses who testified publicly, and had been exposed to the public opinion, which would make them weak on a criticism, had they lied. This action and attitude of the Chamber is a unique, and completely disqualifies the very idea of the international justice.**

<sup>11083</sup> See paras. 3091–3096.

<sup>11084</sup> See para. 2670.

<sup>11085</sup> See paras. 2671, 2843, 2851.

<sup>11086</sup> See paras. 2672, 2711, 2841.

Chamber finds that the President played on this historical narrative and amplified its effect to suggest that the Serbs faced a similar existential threat.<sup>11087</sup> **(#The Chamber deals with the subject about which doesn't know anything#, and didn't allow the Defence to submit evidence about it. First, the Chamber neglected the fact that in Croatia on the elections 1990, in April, even before the SDS was established, the power was taken by a Hitler's allies, anti-Serb and anti-Semites. Although President Tudjman was an anti-fascist during the WWII, he himself bragged that luckily his wife was neither Jew, nor Serb, and many of his closest associates were Ustashas and hated the Serbs, and participated in the genocide against the Serbs. At the very same time there started an anti-Serb campaign, some Serbs had been killed, many Serb properties had been ruined and an anti-Serb propaganda overwhelmed Croatia. It was clear that Croatia was going to secede from Yugoslavia and to be a very hostile towards the Serbs.)**

**In Sarajevo, although the SDA started as a pro-Yugoslav party, it turned back to the fundamentalist ideology, which had been developed in BiH in 1939 by the same people that formed the SDA, and the tensions among the ethnic communities started to grow. The Chamber must not establish such an assertion that the Serbs didn't have any reason to fear from the events that were to face in the most immediate time. Had it been left as it is, it would become an adjudicated fact that would deliver many further tensions. Lord Owen said publicly that the Serbs had a good reason to fear from the new development.)**

3486. The Chamber finds that this rhetoric was used by the Accused to engender fear and hatred of Bosnian Muslims and Bosnian Croats and had the effect of exacerbating ethnic divisions and tensions in BiH.<sup>11088</sup> The President used fear and hatred to promote the historical territorial claims of the Bosnian Serbs and to garner support for the idea of creating a largely ethnically homogeneous Bosnian Serb state on this land.<sup>11089</sup> **(Now, the President didn't "engender" but "used" fear and hatred... However, the Chamber neglects the crucial fact, i.e that the Serbs invited the Muslims and Croats to stay in the common state of Yugoslavia and to give up a unilateral and unlawful secession. When they refused and pledged for a unitary states of their own, the Serb side was entitled to go it's own way. Why the Chamber is re-defining the Positions of the UN and EU on the subject? Both, the UN and EU (EC) at the time recognised all the Serb concerns as legitimate. The Badinter Commission issued it's Opinion No. 4. All the most important political officials of the world at the time said the same as the President. Even if there was no any genocide against the Serbs in WWI and WWII, the Serbs were entitled to participate actively in the changes that had been imposed by the secessions of the Yugoslav republics. So, it is irrelevant whether the President "used fear" to promote the historical territorial claims, or not. These historical claims were legal and legitimate, although subject to negotiations about a concrete territories. The UN Court is deciding directly in contrast to the UN Charter and the UN position concerning the Serb rights to decide about their future. Also, the UN Court is advocating a political violence and obedience to a slavery, which will be remembered as a dark period of the UN!)** The Chamber also found that the Accused's position with respect to these historic territorial claims was endorsed by the Bosnian Serb Assembly and formed a core aspect of the Bosnian Serb objectives in including these territories in the RS.<sup>11090</sup> **(That was a democratic approach to the challenge of the illegal secession! The President was serving his people and it's legitimate intentions, which had been defined by the Assembly, and confirmed through several referenda!)**

- 3487.** The Chamber finds that these speeches and statements went beyond mere rhetoric and formed a core element in the policies and plans developed by the President and the Bosnian Serb

<sup>11087</sup> See paras. 2672, 2708, 2841–2843.

<sup>11088</sup> See paras. 2671–2672, 2895.

<sup>11089</sup> See paras. 2670, 2711, 2713, 2841–2843.

<sup>11090</sup> See para. 2843.

leadership. (The Serb policy of preserving Yugoslavia, and later of securing their entity within BiH was legal and legitimate, and it was recognised both by the UN and EC. Is the Chamber now changing it? On what basis? These legitimate intentions didn't cause any violence, including the war itself, but the Muslim denial of these rights through a military attack and declaration of the war against the Serbs!) The Chamber also found that the Accused disseminated propaganda about demographics and the Bosnian Muslim birth-rate as a further justification for ethnic separation.<sup>11091</sup> (The Chamber neglects an obvious evidence that this didn't concern with a natural birth-rate, but an unnatural and politically motivated huge operation of obtaining a majority for the purpose of getting "strong enough" to establish an Islamic regime. There was evidence admitted, and the Chamber was obliged at least to explain why it neglected this challenge and the threat to the Serbs. See: D02768, showing what was planned to be done to the Serbs in BiH;

WHAT TO DO WITH THE SERBS IN THE ISLAMIC REPUBLIC OF BOSNIA  
AND HERZEGOVINA

The day of the announced proclamation of the Islamic Republic of Bosnia and Herzegovina approaches. The date which makes the heart of each Muslim from Bosnia and Herzegovina and Sandžak race has been known for a long time – 31 December of this year. There are some indications that the Serbs from BH might oppose this historic event. In connection with that, some measures have been taken which would be applied should the Serbian population of Bosnia and Herzegovina disagree with this idea.

1. Each individual Serb must be aware of the responsibility of the whole people for their uncontrolled actions: punishment for the crimes committed will be collective – 10 Serbian houses will be destroyed for one destroyed Muslim house, 100 Serbs will
2. All the Serbs have a 12-hour working day, their salaries are proportional to the loyalty of all the employees and, as a rule, they are 30% lower than the salaries of the Muslims holding the same job.
3. The Serbs shall have priority when redundancies are made.
4. The Serbs may not visit all public institutions without special permits.
5. The Serbs shall exchange ration coupons for food, in shops working specially for them.
6. The Serbs shall have no ethnic parties, and if they do not respect the rules of political life, they will have no right to political organisation or right to vote.
7. In the Islamic Republic, the Serbs shall not be denied the right to make alcohol, but the Muslims have the right to impose sharia law on all people in the state.
8. The Serbs are equal to the Muslims if they voluntarily convert to Islam, the religion of their forefathers – nobody has the right ever to criticise them for the way they lived before, because it is not their fault that they are Serbs, and no generation can be held responsible for the actions of the generation before or any previous generations.
9. A good Serb is an alive and obedient Serb, or a dead disobedient Serb.

It was published in the Vox Magazine, owned and edited by Mr. Sahinpasic, a high official of the SDA, and re-printed a year later, with an excuse that it was a joke. But, nobody saw it as a joke, since it was exactly what happened during the Turkish occupation, as well as

<sup>11091</sup> See para. 2851.



written down in the Islamic Declaration authored by Mr. Izetbegovic!) see: @@00174 showing a huge clandestine intervention of the Turkey in the war in BiH, which resulted in many punishing actions against the Serbs, see:???? @...#**But, let us suppose that somebody tried to change the ethnic balance in the Northern Ireland, what would happen?#**.

The Chamber found that this ideology was repeated and used by the President and the Bosnian Serb leadership as justification for the creation of ethnically homogeneous entities in BiH and to decrease the number of Bosnian Muslims and Bosnian Croats who remained in the Bosnian Serb state.<sup>11092</sup> **(The homogeneity was supposed to be achieved only by a selection of the settled places to be included in the ethnic states, and not in any other way. See what Mr. Ajanovic, a high SDA official said after the Lisbon Agreement had been accepted, see D302, of 19 March 1992:**

Commenting on tonight's fifth round of the Conference on the future of Bosnia and Herzegovina, the spokesman of SDA, Irfan Ajanovic, estimated that the Muslim nation in its constituent unit or future ethnic canton would be a majority of 82 percent, while the Serbian nation would comprise 50 percent of the Serbian unit. He said that the approved document that has not yet been signed will allow Bosnia to remain indivisible and unified in its current borders and that after the fifth round of talks it practically became a "state with all of the attributes of a state". He supported that with a statement saying that at the meeting with Jose Cutilleiro, it was agreed, among other things, that this republic would get its own national currency, a single defense system, unified foreign affairs and court system, and the protection of human rights and freedom.

**it was obvious that the homogeneity was a matter of the maps, not of the redistribution of population. It was never an objective to have an ethnically pure state, which is invented and forged by the Prosecution, in spite of so many documents proving opposite!)** The Chamber finds that the President persisted with promoting the objectives of ethnic separation and the territorial claims of the Bosnian Serbs into 1995.<sup>11093</sup> **(This was not a crime! This was a legitimate demand of the transformation of BiH, which was going towards the illegal secession, against the legitimate political will of the Serb people in BiH. Since all of the President claims had been acceptable to the International Community (UN and EC) up until 18 March 1992, the rest of time went on in a Muslim military denial of the already agreed state separation. The International institutions never abandoned the Serb claims for their entity, and it was acceptable for the mediators from the very beginning of the crisis, to the very end of the war and the Dayton Agreement. Why the #Chamber is questioning this already legalised and legitimised matter#?)**

3488. The Chamber found that the President was instrumental in the creation of the SerBiH TO and local TO units in mid-April 1992 and that he had *de jure* and *de facto* control over the TO.<sup>11094</sup> **(Wrong! Before the nomination of the Commander of the Republic's TO, and even after it, the TO units belonged to the municipalities or companies that formed them. The President was only coordinating them for a short period!)** The Chamber also found that the President was closely involved in giving instructions for mobilisation of the TO at a municipal level and the creation of the Bosnian Serb TO which was used to take-over and maintain Bosnian Serb authority in the Municipalities.<sup>11095</sup> **(All in the accord with the domestic laws, and the Chamber is doing its findings contrary to the domestic laws. The TO had to be established in every local commune, as well as in companies, regions, and the Republic as a whole and provided both in Constitution and in Law on All-people Defence. Any other way would be a crime of a high treason, as written in the**

<sup>11092</sup> See paras. 2839–2840, 2851, 2854–2855.

<sup>11093</sup> See paras. 2854–2856.

<sup>11094</sup> See para. 3177.

<sup>11095</sup> See paras. 3172–3173.

**law.)** The President also took a leading role in the co-ordination of TO forces and their subsequent integration into the VRS.<sup>11096</sup> **(This is also an inherited rule, and all the armed forces, i.e. Army, Territorial Defence, Civil Protection, and the Police when necessary, are integrated under the command of the Army. Therefore, the #President can not take any credit for inventing this rule#!)**

3489. The President, as the highest authority in the VRS chain of command,<sup>11097</sup> had the power to organise and implement plans for defence, order mobilisation, and command and control the army.<sup>11098</sup> The Accused exercised his powers, for example, by ordering the VRS to carry out general mobilisation, which was delivered and acted upon at the municipal level, and by reassigning VRS officers.<sup>11099</sup> He was key in planning strategy and was closely involved in examining and approving the VRS military directives, which were issued in furtherance of the Strategic Goals.<sup>11100</sup> **(All legal, nothing illegal, no crime was committed. These were all ordinary presidential duties, as same as in the countries known to the Chamber! But, this shows how deep is the rift between this Court and the domestic legal system!)**

3490. The Chamber also found that the Accused's involvement in the command of the VRS as Supreme Commander went beyond planning and strategy as he was involved at the operational level as well. For example, the President issued instructions based on proposals for operations he received from the Main Staff and occasionally sent direct orders to the corps and brigade commanders to answer directly to him.<sup>11101</sup> **(Nothing illegal. But the President got involved in the direct command #only in a cases of the request of the internationals#, to stop an advancement, to withdraw from some areas, to help with the humanitarian convoys. Was there any crime committed on the basis of the President's orders? Although the President handed the operational and tactical command to the Main Staff, it was his decision, and in some exceptional cases he was entitled to take this command back, and it was always in favour of peace or humanitarian aid, and once in the case of the riots in Banja Luka! But, this shouldn't be of any interest of the Chamber, unless the President issued a direct executive order that caused a crime!)**

3491. The Accused was central in promoting the creation of a separate police structure.<sup>11102</sup> **(All legitimate, and all in accordance with the Conference on Yugoslavia (ICFY) and the sub-conference on BiH. See the Theaty Provisions, R0414668-R0414682**

**1 November 1991**

**TREATY PROVISIONS FOR THE CONVENTION**

<sup>11096</sup> See para. 3176.

<sup>11097</sup> See para. 3098.

<sup>11098</sup> See para. 3142.

<sup>11099</sup> See paras. 3145–3146.

<sup>11100</sup> See paras. 3142, 3152–3156.

<sup>11101</sup> See paras. 3104, 3142–3144.

<sup>11102</sup> See paras. 2990–2991.

## c) Special status

5. In addition, areas in which persons belonging to a national or ethnic group form a majority, shall enjoy a special status of autonomy. Such a status will provide for:
- a. the right to have and show the national emblems of that group;
  - b. deleted
  - c. an educational system which respects the values and needs of that area;
  - d. i. a legislative body  
ii. an administrative structure, including a regional police force  
iii. and a judiciary responsible for matters concerning the area, which reflects the composition of the population of the area;
  - e. provisions for appropriate international monitoring.

**How come the Prosecution was ignorant of the crucial documents of the ICFY, and who is responsible for this deluding the Chamber about what was legal and what illegal in the President's conduct?)** This reflected his objective of creating a separate Bosnian Serb state with parallel structures and this separate police structure was a means of achieving the objective of sovereignty of the Serb people in the territories which they claimed.<sup>11103</sup> **(THIS IS A VERY CORNER STONE OF THE CASE AGAINST THIS PRESIDENT, FROM WHICH ALL HIS "SINS" HAD BEEN DERIVED. HOWEVER, THIS WAS POSSIBLE ONLY BECAUSE THE PROSECUTION AND THE TRIAL CHAMBER DIDN'T WANT TO SEE THE FACTS, AND INSTEAD THEY CALLED H. OKUN TO TESTIFY ON THE BASIS OF HIS NOTES, FOR WHICH HE HIMSELF SAID THAT ARE ARBITRARY AND COMPOSED OF WHAT HE HAD HEARD AND WHAT HE HAD CONTEMPLATED. If the Chamber was responsible towards the facts, once notifying that there was a Conference on Yugoslavia from the summer 1991 (see Paras 312 and 313 of this judgement) to the end of the war.) it would see what were the #agreements and commitments# made at the Conference in 1991. Then the Chamber would see that the President and the Serb side didn't do anything that hadn't been agreed. Particularly the accusations contained in this paragraph. It was only after the trial that the OTP disclosed the documents from this Conference, although both the Chamber and the Prosecution were obliged to rely upon the genuine documents of the international character, particularly since this Conference had been taken into account and mentioned in this Judgement, paras 312, 313 and other. Let us see several of those documents: 1. Badenter's Commission opinion No. 4 (in English) 2.** In addition, as Supreme Commander of the VRS and the President of the RS, the President had *de jure* authority over the MUP during times of war, which he exercised in fact directly, as well as through the municipal Crisis Staffs.<sup>11104</sup> **(Those assertions are ridiculous. The #President had only those competences that had been provided for by the Constitution and by laws#, no more, no less. The only order pertaining to the MUP was when there was a need to subjugate a MUP unit to the VRS! But according to the regulations, the President couldn't and didn't order anything illegal and criminal to be committed by the MUP, as well as by the VRS. There was no a jungle, but a people with a very long history of statehood, and everything had to be in accord with regulations!)**

**3492.** Turning to whether the Accused obtained, facilitated, encouraged, and/or supported the participation of JNA forces and Serbian paramilitary forces, the Chamber found that the VRS was formed from parts of the JNA, TO, and volunteer units and inherited both officers and soldiers from the JNA, many of whom were of Bosnian Serb origin, as well as a substantial amount of

<sup>11103</sup> See paras. 2990–2991.

<sup>11104</sup> See paras. 3167–3168.

weaponry and equipment.<sup>11105</sup> (Not “many of them” were of Bosnian Serb origin, but up to 99% of the officers, and a 100% of combatants were the Serbs from Bosnia. Further, apart from the Patriotic league and Green Berets, which were formed clandestinely by the former JNA officers of the Muslim affiliation, the ABiH was formed from the JNA officers, soldiers and reservists, as the HV (Army of Croatia) as any army in the former Yugoslavia. The only difference is that the Muslims and Croats left JNA gradually in a longer period, while the Serbs in BiH didn’t form their own armed forces while the JNA was there, because it would be illegal. And the President was explicitly against any such a formation of separate ethnic army, which is evident from the exhibits. The Accused participated in the creation of the VRS by organising the manpower at the local level and facilitating the transfer of personnel and supply from the JNA.<sup>11106</sup> (So what? No crime!) Furthermore, following the withdrawal of the JNA from BiH, the President supported the operational co-operation of military forces and local authorities with Arkan’s men, Šešelj’s men, and Mauzer’s Panthers.<sup>11107</sup> (Wrong and false! Once the JNA announced that it will withdraw, the Serb Assembly decided to form its own Army, the VRS, on 12 May 92, the same day the President was elected in the Presidency, and General Mladic nominated by the Assembly to be a Commander of the VRS. Even before that, the Prime Minister Djeric issued orders to the territories (TO) to behave in accordance with the international and domestic laws and banned the paramilitaries, see @ . In May 92 General Mladic issued orders against any paramilitary group, see @. On 13 June the President issued his own order to ban, dismantle, subordinate all independent groups of armed people, or to arrest them. There was no any “co-operation of military forces and local authorities with Arkan’s men, Seselj’s men and Mauzer’s Panthers. Arkan’s men weren’t welcome in Ilidza, and their prior presence in Bijeljina and Zvornik was in the period when the JNA was there, and in Bijeljina during the former authorities of BiH, when the President didn’t have any competence over the development. They appeared again only in the fall of 95, but under the command of the RS MUP. Seselj’s men were integrated in the JNA and later in the VRS, and the only group that had some relation to SRS party was Brne’s group, but it was blocked, disabled in action and finally dismantled.

**3493.** \_The Chamber now turns to consider the Prosecution’s submission that the Accused failed to make meaningful efforts to exercise his authority to prevent or punish crimes committed by his civilian and military subordinates and that these failures significantly contributed to the Overarching JCE.<sup>11108</sup> The Chamber recalls that for an accused to contribute to a JCE by omission, he must have had a legal duty to act, and that the failure to act pursuant to that legal duty significantly contributed to the JCE.<sup>11109</sup> The Chamber found that during the time period relevant to the Indictment, the Accused was the highest authority in the VRS chain of command.<sup>11110</sup> Prior to its establishment, the Accused had *de jure* authority over the TO and took steps to create a hierarchical command and control structure, which included some municipal Crisis Staffs over which he had authority.<sup>11111</sup> **Here is the para 3177, to which the Chamber referred: 3177. Based on the above the Chamber finds that the Accused was instrumental in the creation of the SerBiH TO and local TO units in mid-April 1992 and that he had *de jure* authority over the TO. In addition, given the Accused’s authority over Crisis Staffs, the Chamber finds that the Accused also had *de facto* authority over the TO. (However, the Chamber erred in inferring so, because there are a sufficient evidence in the file that it was not so. According to the local legislation, the TO units were under the command of their respective commanders, in**

<sup>11105</sup> See para. 3097.

<sup>11106</sup> See para. 3176.

<sup>11107</sup> See paras. 3234–3236.

<sup>11108</sup> Prosecution Final Brief, paras. 535, 601.

<sup>11109</sup> See para. 566.

<sup>11110</sup> See para. 3098.

<sup>11111</sup> See para. 3177.

municipalities it was president of the municipality, in companies it was somebody who was nominated by the chief manager and approved by the JNA. Since the President didn't have any *de jure*, nor *de facto* authority over those units it can be seen from the Djeric's order in April 92, see D03709

At a session held on 15 April 1992, pursuant to Article 5 and in conjunction with Article 6 of the Law on National Defence (*Official Gazette of the Serbian People in Bosnia and Herzegovina* number 4/92), and Article 20, paragraph 3 of the Law on Government (*Official Gazette of the Serbian People in Bosnia and Herzegovina* number 4/92), the Government of the Serbian Republic of Bosnia and Herzegovina adopted a

DECISION /handwritten: illegible//

to appoint a Chief of the Serbian Republic of Bosnia and Herzegovina Territorial Defence /handwritten: illegible//

Article 1

Colonel Vidoje LUKIĆ is hereby appointed Chief of the Serbian Republic of Bosnia and Herzegovina Territorial Defence.

Number: /handwritten: 03-115/

Date: 15 April 1992

Pale

/handwritten: April/

PRIME MINISTER  
SERBIAN REPUBLIC OF BOSNIA AND HERZEGOVINA  
Professor Branko ĐERIĆ  
/handwritten: s.r. /signed on original/ /

Since the President was at Pale, why would the Government decide on it, callin upon the articles of the Law of National Defence? Or, why would the Prime Minister issue the orders to the TO? See: D00219, 20 April 92:



On the basis of the Law on the Government and the Law on National Defence  
(Official Gazette of the Serbian People in BH, no. 4/92), I hereby

### O R D E R

1. All firing by artillery and heavy weapons against the city of Sarajevo from the positions held by Serbian defence forces shall cease.
2. The Minister of Defence shall order the use of the artillery and heavy weapons against targets in the city of Sarajevo only when exceptional conditions justify such action.
3. The Ministry of Defence and the Ministry of the Interior of the Serbian Republic of Bosnia and Herzegovina shall be responsible for the implementation of this order.
4. Any violation of this order shall be strictly punished.
5. This order shall take effect immediately.

### P R E S I D E N T

Prof. Branko ĆERİĆ  
/signed and stamped/

**It is clear that before the formation of the VRS, 15 June 92, (see: P03035) the #President did not have any authority over the combat units of the TO#, and other combat units didn't exist out of the JNA, or if existed, then it was illegal and the JNA would ban it and arrest it!**

According to the Bosnian Serb Constitution and the Law on the Army, as Supreme Commander, the Accused had the authority to, *inter alia*: (i) appoint, promote, and dismiss VRS officers in accordance with the law; (ii) appoint and dismiss presidents, judges, and assistant judges of military courts and military prosecutors; (iii) issue regulations prescribing internal order and relations in the military service; and (iv) issue regulations on military training and discipline.<sup>11112</sup> The Chamber also found that the Accused had *de jure* authority over the MUP, which he exercised in fact.<sup>11113</sup> The Chamber finds that in light of his position of authority over the VRS, TO, Crisis Staffs, and MUP, the Accused had a legal duty to prevent and punish crimes committed by them. **(Committed by them? Does the Chamber have shown any evidence that the said formations and bodies had committed crimes? What are these evidences? If a member of some of those formations had committed a crime, the organs were in charge to punish them. However, there is no any evidence that those formations as such, i.e. in their official capacity did any crime. And that they did so, there is an overwhelming evidence, both in dismissing individuals from job, (more than 6,000 incompetent policemen had been fired in the first year of war) and indicting the villains. This wasn't a duty of the President, as is nowhere in the world. But, before 12 May 1992 the President didn't have any authority over the MUP, and prior to 15 June the President didn't have any authority over the VRS! How come this Court didn't know what are the duties of a president, since it is the same in any parliamentary democracy!)**

**3494.** The Chamber will now consider the efforts made by the Accused to ensure the protection of Bosnian Muslims and Bosnian Croats residing in areas of Bosnian Serb control and to prevent and

<sup>11112</sup> P5578 (Amended Text of the Constitution of RS and Rules of Procedure of RS Assembly, 17 December 1992), Art. 106; P2603 (SerBiH Law on the Army, 1 June 1992), Art. 174(12), (13). See also D434 (Radovan Karadžić's Order on the application of laws of war, 13 June 1992) (in which the Accused issued an order, imposing a duty on the "competent superior officer" to initiate proceedings to punish persons who violate the laws of war).

