**UNITED NATIONS**

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| | International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 | Case No. | IT-08-91-T |
| | | Date: | 27 March 2013 |
| | | Original: | English |

**IN TRIAL CHAMBER II**

**Before:** **Judge Burton Hall, Presiding**
**Judge Guy Delvoie**
**Judge Frederik Harhoff**

**Registrar:** **Mr. John Hocking**

**Judgement:** **27 March 2013**

**PROSECUTOR**

**v.**

**MIĆO STANIŠIĆ**
**STOJAN ŽUPLJANIN**

**PUBLIC**

# JUDGEMENT

**Volume 1 of 3**

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# I. INTRODUCTION

1. The present case concerns the role and responsibility of Mićo Stanišić and Stojan Župljanin ("Accused") in the events that occurred in Bosnia and Herzegovina ("BiH") following the creation of the Bosnian Serb Republic of Republika Srpska ("RS"). The second amended consolidated indictment, filed on 23 November 2009 ("Indictment"), charges each of them with crimes against humanity and violations of the laws or customs of war committed during these events.[1]

2. Mićo Stanišić was born on 30 June 1954 in the village of Ponor, in the municipality of Pale in BiH.[2] From 21 December 1991, he was a Minister Without Portfolio in the Council of Ministers, and an *ex officio* member of the National Security Council, the first *de facto* executive body of the RS.[3] From 1 April 1992, Stanišić was the Minister of the newly established RS MUP, by virtue of which he was also a member of the RS government.[4]

3. Stojan Župljanin was born on 22 September 1951 in Maslovare, in the municipality of Kotor Varoš in BiH. In 1975, he started his career with the Banja Luka Secretariat of Internal Affairs ("SUP") and was appointed Chief of the police station in Mejdan in Banja Luka in 1978, followed by appointment as Chief of the "Centar" police station in Banja Luka in 1981. In 1985, he became the Chief of the Department for Prevention of General Crime in the Banja Luka SUP. From 1991 onwards, he was the Chief of the Regional Security Services Centre ("CSB") of Banja Luka and, from at least 5 May 1992 until July 1992, he was also a member of the Autonomous Region of Krajina ("ARK") Crisis Staff.[5]

4. According to the Indictment, Mićo Stanišić and Stojan Župljanin are criminally responsible pursuant to Article 7(1) of the Statute of the Tribunal ("Statute") for crimes under Articles 3 and 5 of the Statute.[6] While Stanišić allegedly committed, instigated, or aided and abetted in the planning, preparation, or execution of these crimes,[7] Župljanin allegedly planned, instigated, ordered, committed, or aided and abetted in the planning, preparation, or execution of the same.[8]

5. The Indictment clarifies that the word "committed" in the context of Article 7(1) means participation in a joint criminal enterprise ("JCE") as a co-perpetrator.[9] The objective of the alleged

[1] Indictment, paras 11, 12.
[2] Indictment, para. 1.
[3] Indictment, para. 2.
[4] Indictment, para. 2.
[5] Indictment, para. 3.
[6] Indictment, paras 4, 5.
[7] Indictment, para. 4.
[8] Indictment, para. 5.
[9] Indictment, para. 6.

JCE was to permanently remove Bosnian Muslims, Bosnian Croats, and other non-Serbs from the territory of a planned Serbian state. The JCE allegedly came into existence no later than the establishment of the Assembly of the Serbian People in BiH on 24 October 1991 and continued until the signing of the Dayton Accords in 1995.[10] The objective of the alleged JCE was achieved by means which allegedly included the commission of the crimes enumerated in counts 1 to 10.[11]

6. From at least 1 April 1992 to at least 31 December 1992, Stanišić and Župljanin, through their respective positions and in exercise of their particular powers, allegedly acted in concert with other members of the JCE, including (a) Momčilo Krajišnik, Radovan Karadžić, Biljana Plavšić, Nikola Koljević, Momčilo Mandić, Velibor Ostojić, Ratko Mladić, and other members of the Bosnian Serb leadership; (b) leading members of the Serbian Democratic Party ("SDS") at the republic, regional, and municipal levels; (c) leading members of the Yugoslav People's Army ("JNA") and the Army of Republika Srpska ("VRS"), including Momir Talić; (d) leading members of the CSBs and Public Security Services ("SJB"), including Simo Drljača; (e) leading members of the regional and municipal crisis staffs, including Radoslav Brđanin; and (f) leading members of other civilian bodies within BiH.[12]