<sup>11113</sup> See para. 3167.

punish crimes committed by his subordinates. The Chamber recalls that the President established the military courts and that the civilian courts existed during the conflict; however the Chamber found that the system functioned in a discriminatory manner, with a lack of attention to crimes committed against non-Serbs.<sup>11114</sup> The Chamber found that the inadequate level of investigations and prosecutions of crimes committed against non-Serbs was consistent with the President's position that such matters could be delayed during the conflict.<sup>11115</sup> **Here is a part of this para 3425 to which is this para referring:** 3425. *Having considered all of the evidence, the Chamber finds that there was a systemic failure to investigate and prosecute criminal offences committed against non-Serbs in the Municipalities during the conflict. The Chamber rejects the evidence presented that the justice system treated all ethnicities the same in light of the compelling evidence demonstrating a lack of investigation and prosecution of the serious criminal acts committed against non-Serbs which were brought to the attention of authorities, as opposed to a clear willingness to investigate and prosecute crimes committed against Serbs. Again, this para relies on the next para from the fn 10955, i.e. 3414-3416 , 3422-3423. Let us see on what are based those paras: let us see 3414: 3414. As discussed in greater detail below, there was a systemic failure to investigate and prosecute crimes committed against non-Serbs and few cases in which Bosnian Serbs committed crimes against non-Serbs reached military courts.10907 The cases prioritised by the military courts in Bijeljina and Banja Luka in August 1992 pertained to failure to respond to mobilisation and desertion by Bosnian Serb Forces and cases involving Serb victims.*

3495. The Chamber found that the Accused made minimal efforts to prevent or punish the crimes of forcible displacement and deportation after he learned about such crimes repeatedly throughout the conflict, starting from as early as April 1992.<sup>11116</sup> **(A #president, anywhere in the world, is not investigating and punishing anyone#. There exist the institutions that do their job, and not even Ministry of Interior and Ministry of Justice could do anything out of the judicial system. What was the constitutional and a lawful duty of a president and ministries was to create as good as possible conditions that those institutions work properly. The honourable members of the Chamber should have known that in their countries is a similar system. Once the laws are adopted, passed through the Assembly and promulgated by the President, and the institutions formed, there is no possibility for anyone to interfere, unless there is a criminal charge, or a political assessment of the Assembly to make some changes!)** This is unsurprising given that he established and co-ordinated the political and military structures which implemented the goal of the Bosnian Serb leadership to create an ethnically homogeneous state and intended for these very crimes to be committed. **(Where is an evidence for this assertion? There must have been a law, order, instruction, interference in the judicial system.... How the President could have done what is "found" in the Judgment? Look what the Chamber's trusted witness Djerić said about the forming of the Serb institutions, see: T. 27924, on the Lisbon Agreement as a basis for the formation of the Serb institutions: formed -- changed all these formations without any detrimental effects? Do you agree that what you said and what the assembly did was after the Lisbon agreement had been agreed to; namely, the offer that had been made to us that we have our own constituent unit in Bosnia? A. Yes, I agree with that. And that was done on the basis of the ideas presented in the Lisbon Agreement. Q. So you do remember that already then we accepted to have a Bosnia outside Yugoslavia, to have its external borders preserved but internal decentralisation would be carried out on the basis of the provisions of the Lisbon Agreement, right? A. Yes. For example, within a few months of**

<sup>11114</sup> See para. 3425.

<sup>11115</sup> See para. 3425.

<sup>11116</sup> See Section IV.A.3.a.v.E: Accused's knowledge of crimes and measures he took to prevent and punish them.

being presented with information that non-Serb civilians were being expelled from Zvornik in early April 1992, the Accused ordered an investigation and then advised international representatives that Bosnian Muslim inhabitants in Zvornik had requested to move out because they felt like hostages. However, the Chamber found that the Accused had also been informed that the municipal authorities in Zvornik had participated in the expulsion of non-Serb civilians in order to allow Serb refugees to settle there and also blamed paramilitaries for these events. **(This is #incorrect and almost a criminal inference#. First of all, in April 1992 the President neither had sufficient information, nor any authority and ability to intervene. The Chamber must have known that Mr. Izetbegovic ordered (illegally) a general mobilisation of 4 April evening, and that the fights in Bijeljina just stopped on 2 or third April, and started in Zvornik on 5 April. The first day the Muslims had a success, and the Serbs had to escape from Zvornik. They returned within next few days, and had more success than the Muslims, liberated the very urban core of Zvornik, while 80% of the municipal territory was under the Muslim control. At that moment there was no a Serb refugees to be settled in Zvornik. And the authorities in Pale didn't know who was in control of Zvornik, since there is a document that certain Rada, a secretary in the Serb MUP called Belgrade and Arkan, to ask him who controlled Zvornik, see: P01109**

SUBJECT: Conversation conducted on 16. 04. 1992 between Radmila KALABA and Željko RAŽNATOVIĆ aka Arkan.

RK: I am calling you from the Serbian MUP /Ministry of the Interior/ in Sarajevo.

RK: Tell me, which of our men, what is the number of Zvornik Police Station?

Who do we have in Zvornik?

And who is in control of Zvornik?

ŽR: Well, I mean, I do not know. I do not know at all.

RK: And do you have your men in Zvornik who might have some knowledge on where he might be?

ŽR: Well no, I pulled out my men from Zvornik.

RK: Oh, you pulled your men out of Zvornik?

ŽR: Well, of course, you can see they are after me. Do you not know what the situation is?

**Not only the MUP didn't know who was controlling Zvornik on 16 April 1992, but also Arkan was endangered by the Serb authorities, and he withdrew his men!** He therefore clearly knew that the expulsion was forced but took no actions to punish the perpetrators of such acts. He later celebrated the "liberation" of Zvornik and the fact that there were almost no non-Serbs remaining there in 1993.<sup>11117</sup> **(#LIBERATED FROM THE ARMED MUSLIM EXTREMISTS#! This is more than wrong, this is #mean and malicious#. The Chamber had the opportunity to see the evidence that the Muslim extremists were the first to fight and expel the Serb civilians from Zvornik, although the Serb side was negotiating with Muslim side to have formed the two ethnic municipalities. In April 92 the President didn't have any influence on events in Zvornik. The Chamber saw the document that the Muslim civilians from Kozluk demanded to leave, but the Serbian Orthodox bishop called the Muslim priest and they together with the Serb authorities dissuaded the civilians from their intent to leave. Later, the civilians from Divic demanded to be allowed to leave towards Tuzla. When a**

<sup>11117</sup> See paras. 2812, 3337.

paramilitaries started to torture the officials in Zvornik, the authorities couldn't guarantee their own security, and anything to anybody. Another unacceptable and extremely unusual manipulation with evidence is the sentence that the President "celebrated ... the fact that there were no non-Serbs remaining there in 1993. The Chamber is misinterpreting the discussion of the President with the Yugoslav leadership, and when Minister Jovanovic was talking against an "ethnic cleansing" because the natural and non-violent processes are not a crime, the President supported his thesis, stating that many thousand Serbs from Zenica already arrived in Zvornik. The Chamber knew that the Serbs controlled only a small part of the municipality and the town itself, while more than 60% of the territory was, and still is, a Muslim municipality, without any Serb there. This way of distortion would be the same as if the President said that he celebrated Christmas, and that there happened an earthquake – and that meant that he celebrated an earthquake too.)

3496. The Accused continued to learn about instances of "ethnic cleansing" throughout the conflict.<sup>11118</sup> (The President and everyone knew it even before the war, that all the three ethnic communities would flee towards their territories, and that was why the President was against the war. At the first period even the international monitors qualified the feature correctly, as a chaotic escape of population... In the next document, which was disclosed to the Defence after the trial ended, it is evident that the events, and not authorities, displaced population, 21 April 1992 :

#### SITUATION REPORT 15

Period 13 - 19 April 1992  
SARAJEVO

RU0120677

#### 1.2 Population Movements

The recent clashes in B&H have resulted in a sharp increase in the number of displaced persons both within and moving out from the Republic. The estimated number of newly displaced in B&H, in addition to the 90,000 present by beginning of April is 90,000. This brings the total to 180,000 persons. The highest concentrations of newly displaced are in Hercegovina (Capljina, Mostar, Nevesinje, Tomislavgrad) and Eastern Bosnia (Tuzla, Kalesija, Gorazde, Rogatica). Further displacements are expected from Srebrenica and Bratunac as a result of clashes in these areas on 19 April.

Annex I provides updated figures on the displaced by Municipality in B&H (information provided by the Republican Red Cross). UNHCR visited Pale on 15 April, where the registration of and distribution of relief items to displaced has been taken over by the "Center for Social Care" (under the Serbian municipality of the Pale). The staff of the last mentioned center informed UNHCR that 11,200 internally displaced had been registered during the last 2 weeks, in addition to the 250 displaced from Croatia. This leads to the conclusion that the figures of the Republican Red Cross should be complemented by those from other organizations in certain areas. The same applies to warehouse/distribution arrangements.

It was only much later that somebody invented the term "ethnic cleansing" as a "suitable" term to dis-qualify the Serb side, despite the fact that there was more the Serb refugees than the Muslim and Croat together!) However, it was not until 19 August 1992 that he issued an instruction to the VRS and MUP ordering that the forced resettlement of the civilians should be prevented and that "any certificates of sale of property or statements that refugees will not return shall be considered as legally invalid and are declared null and void" and 21 August 1992 that he pledged to prevent "ethnic cleansing" and punish persons involved in it.<sup>11119</sup> On 25 August 1992, the President wrote a letter to the international community explaining that he had issued the 19

<sup>11118</sup> See Section IV.A.3.a.v.A: Knowledge of crimes committed throughout the Municipalities.

<sup>11119</sup> See para. 3400.

August 1992 instruction and stated that the civilian population must be allowed to move freely out of a war zone if that was the desire of the civilian population, under the Geneva Conventions, blaming the failure on the part of the international community to understand the deep-rooted antagonism and hatred between the three ethnicities in BiH, which caused people to leave their communities in droves.<sup>11120</sup> The Chamber considers this latter statement to be an attempt by the Accused to cover up and minimise the forced nature of the removal of non-Serbs from the Municipalities and indicates that his orders to prevent such forced removal were not intended. This finding is supported by the fact that he continued to share the intent to forcibly remove non-Serbs from the Municipalities until 30 November 1995. **(This is as wrong as devil. You will find at least 18 documents of the President, mainly orders, one guidelines and two appeals – all issued far before 19 August 1992, the exhibits as follows: D94, D95 D96, D434, D1603, D3111, D4702, D445, D477, D2244, D426, D576, D494, D110, D4702, D1141, D4710, and some of these documents will be pasted below in parts or the entire documents. First see: D01603, p. 9 which was signed as early as 22 May 1992, which, as an Agreement, regulated the matter of civilians in a combat zones.**

**The displacement of the civilian population shall not be ordered unless the security of the civilians involved or imperative military reasons so demand. Should such displacements have to be carried out, all possible measures shall be taken in order that the civilian population may be received under satisfactory conditions of shelter, hygiene, health, safety and nutrition.**

**The International Committee of the Red Cross (ICRC) shall have free access to civilians in all places, particularly in places of internment or detention, in order to fulfil its humanitarian mandate according to the Fourth Geneva Convention of 12 August 1949.**

**The Prosecution-Chamber #did not prove that there was a displacement out of the required “security reasons” or “imperative military reasons”#. Since there was many occasions when “such displacements had to be carried out” the Prosecution was obliged to show which one was not falling within this necessity. Here is precisely provided when and why civilians could be displaced and detained. Further, see D01141, of 1 October, p.1. signed by the three sides under the auspice of the ICRC:**

Recalling that the presence of civilians may not be used to render certain areas immune from military operations,

Considering that in the present situation in Bosnia-Herzegovina with generalized violations of International Humanitarian Law systematically committed against civilians, the lives of certain civilians in certain areas can only be saved if they leave temporarily their homes and reach temporarily other areas,

The undersigned submit the following recommendations to the deliberation of the International Conference on Former Yugoslavia :

- 1.) Civilians who desire to leave temporarily the territory controlled by one party to reach the territory controlled by another party should be entitled to do so.

<sup>11120</sup>

See para. 3400; D4720 (Letter from Radovan Karadžić re London Peace Conference, 25 August 1992), p. 1.



3. The civilians should be able to leave in an organized transfer under international supervision and, if necessary, protection. Its security will be guaranteed by each party on the territory it controls.

4. Each party to the conflict guarantees to those who leave temporarily the territory it controls :

a) that their goods, assets and belongings will be respected and protected;

b) that they have a right to return home at a later stage if they wish so;

c) That any document, including a document renouncing or transferring property rights, assets or claims signed by a person who is about to leave temporarily has no legal validity and does not affect in any way that persons's rights or obligations.

5. Persons temporarily transferred to areas other than their areas of origin should benefit, as vulnerable groups, from international assistance, inter alia, in conformity with its mandate, by the ICRC.

**#What is wrong with this document so that the Chamber neglected it#?**

**There was no any movement of population unless there were armed conflicts and open fights. The two third of the municipalities under the Serb control didn't have any crimes, or any "forceful" displacement. Why? Because there was no a war, wherever the Serbs had been a majority population, the Muslims and Croats were safe, and this fact nobody can deny, and the fact is rebutting all the allegations about the JCE. Further, the inference of the Chamber is wrong and deeply incorrect – that it was for the first time on 19 August that the President issued orders towards the protection of the non-Serb civilians. It only happened after Mr. Doyle informed the President while in London, about the feature, but it was a permanent concern of the President and other state organs. In addition to the evidence: D00434, of 13 June 1992, the Order on respect for the International law of war; and D01603, p. 9 which was signed as early as 22 May 1992, which, as an Agreement, regulated the matter of civilians in a combat zones, see also D00096, of 23 July 1992:**

Pursuant to the constitutional powers and in keeping with the obligations undertaken at the London Conference, I hereby

**ORDER**

1. The Serbian authorities must act in accordance with the law and the Geneva Convention towards the civilian population of any ethnicity who do not exert aggression and combat operations against our army and the civilian population.
2. All inhabitants who surrender weapons and agree to live peacefully and in keeping with the law must be enabled to remain in their own homes and enjoy our protection.
3. Any inhabitants who wish to move temporarily or permanently from combat operations zones to other areas must be enabled to do so. The date and route to be used by the population must be agreed, and complete security must be provided for the civilians moving.
4. I hereby remind all representatives of the authorities in the SAO /Serbian Autonomous District of/ Birač of their great responsibility before the law to execute this and other orders in keeping with the law and the Geneva Conventions.

Pale, 23 July 1992

PRESIDENT OF THE  
PRESIDENCY OF THE  
SERBIAN REPUBLIC OF BH

Dr Radovan KARADŽIĆ  
/signed and stamped/

**Why the Chamber neglected this document? Further, there were other documents: see D04710 of 17 July 92, and Agreement between the warring sides, p. 1:**

We agree that all refugees will be permitted to return to the places from which they have been expelled and that civilians who are caught up in or trapped by the military situation, will be given freedom of movement.

**p. 2 (accompanying draft of the SC SG statement:**

The Council welcomes the provisions in the agreement concerning the return of all refugees and freedom of movement for civilians caught up in or trapped by the military situation. It

**Also, D00095 of 14 July 92, the order of the President to the municipalities in the South-East Bosnia, region of Gorazde:**

All villages in which the Croatian and Muslim inhabitants hand over their weapons and do not intend to fight against us must enjoy the full protection of our Serbian state of Bosnia and Herzegovina. The responsibility of this must be borne by the presidents of the municipalities.

President of the Presidency  
Dr Radovan KARADŽIĆ

**In the occasion of the anniversary of SDS, 11 July 92 the President issued a public greetings to the members of SDS and appealed for a human approach to the crisis, D94:**

The responsibility of the Serbian Democratic Party, which is to defend the nation and the Serbian Republic, is enormous. Along with a military victory, we also need rights and morals to win as well.

The state, which we, the Serbs, are creating, must rest on the rule of rights and humanity, since "a kingdom does not demand inhumane people to defile itself before the world." With that, I ask of all members and representatives of the Serbian Democratic Party to constantly monitor our behaviour, so that the glory of our just battle would not be tarnished by inhumane actions.

Special attention should be given to just behaviour towards civilians of other nationalities within our Republic. Similarly, towards our defeated counterparts, we need to not only honour the Clauses of the Geneva Convention, but we also need to show our Orthodox Christian mercy.

May St. Peter the Apostle guide and aid us all on the path of truth, justice, and good will.

**So, in this, as well as in many other occasions, the President made it known to the public what was his attitude towards civilians of the other two communities. Therefore, prior to 19 August 1992 there was at least acts, orders and appeals to the respect of the protection of non-Serbs: 22 April 1992, the President's Platform D110, the President's speech in Banja Luka meeting on 12 May 1992, D494, p. 5**

Bosnia and Herzegovina. We have decided to declare unilateral cease fires, let all world /everyone/ see who is starting troubles and who is violating cease fires / truce. We in Bosnia and Herzegovina are not in conflict with Croats and Muslims. We are in a conflict with militant leadership which would like to impose their state to us, the one in which they would dominate and we would be second class citizens , that is to say the escort people to the leading people /nation/ which was communicated to us in a clear fashion on some of rallies. But, Serbian people is not demanding to be a leader, but will not agree to be manor and second rated. That is the reason why we decided to organise our state unit in Bosnia and Herzegovina. /applause/ Serbs on these areas. And the Serbs are endangered in all parts outside of the Serbian Republic of Bosnia and Herzegovina. We are proud to say that Muslims and Croats are not and will not be endanger on the territory of Serbian Republic of Bosnia and Herzegovina. /applause/

**further, D576, order of S. Galic, 2 Jun 1992**

TO THE COMMAND OF THE ARCHIVES

1. At all costs prevent looting, arson, and private wars in the zone of responsibility of the division.
2. Protect refugees and innocent people, and treat the surrendering enemy according to the international laws on /the treatment/ of prisoners-of-war.
3. Take the most drastic legal and other measures up to /?and including/ physical liquidation against those violating this order.

**further, The Appeal of the President: D426 of 8 June 1992 :**

Appeal by Radovan KARADŽIĆ in connection to the International Red Cross Committee plea

Based on the outcome of the meeting held under the auspices of the International Red Cross Committee in Geneva on the 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> of June 1992, during which a comprehensive plan for humanitarian aid for people of Bosnia and Herzegovina was agreed on, and in response to the plea of the aforementioned committee which asked that all leaders of the warring factions in this republic support this plan and guarantee its uninterrupted implementation and advocate the public's respect for the elementary principles of the wartime humanitarian law, the President of the Serbian Republic of Bosnia and Herzegovina Presidency, appeals for the following:

1. We ask all the local authorities and prominent Serbian individuals to ensure protection and care for all wounded and ill individuals, no matter what side they belong to
2. To treat all prisoners humanely
3. To spare the civilians of all attacks
4. To provide protection and all possible aid to refugees
5. To respect the Red Cross sign which is to be used only for markings on medical personnel, hospitals and ambulances.

On our part, we will ensure that all conditions for the work of the International Red Cross Committee and other humanitarian organisations are met, that their representatives, vehicles and materials are respected and that they can perform their duties in safety. We are repeating our invitation to the International Red Cross Committee for their reactivation in this area, in protecting the civilians of all nations, as well as prisoners.../pages missing/

**There is no any doubt about these efforts. See further, D2244 OF 23 June the Declaration of the Presidency of the RS:**

1. The declaration of a state of war is clear proof that the Muslim-Croatian side is continuing to prefer a military option over a political one.

3. This decision is obviously in contravention of UNPROFOR's peace mission and Security Council Resolution No. 752.

We call on all well-meaning people who want a peaceful resolution of the crisis in Bosnia and Herzegovina to resist this endorsement of war. We will welcome all those seeking protection in the territory of the Serbian Republic of Bosnia and Herzegovina as fighters for peace. In these circumstances, the bare necessities will be provided to the families of all people of good will, irrespective of their nationality.

**further, D477, of 1 July 1992, the Order to facilitate ICRC access:**

SERBIAN REPUBLIC  
PRESIDENCY

To all local civilian and police authorities

Delegates of the ICRC are allowed to travel on the entire territory of Bosnia and Herzegovina that is under our control.

They are also authorised to visit all prisons, including military camps and police stations under our control.

For that reason, all soldiers of the Serbian forces of Bosnia and Herzegovina are required:

A) To facilitate the safe passage of the delegates and vehicles of the ICRC. As proof of identity, the delegates of the ICRC will have Red Cross passes and their vehicles will display the emblem of the Red Cross.

B) To take all measures to respect the emblem of the Red Cross and prevent any disruption and/or attack against ICRC vehicles and staff.

C) To provide necessary information in relation to detainees and facilitate the visits of the ICRC to all prisons.

I hereby order that you strictly abide by these instructions. Any soldier who does not comply with these instructions shall be punished.

PRESIDENT OF THE PRESIDENCY

Dr Radovan KARADŽIĆ  
/signed and stamped/

**further D94, the Greetings of the President to the SDS anniversary:**

GREETINGS FROM THE PRESIDENT OF THE SERBIAN DEMOCRATIC PARTY OF BOSNIA AND HERZEGOVINA TO THE MEMBERS AND REPRESENTATIVES OF THE PARTY

Even though the Serbian Democratic Party had, under the current conditions in which we find ourselves, halted its activity, I wish to all of you a happy celebration of the Party's patron Saint, St. Peter, as well as a happy anniversary of its founding, with hopes that the war, which was imposed on us, will hastily and rightfully come to an end.

The state, which we, the Serbs, are creating, must rest on the rule of rights and humanity, since "a kingdom does not demand inhumane people to defile itself before the world." With that, I ask of all members and representatives of the Serbian Democratic Party to constantly monitor our behaviour, so that the glory of our just battle would not be tarnished by inhumane actions.

Special attention should be given to just behaviour towards civilians of other nationalities within our Republic. Similarly, towards our defeated counterparts, we need to not only honour the Clauses of the Geneva Convention, but we also need to show our Orthodox Christian mercy.

**further, D445, of 11 July 1992,**

ANNOUNCEMENT TO THE CITIZENS OF  
THE SERBIAN REPUBLIC OF BOSNIA AND HERZEGOVINA

The Presidency of the Serbian Republic of Bosnia and Herzegovina has irrefutable evidence of genocide perpetrated on Serb civilians living in the area of the Croatian state community of Herzeg Bosnia and in the area of the Muslim national community. Furthermore, human and civil rights are being violated, including the right of temporary emigration. Consequently, the Serb population is becoming a hostage, exposed to all sorts of blackmail.

The Presidency wants to point out that, according to the Geneva Convention, civilians living in areas affected by war must be allowed to leave the area. Furthermore, emigration has to be voluntary, therefore, it cannot be either obstructed or encouraged.



Croats and Muslims in the Serbian Republic of Bosnia and Herzegovina are guaranteed all rights granted by a legal state. The Serbian Republic of Bosnia and Herzegovina authorities are not forcibly detaining citizens in war zones, because such an act would render them hostages, nor are they forcing them to emigrate, as that would be "ethnic cleansing". All refugees from the territory of the Serbian Republic of Bosnia and Herzegovina will be allowed to return without suffering any consequences; criminals, not civilians, are subject to legal sanctions.

The Serbian Republic of Bosnia and Herzegovina authorities expect that Croatian and Muslim authorities will act towards Serbian minorities living in Croatian and Muslim territories in the same way, that is, allow Serbs to move to areas where they feel safe, and respect the Geneva Convention and other international norms when dealing with Serbs.

**See also D4702, an Appeal of the President to the inhabitants of Gorazde. Further, see D95, an Order of the President to all the municipal presidents,**

All villages in which the Croatian and Muslim inhabitants hand over their weapons and do not intend to fight against us must enjoy the full protection of our Serbian state of Bosnia and Herzegovina. The responsibility of this must be borne by the presidents of the municipalities.

President of the Presidency  
Dr Radovan KARADŽIĆ

**f further, see D3111, the President's Guidelines to the authorities, of 14 July 1992**

8. In the field of civilian defence, communication, control and cryptographic data protection, and the system of surveillance and information, the Ministry of Defence shall prepare instructions, acts, and orders, in order to stipulate the following: the protection of men and material property from war devastations, functioning of the communication system and the system of cryptographic data protection for the need of command and functioning of surveillance and informing the citizens of all the dangers threatening people and material assets.

9. Ministry of Internal Affairs should adjust its war-time structure to the needs and tasks in war-time conditions, in the following way: keeping of public law and order, control and security in traffic in the areas not affected by war activities; protection and physical security to the facilities of particular interest for defence and protection, control of border crossings; protection of persons; intelligence and counter-intelligence; issuing of ID cards and other documents requested by the citizens; detection and bringing in of perpetrators of minor offences and criminal acts,, and other tasks as set out by the Law.

10. Ministry of Internal Affairs shall, in cooperation with legislative state organs, military judiciary and military police organs intensify activities on detecting and arresting perpetrators of misdemeanours and criminal acts, and particularly on prevention of thefts, war profiteering, and other criminal acts.

Ministry of Internal Affairs and its organisational parts shall collect and process the data and material on the crimes committed and of genocide over civilian population.

13. Judicial state organs shall closely cooperate with military judiciary, particularly with regard to status issues of prisoners of war, and detained persons, then to collecting information and evidence for initiation of procedure against perpetrators of crimes and genocidal actions, as well as to other issues of collecting evidence when deciding upon misdemeanour and criminal procedures, whether it were military or civilian perpetrators.

14. Ministry of Justice and Administration in cooperation with the Presidency and the Government of Serbian Republic of Bosnia and Herzegovina shall intensify the work of State commission for establishing crimes and genocide over civilian population and victims of war, and State Commission for exchange of prisoners of war and detained persons, and they shall establish cooperation with international organisations, and international courts, and the organs of United Nations, regarding the scope of work of these commissions. When dealing with and resolving these issues, rules and regulations of the International War Law shall be strictly observed.

**How come this Guidelines of the President to the state organs was not worthy of any attention of the Chamber? Who were those who reviewed the evidence? See further D4710, an Agreement from London. Further, D96, order of the President after the London Conference agreements:**

Pursuant to the constitutional powers and in keeping with the obligations undertaken at the London Conference, I hereby

#### ORDER

1. The Serbian authorities must act in accordance with the law and the Geneva Convention towards the civilian population of any ethnicity who do not exert aggression and combat operations against our army and the civilian population.
2. All inhabitants who surrender weapons and agree to live peacefully and in keeping with the law must be enabled to remain in their own homes and enjoy our protection.
3. Any inhabitants who wish to move temporarily or permanently from combat operations zones to other areas must be enabled to do so. The date and route to be used by the population must be agreed, and complete security must be provided for the civilians moving.
4. I hereby remind all representatives of the authorities in the SAO /Serbian Autonomous District of/ Birač of their great responsibility before the law to execute this and other orders in keeping with the law and the Geneva Conventions.

Pale, 23 July 1992

PRESIDENT OF THE

**How was it possible that somebody deceived the Chamber so cruelly, while a simple glance of the evidence would give another, contrary picture! And what a Defence could do if the truth is so neglected? Is it possible to argue with both the Prosecution, and a Chamber which trusts only Prosecution and nobody other. Such a prejudice is of a cosmic dimensions, and God help us that this kind of trial never repeat!)**

3497. It is further supported by comments that the Accused made in response to information he received from international representatives about “ethnic cleansing” in Bijeljina in late 1994. **(First, how come there was so many Muslims in Bijeljina in late 1994, if they had been “expelled” when it was alleged, and reported by “international representatives”? Second, why the President, occupying the presidential office, would rely on information of an international representatives, who even then and now confess that they had been biased in favour of the Serb adversaries? The President had the state institutions, and whenever he trusted more the internationals than his services, and the VRS personnel – he made a mistake. Even the highest UNPROFOR officers didn’t trust the Military Observers and their reports! The international representatives hadn’t been stationed in Bijeljina all the time, and they had been led by the Muslim propagandists, and an insistence on obedience to the internationals is insulting!)** On 26 September 1994, the Accused said to international negotiators that Serbs in Bijeljina were “fighting for their own land” and that “ethnic cleansing” would be an inevitable outcome of the international community’s failure to establish any legal mechanism allowing the population to exchange their homes and move into cantons in which their

nationality would be dominant.<sup>11121</sup> The Chamber found that these statements demonstrated that “ethnic cleansing” was directly linked to the President’s objective to take-over Serb claimed land and that he was not interested in preventing it.<sup>11122</sup> **(So, when the President said something within an academic discussion, trying to understand and make others to understand processes, the Chamber qualifies that as the President’s wishes or intentions. But the reality is going it’s own way, undersood we it, or not. This is not correct to hunt the President’s colloquial reconsiderations at a lunch time as his criminal intentions. None of these allegations brought into this trial by a note-takers, mainly Harland and Banbury, their superiors ever understood as an official standpoint of the President. This kind of testimonies of a very low positioned clerks compromises the entire international presence in the crisis areas, and advises the leaders in the crisis areas not to admit internationals either for chats, or for negotiations, let alon to invite them to diner, but only to communicate with them in written. Certainly, the was majority were real exellencies, but this Prosecution is ruining their reputation by calling incompetent clerks to testify about things they didn’t understand!)**

3498. With respect to the crime of unlawful detention, the Chamber found that the President was aware of the unlawful detention of non-Serb civilians from conflict areas by 24 April 1992.<sup>11123</sup> On 8 June **(D04491)** and 13 June 1992, **(D00434)** the President issued an appeal to local Bosnian Serb authorities and an order to the VRS and MUP, respectively, to ensure protection for all detainees<sup>11124</sup> **(#EXCULPATORY!!!)** Furthermore, members of the government, VRS, JNA, and MUP, including Mićo Stanišić, issued orders to their subordinates to, *inter alia*, prevent abuse of detainees and mistreatment of civilians and report illegal camps from April to August 1992.<sup>11125</sup> **(#XCULPATORY!!!)** In mid-July, the Bosnian Serb government received reports from the MUP that conditions in detention centres were poor and that there had been occurrences of unlawful treatment of detainees.<sup>11126</sup> **(#EXCULPATORY!!! The governmental institutions didn’t cover and didn’t tolerate such a misconduct!)** On 25 July 1992, the President received a report from the ICRC following a visit to the Manjača camp, informing him that the conditions there were “absolutely insufficient” and that there was evidence that detainees were being subjected to ill treatment.<sup>11127</sup> But it was only when the international media started reporting on the inhumane conditions in the detention centres in Prijedor in July 1992 and following a Bosnian Serb delegation to visit the camps, that the President made efforts to close them down.<sup>11128</sup> **(#EXCULPATORY!!! The President accelerated the reporting, invited the British journalists and repeatedly ordered the respect of the humanitarian law. However, even before the President took steps to close the detention centres, there was a daily release of those that weren’t responsible for the rebellion and killings. There was no a single day without investigations, and the result was that 59% of the detained and captured during the attack of the Muslim terrorists on Prijedor – had been released, while 41% of them had been conveyed to Manjaca as a prisoners of war, although they could have been treated as a terrorists!!)** Meanwhile, on 30 July 1992, the President continued to present to the public that the allegations made by the Guardian that the Bosnian Serbs had organised concentrations camps or were holding civilian prisoners were “completely false”.<sup>11129</sup> **(The allegations about an existence of a “concentration camps” were and still are “completey false”. There had never been any**

<sup>11121</sup> See para. 3404.

<sup>11122</sup> See para. 3404.

<sup>11123</sup> See paras. 3365, 3375.

<sup>11124</sup> See para. 3383.

<sup>11125</sup> See para. 3409.

<sup>11126</sup> See para. 3367.

<sup>11127</sup> See para. 3368.

<sup>11128</sup> See paras. 3385–3386, 3399.

<sup>11129</sup> See para. 3369.

**“concentration camps” in the RS. There were a detention units for the POWs, a detention units for those captured in a combat zones and had to be investigated, and consequently released, or conveyed to the POWs prisons. There were a reception centres, such as Trnopolje. Let us see what the ICRC reported about Trnopolje: see: D03110, of 2 October 92:**

**ICRC EVACUATES 1,560 PEOPLE FROM TRNOPOLJE CAMP**

**Geneva (ICRC) - The International Committee of the Red Cross (ICRC) confirms having evacuated on 1 October 1,560 people from Trnopolje camp (near Prijedor in northern Bosnia-Herzegovina) to a reception centre in Karlovac, south-west of Zagreb, where they were handed over to staff of the United Nations High Commissioner for Refugees (UNHCR). The evacuation started in the early morning and was completed during the night.**

**The people concerned are civilian victims of the ongoing hostilities in northern Bosnia, and had all been visited and provided with assistance by ICRC delegates since the ICRC was first able to enter the camp on 10 August. Each of them was given the opportunity to confirm that he or she did in fact wish to be evacuated.**

**The operation took place under the terms of the agreement reached in London last August whereby the three parties to the conflict pledged to release all civilian detainees unilaterally.**

**It said: “The people concerned are civilian victims of the ongoing hostilities...” while the Defence had a hard time to prove that it was so. The Tribunal and its chambers do not respect the UN, or the ICRC or UNHCR documents, but rather listen to a testimonies of the opposite side, a witnesses that are interested in denigtarion of the Serbs. The Agreement that the ICRC Report mentioned was one on which the Defence pointed as a basis for evacuation, and not an expelling of civilians!**

3499. The Chamber notes that it was concluded at a session of the RS Presidency on 6 August 1992, that the MUP would be ordered to examine civilian authorities and individuals guarding detainees and report back to the Presidency. **(#EXCULPATORY!!!)** The decision was relayed to SJB Chiefs in a number of municipalities who were obliged to provide reports in accordance with the RS Presidency decision by 20 August 1992. The SJB Chiefs were also informed about the RS Presidency order to release all civilians and to allow them freedom of movement.<sup>11130</sup> **(#EXCULPATORY!!!)** From August to October, the President made further efforts to reduce the number of civilians who were unlawfully detained in Serb controlled detention centres.<sup>11131</sup> **(#EXCULPATORY!!!)** In October 1992, the President informed Mladić, Mićo Stanišić, and Mandić that he had received information that some local authorities had ignored his instruction to allow unfettered access for the ICRC to detention facilities and demanded that they inform their subordinates to respect his instruction to allow access and that he would order a thorough investigation of all cases of failure to comply.<sup>11132</sup> **(#EXCULPATORY!!!)** **The vast majority of those documents of the President had been of a “top secret” type, and certainly hadn’t been aimed to the public.)** On 27 October 1992, the Bosnian Serb Government officially decided to close all illegal camps as soon as possible and in December 1992, pursuant to the President’s order, all detainees held in Manjača were released on the condition that they be transferred to third countries.<sup>11133</sup> **(#EXCULPATORY!!!)** The Chamber considers that prior to the President’s intervention in Prijedor to close the camps with the worst conditions in August 1992, the measures taken to prevent or punish the unlawful detention of civilians were completely inadequate. **(But, the Chamber is neglecting the key fact – there hadn’t been any unlawful detention of civilians. For all of the centres there had been submitted explanations, which had been in accordance with the course of events, i.e. first there were fights initiated by the Muslim armed terrorists, because they didn’t met the criteria to be considered a regular**

<sup>11130</sup> See para. 3387.

<sup>11131</sup> See paras. 3388–3390, 3392–3394.

<sup>11132</sup> See para. 3395.

<sup>11133</sup> See para. 3397.

army, which were an illegal formation deep in the Serb territory. There was no a single case of any detention without a military skirmishes prior to the establishment of a detention facilities. What was an impression, assumption of a jeopardy, and expectation of the local people in charge, this couldn't be influenced by anyone, because the people were entitled to protect themselves. There could have been a certain degree of exaggerations and over – esteem of jeopardy, but this is not subject to anyone's correction. Neither a state could influence it, if a state was not capable of securing lives and freedom of people. In such a cases, the population and municipal authorities are entitled due to the SFRY Constitution (P4743) the BiH Constitution (D1263) and the BiH Law on Defence (D1359) and the Strategy prescribed by the SFRY Presidency (D4282), to undertake all the necessary measures to protect the people!) The Chamber further considers that after that point, he began to take measures to close the temporary detention centres in the Municipalities, however, these measures did not have much effect until closer to the end of 1992. The Chamber further notes that ultimately, while many civilians were released from detention by the end of 1992, detention centres remained in existence for the duration of the war and continued to hold non-Serb civilian detainees.<sup>11134</sup> (“for the duration of the war”, certainly. That was a civil war, and civilians participated in the combat activities on many ways, as the Law on All-People Defence provided, and equilised the civilians and combatants. The Chamber should have already known that there was no a professional armies, and a number of professional officers and commanders was very low. The civilians could have been detained only till the moment their innocence had been established. There is a lot of evidence on this subject. In Sanski Most there was released more than 40% of the detained, and from Omarska it was 59% of the all detainees. Also, a housing and other acceptance and accommodation of civilians removed from the combat zones is theated in this Court as an unlawful detention, without any consideration of the obligations prescribed in the domestic laws!)

3500. The Chamber now turns to consider whether the Accused was able to do more to prevent and punish crimes committed by his subordinates. The Chamber recalls that Momčilo Mandić, Minister of Justice, and Mićo Stanišić, MUP Minister, ignored government decisions with respect to prevention and prosecution of criminal activity and answered more to the Accused than to the government.<sup>11135</sup> This implies that the Accused had the ability to influence Mandić and Stanišić to ensure that their respective ministries functioned to prevent and punish crimes more effectively. (This is #all wrong, and hard to believe that the Prosecution and then the Chamber too, do not know how the judiciary functioned. A personal disputes between the then Prime Minister Branko Djerić on the two ministers should not darken the law, because neither the Ministry for Interior and Ministry for Justice, nor the Government and Prime Minister do punish criminals. It was within the remit of the office of Prosecutor and Courts, and everyone was able to deposit a criminal report on any crime known. Both the Ministries and judicial system worked without any influence or interference of the President or anyone else. What the two Ministers reported to the President had nothing to do with a regular duties of their ministries, but only a matters pertaining to the state security. In order to show how the

<sup>11134</sup> See Scheduled Detention Facilities C.2.1, C.18.2, C.21.3.

<sup>11135</sup> P4982 (Witness Statement of Branko Đerić dated 5 April 2012), paras. 21–22, 24.



**Chamber was wrong in inferring so, see: D01360 of 19 July 1992.:**

SERBIAN REPUBLIC OF BOSNIA AND HERZEGOVINA  
MINISTRY OF THE INTERIOR  
S A R A J E V O

Number: Strictly Confidential 01-2/1/92  
Sarajevo, 19 July 1992

/handwritten: KESI]  
DULI]  
Proceed as requested and  
report promptly to the  
MUP /Ministry of the Interior/  
\*

To: SECURITY SERVICES CENTRE  
- THE CHIEF, PERSONALLY -

O2

BANJA LUKA  
BIJELJINA  
DOBOJ  
SARAJEVO  
TREBINJE

@. BOJI]  
received 11 /?July/ 1992 /initialled//

Proceeding in accordance with the conclusions adopted at the meeting of senior personnel on 11 July 1992, whereby the tasks relating to the discovery and documentation of war crimes or genocide and the submission of criminal reports, as well as in accordance with other enactments (number Strictly Confidential 01-2/92 of 16 May 1992) and orders, were numbered among the priorities of the National Security Service and the Crime Prevention Service, a questionnaire on war crimes and victims of genocide has been compiled in the Information Analysis Administration.

A questionnaire will be completed at security services centres for all persons, regardless of ethnicity, (Muslims, Croats, Serbs and others) against whom criminal reports have been submitted on reasonable grounds for suspicion that they have committed the given crimes, as well as questionnaires for victims regardless of whether a criminal report has been submitted or the procedure of gathering evidence for the submission of a criminal report against a perpetrator is still in progress.

It should be borne in mind that questionnaires on war crimes remain a form of investigative documentation only, until such time as they have been proven (judicial sentence or decision by an authorised state commission) and will be so regarded, the more so because criminal reports will also be submitted against unknown perpetrators. On the other hand, questionnaires on victims may also be used for other purposes (if the elements of the crimes of genocide or war crimes have been demonstrated).

From now on copies of the questionnaire must be submitted in succession, and for earlier cases please submit examples of the questionnaire by 10 August 1992. We wish to point out that data on the perpetrators and victims have been submitted pursuant to document number 01-2/92 only by Banja Luka Security Services Centre and Bijeljina Public Security Station.

ATTACHED:

- Questionnaire and instructions  
for completion

MINISTER  
OF THE INTERIOR  
Miro STANIĆ  
/signed and stamped/

**And the Questionary, as a part of this document, follows, showing that there was no difference in treating the Serb and non-Serb victims, which makes all the allegations that The State Documentation Centre, led by M. Toholj (see D: ) are in vain, because the Center was not a surrogate of the regular investigation of crimes, but only documentation of the crimes out of reach of the MUP RS. Concerning the Justice department, the President didn't have any reason to intervene, since there was a huge activity in creating and adopting the legislation, many laws (as Mr. Djerić admitted, see: T....@Amon other the Justice department issued an instruction which would be considered as a governmental A/B Variante, see D00448:**

Number: 03-823/92

Pale, 17 July 1992

MINISTRY OF JUSTICE  
HERE

Attached please find the Operative Programme of Measures to Prevent Social Disruption in Conditions of a State of War.

**There follows 31 page of the tasks for the Ministries and other Governmental agencies and services. Here is para 27, D448, p.15:**

Agency responsible:Ministry of Justice

27.

Appointment of the State Commissionfor the Identification of Crimes andGenocide Against the Civilian Populationand of Victims of War

This is a proper Commission in the criminal terms, and it had to identify all the crimes regardless of the ethnicity of victims and perpetrators, different from the Documentation Center led by a writer Toholj, which collected documents about crimes over the Serbs in the Muslim-Croat areas, that was out of reach of the first Commission.) Furthermore, the fact that the President, when he chose to act to remedy the situation in detention centres, was able to influence the closure of camps, shows that had he wanted, he could have used this influence more effectively and quickly to prevent crimes. (This is also misunderstood and misinterpreted: the President issued all the necessary general orders on a proper time, and that should be sufficient, but when informed about some specific omissions or trespasses, the President undertook the specific warnings of the immediate officers in charge, and that could have had some more effect than a general orders. Once the international agencies secured their admittance in a third countries, it was possible to release them. Therefore, it was also #EXCULPATORY!)

3501. The Chamber considers that the Accused's failure to exercise his authority to adequately prevent or punish crimes committed against non-Serbs signalled to Serb Forces and Bosnian Serb Political and Governmental Organs that criminal acts committed against non-Serbs were tolerated throughout the period of the Overarching JCE. (This kind of inferring is unacceptable! No any institution in the RS had any idea about any Overarching JCE, nor did any of the institutions thought that crimes were tolerated, or were to be tolerated. Where is any evidence on this issue which would corroborate what the Chamber inferred? This looks like a ferry tale. There was no a crime that a police or the VRS unit committed as a unit, with the all prerequisites that goes with the actions of units, i.e. that a crime had been committed with a plan and preparations, with all that is required, a decision of an immediate commander, and a knowledge of the next superior commander, and with the participation of a substantial part of the unit! No, that never happened. The crimes were not based either on the system, or any decision, any plan, any knowledge let alone consent of the official authorities.) In light of this, his failure to take adequate steps to prevent and punish criminal activity committed against non-Serbs in the Municipalities had the effect of encouraging and facilitating the JCE I Crimes. (The President doesn't investigate, doesn't indict, nor he does judge, sentence and punish. In no country Presidents do that! The Presidential duty is to facilitate that the Government and institutions can do their job, but not even to ask how and why a court decided something different from the President's expectation. But, the President didn't skip any of his duties to warn, to ban certain conduct, organisation, features. Why the Chamber didn't number what the President did on the issue, what measures he have taken, what orders had issued, whether he intervened in the MUP, or the military police, or military or civilian prosecution, or the courts? Did the President ever withdrew his orders pertaining to the respect of the human rights and the international laws of war? If he didn't, were these orders still on power? Did the Chamber notice how many rogue elements and paramilitaries had been disbanded, arrested, persecuted, and how many perpetrators had been tried? Did the Chamber point out to a single case that had been covered with the President's knowledge, or anyway?) The Chamber further finds that the Accused's failure to prevent and punish crimes committed by Serb Forces against non-Serbs and his tolerance for such crimes

demonstrate a failure on his part to take adequate steps to ensure that Serb Forces and Bosnian Serb Political and Governmental Organs would act to protect Bosnian Muslims and Bosnian Croats residing in areas under their control. **(This is #in continuo incorrect finding and assertion, or slunder, whatever it is. The President is not supposed to search for such an evidence. Why the Prosecution, and/or the Chamber didn't establish what the President failed to do, when the failure is at stake, as well as an President's misdoing, giving an order contrary to the law? Since there was many settled places with a substantial number of the Muslim-Croat inhabitants who didn't have any problem, the Chamber must ask itself – who or what protected them? A document from the UN visit to Grbavica in 1994 is illustrative enough that the ordinary people of any ethnicity didn't have any need to move, because they had been treated as the Serb citizens had been treated, even better, because the non-Serbs didn't have to go to the army, see D2424, and another similar document that had been disclosed too late, i.e. after the trial!)**

**3502.** In addition, the Chamber found that during the spring of 1992 the President supported the operational co-operation of military forces and local authorities with Arkan's men, Šešelj's men, and Mauzer's Panthers. While the President took actions to have paramilitary formations disbanded, these actions were initiated in mid-1992, after all the take-overs had already been completed in the Municipalities with the active involvement of these paramilitaries. These take-overs resulted in the forcible removal of thousands of non-Serbs. **(This "findings" are without any real basis, and in #contradiction with all the evidence#:**

**1.** During "the spring of 1992" there was no any state office occupied by the President, or any inferences over the armed formations or groups;

**2.** First of all, as early as 13 June 92, even before the President ordered a formation and organisation of the VRS (which he did on 15 June 92) the Accused issued the known order, which substance was: "to submit all the independent and self-organised armed groups to the military or police commands, withing three days, or to face a legal persecution.