7. These members allegedly implemented the JCE through physical perpetrators who carried out the *actus reus* of the crimes committed in furtherance of the common criminal purpose. The physical perpetrators of the crimes were members of the Serb Forces, which collectively included members of the RS MUP, VRS, JNA, Yugoslav Army ("VJ"), Territorial Defence ("TO"), Serbian MUP and crisis staffs, Serbian and Bosnian Serb paramilitary forces and volunteer units, and local Bosnian Serbs acting under the instruction or pursuant to the direction of the named forces.[13]

8. Mićo Stanšić is charged with criminal responsibility for crimes in the 20 municipalities of Banja Luka, Bijeljina, Bileća, Bosanski Šamac, Brčko, Doboj, Donji Vakuf, Gacko, Ilijaš, Ključ, Kotor Varoš, Pale, Prijedor, Sanski Most, Skender Vakuf, Teslić, Vlasenica, Višegrad, Vogošća, and Zvornik ("Municipalities"). He allegedly participated in the creation of Bosnian Serb bodies and forces that implemented the forcible takeovers of the Municipalities and participated in the development of Bosnian Serb policy at the leadership level in order to secure these takeovers and the forcible removal of the non-Serb population. He is said to have commanded, directed, and assisted in the co-ordination of RS MUP forces, when acting jointly or in co-ordination with crisis staffs, VRS, and other Serb Forces, in order to implement the objectives of the JCE. Stanišić also allegedly facilitated the establishment and operation of camps and detention facilities in which Serb

[10] Indictment, para. 7.
[11] Indictment, para. 13.
[12] Indictment, paras 8, 10.

Forces beat, sexually assaulted, and killed non-Serb detainees. It is therefore alleged that, while under a duty as the Minister of the RS MUP to protect the Bosnian Muslims, Bosnian Croats, and other non-Serb population, he failed to take adequate steps to do so. Furthermore, Stanišić allegedly encouraged and facilitated the commission of crimes by Serb Forces by not taking adequate measures to investigate, arrest, or punish the perpetrators of such crimes and, thereby, contributed to the maintenance of a culture of impunity by participating in inconsequential inquiries concerning these crimes.[14]

9. Stojan Župljanin is charged with criminal responsibility for crimes committed in the eight municipalities of Banja Luka, Donji Vakuf, Ključ, Kotor Varoš, Prijedor, Sanski Most, Skender Vakuf, and Teslić ("ARK Municipalities").[15] Župljanin allegedly participated in the formation of Bosnian Serb bodies and forces that implemented the forcible takeovers of the ARK Municipalities and participated in the crimes charged. In order to implement the objectives of the JCE, he allegedly ordered, commanded, and directed members and agents of the RS MUP, who co-operated or acted jointly with crisis staffs, VRS, and other Serb Forces, and participated in the formation, financing, supplying, and supporting of special units. He also allegedly facilitated, established, or operated camps and detention facilities in which Serb Forces beat, sexually assaulted, and killed non-Serb detainees. Therefore, Župljanin allegedly failed, while being under a duty to protect, to take adequate steps to ensure the protection of the civilian population in the ARK. Instead, it is alleged that he encouraged and facilitated the commission of crimes by Serb Forces against Bosnian Croats, Bosnian Muslims, and other non-Serbs. Furthermore, he allegedly failed, while under a duty to protect as the Chief of CSB Banja Luka, to take the necessary steps to investigate, arrest, or punish the perpetrators of these crimes, thereby contributing to the maintenance of a culture of impunity, and participated in sham inquires concerning these crimes.[16]

10. Alternatively, the Prosecution charges that, insofar as the crimes enumerated in counts 1 to 8 were not within the objectives of the JCE, they were the foreseeable consequences of the execution of the JCE and both Accused willingly took the risk that these crimes might be committed.[17] Also in the alternative, if both Accused were not responsible as members of the JCE, the Indictment alleges that Stanišić is individually criminally responsible for instigating or aiding and abetting the crimes and that Župljanin is individually criminally responsible for ordering, planning, instigating, or aiding and abetting the crimes.[18]

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[13] Indictment, para. 9.
[14] Indictment, para. 11.
[15] Indictment, para. 12.
[16] Indictment, para. 12.
[17] Indictment, para. 14.
[18] Indictment, paras 15-16.