**3.** Before the VRS was formed, the JNA was in charge, and it had it's own orders from the Federal Presidency, pertaining to a volunteers. The Chamber doesn't understand what did it mean "to subordinate a group". It didn't mean necessarily to disband it and subordinate individuals. A group was entitled to keep together, but to receive commands from the official forces. In that terms there were many units that had their separate names, but weren't independent.

**4.** The Chamber is baselessly repeating this "take-over" as if the Serbs came to a municipality where somebody else was on power, and "took it over" from somebody. **The Defense challenged the Prosecution to prove where there was a single "take-over", but now the Defence has to challenge the entire Tribunal to submit the proofs to this regard!)** The Chamber also found that the Accused's attitude towards certain paramilitary formations after the creation of the VRS was flexible and shifted according to Bosnian Serb interests and concluded that he tolerated or even supported the co-operation of Arkan's men, Šešelj's men, Mauzer's Panthers, and the Yellow Wasps with Serb Forces.<sup>11136</sup> The Chamber finds that this had the effect of encouraging and facilitating the JCE I Crimes committed by Serb Forces. **(That is hard to believe that the Chamber made this "finding", since it was well documented that the President ordered a complete subordination of all the volutneeres and other groups formed prior to the formation of the VRS, on the basis of the Constitutional and lawful provisions. Until 20 may all of these groups were in the JNA responsibility. Once the VRS had been formed, these groups couldn't exist and act out of the unique command of the VRS or the Police. This assertions rely on the paras of the Judgment, 3234, 3235. Let us see what is said it the para 3234: 3234. The Chamber therefore finds that during the spring of 1992, following the withdrawal of the JNA from BiH, the Accused supported the operational co-operation of**

11136

See paras. 3234–3235.

*military forces and local authorities with Arkan's men, Šešelj's men, and Mauzer's Panthers. These paramilitary groups were able to operate in several municipalities, in an otherwise relatively tightly controlled area, in concert with the military forces and the local authorities.*

**However, this entire paragraph is based upon another paras, namely 3184, 3182 – 3183, 3190 – 3192 and we will see what those paras said. The current para asserts that the President supported in the spring of 1992 the numbered paramilitary units. However, Mr. Seselj didn't have any independent unit from the beginning to the end of war. Arkan was in Bijeljina while the state of BiH existed, and his stay in BN had nothing to do with the President, or his associates. Had the Prosecution disclosed the exculpatory documents during the trial, and not after it, there would be a ECMM document that acquits Arkan for his deeds in Bijeljina. See this part of the document:**

R 1028284

### 35. ARKAN'S INTERVIEW

THE OPPORTUNITY TO MEET "ARKAN" IN THE REGION OF BJN COULD BE OFFERED TO TEAM B3. SINCE HE IS ON THE LIST OF "SUPPOSED WAR CRIMINALS", THIS ENCOUNTER COULD BE DAMAGING FOR THE ECM. HOWEVER, DURING OUR INVESTIGATIONS AT BJN, JANJA AND BATKOVIC, WE RECEIVED NUMEROUS TESTIMONIES OF MUSLIMS WHO SEE ARKAN AND HIS TIGERS AS A GUARANTEE FOR SECURITY IN THE REGION. OTHERS, SERBS AS WELL AS MUSLIMS, HAVE EXPLAINED TO US THAT THE TIGERS HAVE REDUCED THE LOSSES OF BELLIGERENT DURING COMBATS IN BRCKO AND BJN. THEY EVEN SEEM TO HAVE NEUTRALISED THE ACTIVITIES OF GANGS OF CRIMINALS FROM ANY ORIGIN WHO WERE LOOTING AND MURDERING THE INHABITANTS DURING THE BATTLE ITSELF.

THESE FACTS, WHETHER MYTH OR REALITY, DESERVE TO BE CHECKED WITH THE ONE WHO IS MAINLY INVOLVED - ARKAN HIMSELF.

**Let us see the same page of this document #describing the Batkovic Prison, and Vojkan Djurkovic involvements:** *THE 700 PRISONERS I! BATKOVIC ARE WELL TREATED, AND THEY HAVE 3 MEALS A DAY WHEN WE CAME, A HUNDRED OF THEM WERE WASHING THEIR LAUNDRY. THE MU!ITY OF WATER IS ABUNDM{T (EXTERIOR TAPS, SHOWERS). THE ENCLOSURE OF THE PRISON, WHICH IS SETTLED IN THE BUILDENGs OF A LARGE FARM, IS NO CLOSED EI A FENCE. POLES HAVE BEEN PUT, BUT THERE IS NO WIRE AROUND. THE GATES ARE 11(71 CLOSED AND THE PRISONERS ARE FREE TO MOVE INSIDE AND AROUND THE FARM. \*E OF THEN ARE SHOPPING IN LODAL STORES, FOR THEY RECEIVE HONEY FROM THEIR FAMILIES VIA RED CROSS MEDIATORS. SQI'S 300 OF THEM ARE IZATED IN OTHER TOWNS FOR SPEGIFIC WORKS ON THOSE OF PUBLIC INTEREST (WE NET ONE AT THE VLASENICA HOSPITAL AND 6 AT THE DVCIROVP ROTEL IN Th). WE HAD THE POSSIBILITY TO QUESTION THEN: THEIR INTENT ION IS TO SIGN A PETITION ASKING TUSLA TO RELEASE SEREnE PRISONERS HELD III THAT REGION. BESIDES, SOIE OF THEN HAVE BEEN WORKING NEAR THE FRONT IN THE REGION OP LOPARE (40 KM 3.0, BaN). FINALLY, THEY WERE THANKFUL FOR THE EFFORTS OF MAJOR VOJKAN (ARKAN 'S TIGER) TO APROVE THEIR CONDITIONS OF LIVING. On the previous page the ECMM described a nice conduct of Vojkan Djurkovic who after an explosion and a terrorist act secured the MM with guards:*

FINALLY, MAJOR VOJKAN DJURKOVIC HAS ATTRIBUTED A BODY GUARD TO US, INCLUDING DURING THE NIGHT.

**Now it is clear why Vojkan Djurkovic had never been indicted, because whatever he did, was #agreed between him and the Muslim civilians#. The Defence couldn't use this, as well as many other #exculpatory documents#. B. Plavsic was in the common presidency, and didn't deal with Bijeljina on behalf of the President or SDS. The Mauzer's Panthers was a legal unit of the regional TO, also associated in cooperation with the Arkan's army, from whom he got a rank of major, which the President and Gen. Mladic annulled in sommer 92. But, his unit become a regular unit of the VRS, under his command, but fully under the VRS IBK Corps's control. How many times the Defence has to point out that Mauzer after the war had passed all the accreditations posed by the international police, he was certified as suitable for**

a high posts in the RS MUP. Recently Mauzer had been post mortem decorated with the highest decoration, Mr. Seselj had been acquitted before this court, Vojkan Djurkovic had never been indicted by any court, and the ECMM commended him for protecting the Misson and facilitating them to see what they wanted to see.

Let us see what the para 3235 says: 3235. *The Accused's shifting approach to paramilitaries is further demonstrated by his approach to Captain Dragan's training centre; and his order to have the Yellow Wasps released after they were arrested by Davidović.* (This was an ordinary lie that the Accuse even knew what further happened with the Yellow Wasps, because it wasn't his job to follow up the procedure. Once in the hands of the judicial system, there was nothing the President should do. The Yellow Wasps had been tried and sentenced in their country, Serbia, and they hadn't been acquitted or released from the prosecution. They had been handed over to Serbia. But this fn. is another para, 3208. This the Chamber corroborates it's own findings by it's own findings,, by it's own findings, endlessly, but always in a general assertions and statements. Let us se what is the 3208) 3208. *The Chamber found that Davidović planned the operation to arrest paramilitary groups in Zvornik in co-operation with Andan and special units of the MUP and that, on 29 July 1992, Žučo, the commander of the Yellow Wasps, was arrested and brought to Bijeljina. During this operation, other leaders and members of the Yellow Wasps were arrested, as were municipal leaders who had links with or collaborated with the Yellow Wasps, including Pavlović. However, when the 30 day remand period expired, Davidović was told that pressure was exerted on the authorities by the Accused and Krajišnik who ordered that the Yellow Wasps be released.* However, this lie had been contested by other witnesses, who knew better than Davidovic. For much less, the Chamber discredited the Defence witnesses. Mr. Davidovic was caught in lie concerning his son, and also during the testimony, Davidovic claimed that he didn't know about many President's document, and praised the President for that. Since the Chamber trusted every witness hostile to the President, the Defence will obtain the certificate from the investigating judge in Bijeljina on this occasion, Peter, please remind me. However, Mr. Davidovic was wrong stating that he planned the arrest of the Yellow Wasps. This had been done exclusively on the President's order to Minister Stanisic and the Commander of the Special unit of MUP General Karisik. Mr. Davidovic wasn't invited by name, but the President asked Prime Minister of FRY Panic to send him a small but capable police unit, and this unit had a small impact in this operation, while it was successful in Breko, with the individuals. Now, how the President could be liable for the Yellow Wasps, when he ordered, once he learned about them, ordered their arrest and deportation to the Serbia's justice system? Somebody in the Chamber is not serious at all. This error is a grave mistake and responsibility of those who analysed evidence for the Chamber, but this kind of lies must not be established by any chamber in the world!)

3503. Above, the Chamber found the many different ways in which the Accused, having been informed of crimes in the Municipalities, provided misleading information to representatives of international organisations, the public, and to the media in relation to these crimes.<sup>11137</sup> (This is again wrong. The international representatives had a poor information, while the state organs did have a complete investigations, and their information was more accurate than the foreigners ever. The President depended on the information obtained by the state official organs, and why would he trust more the internationals that had been informed by the Muslim side, than to his state organs? Many times the President had been restrained in denying or confirming some allegations of the foreigners, because he didn't want to be superficial and couldn't state anything before he asked his organs in the ministries, in the municipalities, or in VRS and police. The internationals were very damaging for one side, biased and engaged on the Muslim side, so that in this war there are so many violations



made by journalists, negotiators associates and humanitarians, probably a spies that abused the UNHCR and ICRC. One day it is going to be public, as the Iraqi war!) He covered up, for instance, the severity of the conditions in detention facilities,<sup>11138</sup> (The President visited only Kula Prison in Sarajevo, together with Lord Ashdown and sir Jonston, and the conditions there were acceptable. For all other allegation the President asked the legal institutions to inform him and the Government about the conditions, and repeatedly ordered that the conditions be improved. The Chamber and the entire international community didn't see whether the Serb authorities deprived the detainees deliberately, or the country itself didn't have enough food, medicine, water, electricity. This is deeply incorrect and insulting to the poor Serbian people, which had been under a triple sanctions! Had the Prosecution and Chamber conveyed a proper investigation, or even read some reports about the condition of population and soldiers, they would see that two soldiers shared one small pasteta can a day!) and he deflated criticism expressed by internationals in relation to claims of "ethnic cleansing" by claiming that non-Serbs were leaving "out of fear".<sup>11139</sup> (A decent nation shouldn't admit this kind of internationals even close to the crisis territory, because some of them helped the population, but the effects of the rotten minority annihilated all the benefits, because they caused more sufferings and procrastinated the war by being so blatantly biased. This conduct encouraged one warring side to reject cessations of hostilities and peace, so that the war which could have been avoided lasted for three and a half years. This kind of "internationals" are criminally responsible, and should not be trusted then and now! The Prosecution never submitted any convincing evidence that it was a forceful expulsion. There is so many evidence that it wasn't so, that some people feared from the development of events, and asked to be put on a list to leave. Since the President was the only one authorise to say whether the refugees will return or not, since only he, or his plenipotentiary signed so many agreements regulating the rights to return. According to the numerous agreements and commitments, there can not be a word about a "permanent removal". Beside that, there was no a single incident during these evacuations, which would be unimaginable had it been a forceful operation. There is only one reasonable answer to a question: why so many Muslims didn't even want or try to leave? Because they didn't fight, nor they had their close relatives in the Muslim Army, and hadn't any troubles with the authorities, nor had any fear, see a UN report D2424, see an E. Vulliamy's report P3788!) The Chamber found a clear disjuncture between the manner in which the President defended the actions of the Bosnian Serbs in international settings and press conferences and the reality on the ground, of which he was fully aware.<sup>11140</sup> (Being aware of a situation doesn't mean that he approved it, produced it, or was happy how his country and countryman were suffering. There were several commissions initiated by the President and the Government to overview the conditions and improve it. What else the President could do? The Chamber thinks that the President should give up the Serb objectives. But, who was he to rule over the free Serb people? And who would obey him? Simply, nobody had any rights to disable the Serbs to protect themselves, at least from what happened to the Serbs in Croatia this time, let alone what happened to them in the WWI and WWII. And no Chamber all over the world is entitled to impose another view of the Serb people to what they had undergone in the WWII. This is not even decent, and some of the Serbs may sue the Tribunal and many Prosecution witnesses for lying!) In statements and speeches, the President created a narrative for an international audience in which the Bosnian Serbs would not be blamed for the movement of the non-Serb population.<sup>11141</sup> This is ridiculous! As if there was no movement of others, but only the Muslims. There was more the Serb refugees than the Muslim and Croat together. It was a process, and a temporary one, and it

<sup>11138</sup> See para. 3378.

<sup>11139</sup> See paras. 3337, 3347–3348.

<sup>11140</sup> See para. 2847.

<sup>11141</sup> See para. 2849.

**was agreed in many conferences and agreements, which were available to the Chamber. Let us see one of the early letters of the President to the international public, and see whether it was fake or not, see P3787 of 30 July 1992, a letter to the Guardian:**

**HEADLINE: LETTER: ETHNIC CLEANSING DENIED**

**BYLINE: DR RADOVAN KARADZIC**

BODY: YOUR article on the front page of today's newspaper is sensational and cannot be ignored. It is completely false to suggest that the Bosnian Serbs have organised concentration camps or that we hold civilian prisoners. I would challenge any journalist who has first hand accounts of such installations to come forward immediately.

Equally, I would like to see a single document or photograph that supports these second hand accounts. Even your own photograph is insufficient, showing a group of men, of fighting age, who could be Serbs, Muslims or Croats. The conspicuous absence of women or children make it clear that this is not a concentration camp.

I have made an offer to British journalists to make a list of places where they believe such camps exist. I will ensure that they can visit them.

Our position contrasts sharply with that of the government of Mr Alija Izetbegovic who have introduced civilian detention centres and concentration camps, who consistently refuse refugees the right to leave war zones.

Obviously our claims do not deserve any more credibility than the Guardian's allegations until they are substantiated. For that reason 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, Knjic, Bradina, Tarcin, Zitomislic, Bogodol, Glibodol, Tasovcici, Ulepici, Prebilovci, Guber, Duvno, Livno, Tuzla, Cazin, Travnik Slavonski Brod, Buturovic Polje and Celebic.

Both sides in this war have prisons in which captured soldiers are being held, we have consistently offered to exchange PoWs, even in ratios of three or four to one, alas the Bosnian Government has rejected these advances.

Finally to suggest that leadership of the Bosnian-Serbs have a policy of ethnic cleansing is simply untrue. We are committed to the principle that all refugees must be allowed to return to their homes as and when they wish. To accuse us of having both a policy of expulsion and detention is slightly odd.

Dr Radovan Karadzic.

London SW1.

**What a naïve leader, naïve to the stupidity, to invite the hostile journalists and open to them all the prisons and access to everything, and even give them ride in his governmental plain!!! And what they did? They forged a presence of a barb wire fence around Trnopolje, and other false data. The name of Ms. Penny Marshall will never be forgotten in the Serb people's memory! The President stupidity can not be justified by any excuse, such as that he believed that a British journalists could not be anti-Serb. And the letter of 30 July 1992 is fully consistent with the entire arguments of the Defence!)**

3504. At the same time that he was learning about crimes committed against non-Serbs and not taking sufficient steps to prevent or punish them, the Accused was providing misleading information to international observers on the ground and the media. By his denials that Bosnian Serbs were committing crimes in the Municipalities and his disingenuous portrayal of the reality on the ground, of which he was in fact fully aware, the President created an environment in which Bosnian Serbs could continue to commit the crimes through which the common purpose of the Overarching JCE was implemented. **(This is a shameless lie. The President never said that**

there was no crimes in the Serb controlled areas, but he stated that it was not committed by the authorities, or the official Serb Forces. Some of the members of these forces may have committed a crime, but far from the sight of the first, the most immediate superior, and there are many evidence of the “next level” corrections, as the Defence named it: the very next commanding or controlling level rectified a misdemeanour whenever leaned about it. And there was no evidence that the authorities, either on central or local level did commit crimes, or tolerated it. Iven for the smallest rude conduct towards the non-Serbs, the highest SDS officials and deputies reacted publicly, like in Bijeljina!)

### (3) Conclusion

3505. In the preceding paragraphs, the Chamber identified the various ways through which the President, in his functions as Supreme Commander, SDS President, SNB President, President of the Presidency, and President of the RS, participated in furthering the objective of the Overarching JCE, namely the permanent removal of the Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory. Considering the totality of the Chamber’s findings in this regard, and the extent of the President’s contribution by virtue of the functions and positions he held at the time, and the impact of his conduct—through his acts and omissions—on the implementation of this JCE, the Chamber finds that the President significantly contributed to the Overarching JCE. **(The Chamber – Prosecution complex didn’t even prove any Overarching JCE, let alone the President’s awareness of any JCE, so consequently couldn’t have proven the President’s contribution. The entire UN Court in it’s anti-Serb campaign relies only on several unproven constructs, such as: 1. “ethnically pure Serb state”, 2 “take-overs” of municipalities, 3. The “Serb Forces” composed of incompatible elements contradicting to the orders and reality, 4. A “permanent removal of the non-Serbs” 5. A “forceful displacementand expulsion of civilians”...**

#### 1. Link to crimes committed by non-members of the JCE

3506. In order to hold the President criminally responsible for crimes committed by non-members of the JCE, there must be a link between the President or another JCE member and the criminal conduct. This link is established if the President or another JCE member used the non-member in accordance with the common purpose of the JCE to carry out the *actus reus* of the crimes included therein.<sup>11142</sup> This may be inferred from the close co-operation of the President, or any other JCE member, with the non-member in order to further the common criminal purpose.

<sup>11142</sup> See para. 567.

The non-member of the JCE need not share the intent of the members of the JCE.<sup>11143</sup> It is also not necessary to establish the existence of an additional understanding or agreement between the President and the non-member to commit that particular crime.<sup>11144</sup>

3507. The Chamber found that the Crisis Staffs, paramilitaries, and members of the TO, MUP, and VRS carried out crimes in furtherance of the common plan of the Overarching JCE during the take-over of the Municipalities.<sup>11145</sup> **(#Wrong inferences!!! See wh#y:**

**1) Not all the municipalities that had a Crisis Staffs had committed crimes, but rather two third of the municipalities didn't have any of the alleged attributes of any JCE, which would be inevitable if it was a JCE and a systemic approach. As a matter of fact, the municipalities which did have members of the Main Board of the SDS as presidents, did not have crimes at all. Had it been a JCE and a plan backed by the SDS and President, these municipalities would be the first to complete the "criminal task";**

**2) Neither was it an inherent element of a CSs to tolerate, let alone to commit a crimes. The CSs were not a new bodies, but only a way of functioning of the regular elected bodies;**

**3) Beside the fact that there were many municipalities where the CSs didn't do anything wrong, there were many municipalities that didn't have a CSs whatsoever. If it was a matter of systemic approach, it wouldn't be imaginable;**

**4) Further, no all of members of the CSs committed mistakes, omissions, let alone crimes;**

**5) Some members of the VRS or Police may have committed crimes, but it never happened in their official capacity, with a knowledge of a commands, let alone by it's orders;**

**5) No one in the entire RS knew about any OJCE, nor thought that a crimes are allowed. We remember how the Serb population was disgusted and bitter after the Koricanske Stijene crime. For these elements the Chamber doesn't have a single evidence and basis for such a findings, and the arguments numbered out here will neverlose it's accuracy, because they are a sort of "marble truth"!)**

3508. The Chamber found that the Accused had *de jure* and *de facto* authority over the SDS party and its members from at least October 1991 until 1995.<sup>11146</sup> **(What does it mean? How possibly one could have had "de facto and de jure authority" over a democratic party? All the decisions had been passed democratically, and the only role of a president was to facilitate a democratic environment till a decision is made, and a strict implementation after a decision is done. In all other aspects, president of a democratic party was equal to the other members of a party bodies. The Chamber had a sufficient evidence that it was a case with the President, who had to fight for his views as any other member of the Party!)** It also found that the municipal Crisis Staffs and Serb municipal assemblies were formed as a result of the implementation of the Variant A/B Instructions, which the President had issued and distributed to high ranking Bosnian Serbs, and the implementation of which he monitored through meetings and discussions with municipal leaders.<sup>11147</sup> **(Wrong inference! Having formed the Serb municipal assemblies was not a crime in any way, nor the Crisis Staffs were illegal or criminal. A mere existence of the A/B Variant Instructions didn't caused any crime, and was not a criminal**

<sup>11143</sup> See para. 567.

<sup>11144</sup> See para. 567.

<sup>11145</sup> See Section IV.A.2: Legal findings on crimes.

<sup>11146</sup> See para. 2940.

<sup>11147</sup> See para. 3437; Section IV.A.3.a.ii.D: Variant A/B Instructions and take-over of power.

paper. It is corroborated by the fact that in a number of municipalities it was not implemented, while in some municipalities where it was implemented, didn't cause any problems. The A/B Instructions were in an accord with the Law of All-People's Defence, as testified by D. Kapetina, and depicted by the excerpts of the SFRY Constitution (P4743) and BiH Constitution (1262), the Law on All-People's Defence (1359) the Strategy of Defence (D4282). How was it possible that these genuine and all-binding documents didn't matter to the Chamber? The instructions as itself didn't contain any element that could facilitate any crime. In some of judgments it was adjudicated that it was not a crime. So, a crimes didn't occur on that basis, nor this basis facilitated any misconduct. There were a crimes in municipalities which didn't even receive A/B Instructions, as well as there were no crimes in municipalities which received and implemented the A/B Instructions. A lot of evidence, see testimony of a Prosecution's witness B. Djeric, T.27933-34:

*Q. Thank you. Do we agree that the Crisis Staffs were simply a way of concentrating executive authority in limited, areas as well as in such municipalities where the legal authorities were non-functional? The staffs of that nature were temporary organs which were put in place to speed things up, rather than going beyond their remit.*

*A. I agree that they could not go beyond their scope of authority or to work in any different fashion than was prescribed by regulation.*

*Q. Thank you. Do you agree that we understood quite early on that people no longer controlled -- or, rather, that they could not control the legislative branch and that we had to dispose of these Crisis Staffs?*

*A. We strove, both the Presidency and the government, to put the Crisis Staffs in a situation where they could hold power within their respective remit and in limited areas where they were necessary and not to work with any prescribed limits they assigned to themselves.*

Crisis Staffs had direct contact with the Presidency and followed the SDS party line.<sup>11148</sup>

**(Wrong inference, see what about the CSs said B. Djeric or finding, as a matter an assertion! In a period with the communications, there was no crimes almost at all, while the vast majority of crimes happened just in the period when the communications didn't exist. See what B. Djeric testified on the occasion:T.27936-37:**

*Q. Do you agree that the government being cut off in terms of means of communication was a factor which only contributed to the strengthening of the local factors and it made the government feel as if its hands were tied?*

*A. Yes. Perhaps I can add that the central authorities, given that the PTT network was based in Sarajevo, cut off all communications, so you can just about imagine how it was for the government to work under such conditions. See also D02531* Crisis Staffs had direct contact with the Presidency and followed the SDS party line.<sup>11149</sup> The President was instrumental in creating and activating the Crisis Staffs.<sup>11150</sup> They played a central role in preparing for and carrying out the take-over of the Municipalities by Serb Forces and in maintaining Bosnian Serb authority and power after the take-overs were completed.<sup>11151</sup> **(Wrong inference, because the premise is wrong: there was no any "take-over" – in the municipalities in question the Serbs had their own substantial amount of power gained by the elections 1990. The Serbs never wanted to govern over the Muslims-Croats, who had been offered to form their own municipal institutions, which they initially accepted, but reneged on under the influence of**

<sup>11148</sup> See paras. 3009–3011, 3080–3081.

<sup>11149</sup> See paras. 3009–3011, 3080–3081.

<sup>11150</sup> See para. 3074.

<sup>11151</sup> See paras. 3437, 3083, 3078.



the Central SDA. A maintaining legally obtained power was a lawful obligation! Throughout the entire Judgement there are a very few matters of a peripheral significance that may be accurate, all other matters, “established facts” and particularly inferences and findings are **absolutely incorrect!**

Crisis Staffs were tasked with making military and security preparations and the Accused gave explicit instructions on how the Crisis Staffs and the TO would be structured, including who would be the highest ranking officials in these structures, namely the presidents of municipalities and executive boards.<sup>11152</sup>

**(So what? This had been regulated by the Law of All-People’s Defence, and the A/B instructions only reminded them what they were obliged to do. The Chamber can not escape the local legal system when deciding about a matter regulated in this system!)**

The Chamber also found that the Variant A/B Instructions required that all active and reserve police, TO, and civilian protection units be brought “to full manpower” and provided that the units would be activated by order of the municipal Crisis Staffs.<sup>11153</sup>

**(So what? This was a law-binding obligation, under the threat of punishment for a high treason! That would be the same as if it was an Executive Board and a municipal Assembly, the same duties and obligations, all provided in the Law on All-Peoples Defence! And it could be activated only in a case of an attack, which explains why in two third of the Serb municipalities there was no any crime, and many of those municipalities maintained the regular bodies of authority, so they didn’t have any Crisis Staffs.)**

The President announced in March 1992 that while they did not plan to attack anyone, they had the “right to use the army for the final countdown and for the final establishment of authority”.<sup>11154</sup>

**Let us see those two paras of the Judgment mentioned in this fn., 3051. As mentioned above, in March 1992 the Accused advocated that Bosnian Serbs take power into their own hands in Bosnian Serb claimed territories and that the structure of BiH would depend on the conditions they could establish on the ground. The President emphasised that their right to self-determination “will happen according to the actual conditions which are up to you to create”. In this regard the President spoke about when to “reveal our next move” and that it “will all be happening in a flash and the set up of the de facto situation based on our documents”. He explained that there would be “no signing before we have achieved what we want, and you all know our strategic plans. [...] The ultimate strategic goal must still remain a secret”. The President said they did not “plan to attack anybody but our plan is to defend ourselves and the army is at our disposal for that purpose”; they had the “right to use the army for the final countdown and for the final establishment of authority” and that if a border was established unjustly they would “establish a just border”.**

**(#TIME SHIFTING#! Needless to remind that #March 1992 was a time when the Lisbon Agreement was agreed#, and the conduct of the local authorities in establishing a stabile peace and control of the processes was of a vital importance. So, everything about “taking power pertained to the municipalities that had been allocated to the Serbs by the Lisbon Conference. Such a shifting of time frame and context is illegal and criminal, and the Prosecution should apologise to the Chamber and the President for planting a deluding facts. Just notice that a strategic goals existed even before the 12<sup>th</sup> May Assembly session, as any party has it’s own strategic goals and a tactics to achieve it. See what is in para 3052 of the Judgement, that was the basis for this “findings”:**

**3052. The Accused also warned against the perception that Bosnian Serbs were taking “other people’s land through war” and that they should not mention war, but establish their authority and defend that and state that they did not plan to attack anybody. The Accused spoke about “[p]eace at any cost, wherever it is possible”. The Accused stated that they did not need war, and they could accomplish what they wanted by political means but once they had achieved their goals if they were attacked they would defend themselves, including against genocide, and had “the right to use the army for the final countdown and for the final establishment of authority”.**

<sup>11152</sup> See paras. 3079, 3082.

<sup>11153</sup> See paras. 2997, 3077.

<sup>11154</sup> See paras. 3051–3052.

**(And this was completely legitimate. Once the constitutional system was broken, the Serb ethnic community was entitled to influence what would be the future system. If it was denied, the Serbs did have all rights to self-organise and to re-build a secure system of an efficient power. If anybody tried to prevent them by a military means, they had been entitled to defend by a military means. IF THE CHAMBER DENIES THIS TRUTH, THAT WOULD BE A NEW ELEMENT OF THE POLITICAL SCIENCES, AND A PRECEDENT WITH A HUGE CONSEQUENCES! The UN as a paternal institution of this Court should have taken stance on this standard newly produce by the UN Court!)**

During this time, he was preparing for the take-over of power in the Municipalities. In addition, the Chamber found that Krajišnik, a member of the Overarching JCE, had “great authority” among the Bosnian Serb municipal leaders and influenced how power should be exercised at the municipal level.<sup>11155</sup> **(That was his duty, as it was the duty if those in municipalities to exercise a power they got through the elections. Neither Mr. Krajisnik, nor the President had an effective authority over the authorities in municipalities. See: (evidence of complains of the President on inability to replace a president of municipal assembly, or what B. Djerić said, T.27925,;**

*So was it already then that you identified this chaotic situation, and even our inclination towards excessive autonomy, small fiefdoms, did you already forecast that this would be a major obstacle in the functioning of a proper government?*

A. *Yes, I agree. This paragraph shows all of it. It is clear enough. The local factor was very influential, highly influential. For the most part, this is the result of the existential fear that prevailed among people then, as regards these state matters. So Yugoslavia was falling apart as a state or was in the process of disintegrating, so people were losing their state, and on the other hand even in this new state, which had already become an international subject, there was this outvoting in Bosnia-Herzegovina. T. 27927-28 [As read] "One of the essential problems we are facing is the poor functioning of the central authorities. The responsibility partly or mostly lies with us primarily because we have not fully defined the status of the SAO autonomous regions or their organs in relation to the central authorities; namely, fearing that we would be overcome or dominated by the Izetbegović government, we prepared some political, not exactly state mechanisms, to resist abuse coming from the centre. Meaning that we inherited such mechanisms now that we have our own state. Now they return to us as a negative echo. We will all know immediately that this is about a Serb tendency towards autonomy, creating one's own principalities ruled by small scale princes behind which there is only private interest, never the interest of the people." Do you remember not only this particular speech but this problem that we had to deal with in the assembly? Because the establishment of the SAO gave an opportunity to local princes to do whatever was in their own interest.* A. *Yes, I remember that. Every day that was being confirmed; namely, that the local factor want to rule on the ground.*

**(This sole testimony, from a trusted witness, who was at the very centre of the authorities in the period the most crimes had been committed, is sufficient to rebut all the Chamber unjustified “findings” in a previous para!)**

3509. The Chamber found that the Accused had *de jure* and *de facto* authority over the TO from mid-April until mid-May 1992 when the TO units were transformed into the VRS.<sup>11156</sup> **(However, this #wasn't true too#. All the TO organisation collapsed on 6 April, when the Muslim side re-organized it without the Serbs, and fired General Vukosavljević from the commanding**

<sup>11155</sup> See para. 3451.

<sup>11156</sup> See para. 3177.

post. The Serb side re-established its own TO on 16 April, and the Prime Minister, not the President, nominated the new commander of the Serb TO, see: D03709:

DECISION /handwritten: illegible//

to appoint a Chief of the Serbian Republic of Bosnia and Herzegovina Territorial Defence /handwritten: illegible//

Colonel Vidoje LUKIĆ is hereby appointed Chief of the Serbian Republic of Bosnia and Herzegovina Territorial Defence.

This decision shall come into force immediately and be published in the *Official Gazette of the Serbian People of Bosnia and Herzegovina*.

So, the President hadn't been in command over the TO a single day, but was tasked to coordinate the activities of the TO, because of lack of communications. Also, the existing TO units in every single local commune, municipality as well as in companies, were autonomous in their actions unless the JNA (later the VRS) took the duty. In such a case, nobody could order the municipal TO units not to act in accordance with their assessment of a jeopardy for their community. The only one who could order them was the one who could take the role of the local TO and protect the population, assets and territory, and it was a president of municipality, who ex officio was president of the Defence Committee, and his commander of the local TO unit. Those who couldn't take this role from the TO didn't have any possibility to order them to accept a jeopardy, defeat, massacre, or any harm that an enemy could inflict to them! That is how it was regulated in the laws and Constitution, and any chamber is obliged to take it into account!) The Chamber found that from May 1992, the President had *de jure* control over the VRS, which he exercised in fact continuously as the President of the SNB, President of the Presidency, and President of the RS.<sup>11157</sup> Furthermore, the Chamber found that the President had *de jure* authority over the Bosnian Serb MUP, which he exercised in fact.<sup>11158</sup> Mićo Stanišić, a member of the Overarching JCE, was the head of the MUP from 24 March 1992 until the end of December 1992.<sup>11159</sup> (It is not enough to state that "the President had such and such authorities" over some formations. All of that was regulated by the Constitution and laws. It wasn't an unlimited power, control or authority, and the President couldn't act outside of the legal framework. Now, since "a control" wasn't a crime by itself, the Chamber owes to the President to explain on what it founded its deliberations? Whether the President trespassed his authorisations? Did he order something illegal? Did he fail to issue all the necessary orders, regulations, laws needed for a lawful functioning of those formations upon which he "had a control"? Every president has the same control, but none of them are responsible for crimes that were out of their presidential control, committed out of the system of command by a very distant and low ranking perpetrators!)

3510. With respect to paramilitary forces, the Chamber found that armed groups, including groups from Serbia, were at times invited by Crisis Staffs to assist in combat activity in the Municipalities, and acted in concert with units of the Serb Forces.<sup>11160</sup> (This is both wrong, and false. It was only in the very beginning of the conflict in Bijeljina that the Crisis Staff of the SAO Majevica and Semberija invited Arkan's unit to help them against the Muslim extremist's attack. But, it was while the BiH still existed, and the President didn't have any competence over any force, and the stay of this unit was very short. However, the Chamber is mixing "babe and zabe", apples and oranges. Any group could report to the municipal TO units, or the JNA, which was supreme to the TOs, to be a volunteers, as the Yellow Wasps did when arrived. It was confirmed during the trial that it was a common feature that a group of volunteers arrive and check in to be volunteers, according to the Federal Presidency order. It was only later that some of such a groups became a paramilitaries, and at that

<sup>11157</sup> See para. 3157.

<sup>11158</sup> See paras. 1160–1161.

<sup>11159</sup> See paras. 3298, 3158, 3454.

<sup>11160</sup> See paras. 3182–3183, 3190, 3193–3194, 3231. Notably, the Chamber found that the Yellow Wasps co-operated with the Zvornik Crisis Staff and TO.

moment the authorities turned against their presence. There is a lot of evidence on it!) In other instances, paramilitary forces were invited by JCE members, notably Plavšić,<sup>11161</sup> (Not correct! Ms. Plavšić as a member of the common Presidency of BiH invited by a general invitation everyone who could help in defending, but not out of the existing law, which was very known, because it had been passed recently. All of those who were invited were supposed to subordinate themselves to the legal formations, the JNA or police, or a TO units, also subordinated to the JNA).or were affiliated with other members of the Overarching JCE, namely Arkan and Šešelj.<sup>11162</sup> (Once and for all, Mr. Seselj didn't send anyone, particularly not to be an independent armed group, and after the JNA withdrew, Seselj didn't send anybody to the VRS. If somebody identified himself as a "Seselj's man" it could have been a local guy, a fan of the Radical Party. Arkan wasn't present in the RS between 10 April 92 and September 95. Meanwhile, the Prosecution disclosed to the Defence, lately, a new documents about Arkan's conduct in Bijeljina, which contradict to everything the Prosecution-Chamber asserted!) The Chamber found that the Accused supported the operational co-operation of military forces and local authorities with Arkan's men, Šešelj's men, Mauzer's Panthers, and White Eagles as long as the objectives of these groups were aligned with those of the Bosnian Serb leadership.<sup>11163</sup> (There is no defence against so many insolent lies, so often repeated, and the decent Chamber shouldn't avail itself to that kind of statements. The President never wanted any White Eagles in the RS. The White Eagles were associated with a Serbian Renewal Party with which the President was in an irreconcilable dispute, then, and now. It is explained, Mauzer's unit was a legal TO unit, and it was subordinated to the VRS, and Mauzer himself was awarded by the international commission to be clean and suitable for the highest positions in the post-war MUP. As said, recently, in 2018, Mauzer had been post mortem decorated by the highest decoration!)

3511. The Accused and other members of the JCE used their authority and influence over Crisis Staffs, TO, VRS, Bosnian Serb MUP, and paramilitaries to carry out the crimes envisaged by the common plan of the Overarching JCE. (What evidence support this allegations, except it was picked up from the Indictment? Is an indictment an evidence by itself? If not, then it is ridiculous! Does there exist a single document from the central organs towards the CSs in municipalities ordering a criminal conduct? Since there was a huge amount of interceptions the telephone conversations, and since the Prosecution had an access to every single document, there must had been documents of a criminal nature, or a record of them. If it was not submitted, as it was not, #there was no such an activity#! Apart from the fact that there was no communications between the Center of RS and the terrain, what is a basis for such a nasty assertion? Nobody neglect the facts that the problems appeared only in municipalities where the Muslim side initiated the war events, nowhere else! And even in the municipalities where there had been skirmishes and crimes, it never happened on the Serb initiative, and until this defence assertion is rebutted, all other allegations are vain!) Furthermore, at times, paramilitaries, local Serbs, JNA, MUP, TO, and VRS units acted at the behest of the Crisis Staffs, which were under the Accused's authority and influence, to commit crimes in furtherance of the common plan. (How it is possible that a serious professionals make such an assertion? Neither the Crisis Staffs were under the President's authority, nor there was a single order to commit a crime. If the President was in favour of forming the Crisis Staffs, it all was in accordance with the law, it was a regular authority, only functioning in a crisis. Finally the CSs were responsible to their municipal assemblies, which had to pass all the decisions made meanwhile, as the Presidency of the Republic had to submit its decisions made on behalf of the Assembly to this Assembly to verify them. The JNA was never under

<sup>11161</sup> See paras. 3195, 3261, 3198.

<sup>11162</sup> See paras. 3189, 3191–3192, 3322–3324, 3327–3328.

<sup>11163</sup> See para. 3236.

**any control of the local authorities, and therefore neither under the President's one, let alone under the CSs. How long this Tribunal and its institutions will pretend not to know such a firm facts?)** Therefore, the Chamber finds that the crimes that were found to be committed by Serb Forces in the Municipalities are imputed to the JCE members or to the Accused. The Chamber finds that such a link existed based on the identity of the perpetrators, which takes into consideration their affiliation, uniforms, and vehicles; the behaviour and utterances of the perpetrators while the crimes were committed; and the identity of the victims. This finding is also based on the assessment of the context in which the crimes were committed, including the timing and the correlation with the actions taken and crimes committed by other Serb Forces and Bosnian Serb authorities who acted in furtherance of the common plan. **(Now, #all of a sudden, the context is of relevance#. The Defence cried for eight years to be allowed to depict a context of certain events, but was prevented. But, this paragraph of the Judgement is a blatant confession of the Chamber that the Judgement and the most important findings had been established arbitrary and on the basis of circumstantial evidence, along the chain of inferences drawn from inferences, drawn from inferences, endlessly! There had been a civil war, the war was waged by only one side, the Serb side, there happened some crimes committed by some Serbs, and since all the Serbs had undoubtedly been the Serbs, by virtue of that fact – they must have been members of the "Serb Forces", and since the President was the highest positioned official, it must be that he knew and even wanted and ordered these crimes! The Judgement doesn't sound any better than this simplification!)**

e) Accused's responsibility for crimes outside the scope of the Overarching JCE

3512. The Chamber found that the common purpose of the Overarching JCE was to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory through the commission of the crimes of deportation, inhumane acts (forcible transfer), and persecution through forcible transfer, deportation, unlawful detention, and the imposition and maintenance of restrictive and discriminatory measures. The Chamber turns now to consider whether the Accused is responsible pursuant to the third form of JCE liability for the other acts of persecution charged in Count 3 of the Indictment or the crimes of extermination and murder charged in Counts 4, 5, and 6 of the Indictment in relation to the Overarching JCE, which have been proven beyond reasonable doubt. The crimes in question are:

- i. Persecution, as a crime against humanity through killings, cruel and/or inhumane treatment (through torture, beatings, physical and psychological abuse, rape and other acts of sexual violence, and the establishment of and perpetuation of inhumane living conditions in detention facilities), forced labour at the frontline and use of non-Serbs as human shields, appropriation or plunder of property, and the wanton destruction of private property, including cultural and sacred sites;<sup>11164</sup>
- ii. murder as a crime against humanity and/or a violation of the laws or customs of war;<sup>11165</sup> and
- iii. extermination as a crime against humanity.<sup>11166</sup>

<sup>11164</sup> See Indictment, paras. 10, 60. See also paras. 2482–2518, 2531–2559.

<sup>11165</sup> See Indictment, paras. 10, 60, 63–64, 67. See also paras. 2446–2456.

<sup>11166</sup> See Indictment, paras. 10, 63–64, 67. See also paras. 2457–2464.



3513. The Chamber must determine whether it was reasonably foreseeable to the Accused that any of these crimes might be committed if he acted in furtherance of the common plan of the Overarching JCE and whether he willingly took that risk.<sup>11167</sup> The Chamber recalls that the assessment of what was reasonably foreseeable to the Accused must be made on the basis of his individual knowledge and that what may be foreseeable to one member of a JCE may not be foreseeable to another.<sup>11168</sup> It is not necessary for the purposes of JCE III liability that an Accused be aware of the past occurrence of a crime in order for the same crime to be foreseeable to him. However, it must be established that the possibility of any of these crimes being committed was sufficiently substantial as to be foreseeable to the Accused.<sup>11169</sup>

3514. The Chamber recalls that in coming to the conclusion that the Accused shared the intent to commit the crimes encompassed by the Overarching JCE, the Chamber found, *inter alia*, that the Accused: (i) knew that the forcible take-over of towns and municipalities by Serb Forces led to massive demographic changes through the forcible displacement of non-Serb civilians;<sup>11170</sup> and (ii) promoted and shared the objective of creating an ethnically pure Bosnian Serb state and the creation of contiguous Serb areas which would require a redistribution of the population.<sup>11171</sup> **Here is para 3463, mentioned in this fn as a basis for this findings:** 3463. *In concluding that a common plan existed to permanently remove Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory in the Municipalities from October 1991 to 30 November 1995, the Chamber had regard to its findings that in internal discussions among Bosnian Serb leaders it was clear that the forcible movement of the population had occurred and had taken place in accordance with instructions received from the highest level of the Bosnian Serb leadership and was well planned. And here is the content of the fn. 11032 which was a basis for para 3463:* 11032 *The Chamber notes that Defence witnesses testified, inter alia, that the President and the Bosnian Serb leadership (i) pursued policies which tried to preserve peace; (ii) tried to accommodate and respect the rights of non-Serbs; and (iii) did not support or plan the forcible movement of the population or the commission of crimes against non-Serbs. Kosta Čavoški, T. 37052 (11 April 2013); Dragomir Keserović, T. 40914–40915, 40944–40946 (8 July 2013); D4194 (Witness statement of Sveto Kovačević dated 7 December 2013), paras. 5, 9, 15–16, 37; D4063 (Witness statement of Novak Kondić dated 23 November 2013), paras. 5–7; D4166 (Witness statement of Mikan Davidović dated 1 December 2013), para. 7; D3861 (Witness statement of Radovan M. Karadžić dated 14 July 2013), paras. 5, 10–11; D3051 (Witness statement of Momir Bulatović dated 25 February 2013), paras. 16, 18–18A, 46; Momir Bulatović, T. 34540–34541 (28 February 2013), T. 34560–34561 (1 March 2013); D4027 (Witness statement of Nikola Poplašen dated 11 November 2013), paras. 18, 21; D3089 (Witness statement of Milivoje Kićanović dated 3 March 2013), paras. 18–19; D3072 (Witness statement of Pero Marković dated 1 March 2013), para. 28; D4313 (Witness statement of Gojko Kličević dated 7 February 2014), paras. 3–8; D3146 (Witness statement of Božidar Vučurević, 22 March 2013), para. 5. However, the Chamber finds that their testimony was marked by contradictions, evasiveness, and clear indicators of partiality and bias, or was based on their own unfounded assessment or impressions. The Chamber found that these factors undermined their evidence and does not find their evidence in this regard to be reliable. While Ronald Hatchett also testified that the President was committed to ending fighting and saving civilians, this observation was only limited to his own assessment during meetings with the President in 1994 and is thus of limited weight. D2741 (Witness statement of Ronald Hatchett dated 13 January 2013), paras. 10–12. **(And this exactly is catastrophe of the very attempt of an international***

<sup>11167</sup> See para. 570.

<sup>11168</sup> See para. 570.

<sup>11169</sup> See para. 570; Šainović, *et al.* Appeal Judgement, para. 1081.

<sup>11170</sup> See para. 3463.