11. Mićo Stanišić and Stojan Župljanin are both also charged under Article 7(3) of the Statute, as a consequence of their respective positions of superior authority, with criminal responsibility for the acts and omissions of subordinate members and agents of the RS MUP.[19] Each Accused allegedly knew or had reason to know that the crimes in the Indictment were about to be, or had been, committed by their subordinates and failed to take necessary and reasonable measures to prevent such acts or punish the perpetrators thereof.[20]

12. There are three volumes to this Judgement. Volume 1 contains the following sections: Evidentiary Matters; Law; Political and Historical Developments; and the Existence of an Armed Conflict. The Trial Chamber's analysis of the evidence and its findings in relation to the crimes charged in the Municipalities are also in Volume 1.

13. In Volume 2, the Trial Chamber sets forth its analysis of the following: RS MUP; Armed Forces; the Existence of a Common Plan, Design, or Purpose; Resubordination; the Responsibility of Stojan Župljanin; the Responsibility of Mićo Stanišić; and Sentencing. The final Disposition of the trial is also in Volume 2.

14. Volume 3 contains the annexes to the Judgement, namely Procedural History; Evidence of Individually Named Victims; Legal Authorities; and Designated Terms and Abbreviations.

[19] Indictment, paras 17-22.
[20] Indictment, para. 23.

## II. EVIDENTIARY MATTERS

15. In its evaluation of the evidence, in assessing potential inconsistencies, the Trial Chamber took into account: the passage of time, the differences in questions put to the witnesses at different stages of investigations and in-court, and the traumatic situations in which many of the witnesses found themselves, not only during the events about which they testified, but also in many instances during their testimony before the Trial Chamber. Inconsequential inconsistencies did not lead the Trial Chamber to automatically reject evidence as unreliable.[21]

16. On 10 September 2009, the Trial Chamber issued guidelines on the admission and presentation of evidence.[22] Pursuant to Rule 89(C), the Trial Chamber admitted evidence that it considered to be relevant and to possess probative value. Pursuant to Rule 89(B), in situations not specifically provided for in the Rules of Procedure and Evidence of the Tribunal, the Trial Chamber applied rules of evidence that best favoured a fair determination of the matter before it, consonant with the spirit of the Statute and the general principles of law. According to the settled practice and procedure of the Tribunal, where the Trial Chamber admitted some hearsay evidence, it bore in mind that the probative value of such evidence is usually less than the direct testimony of a witness.[23] The Trial Chamber did not recognise *tu quoque* as a valid defence and did not rely, in its determination of the guilt or innocence of the accused, on evidence relating to crimes allegedly committed by other parties to the conflict.[24]

17. The Trial Chamber admitted a large body of evidence during the trial. The Prosecution called 80 witnesses to give evidence *viva voce*, and the Defence called 12 witnesses. The Trial Chamber admitted the evidence of 30 witnesses tendered by the Prosecution and seven witnesses tendered by the Defence pursuant to Rule 92 *bis*; 45 witnesses tendered by the Prosecution and three by the Defence pursuant to Rule 92 *ter*; nine witnesses tendered by the Prosecution and four witnesses by the Defence pursuant to Rule 92 *quater*; and six witnesses tendered by the Prosecution and three witnesses by the Defence pursuant to Rule 94 *bis*. The Trial Chamber admitted into evidence 3,028 exhibits tendered by the Prosecution and 1,349 exhibits tendered by the Defence. The Trial Chamber took judicial notice of 1,042 adjudicated facts, and the parties agreed to 113

[21] *See*, *e.g.*, *Milutinović et al.* Trial Judgement, vol. 1, para. 49.
[22] Order on Guidelines on the Admission and Presentation of Evidence, 10 September 2009. The guidelines were amended twice. Order on Revised Guidelines and Admission and Presentation of Evidence, 2 October 2009; Order Further Amending Guidelines on the Admission and Presentation of Evidence, 19 August 2011.
[23] *Prosecutor v. Zlatko Aleksovski*, Case No. IT-95-14/1-AR73, Decision on Prosecutor's Appeal on Admissibility of Evidence, 16 February 1999, para. 15.
[24] Order Further Amending Guidelines on the Admission and Presentation of Evidence, 19 August 2011, para. 21.

facts.[25] The Trial Chamber instructed the parties to compile an agreed list of the laws, regulations, and policies in force in BiH at the time relevant to the Indictment on which they intended to rely in the course of trial. This compilation was added to the trial record as a compendium called the "Law Library", and each document therein was assigned the status of an exhibit with the prefix "L".