<sup>11171</sup> See para. 3463.

justice. The Chamber gathered 13 Defence witnesses, all of them a very distinguished men, among them several university professors, two members of the Academy of Sciences and Arts, a former statemen and politicians, and dismissed them at once, because “there were clear indications” of partiality and bias. As if they hadn’t been or couldn’t been cross-examined and instead of “indications” to obtain an “evidence” that they weren’t been credible. And for Ronald Hatchet, a figh official of the Republican Party of USA, the Chamber concluded that his testimony wasn’t worthwile the Chamber’s attention because “this observation was only limited to his own assessment during meetings with the President in 1994 and is thus of limited weight”. However, all and every Prosecution’s witness testified with a much less experience and knowledge about the President or the situation. Among them many had been biased, either for a Muslim affiliation, or because of their nation had been on the Muslim side and against the Serbs. If the criterion used in this case would be implemented to the entire case, there wouldn’t be any case, and the trial would have to be repeated. Since almost entire “finding” of the Chamber relied on inferences, such a diversity of a more reasonable inferences rebut the entire result of the Judgement!) Furthermore, the Chamber found that the President contributed to the commission of those crimes by participating in the Overarching JCE through promoting an ideology of ethnic separation, using a rhetoric that amplified historical ethnic grievances and promoting propaganda to that effect, establishing the institutions used to carry out the objective of the common plan, and creating a climate of impunity for criminal acts committed against non-Serbs. (Another word, the Chamber is denying the basic and completely legitimate human and national rights to the Serbs, while all other Yugoslav nations were free to violate constitutions, laws, to illegally secede, to form their secret bodies, a secret army and police, to prepare for a war and to start this war against the Federal institutions, and in BiH and Croatia against the Serbs. And this is not going to happen, nobody has this right, and the Defence and many defendants have a good reasons to sue the Tribunal for such a practice and precedents that may damage many nations, but at the first place the Serbs!)

- 3515.** The Chamber notes that the geographical scope of the common plan of the Overarching JCE was broad and it was implemented in a manner that involved many groups and individuals spanning several levels of the Serb Forces and Bosnian Serb Political and Governmental Organs. There was no genuine concern about the manner in which power in the Municipalities was taken. (But the basic assertion about #“taking-over” of power in municipalities is false#. The Serbs had their authorities in all and every of those municipalities, but the Muslim side didn’t want to share the power, and didn’t want to make agreements, but wanted a control over the entire BiH, in a medieval manner, as during the Turkish occupation, and in accord with the Islamic Declaration authored by Mr. Alija Izetbegovic!) Furthermore, the Chamber found that there was an environment of extreme fear in which the Bosnian Muslim and Bosnian Croat population was forced to leave the Municipalities in circumstances that included displacement by physical force, threat of force or coercion, or fear of ongoing violence, killings, cruel and inhumane treatment, unlawful detention in terrible conditions, rape and other acts of sexual violence, discriminatory measures, and destruction of villages, homes, and cultural monuments.<sup>11172</sup> **This Conclusion relies upon para 2468 of this Judgment, mentioned in fn. 11182. Let us see what is there:** 2468. *The Chamber finds that the Bosnian Muslims and Bosnian Croats referred to above were forcibly displaced. In reaching that conclusion, the Chamber had regard to the surrounding circumstances in the Municipalities and found that the Bosnian Muslims and Bosnian Croats were displaced as a result of physical force, threat of force, or coercion. Others fled out of fear This fear was caused by ongoing violence and various crimes committed against non-Serbs including inter alia, killings, cruel and inhumane treatment, unlawful detention, rape and other acts of sexual violence, discriminatory measures,*

<sup>11172</sup> See para. 2468.

and wanton destruction of villages, houses and cultural monuments. Now, the Chamber explains and justifies this assertion by the fn. 8334, and let us see what is in this fn: 8334 The Chamber found in this section of the Judgement numerous examples of such acts directed against Bosnian Muslims and Bosnian Croats in the Municipalities. (Therefore, no evidence, just to trust the Chamber on word! However, it was not difficult to establish that there was crimes, pressure, harrasments, but it was necessary to establish who was responsible for this. First of all, there is no evidence about a forceful displacement of the people. On the contrary, there is a huge amount of evidence that the Muslims and Croat who wanted to leave had a many obstacles until they reached the list for convoy. But the fear was present, and is understandable, and ubiquitous, omnipresent, and everyone feared, BECAUSE THIS WAS AN INTER-ETHNIC AND INTER-RELIGIOUS CIVIL WAR ALL AGAINST ALL. There were also many, many Serb refugees from the Muslim-Croat areas, and their presence was of an influence on the climate; also, there were many cases of the combat casualties of the Serb soldiers, and their arrival and frunerals used to upset the Muslim or Croat population. For such a reason, the President banned all group funerals, because it was evident that nobody felt easy in such a cases!)

In several municipalities, the Chamber found that non-Serbs left because they were being terrorised and conditions made it impossible for them to continue living in the area.<sup>11173</sup> (Let us see what is concluded in para 2471, on which this assertion is based: 2471. The Chamber recalls its findings that in some Municipalities Bosnian Muslims may have requested assistance or permission to leave, and in some cases they paid exorbitant fees to do so. However, these departures were not voluntary and occurred under circumstances in which they had no real choice but to leave. Even when Bosnian Muslim leaders or other non-governmental organisations were involved in trying to evacuate Bosnian Muslims, this occurred in an environment of fear and threats which does not suggest that the population left voluntarily. The Chamber finds that even though non-governmental organisations may have been involved in facilitating some of these displacements, this does not render lawful what were otherwise unlawful transfers. The Chamber found that in other municipalities while the Bosnian Serb authorities referred to movement of the population as “voluntary departure”, in reality civilians were fleeing out of fear for their lives; this occurred in intimidating and violent circumstances which negated any suggestion of voluntariness in their departures. (Let us see what is wrong with this paragraph 2472! It is not entirely accurate that “in some Municipalities Bosnian Muslims may have requested...” it was a case in every municipality which did have the armed skirmishes, and wasn’t a case in so many, the two third municipalities which didn’t have combats. Such a municipalities are those in which presidents were members of the Main Board of the SDS, such as: Trebinje, Ljubinje, Gacko B. Samac, B. Dubica Srbac, Mrkonjic Grad, Drvar, Sipovo, Sekovici, Rudo, Pelagicevo, Vukosavlje, Cajnice, Derventa, Laktasi, (dr...@ etc. Further, an alleged “exorbitant fees” were rather an obstacle than an incentive for leaving municipality. Next assertion, that “these departures were not voluntary” is not correct, and would be correct if it was said that these departures were not joyfull, but very sad, but still voluntary. An “environment of fear and threats” is an environments that was created by the two main causes, both oput of the control of the Serb authorities, namely – the civil war, and previous Muslim attack within municipality, or from out of municipality. This is for the first time in the judicial practice that there was forbidden to depict what the alleged victims did to contribute to the development! The Victimology as a science suggests otherwise!)

In many cases Bosnian Muslims were forced to leave or fled following killings in and/or attacks against their villages or following the take-over of towns or villages by Serb Forces and in many cases they were first arrested and detained before being transported out of the Municipalities.<sup>11174</sup> (#THERE HAD NEVER BEEN ANY ATTACK AGAINST “VILLAGES”

<sup>11173</sup> See para. 2471.

<sup>11174</sup> See para. 2470.

**BUT ALWAYS AGAINST THE TERRORISTS THAT MILITARISED SUCH A VILLAGES!# THERE IS SUFFICIENT EVIDENCE ON THAT IN THE FILE#!** The Chamber is neglecting an obvious pattern while inventing a pattern that didn't exist: first, if a village or any other settled place had been attacked by the Serbs, it couldn't happen without prior Muslim attacks from such a village, which was always militarised. There is no any example that the "Serb Forces" attacked a settled place unless the Muslims attacked first. There is so many evidence that it is unbelievable that the Chamber didn't notice that, if the Prosecution wasn't fair enough to depict that. It is simply sufficient to see how many villages in Sanski Most municipality did have, and how many didn't have any trouble. The same is with all the municipalities from Indictment, not to mention the two third of the overall number of the Serb municipalities where the non-Serbs didn't have any problem. Nobody was ever arrested and detained if it was not in continuum with the Muslim attacks!) Based on the nature of the common plan and the manner in which it was carried out, the Chamber considers that it was foreseeable to the ACCUSED that Serb Forces might commit violent and property-related crimes against non-Serbs during and after the take-overs in the Municipalities and the campaign to forcibly remove non-Serbs. **(That how it looks like in this judicial system, where there is no an institute of a "wrongfully and insufficiently established factual state" which is inevitable in the Balkan countries judicial systems. This is an example of mixing up causes and consequences. Everyone could have foreseen that if there is going to be a civil war, there may and will be a lot of crimes, at least a bit more than in a peace times. But, the cause of the war was not a single Serb move, the cause of war was the Muslim intention to deny the Serbs their rights that were a "condition sine qua non" any independence! That was a very painful concession of the Serb side, and nobody was entitled to cheat the Serbs, to promise them a high autonomy if they accept the secession of BiH from Yugoslavia. Invented and established false term of "taking-over" municipalities is helping many other lies. There was no any take-over, the Serb had been a vast majority in about 50 municipalities, but even in such a municipalities they offered to the Muslims to form their ethnic municipalities (Variant A) no matter it was "foreseeable" the #Serbs didn't produce the situation and development that delivered what was "foreseeable", it was the Muslim side which tried to prevent the Serbs from achieving their legal objectives!)**

3516. In addition, the evidence of the Accused's knowledge of criminal activity in the Municipalities demonstrates that the Accused was well aware of this environment in which the forcible displacement of non-Serbs occurred. The Chamber notes the Accused learned of the killings of non-Serb civilians in early April 1992 in the town of Bijeljina immediately after their occurrence.<sup>11175</sup> **(So what? What was the President's position on 31 March to 3 April 1992? None! The President didn't have any authority when the Bijeljina incident appeared and ended. It was Mr. Izetbegovic who was in charge. And also it was his Cap. Hasan Tiric that was sent on 31 March to take Bijeljina under the Muslim control. And further, the "non-Serb civilians" were about 20 Albanian mercenaries, at least 8 Serb civilians, which makes 28 out of 41 casualty, and the rest 13 were the Bosnian Muslims.** Furthermore, on 23 June 1992, the Accused was informed that Bosnian Muslims were subjected to intimidation and a policy of harassment and discrimination at the hands of the Bosnian Serbs, causing thousands to leave.<sup>11176</sup> **Founded on para 3334:** 3334. *At a meeting of the Bosnian Serb Presidency on 23 June 1992, the President expressed his view that Mauzer and Blagojević's paramilitary units, which were active in Bijeljina, were very extreme, and that all units should be placed under a single command of the army or the police. Meanwhile, at a Bosnian Serb Assembly session in late June 1992, the President said that the Bosnian Muslims who continued to live in Bijeljina, forming 20% of the population, were not considered "second class citizens" and that the*

<sup>11175</sup> See para. 3333.

<sup>11176</sup> See para. 3334.

*government officials were actually trying to persuade them that they had nothing to fear. The Chamber recalls that in fact during the summer of 1992, Serb Forces instilled fear in the Bosnian Muslims who remained in Bijeljina and that Bosnian Muslims were forcibly expelled from Bijeljina by members of the Bijeljina Crisis Staff, SDS, Mauzer's unit, special police units, and Vojkan Đurković, while others were sent to Batković camp. (This is a grave and malicious lie which was easy to see from the evidence in the file. Based on fn. 10693 ( P01478, p.219-220*

#### MEETING

With SR BH Presidency\_

##### Issues:

1. - setting up courts
2. - Preparations for the meeting in Semberija
3. - Resolution of the issue of General PUJIĆ's appointment. \_

##### \* KARAĐŽIĆ:

\* The following would go to Bijeljina tomorrow: 217

- PLAVŠIĆ
- KRAJIŠNIK
- MLADIĆ
- SUBOTIĆ
- GVERO
- TOLIMIR. \_

- \* Two groups of paramilitary formations carry out operations in Semberija (Mauzer's i BLAGOJEVIĆ's), they are very extreme. \_
- \* All units must be placed under a single command of the Army or the Police. \_
- \* In Bijeljina, try to resolve the problem politically, they must not suspend the civilian authorities. \_

##### ĐERIĆ:

- It looks like there is plundering there...

(...)

**For Heaven's sake!!! How possibly this "document" (a notes with the unfinished sentences) could be used as a proof of guilt of this President? Once he had learnt that a two groups hadn't been placed under a single controle, he ordered the highest possible delegation to visit Bijeljina. He also implied that the irregulars had suspended the civilian authorities. And Djeric added: "It looks there is plundering there..." NOT A single WORD ABOUT HARRASING, let alone expelling, THE MUSLIM CIVILIANS! So, an action of the President to rectify an aberration is qualified as his felony. The Judgment "corroborates" this "finding" also by the P02900 exhibit. Let us se what the two concluding paras of this document said:**

Finally, to complete the picture, we must stress that the expert team of the MUP of the Serbian Republic of BH did encounter severe opposition and resistance during its engagement in Bijeljina, not only verbal but also armed. For example, some members of the expert team were threatened with liquidation, various misinformation was put into circulation, and lies spread about the alleged on-site activities and the rule of terror of the expert team, protest rallies against the "newcomers" were organised, and the CSB building itself was three times unsuccessfully attacked with heavy weapons in order to seize the building and banish the expert team of the MUP of the Serbian Republic of BH /as printed/.

**See! The penultimate para! The central MUP of the RS had already sent an expert team to**



**rectify all the unlawful conduct, but it had been resisted even by armed actions. The “protest against the “newcomers” meant that the newcomers could have been mainly the Serb refugees, or a Muslim returnees. Let us see the last para and the President’s remark:**

Of course, the efficient, professional and always legal and legitimate work of the expert team of the MUP of the Serbian Republic of BH, aimed at creating the best possible security situation and ensuring the full protection of all the citizens in Bijeljina, have in time eliminated the existing resistance and secured the absolute trust of, and an outstanding reputation among, the population on the territory of the Bijeljina Security Services Centre.

**“...the full protection of all the citizens in Bijeljina” was something what the high MUP official reported to the President, and the President responded:**

**/Hand-written:/ Keep enforcing order and the rule of law.  
2 August 1992 Radovan KARADŽIĆ**

**After this report, the officer who reported (D. Andan) had been promoted to the post of acting chief of the Bijeljina CSB. So, the President’s Police established the law and order under the threats of a renegade, but the Chamber treats it as a proof of the President’s liability! But that was exactly the reason why the President asked the Yugoslav Prime Minister Panic to send a dozen of a very capable policemen to help the RS MUP!**

In addition, he frequently discussed or was informed of the violent criminal behaviour of armed groups during the take-over of some municipalities.<sup>11177</sup> **(And what was his position on this issues? Did the President undertake any measures in regard to the issues? Of course, the Chamber-Prosecution alliance is adding another, false context, “during the take-over of some municipalities”! Neither there was any “take-over”, nor the official authorities tolerated and supported, let alone ordered any misdemeanour!)** For example, on 29 July 1992 he was told about the criminal behaviour of paramilitary groups during and after the take-over of Bijeljina, which resulted in rapes, thefts, robberies, killings, and the displacement of Bosnian Muslim civilians.<sup>11178</sup> **(The document referred to is P02900, commented above. The time the President “was told about the criminal behaviour of paramilitary groups during and after the take-over of Bijeljina” was exactly the #period of the huge military/police action against these very same groups#. Not only the President ordered this action, but supported the officer who acted against the villains and the officer was promoted. But a malicious inaccuracy is the added sentence “during and after take-over, which is far from any truth. Again, the lawful action of the RS authorities are used against these very same authorities and the President, and there was no any “take-over, because the same authorities established in 1990 after the election, remained until 1996 and the new elections!!!)** On 22 August 1992, the President was informed of the incident at Korićanske Stijene in which approximately 200 non-Serb men were killed by Serb Forces and thrown down a ravine at Mount Vlašić on 21 August 1992.<sup>11179</sup> **(The President was already in London for the Conference led by Lord Carrington and Ambassador Cutileiro. And what was the President’s attitude towards this event? Did the Chamber notice an overwhelming evidence about the actions of authorities? In particular, did the Chamber notice the President’s rage and dissatisfaction?)** The President was also aware that paramilitaries, volunteers, and other irregular armed groups were being used to further the common purpose of the Overarching JCE, and were difficult to control.<sup>11180</sup> **(#EXCULPATORY!!! This sentence is highly contradictory in itself: if the said formations had been difficult to control, then, how come they had been used to further the common purpose”? And if the formations had been used for that purpose, why would the President**

<sup>11177</sup> See paras. 3334–3336, 3341, 3350.

<sup>11178</sup> See para. 3335.

<sup>11179</sup> See para. 3346.

<sup>11180</sup> See paras. 3230–3236, 3334–3336, 3341–3342, 3344, 3350.

order their ban and arrest as early as on 13 June 92, and his associates, Prime Minister Djerić already in April, and General Mladić in May, before the President took the office in Presidency?) The Chamber considers that in light of his knowledge of crimes committed in the Municipalities, the Accused was aware of the environment of extreme fear in which non-Serbs were forced to leave and of other acts of violence committed by Serb Forces against non-Serbs during the campaign of forcible displacement. (the #President was aware that a possible civil and religious war in BiH would cause a chaos, and warned the entire public, as well as the BiH Assembly, but the war occurred against the President's will and contrary to all the concessions he offered to avoid the war.# But, the last two words are incorrect, there was no a forcible displacement. BUT, WHY THE CHAMBER AVOID TO ESTABLISH WHAT WAS THE PRESIDENT'S ATTITUDE TOWARDS IT? AND WHETHER HE UNDERTOOK A NECESSARY MEASURES TO PREVENT IT, AND A REMEDY AGAINST PERPETRATORS? WAS THERE A SINGLE ONE CASE OF COVER UP?)

3517. The Accused was also told about looting, particularly of Bosnian Muslim homes, on several occasions,<sup>11181</sup> and knew that paramilitary groups involved in the JCE I Crimes were notorious for pillaging and stealing.<sup>11182</sup> (An unfair and incorrect implying that the paramilitary group were involved in JCE I Crimes. If it was so, either the JCE Crimes and the JCE I generally, weren't an objective of the President and the official policy of the RS, or the paramilitaries weren't efficient in pillaging and stealing, because for what reason would the President be after them, ordering their ban, arrest and prosecution? All that happened, and the Chamber had an overwhelming evidence that the official policy was opposed to any paramilitary, and acted to this regard. The Serb police arrested many of these tiefs and returned the stolen goods to their owners regardless of ethnicity!)

3518. The Chamber found that the Accused intended the unlawful detention of civilians.<sup>11183</sup> And this "finding" is based on the para 3465, let us see what it said: 3465. Similarly, the Chamber also had regard to the manner in which the take-over of Municipalities was carried out by Serb Forces and the number of Bosnian Muslims and Bosnian Croats who were residing in the Municipalities prior to their take-over. With respect to the widespread practice of unlawfully arresting and detaining non-Serbs prior to removing them from Bosnian Serb claimed territory, the Chamber notes that there were repeated attempts by the President and the Bosnian Serb leadership to justify the existence of detention facilities in which they knew that civilians were detained. (Not only "they" didn't know that civilians were detained, but a civilians weren't detained in any of those facilities. All the detention units were under the permanent investigation by the state official services, and once some civilian was established to be only civilian and not a combatant or other kind of trespasser, he was released. All that had been detained after an investigation process weren't civilians. The Chamber neglected to take into consideration all the evidence to this regard. A mere fact that many had been released from the most notorious "camps" such as Omarska and Sanski Most proves that it was as the Defence claims. No reasonable chamber would neglect such a genuine and objective documents, which are not a testimony of somebody interested in the outcome.. Promises were also made to international representatives to improve conditions and release detainees. However, the Chamber finds, in light of its factual findings with respect to the Municipalities, that these assurances were completely at odds with the reality on the ground. This reality involved the unlawful arrest and detention of thousands of Bosnian Muslims and Bosnian Croats following the forcible take-over by Serb Forces of villages, towns, and municipalities, before they were ultimately transferred to other locations.11037 The Chamber

<sup>11181</sup> See paras. 3335, 3339, 3341–3342, 3344.

<sup>11182</sup> See paras. 3220, 3357.

<sup>11183</sup> See para. 3465.

*finds that the Accused and the Bosnian Serb leadership were not only aware of these detention facilities but used unlawful detention at these facilities as a core element in achieving their objective of the permanent removal of Bosnian Muslims and Bosnian Croats from Bosnian Serb claimed territory. They also used the unlawful detention of civilians to secure the “exchange” of Bosnian Serbs detained by Bosnian Muslims. The Chamber therefore finds that the President and the Bosnian Serb leadership shared the intent to unlawfully detain Bosnian Muslims and Bosnian Croats as one of the means through which they could achieve their objective of ethnic separation. The Chamber therefore finds that the only reasonable inference from this evidence is that the crime of persecution, through the underlying acts of unlawful detention and the imposition and maintenance of restrictive and discriminatory measures, was intended to achieve the objective of the Overarching JCE and that the Overarching JCE members, including the Accused, shared the intent for these crimes. With respect to these underlying acts of persecution, the Chamber also finds that the President and the Overarching JCE members shared the specific intent to discriminate against the Bosnian Muslims and Bosnian Croats on the basis of their identity.<sup>11038</sup> And this Chamber’s finding is based on the footnote 11038 which is nothing substantial, but the testimony of the Chamber itself, and a Chamber’s conviction. So, the Chamber is testifying for itself, see: 11038 In addition, based on all the evidence, the Chamber finds that the President was aware that his conduct as discussed further below was part of a widespread and systematic attack directed against a civilian population. There is missing another Chamber’s product as a basis for this empty assertion, because this footnote is not sufficient to be a basis for this para 3465 of the Judgement. All of it looks like an old Serbian saying: “Kadija te tuzi, kadija ti sudi” from the times of Turkish occupation, and meant: “the same judge is indicting and judging you!”*

The Chamber notes that thousands of individuals, including women, children, and elderly people were detained for extended periods of time before they were ultimately transferred out of the Municipalities. In several of these detention facilities, Bosnian Serb Political and Governmental Organs and Serb Forces deliberately established and perpetuated inhumane living conditions.<sup>11184</sup>

*(The Chamber doesn’t have any ground for such an assertion and finding that women, children or elderly people had been detained. There had been a cases that such a people had been admitted in a reception centres, because of the fierce fights in the zone, and they didn’t dare to return to their homes, but they had never been detained. This was a pattern in all municipalities where there was a fierce combat activity, always initiated by the Muslims, because the Serbs didn’t have any reason to inflame their own depth, far from any frontline. That was why the municipalities that didn’t have any combat activities didn’t have a detentions either. Again, the Chamber is calling upon another empty and unsupported assertion-finding of itself, para 2511, see: 2511. Having considered these factors the Chamber finds that members of the Bosnian Serb Political and Governmental Organs and Serb Forces deliberately established and perpetuated inhumane living conditions at a number of detention facilities in the Municipalities.<sup>8471</sup> (Let us see what is under the fn. 8471) 8471 The Chamber recalls that it did not have sufficient evidence to made a finding as to the conditions of detention at the TO military warehouses at Livade in Foča. See Scheduled Detention Facility C.10.6. (The Chamber never established that the poor conditions in any detention or reception facilities were deliberately posted or any human being deliberately deprived in any needs by the official representatives of the authorities. From the names and purpose of the facilities it was clear that the purpose was a quite different, not to be detention, but to be a farm, factory etc, that means the spaces and facilities had been improvised. All the detainees and authorities had been from the same places, they knew each other, they helped each other, and only somebody from the outside could behave criminally. The Chamber had a sufficient evidence that the Serb controlled territories had even more shortages in food, energy, water, medicines, that the Muslim part of BiH. See how it was in Grbavica 1993,*

<sup>11184</sup> See para. 2511.

**D02424:****2. General observations.**

Outward appearances basically same as rest of Sarajevo (under B-H control); no electricity nor running water, damaged buildings, more weapons to be seen on the street, several tanks.

**Or what Gen. Nambiar wrote as early as in July 92, see: D04647:**

SERBIAN SIDE IS IN TROUBLE. THIS MAY SERIOUSLY ENDANGER THE WHOLE AIRPORT ENTERPRISE, AS THEY ARE NOW BEING SQUEEZED BETWEEN THE BH FORCES AND THE INTERNATIONAL COMMUNITY'S SEIZURE OF THE AIRPORT (SO TO SPEAK). THE SDS'S DESIRE FOR LEGITIMACY, CERTAINLY ENCOURAGED BY SANCTIONS, AND THE THREAT OF EVEN WORSE RETRIBUTION, HAS PUT THEM ON THE SPOT. UNLIKE THE PRESIDENCY, THEY SAY THEY ARE NOW WILLING TO GO ANYWHERE, TALK TO ANYONE, WITHOUT ANY CONDITIONS, ABOUT THE FUTURE.

The sanctions mentioned here never eased, but became worse, until the FRY imposed its own strict sanctions in August 94. So, this is a permanently present situation, that the Serb side was squeezed by many elements, which directly influenced lives of ordinary people, soldiers as well as detainees. Without willing deprivation, or a negligence, there is no a crime on the Serb side for poor conditions in detention facilities! Beside that, if there was no a military necessity to detain some people, why the Serb authorities would take the burden of feeding and guarding those detained? Both the Prosecution and Chamber never established and differentiated whether the conditions in the detention facilities were a deliberate aggravation, or was it a maximum that could have been obtained in such a situation! The

Chamber found that the Accuse knew early on in the conflict in BiH that civilians were being detained by Serb Forces.<sup>11185</sup> (Let us see how the Chamber came to this conclusion, calling upon para 3365 of the Judgment: 3365. The Accused was present at a 24 April 1992 joint session of the SNB and Bosnian Serb Government, where it was decided that the Ministry of Justice would be responsible for the exchange of detainees.10764 (#DETAINÉES, NOT CIVILIANS#! This fn. directs us to P01087, but in this document there is no a word about what the Chamber implied in this para. On 8 May 1992, the Government decided to form the "Central Commission for the Exchange of Prisoners-of-War, Arrested Persons and the Bodies of those Killed".10765 (#PRISONERS OF WAR, NOT CIVILIANS#! The document from this fn. P01088 also doesn't have anything illegal and criminal, and it was an obligation according to the law on war. According to Mandić, the impetus for establishing the Commission was to provide "rule of law and legal security" for people detained, many of whom were civilians from conflict areas.10766 The Chamber considers that this evidence demonstrates that the President knew early on in the conflict in BiH that civilians were being detained by Serb Forces. The fn. 10766 calls for para 127, let see a part of it: 127. The Commission's official role was to co-ordinate exchanges and to provide information on captured persons. As part of that role the Commission was to differentiate between civilians and prisoners of war, with a view to releasing the former and preventing crisis staffs or paramilitary formations from committing crimes against the latter.333

( This is #EXCULPATORY#!!! #All the "brought in" were subject to differentiation whether they were civilians, in which a case they had been released immediately#! So, once again, the #Chamber is punishing a good deeds of the President#! How possibly a correction of a possible misdeeds on the terrain through adoption of the decision on forming a commission to regulate the issue and rectify a possible felonies – could be used against the President? It was well known to the Chamber that the RS had to build up a completely new legislation and infrastructure in order to have the state institutions function. This was one of the regulation that had been made by the Government, and the President or some of his associates would be responsible if it didn't happen, and not because it did happen?



The Accused was told by international representatives of the large scale detention of civilians as early as May 1992.<sup>11186</sup> **This assertion relies on para 3366, let us see it: 3366. Allegations of large-scale detention of civilians were reported in the international press in May and June 1992 and John Wilson raised these allegations with Plavšić in the presence of the Accused.10767 Plavšić acknowledged the existence of camps but said that they were only for military aged persons who were detained so they would not fight the Serbs and made counterclaims that the Bosnian Presidency was holding prisoners.10768 And this fn (10768) calls on para 102 of the Wilson's Statement, see, P01029, para 102:**

**102. Plavšić acknowledged the existence of the camps but stated that they were only for people of military age who were being detained so that they would not be able to fight against the Serbs. She made counter-claims that the Bosnian Presidency were holding prisoners in the cellar of the Presidency Building. Radovan Karadžić was also present during this conversation but I cannot recall if he made any comments.**

**(So, even Wilson was not sure whether the President said something, and therefore couldn't be sure whether the President was present, or at least, was he listening to their conversation, and why should he, since Ms. Plavšić was in charge of the humanitarian issues. But, in the para 3366 of the Judgment the Chamber "established" that the "allegations of large-scale detention of civilians were reported in the international media in May and June 92", as if the international media were a reliable source. The same media reported that in the first year of the war there were 300,000 Muslim victims, and 80,000 raped women. Should any serious man pay any attention to these allegations? Why would the RS state officials read the international media, particularly in a situation when it was clear that these media were drastically biased, and not to rely upon the official reports of the state agencies, the Army, Police and the State Security Service? Which state would allow this kind of conduct of the most responsible statesmen?)**

On 17 July 1992, the Bosnian Serb MUP wrote a report to the Accused and the Prime Minister, indicating, *inter alia*, that the conditions in detention centres were poor.<sup>11187</sup> **And this assertion relies on the P01096, a MUP report of the anomalies on the terrain, see:**

The Army, crisis staffs and war presidencies have requested that the Army round up or capture as many Muslim civilians as possible, and they leave such undefined camps to internal affairs organs. The conditions in some of these camps are poor: there is no food, individuals sometimes do not observe international norms, etc.

**#GOOD DEEDS TO BE PUNISHED#! There is no doubt that it #pertained to the combat zone#, and there is no doubt that the RS MUP was critical of this practice, and once again, a #proper functioning of the RS MUP and other organs is used as an evidence against this very same state of RS and it's organs, including the President#. What does it mean that MUP wrote a report? That was their duty, to monitor the respect of the international standards, and domestic laws, and to report. How could this be used against any instance in the RS. Again, the Chamber forgets that a removal of civilians from a combat area was an obligation due to laws.**

On 22 July 1992, it was reported to the Bosnian Serb Government that there had been occurrences of unlawful treatment of detainees.<sup>11188</sup> **This is D00430, p. 7, let us see what is an argument against the President:**

- The Government has been informed on some occurrences of unlawful treatment of war prisoners. It has been concluded that all measures be taken to ensure the consistent application of an order by the Serb Republic of BH Presidency regarding the treatment of war prisoners,

<sup>11186</sup> See para. 3366.

<sup>11187</sup> P1096 (SerBiH MUP Report on Some Aspects of Work Done to Date and the Tasks Ahead, 17 July 1992), p. 3.

<sup>11188</sup> D430 (Minutes of 41<sup>st</sup> session of Government of SerBiH, 22 July 1992), p. 7.



**#EXCULPATORY#!!! “On some occurrences” not on a systemic unlawful treatment of POWs. There can be no better evidence on how the Government took care of the issue of legality of the treatment of POWs, but it was used against the President, who, by definition doesn’t deal with this kind of matters, unless the other state organs are neglecting a problem. It is evident that the Government took care, inspected, learned about irregularities, and concluded to take all measures, particularly mentioning the President’s Order “regarding the treatment of war prisoners”! This is rather to prize the President and the Government of the RS than to blame them. As in all other cases, when the evidence of the proper conduct of the authorities is used against these same authorities, a conclusion must have been contrary to it made by the Chamber, the only reasonable inference is: had there been any plan, the Government and other organs would celebrate when they learn that some crimes are committed, because there are many members of the Government, Assembly, Presidency and other organs who are alleged to be members of the OJCE. It can not be both – the officials investigating and rectifying a bad practice, and deliberately creating and introducing the same practice!)**

On 25 July 1992, the Accused received a report from the ICRC following a visit to the Manjača camp, informing the Accused, *inter alia*, that two detainees had been subjected to ill treatment during the visit, frequent and widespread traces of severe beatings were observed, and that the general living conditions were “absolutely insufficient”.<sup>11189</sup> **(So what? The #President welcomed the ICRC presence everywhere in the RS#, issued several orders, and made a public recommendation to the population to be friendly towards the ICRC, see @).** At the London Conference in August 1992, the “acute problem of the unlawful detention of civilians and the deplorable conditions in which they were held” was recognised.<sup>11190</sup> **“Recognised” means noticed and accepted to deal with, and this is the concerned para of D1142:**

**d. It was recognised that in addressing the acute problem of the unlawful detention of civilians and the deplorable conditions in which they were held. The primary objective to secure their release and return to their homes. If not immediately feasible, they identified the following possible options in the light of the wishes of those detained and in keeping with the provisions set out at para 3 below:**

**First of all, it didn’t concern only with the Serb side, but with all sides. Second, the sentence “If not immediately feasible” meant that there also had been recognised that there could have been a real and objective reasons why they couldn’t be at their homes. But, the President had been cooperative and accepted all the measures that would ease the situation of civilians! Was it established, and by whom, that the authorities of the RS were practicing such a felony of detaining civilians? Or anything that happened in the civil war was due to wishes of the authorities, including corrections of all deviations? But, let us see what else was provided by this agreement:**

- repatriation to areas under the control of their respective ethnic authorities;**

**Therefore, not ethnic cleansing, but repatriation to the areas where they would be safe and feel secured.**

**choosing to stay temporarily in the area of detention;  
relocation in areas away from the conflict under international supervision;  
temporary refuge in third countries.**

**And this was one of several agreements concluded in 1992 between the warring sides and the international mediators and humanitarian organisations (ICRC, UNHCR et al.) according to which the sides were obliged to move civilians to a safety. Yet, the Chamber is “finding” a**

<sup>11189</sup> P3758 (Letter from Radovan Karadžić to Branko Derić, attaching an ICRC report, 7 August 1992), pp. 4–7.

<sup>11190</sup> D1142 (Programme of Action of the London International Conference, 27 August 1992), p. 1.

crime in exercising these obligations and commitments, without establishing whether it was in accordance with some of these agreements. The Conference also recognised that all the sides to the conflict had their undisciplined and independent, rogue elements, and agreed on the issue with the commitment to discipline them, see D01142:

ii) all the parties to the conflict have the responsibility to exercise full authority over undisciplined elements within their areas so as to avoid anarchy, breaches of international humanitarian law and human rights abuse.

So, the #Conference recognised that an anarchy was an axiom, something that is understood to appear in such a civil war#, and a full control over the territory was the only remedy. But, the Chamber found that it wasn't allowed to the Serb authorities to control their own areas. This Agreement also contained another provision pertaining to the rights of refugees to return if wished so: D01142:

iii) that refugees and displaced persons should be allowed to return voluntarily and safely to their places of origin.

Once signed, there couldn't be any talk about a "permanent removal" of minorities, because it would be impossible to achieve. However, the entire construct of this case of JCE relies on this impossible assertion.)

In light of this evidence, the Chamber considers that the Accused knew that the conditions in many of the detention centres where non-Serbs were detained were poor while others were inadequate at best. (The President knew that the conditions in the entire RS were poor and inadequate, but #neither one of it was a deliberate conduct of the authorities, nor the authorities could do better in any way#. Of course, there is a huge evidence that the only solution was – not to wage war, not to fight, because the Muslims in such a places didn't have any problem, as can be seen from the evidence.)

3519. The Chamber also notes that prior to the outbreak of armed conflict in April 1992, the Accused was well aware of the ethnic animosity between Bosnian Serbs, Bosnian Croats, and Bosnian Muslims and played on these historic antagonisms in order to further the objective of the Overarching JCE and its common plan.<sup>11191</sup> (This is not a serious assertion. All of it is all the way around, and this is upside down logics. The antagonisms lasted for several centuries, and the last genocide committed against the Serbs and Jews in BiH and Croatia happened 45 years prior to this crisis, and nothing was forgotten. So, an ethnic separation, which took place in the entire Yugoslavia, had a sense in BiH just contrary to what the Chamber concluded: to save the peace and to guarantee a free life to all the three ethnicities, as it would happen hadn't there been abandonment of the Lisbon Agreement by the Muslim side. The need to separate the states of the three antagonised ethnicities was aimed to avoid the chaos and killings, not vice versa, and it was understood by the UN and the European Community exactly that way. The Chamber doesn't have a single evidence and any basis to conclude that the intention of the ethnic separation in a separate entities had anything to do with any JCE. On the contrary, even the EC and UN recognised it as a solution. Many the most prominent persons at the time expressed their conviction that the only possible Bosnia is a three-partite Bosnia. Let us see some of these opinions: within this frame there are some of the opinions of the most prominent statesmen and authoritative persons:

<sup>11191</sup> See Section IV.A.3.a.i.B: Identification of historic enemies.

## 1. Generally on Western powers' involvement and policy of recognition

### **Lord Peter Carrington:**

I think that what the international community on the whole – the Europeans, and the Americans and the UN – have done, on the whole made it sure there was going to be conflict. **(I)**

### **Lawrence Eagleburger:**

I think the major lesson here is when you got involved in something like this with a thousand years of history underlying it all, you need to understand that once the dam breaks, the viciousness can be pretty awful – on all sides. **(II)**

### **Former Canadian Ambassador to Yugoslavia James Bissett:**

As the Canadian ambassador to Yugoslavia from 1990 to 1992 I witnessed at first hand how western diplomatic ineptitude and clumsiness hastened the breakup of Yugoslavia and contributed to the dreadful violence and bloodshed that followed the disintegration of the country.

Here are a few examples:[...]

- The premature recognition of Slovenia and Croatia before any guarantees of civil and human rights were given to the Serbian population of Croatia, which, because of the horrendous events that occurred there during the Second World War, made civil war inevitable.
- The encouragement of Alija Izetbegovic to withdraw his signature from the so-called Lisbon agreement and to proceed with a referendum on independence in Bosnia which everyone knew would lead to the death and displacement of thousands. **(III)**

---

**(I)** George Bogdanich, *Yugoslavia, the Avoidable War*, 1999, Part 1, at 0:59 (Time stamps for this movie refer to the subtitled version shown on RTV-BN). Parts of this documentary were played by Slobodan Milosevic during his opening statement (see Transcript of 18 February 2002, p. 475 et seq.) and by the Popovic defence during the defence opening statement in *Popovic et al* (Transcript of 2 June 2008, p. 21566 et seq.).

**(II)** *Yugoslavia, the Avoidable War*, Part 1, at 46:00.

**(III)** James Bissett, Speaking Notes: Congressional Hearing [Hearing before the US Congress in 2000], at <http://www.deltax.net/bissett/a-congres1.htm>.

**Colin Powell:**

The biggest mistake was recognizing all these little countries when they started to decide they were independent. [...] The Serbs had very good reason to be worried about being in a Muslim-dominated country. It wasn't just paranoia.(IV)

### Alexander Solzhenitsyn:

[W]hen – also in the period of a few days – Yugoslavia began to fall apart, the leading powers of the West, with inexplicable haste and irresponsibility, rushed to recognize these states within their artificial borders. Therefore, for the exhausting, bloody war which is today convulsing the unfortunate peoples of the former Yugoslavia, the leaders of the Western powers must share the blame with Tito. (V)

Early Warning by UN Secretary General **Perez de Cuellar** on 10 December 1991:

In his report to me today, Mr. Vance has described widely expressed apprehensions about the possibility of premature recognition of the independence of some of the Yugoslav republics and the effect that such a move might have on the remaining republics. Leaders of Bosnia-Herzegovina and Macedonia were among the many political and military figures who last week underscored to Mr. Vance their strong fears in this regard. More than one of the high-level interlocutors described the possibly explosive consequences of such a development as being a “potential time bomb”. [...] I am deeply worried that any early, selective recognition could widen the present conflict and fuel an explosive situation especially in Bosnia-Herzegovina and also Macedonia; indeed, serious consequences could ensue for the entire Balkan region. I believe, therefore, that uncoordinated actions should be avoided.(VI)

Former GDR Ambassador to Yugoslavia **Ralph Hartmann** on Genscher's statement that if “the bloodshed goes on”, Germany would “seriously consider” the recognition of Croatia:

The signal was understood. The prize promised by Genscher had its effect. The Croat separatists intensified their armed activities, blockaded the JNA barracks, their access to water and electricity, the bloodshed went on, and at the year's end Germany pushed through the recognition of Croatia as well as Slovenia. Bosnia-Herzegovina, the wonderful “small-scale Yugoslavia”, was driven into a disastrous civil war lasting several years.(VII)

(IV) Henry Louis Gates, Colin Powell and the Black Elite, *The New Yorker*, 25 September 1995.

(V) Alexander Solzhenitsyn On The New Russia, Forbes.com, 5 August 2008 (reprint of Paul Klebnikov, Zhirinovsky Is An Evil Caricature Of A Russian Patriot – An Interview With Aleksandr Solzhenitsyn, *Forbes magazine*, 9 May 1994).

(VI) Letter dated 10 December 1991 from the Secretary-General of the United Nations addressed to the Minister of Foreign Affairs of the Netherlands, UN Doc. S/23280, 11 December 1991, Annex IV.

(VII) Ralph Hartmann, Verneinende Bestätigung, *Ossietzky* 23/2007. Hartmann has also written a book “*Die ehrlichen Makler*”: *Die deutsche Außenpolitik und der Bürgerkrieg in Jugoslawien: Eine Bilanz*, 1999 („The honest brokers”: German foreign policy and the civil war in Yugoslavia: taking stock).

Original text of the above quote in German: “Das Signal wurde verstanden. Die von Genscher ausgesetzte Prämie wirkte. Die kroatischen Separatisten intensivierten ihre bewaffneten Aktionen, blockierten die Kasernen der jugoslawischen Volksarmee, ihre Wasser- und Stromzufuhr, das Blutvergießen ging weiter, und

zum Jahresende setzte Deutschland die Anerkennung Kroatiens wie auch Sloweniens durch. Bosnien-Herzegowina, das wunderbare ‚Jugoslawien im kleinen‘, wurde in einen verheerenden mehrjährigen Bürgerkrieg getrieben.“

**Lord Peter Carrington** on Germany's promise of recognition of Croatia and Slovenia:

It broke up the constitutional conference because once you go throughout the six republics for independence, those two had no further influence on the constitutional conference, but you had to ask the other republics whether they wanted their independence, which meant that you had to ask Bosnia and it was perfectly plain that [...] there was going to be a civil war in Bosnia if you did do that.'(VIII)

**James Baker:**

Because we said if Yugoslavia does not break up peacefully, there is going to be one hell of a civil war. It nevertheless broke up non-peacefully, it broke up through the unilateral declaration of independence by Slovenia and Croatia and the seizing by these two country's republics of their border posts which was an act of force and which was an act that was in violation of the Helsinki principles, but the European powers and the United States ultimately recognised Slovenia and then Croatia and then Bosnia as independent countries, and admitted them to the United Nations. The real problem was that there was a unilateral declaration of independence and a use of force to gain that independence rather than a peaceful negotiation of independence which is the way it should have happened. (IX)

Cyrus Vance reportedly referred to the conflict in Yugoslavia as “Mr. Genscher's war.” (X)

According to former US State Department official George Kenney:

Vance argued that recognition would take away the diplomatic leverage that he had to try to bring the conflict in Croatia to an end and could possibly result in Bosnia blowing up. (XI)

**James Bissett:**

The premature recognition of Slovenia and Croatia was a guarantee that the breakup of Yugoslavia would not be resolved by peaceful means. Once again western intervention had exacerbated and complicated a serious Balkan problem. Again the German intervention had little to do with the actual problem faced on the ground in Yugoslavia. (XII)

Chancellor Kohl's insistence that Slovenia and Croatia be recognized as independent states was the death sentence for Yugoslavia. Sadly it was also the death sentence for many thousands of Serbs and Croats. (XIII)

---

(VII) *Yugoslavia, the Avoidable War*, at 39:17.

(VIII) *Yugoslavia, the Avoidable War*, at 13:42.

(IX) *Yugoslavia, the Avoidable War*, at 3:22.

(XI) *Yugoslavia, the Avoidable War*, at 3:27.

(XII) James Bissett, Speaking Notes: Congressional Hearing [Hearing before the US Congress in 2000], at <http://www.deltax.net/bissett/a-congres1.htm>.



(XIII) James Bissett, Kosovo and Human Rights, at <http://www.deltax.net/bissett/a-humanrights2.htm>.

**Warren Zimmermann** explained that the US was initially reluctant to recognize Croatia and Slovenia **because of fears that recognition would prolong the fighting in Croatia and trigger a war in Bosnia**. He stated that **[w]ith regard to Bosnia, our fears proved out**.

On whether the German push for early recognition of Croatia provoked more violence: **We opposed the German initiative at the time. I continue to think the initiative was wrong, but it is now a part of reality.** (XIV)

**(Defence remark: the new realities was not invented by the Serbs, but by the internationals, to justify their support for the unlawful secessions!)**

**Lawrence Eagleburger** on domestic political reasons for US recognition of Croatia: When we finally went ahead and recognised, one of the reasons we did so is because it had become a major domestic political issue for us here. We have particularly a large Croatian-American community and Mr. Bush lost most of them in the [1992 election] because they were unhappy with our having delayed as long as we did in recognising Croatia. (XV)

**Even Lord David Owen** made a vaguely critical remark on the policy of recognition: “My view has always been that to have stuck unyieldingly to the internal boundaries of the six republics within the former Yugoslavia [...], before there was any question of recognition of these republics, as being the boundaries for independent states, was a folly far greater than that of premature recognition itself.” (XVI)

**Warren Christopher:**

**“There were serious mistakes made in the whole process of recognition, quick recognition, [of Croatia and Slovenia,] and the Germans bear a particular responsibility in persuading their colleagues and the European Community. [... Many serious students of the matter think the beginning of the problems we face here today stem from the recognition of Croatia and thereafter of Bosnia.”** (XVII)

Izetbegovic to the Bosnian assembly on 27 February 1991:

**“I would sacrifice peace for a sovereign Bosnia-Herzegovina, but for that peace in Bosnia-Herzegovina, I would not sacrifice sovereignty.”** (XVIII)

---

(XIV) David Binder, Warren Zimmermann; Haunted by What the U.S. Didn't Do in Yugoslavia, *New York Times*, 14 June 1992.

(XV) *Yugoslavia, the Avoidable War*, at 46:24.

(XVI) David Owen, *Balkan Odyssey*, 34.