18. The Trial Chamber at times observed discrepancies in the names of perpetrators and victims. Where these discrepancies were not determinative, the Trial Chamber could, in view of the relevant evidence, still make a finding in a manner consistent with the burden of proof upon the Prosecution and the presumption of innocence enjoyed by the Accused. The Trial Chamber took the same approach in relation to the short forms, or nicknames, of certain people. Although witnesses often used the term "Bosniak", the Trial Chamber preferred the term "Bosnian Muslim" as more accurate in relation to the events in 1991 and 1992 in BiH.

19. The Trial Chamber accepted Ewa Tabeau and Stevo Pašalić as expert witnesses in demography for the Prosecution and Defence, respectively. Dr. Tabeau's credentials include a Ph.D. in mathematical demography and a master's of science in econometrics and statistics. She testified to three reports she authored analysing demographic changes across all ethnicities in the Indictment area. Originally prepared for the *Slobodan Milošević* trial, the first report contained demographic figures on ethnic composition and minimum numbers of and overall estimates for internally displaced persons and refugees in 1991, 1997, and 1998.[26] As a subset of the *Milošević* report, the second report specifically analysed municipalities named in the Indictment area from 1 April to 31 December 1992.[27] The third report estimated the numbers of war victims.[28] Tabeau's research involved a detailed, multiple-step process tracing individual-level data from 12 different sources over a period of time. In her report and oral testimony, Tabeau detailed her methodology and addressed how inaccuracies and incomplete records were handled.[29] Due to the fact that certain

[25] *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, Decision on Judicial Notice, 14 December 2007, paras 46-50; Defence Request for Leave to Exceed the Word Limit and Response to Prosecution Request and Notice Regarding Application of Adjudicated Facts to Stojan Župlanin [*sic*], 1 April 2009; Decision Granting in Part Prosecution's Motions for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 1 April 2010. On 18 July 2011, the Trial Chamber modified the 29 June 2011 Decision and declined to take judicial notice of four facts previously noticed. Decision Granting the Prosecution's Request for Reconsideration of the Decision Partially Granting the Motion of Mićo Stanišić for Judicial Notice of Adjudicated Facts, 18 July 2011; Decision Partially Granting Motion of Mićo Stanišić for Judicial Notice of Adjudicated Facts, 29 June 2011; Hearing, 19 July 2011, T. 23498; Prosecution and Defence Joint Motion to File Stipulated Facts, with Confidential Annex A, 14 July 2011.

[26] P1627, Ethnic Composition, Internally Displaced Persons and Refugees from 47 Municipalities of Bosnia and Herzegovina, 1991 to 1997-98, Expert Report in the *Slobodan Milošević* case, Ewa Tabeau *et al.*, 4 April 2003 ("Tabeau *et al*. Expert Report").

[27] P1628, Ethnic Composition and Displaced Persons and Refugees in 18 Municipalities of Bosnia and Herzegovina, 1991 and 1997, Addendum to the Expert Report prepared for the *Stanišić and Župljanin* case, Ewa Tabeau *et al.*, 7 April 2009, p. 5.

[28] P1630, Victims of War Related to the Mićo Stanišić and Stojan Župljanin Indictment, Ewa Tabeau and Jan Zwierzchowski, 18 February 2010.

[29] Ewa Tabeau, 6 October 2011, T. 15455-15459, 7 October 2011, T. 15502-15505, 15527-15533.

official data sources were unavailable for the period in question, Tabeau used some unconventional data sources to calculate wartime statistics. However, high data reliability and sound statistical methodology overcame biases and inadequacies in the data sources.[30]