(XVII) Interview with *USA Today*, 17 June 1993.

(XVIII) Quoted in Laura Silber/Alan Little, *The Death of Yugoslavia*, 2nd ed. 1996, 233.

**Lord Peter Carrington** on why it was clear from the beginning that recognition of Bosnia would lead to war:

**“The Bosnian Serbs, until comparatively recently, have been in the majority in Bosnia and then the Muslims, who had a very much higher birth rate than the Serbs, became the [...] majority population. And this, of course, was something very hard for the Serbs to swallow. And they made it abundantly plain very early on that they were not prepared to accept a situation in which there was an independent Bosnia under the Constitution which then prevailed. And indeed, under the Constitution which then prevailed, it was [...] illegal for Izetbegovic to declare independence because any constitutional change of that magnitude had to be agreed by all three parties.” (XIX)**

**George Kenney:**

**“The intelligence community was unanimous in saying that “if we go ahead and recognize Bosnia, it will blow up.” (XX)**

**US sabotage of the Carrington-Cutileiro plan**

**Lord Peter Carrington** describing the plan:

**“It was the last chance, I think, of trying to preserve Bosnia before the war broke out in earnest.” (XXI)**

**José Cutileiro** on US “encouragement” to Izetbegovic to seek recognition of an independent BiH: **“After several rounds of talks our "principles for future constitutional arrangements for Bosnia and Hercegovina" were agreed by the three parties (Muslim, Serb and Croat) in Sarajevo on 18 March 1992 as the basis for further negotiations. These continued, maps and all, until the summer, when the Muslims reneged on the agreement. Had they not done so, the Bosnian question might have been settled earlier, with less loss of (mainly Muslim) life and land. To be fair, Izetbegovic and his aides were encouraged to scupper that deal and to fight for a unitary Bosnian state by well-meaning outsiders who thought they knew better.” (XXII)**

**(Defence remark: Is it now clear that the Serb side didn’t create any Joint Criminal Enterprise, but made the most painful concession and compromise to accept an independent Bosnia if the Serbs get their republic within it. So, the war was not waged with any Serb aim or goal, but contrary, the Muslim side fought for a unitary and independent Bosnia, and that was a Joint Criminal Enterprise!)**

---

**(XIX)** *Yugoslavia, the Avoidable War*, at 47:30.

**(XX)** *Yugoslavia, the Avoidable War*, at 1:13.

**(XXI)** *Yugoslavia, the Avoidable War*, at 52:48.

**(XXII)** Jose Cutileiro, Letter to the Editor, *The Economist*, 9-15 December 1995.

**Warren Zimmermann** on the US position in early 1992:

**“The embassy was for recognition of Bosnia and Herzegovina from sometime in February on. Meaning me.” (XXIII)**

**George Kenney** on Warren Zimmermann's meeting with Izetbegovic:

**"Zimmerman told Izetbegovic "look, why don't you wait and see what the US can do for you", meaning "we will recognise you and then help you out so don't go ahead with the Lisbon agreement, don't accept the Cutileiro Plan and just hold out for some kind of unitary Bosnian state." So this is a major turning point in our diplomatic efforts. (XXIV)**

**Lord Carrington:**

**"The American Administration made it quite clear that they thought the proposals – Cutileiro and my proposals – were unacceptable." (XXV)**

**Zimmermann** in 1993 in the context of negotiations on the Owen-Stoltenberg plan:

**"Our view was that we might be able to head off a Serbian power grab by internationalizing the problem. Our hope was the Serbs would hold off if it was clear Bosnia had the recognition of Western countries. It turned out we were wrong.**

**[...] The Lisbon agreement wasn't bad at all." (XXVI)**

**James Bissett:**

**"This US intervention guaranteed civil war in Bosnia and the death and displacement of thousands of people. [...] It appeared that the United States was determined to pursue a policy that prevented a resolution of the conflict by other than violent means. (XXVII)**

**Whatever the reason [for sabotaging the Cutileiro plan], it seems evident the U.S. intervention did more harm than good." (XXVIII)**

---

**(XXIII)** David Binder, U.S. Policymakers on Bosnia Admit Errors in Opposing Partition in 1992, *New York Times*, August 29, 1993

**(XXIV)** *Yugoslavia, the Avoidable War*, at 53:45.

**(XXV)** *Yugoslavia, the Avoidable War*, at 54:10.

**(XXVI)** David Binder, U.S. Policymakers on Bosnia Admit Errors in Opposing Partition in 1992, *New York Times*, 29 August 1993.

**(XXVII)** James Bissett, Kosovo and Human Rights, at <http://www.deltax.net/bissett/a-humanrights2.htm>.

**(XXVIII)** James Bissett, Western Interference, Part 7: Bosnia, at <http://www.deltax.net/bissett/western/bosnia.htm>.

**David Owen**

**"[T]he European Community's mistake over recognizing Croatia could have been overcome, if it had not been compounded by going forward regardless of the consequences with the recognition of Bosnia and Herzegovina. The U.S., which had opposed the recognition of Croatia in December 1991, became very active in pushing for recognition of Bosnia and Herzegovina in the spring of 1992. Yet it should not have been judged inevitable, nor indeed was it logical to push ahead and recognize Bosnia and Herzegovina, an internal republic of**

**Yugoslavia that contained three large constituent peoples with very different views on independence.” (XXIX)**

**Lord Carrington** described the recognition of Croatia, Bosnia and Slovenia as a **“tragic error”** and stated that he had advised the EC against recognition of Bosnia as

**“...scenario of this sort [was] unacceptable for the Serbs in Bosnia [and] would lead to civil war.” (XXX)**

**Cyrus Vance** stated **“that premature recognition** of Slovenia, Croatia and Bosnia by the EC and U.S. **brought about the war that is going on now.” (XXXI)**

**George Kenney:**

**“Unfortunately, Izetbegovic reneged on his word after encouragement from U.S. Ambassador Warren Zimmermann, and the deal fell apart. Two weeks later U.S. and European recognition of Bosnia triggered the war.” (XXXII)**

**Warren Zimmermann** considered the timing of the EU recognition of BiH to **be “atrocious”** and stated that

**“[h]ad Izetbegovic pleaded for time to allow the Bosnian parties to work out their mutual relationship ... he might have avoided a war” (XXXIII)**

**Roger Cohen** of the New York Times on the recognition of Bosnia:

**“[T]his international decision on Bosnia looks as close to criminal negligence as a diplomatic act can be. Indeed, international recognition and the outbreak of the Bosnian war were simultaneous: the world put a light to a fuse.” (XXXIV)**

---

(XXIX) David Owen, *Balkan Odyssey*, 344.

(XXX) Michael Colomes/Marc Roche, Big Blunders in Yugoslavia, *Cleveland Plain Dealer*, 19 October 1992. as quoted in Danielle S. Sremac, *War of Words: Washington tackles the Yugoslav conflict*, 1999, 94–95.

(XXXI) David Binder, Vance, Leaving, Sees Hope for Bosnia Plan Despite Fighting, *New York Times*, 14 April 1993.

(XXXII) George Kenney, Steering Clear of Balkan Shoals, *The Nation*, 8 January 1996.

(XXXIII) Warren Zimmermann, A Pavane for Bosnia, 37 *The National Interest* (1994), 78, as quoted in: Richard D. Caplan, *Europe and the recognition of new states in Yugoslavia*, 2005, 121.

(XXXIV) Roger Cohen, The World; Balkan Moral Order Upset as Victim Becomes Victor, *New York Times*, 6 November 1994.

New York Times columnist **A.M. Rosenthal** stated that the war in Bosnia

**“...was not the result of immutable historic forces but of the combined catalytic catastrophic stupidity and arrogance of officials in Western Europe, the former Yugoslavia and the U.S. [...] When Yugoslavia fell apart without Tito's boot to kick it into line, Germany led the West into early recognition of Slovenia and particularly Croatia, Germany's World War II ally. President Alija Izetbegovic of Bosnia himself had warned that premature recognition**

**would detonate the powderkeg of Serbs, Croats and Muslims living in Bosnia. It did.” (XXXV)**

As far as Genscher and Kohl have commented on German foreign policy in the context of recognition, they have not, to the knowledge of Defence, made any statements critical of that policy.

#### **4. Some quotes on which were not accessible to check the original source**

French Foreign Minister **Roland Dumas** criticized the EC’s “hasty” recognition of Croatia and Slovenia, stating that that premature recognition had destroyed the possibility of preventing the breakup of Yugoslavia through negotiations and contributed to the civil war in Bosnia and that the responsibility of Germany and the Vatican for the escalation of the crisis was enormous. (XXXVI)

Dutch PM **Ruud Lubbers** explained that the German government was pushing for recognition against the resistance of other European countries and that the result was “a catastrophe.” (XXXVII)

**Henry Kissinger** stated that the premature recognition of the former Yugoslav republics, especially of Bosnia, did not create a new state but instead provoked a new civil war. (XXXVIII)

Turkish Foreign Ministry Expert and later Ambassador to the FRY **Alev Kilic** asserted that the early recognition of Croatia and Slovenia buried any hope for a peaceful solution of the Balkan conflict. (XXXIX)

---

(XXXV) A.M. Rosenthal, On My Mind; Bosnia: Empty Promises, *New York Times*, 10 September 1993.

(XXXVI) *Le Monde*, 22 June 1993 and *Süddeutsche Zeitung*, 21 June 1993.

(XXXVII) *Volkskrant*, 21 December 1997.

(XXXVIII) *Die Welt*, 8 September 1996.

(XXXIX) *Frankfurter Allgemeine Zeitung*, 25 February 1992.

**(Was it known to the Prosecution when it constructed the Indictment against this President? If it wasn’t, than it was irresponsible and incompetent Prosecution, which caused another “civil war” and deterioration of the regional situation, planting a seeds for new conflicts. If the Prosecution was aware of these statements of the most competent participants of the Yugoslav crisis resolution, then it would be a real crime punishable in any of the countries that support this Prosecution!) The President knew that leading up to the outbreak of armed conflict, ethnic tensions were rising.<sup>11196</sup> (This is something everyone knew, and the responsible world leaders warned not to rush with the recognitions until all the questions of security be resolved. A special responsibility is on those world leaders who encouraged Mr. Izetbegovic to abandon the Lisbon Agreement and fight for the whole BiH for his community! The President knew, and he was begging both the domestic partners and international mediators to wait a bit, until BiH be decentralised! This awarnes of the inevitable conflict was the ground for the President’s political fights for the peace and peaceful solution, including his speech od 15 October 91. This also had been a basis for all those concessions the Serb side offered in order to make all the sides satisfied, and to avoid the war! But, in this Court all is put upside down, and the President anti-war statements were interpreted as a threats!)**



Furthermore, during the conflict, the President frequently dismissed the commission of crimes by armed groups, blaming this ethnic animosity.<sup>11192</sup> **(Certainly, the President knew that it wasn't a policy of the RS, or VRS, or the RS Police, but it didn't mean that if the authorities are against commission of crimes, that crimes wouldn't be committed. Exactly for these reasons, for a centuries long lasting animosity among the three ethnic groups!)** For example, at an international press conference in September 1992, in response to a question about a report alleging atrocities, including executions, and brutal "Nazi-like" conditions, the President said that in an "inter-ethnic and inter-religious war", there was no need for a command to kill, given that the three ethnic communities had "been antagonised during centuries".<sup>11193</sup> **That is correct. The President said at the same occasion that in such a kind of war the most needed command would be "stop" rather than "fire". What is wrong with it? Remember, when asked by somebody from the IC (int. Community) who is going to start a war, the President said: "nobody knows. Probably somebody from the lowest stratum of society." See..... The killing of the Serb, a groom's father on 1 March 92 hadn't been committed by a distinguished Muslim, but somebody from a bottom of society. But, the Chamber still didn't interpret the President's responses to the journalists correctly. See this part of P809, p.3:**

### **P809, p.3**

**Reporter:**

The CSC Commission report on your country recently talked about atrocities, ?... executions, brutal conditions, Nazi-like, in all the concentration...

**Karadžić:**

Is a... probably made on all of sides, but the question is, is it better it was part of policy or not, is it inter-ethnic and inter-religious war. So this kind of war does not require command start to shoot or stop to shoot, start to kill or stop to kill. We have been warning European Community that it will happen because three ethnic and three national communities have been antagonised during centuries. And this report I have seen, this report was not honest, this report didn't see what Muslims and Croats do. And we know that they do.

**So, the President gave an #academic response, honest and unbiased, recognising the chaotic situation#, and without accusing the Muslim leadership, because he believed that it had been done out of control of their officials too! This document contains other useful answers, such as whether there is envisaged the transfer of population, and the President responded that it must not happen, and the remedy is a full respect of the minority rights, but the Chamber wasn't interested in any exculpatory evidence!**

**3520.** Having assessed all the evidence on the information available to the Accused prior to and during the execution of the common plan of the Overarching JCE, the Chamber considers that the President knew that the common plan, whereby thousands of non-Serb civilians were expelled *en masse* from their homes during and after the forcible take-over of towns and villages, and detained in facilities throughout the Municipalities, occurred in a context of inter-ethnic animosity and violence. **(This is insane! There was no any "common plan", but just for a moment let us assume that the other side didn't have such a plan, what these animosities produced there, where there was no a plan, and where the #President didn't have any influence!# How come the #cruellest crimes on the Muslim side happened "without a plan"# and out of sight and influence of their leaders, while on the Serb side there was necessary to have a plan? Also, there was no a single evidence that the "Serb Forces" expelled civilians from their homes. The pattern was always the same: the Muslim extremists and terrorists attack the JNA and later the VRS and the Serb settlements. The Serbs respond, the terrorists escape to their**

<sup>11192</sup> See para. 3341.

<sup>11193</sup> P809 (Video footage of Radovan Karadžić's Press Conference at ICFY, 18 September 1992, with transcript), p. 3. See para. 3348.

settled places, the Serbs chase them to capture them, mainly they succeeded, and civilians sought a shelter while the fights go on. After they had been housed somewhere, many of them didn't dare to return to their homes and demanded to be allowed to leave! To this respect there is an overwhelming evidence, and none to the opposite!) Furthermore, he knew that a climate of impunity for crimes committed against non-Serbs existed in Bosnian Serb claimed territory, particularly in 1992.<sup>11194</sup> (This was not proven or corroborated by a single evidence. The abilities of the state structures were very low in 1992, but there was no a climate of impunity, and the Defence challenges both the Prosecution and the Chamber to show any evidence regarding the state structures being indifferent, let alone active in creating such a climate!) In light of these factors, he ought to have known that the non-Serb population was vulnerable to violent crimes that might be perpetrated by Serb Forces. (Both, the non-Serb and Serb population was vulnerable to violent crimes by the same perpetrators – the Muslim terrorists that terrorised them deep in the Serb territory and far from any front line. The “Serb Forces” were very responsible in all the areas where there was no combats. All the municipalities without armed skirmishes and, all the settled places without fights were without any crimes. The state organs fought a permanent fight against crimes and unlawful conduct, and the Chamber have seen it, but used it against the Serbs. But, this truth is never going to disappear, and the Prosecution and the entire Court is going to be blamed for such a ruthless forgery of the history of this conflict!)

**3521.** On the basis of the foregoing, the Chamber is convinced beyond reasonable doubt that it was foreseeable to the Accused that persecution through torture, beatings, physical and psychological abuse, rape and other acts of sexual violence, and the establishment and perpetuation of inhumane living conditions in detention facilities as cruel or inhumane treatment, killings, forced labour at the frontline, the use of non-Serbs as human shields, the appropriation or plunder of property, and the wanton destruction of private property, including cultural and sacred sites, might be committed by Serb Forces used to carry out the objective of the common plan, during the execution of the common plan, with discriminatory intent. (The only problem with this “findings” is that there was no any plan, and that it could have been foreseeable without any plan, and that the President warned all the sides in BiH not to push towards the war, because a war would produce a chaos, and a chaos will be a commander in chief to all of us. But, the Chamber qualified this speech as a threat. How come the Prosecution-Chamber of this UN Court so desperately searched for a Serb “*mens rea*” and a phantom plans, while only the Serbs gave up their best interests for the sake of peace, and had it been respected, there wouldn't be any war and crimes? On the other side, the Court did have an insight in the “Islamic Declaration” authored by Mr. Izetbegovic, which was a plan of the first class for what happened to the BiH nations?) Furthermore, the Chamber finds that it was foreseeable to the Accused that murder might be committed by Serb Forces used to carry out the objective of the common plan, during the execution of the common plan. (This is completely unfair. Why there was no “carrying out” the objectives of a common plan in the rest of #two third municipalities#? Why the Chamber was so negligable to miss to check the most markant remark and objection of the Defence, that the Serbs never and nowhere initiated fights? Then it would be clear whether the Serbs had a plan, or not. There are only several questions without an answer, but these answers are going to be searched for through the next decades, an it will not be something the United Nations and the international community is going to be proud of!) Finally, the fact that the Accused knew that the common plan was executed across a large geographic scope which involved numerous protagonists from civilian and military units, and was directly made aware of mass killings at the beginning of April 1992, demonstrates that he knew of the possibility that killings on a large scale might be committed by Serb Forces used to carry out the objective of the common plan. Therefore, the Chamber finds that the

11194

See Section IV.A.3.a.v: Accused's knowledge of crimes and measures he took to prevent and punish them.

possibility that extermination might be committed by Serb Forces was sufficiently substantial as to be foreseeable to the Accused. These crimes will hereinafter be referred to as “JCE III Crimes”.

**(What risk, and what the President could have done, when #everything depended on the other side#. Had the other side ceased to attack, there wouldn't be any “common plane” any risk, any crimes, as it was the case in many municipalities where the Muslim side didn't attack, and the civilians didn't have any troubles. The same was even in the municipalities where the Muslim terrorists attacked, the civilian un-related to these terrorists didn't have any trouble, their homes hadn't been used for fights, and they remained living in these municipalities to the end of war. The Chamber didn't notice this fact, and didn't even try to establish what some did have, and some didn't have any troubles!)**

**3522.** The Accused's continued participation in the Overarching JCE until 1995 demonstrates that he acted in furtherance of the common plan with the awareness of the possibility that the JCE III Crimes might be committed either by members of the Overarching JCE or Serb Forces who were used by him or other members of the Overarching JCE to carry out the common plan,<sup>11195</sup> during the execution of the common plan, demonstrating that he willingly took that risk.<sup>11196</sup>

**(What risk, and what the President could have done, #when everything depended on the other side. Was the President expected to surrender entire his Serb community to the Muslim forces and accept a slavery for his people, and get for himself a good bargain? Even if he was a traitor of such a kind, who would obey him? Why a nation that fought for freedom during several centuries would accept it? Within a few hours there would be a formidable reaction of the entire community!)**

3523. The Chamber is satisfied that the JCE III Crimes which have been found to be proven beyond reasonable doubt are sufficiently linked to the Accused because they were found to have been carried out by members of the Serb Forces who were used by the Accused or another JCE member to carry out the JCE I crimes.<sup>11197</sup> The Chamber has found that the JCE III Crimes were committed either during or after the take-overs of Municipalities during the campaign to forcibly remove the non-Serb population or in connection with unlawful detention in a scheduled detention facility. The Chamber has also considered the context in which the crimes were committed, including the timing and the correlation with the actions taken and crimes committed by other Serb Forces and Bosnian Serb authorities who acted in furtherance of the common plan. **(In numbering so many “circumstances” it is miraculous how the Chamber successfully avoided to mention that the #crimes never happened unless the Muslim terrorists attacked deep in the Serb controlled territory#! But, this is the crucial element, and skipping it, the whole picture becomes fake and detrimental for the future of this region!)**

# 1. Conclusion: Accused's individual criminal responsibility

**3524.** The Chamber found above that the Overarching JCE came into existence in October 1991 and continued until at least 30 November 1995, that the Accused significantly contributed to the Overarching JCE, and shared the intent with respect to the JCE I Crimes. **(If so, how come the Serbs and the President so easily gave up all these JCEs for the sake of the Lisbon Agreement? From 15 October 1991 until 6 April, when it happened the war broke out, there is a period of almost 6 months, when many other outcomes of the crisis had been possible exclusively because the Serbs and the President were flexible in giving concessions! It is obvious that the Chamber accepted the entire Prosecution allegations according to which all and every manifestation of the political life of the Serbs in Bosnia was unacceptable and**

<sup>11195</sup> See para. 3511.

<sup>11196</sup> See para. 3466, where the Chamber found that the evidence of the Accused's intent to commit the JCE I crimes, coupled with his knowledge of the commission of crimes by Serb Forces against non-Serbs in the Municipalities did not rise to the level of intention for the crimes discussed herein.

<sup>11197</sup> Judge Morrison dissenting with respect to Scheduled Incident B.12.2.

**criminal. Nobody in the world is so partisan of the #Bosnian illegal fight for independence# as this UN court! Even those who pushed the region in a horrible bloodshed are more critical about it, than the Prosecution and the Tribunal!)** In addition the Chamber found that the President acted in furtherance of the Overarching JCE with the awareness of the possibility that the JCE III Crimes might be committed either by members of the Overarching JCE or Serb Forces who were used by him or other members of the Overarching JCE to carry out the common plan, and that he willingly took that risk. **(#Couldn't be more wrong!# If it was true, then there would certainly have been his operative orders to the VRS or Police to that respect#. Not only the Prosecution didn't submit any written evidence, but there was no any verbal hint towards that conclusion, nor a telephone intercept, nor a testimony, not even a circumstantial evidence, that the President wanted or supported, or tolerated any of the JECs. The President didn't issue any executive orders to the VRS, except about the international requests to stop fighting, or let a humanitarian aid to pass. That means that any of his orders would have to be registered in the VRS Main Staff, and the subsequent executive orders would inevitably call upon the superior's order to the Main Staff.)** The Chamber therefore finds that the President bears individual criminal responsibility pursuant to Article 7(1) of the Statute for persecution, a crime against humanity (Count 3); extermination, a crime against humanity (Count 4); murder, a crime against humanity (Count 5); murder, a violation of the laws or customs of war (Count 6); deportation, a crime against humanity (Count 7); and inhumane acts (forcible transfer), a crime against humanity (Count 8). The Chamber will address the issue of cumulative convictions in Section IV.F below. **(A common sense can not understand it!!!)**

3525. In addition to the Accused's liability through participation in a JCE, the Prosecution also alleges that the Accused is individually criminally responsible for planning, instigating, ordering, and/or aiding and abetting the crimes relevant to the Municipalities component through certain acts and omissions.<sup>11198</sup> It also charges the Accused with individual criminal responsibility pursuant to Article 7(3) of the Statute.<sup>11199</sup> However, having considered all of the evidence and in light of the findings made above, the Chamber finds that commission through JCE pursuant to Article 7(1) most accurately and appropriately reflects the Accused's responsibility for the crimes in the Municipalities component as charged in the Indictment. The Chamber will therefore not analyse the Accused's responsibility under the other modes alleged by the Prosecution in the Indictment.

<sup>11198</sup> Indictment, paras. 30–31; Prosecution Final Brief, paras. 1115–1118.

<sup>11199</sup> Indictment, para. 32; Prosecution Final Brief, paras. 1113–1114.