20. Dr. Pašalić's credentials include a Ph.D. in natural sciences and mathematics. Generally, Pašalić viewed Tabeau's use of statistical analysis as an inadequate method to interpret migration patterns in BiH.[31] Pašalić characterised his own research as a complement to Tabeau's body of work[32] and considered Tabeau's data to be incomplete,[33] unreliable,[34] and the subject of various forms of fraud[35] due to the ease in which the data sources she used could be manipulated.[36] In order to explain population movement in BiH, Pašalić introduced theories of ethnic territorial homogenisation—which is a process that includes the interpretation of data regarding historical demographic trends, socio-economic circumstances, culture, and religion for a more complete understanding of the reasons behind ethnic-specific population movement[37]—and forced migration—which is one type of involuntary movement triggered by a particular event.[38] Importantly, Pašalić did not analyse non-Serbian populations,[39] and an explanation of his research methodology was notably absent from his written and oral testimony. Pašalić cited a lack of resources comparable to Tabeau's research team,[40] government-imposed constraints on his research subject,[41] and insufficient drafting time[42] as reasons for shortcomings in his analysis.

21. The Trial Chamber is of the view that Pašalić was unable to substantiate his theories with supporting analysis or concrete evidence, in particular with regard to the relevant (non-Serb) population, which he did not examine. He also failed to substantiate his challenge to Tabeau's competence, credibility, or methodology. Pašalić's evidence is therefore of low probative value and does not shed doubt upon Tabeau's expert evidence in relation to demographic changes in BiH during the relevant time periods. The Trial Chamber takes this opportunity to note that, in its findings in relation to the forcible displacement charges in the Indictment, it did not rely solely upon the evidence of Tabeau, but rather considered this evidence in conjunction with all the other relevant evidence adduced in the trial.

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[30] Ewa Tabeau, 6 October 2011, T. 15471-15474, 7 October 2011, T. 15535-15539.
[31] Stevo Pašalić, 11 May, T. 20575-20576, 20589.
[32] Stevo Pašalić, 11 May 2011, 20587-20588, 13 May 2011, T. 20722.
[33] Stevo Pašalić, 12 May 2011, 20670-20671.
[34] Stevo Pašalić, 11 May 2011, T. 20578-20579.
[35] Stevo Pašalić, 12 May 2011, T. 20621-20622.
[36] Stevo Pašalić, 13 May 2011, T. 20692-20695; 1D541, Expert Report, Stevo Pašalić, March 2011, p. 60.
[37] Stevo Pašalić, 10 May 2011, T. 20490-20491.
[38] Stevo Pašalić, 10 May 2011, T. 20487-20490, 11 May 2011, T. 20563-20564.
[39] Stevo Pašalić, 12 May 2011, T. 20636, 13 May 2011, T. 20721-20722.
[40] Stevo Pašalić, 11 May 2011, T. 20524.
[41] Stevo Pašalić, 12 May 2011, T. 20636.
[42] Stevo Pašalić, 11 May 2011, T. 20582-20583, 12 May 2011, T. 20616-20617, 20623-20624, 20629.

# III. LAW

## A. General requirements of statutory crimes

### 1. Crimes against humanity under Article 5

22. Article 5 of the Statute empowers the Tribunal to prosecute persons responsible for various specified crimes "when committed in armed conflict, whether international or internal in character, and directed against any civilian population". The requirement that the crimes be "committed in armed conflict" is a jurisdictional prerequisite,[43] which requires proof that there was an armed conflict and that, objectively, the acts of the perpetrator are linked geographically as well as temporally with the armed conflict.[44]

23. In addition to the jurisdictional prerequisite, the Appeals Chamber has identified the following five general requirements for crimes against humanity:

(a) There must be an attack.

(b) The attack must be directed against any civilian population.

(c) The attack must be widespread or systematic.

(d) The acts of the perpetrator must be part of the attack.

(e) The perpetrator must know that there is an attack on the civilian population and know, or take the risk, that his acts comprise part of this attack.[45]

24. *There must be an attack.* The Appeals Chamber has explained that, in the context of a crime against humanity, an "attack" is not limited to the use of armed force, but also encompasses any mistreatment of the civilian population.[46] The concepts "attack on a civilian population" and "armed conflict" are separate.[47] The attack could precede, outlast, or continue during the armed conflict, but it need not be a part of it.[48] When determining whether there has been an attack upon a particular civilian population, any similar attack by an opponent in the conflict is irrelevant.[49]

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[43] *Kunarac et al.* Appeal Judgement, para. 83; *Tadić* Appeal Judgement, para. 249.
[44] *Kunarac et al.* Appeal Judgement, para. 83; *cf. Tadić* Appeal Judgement, paras 249, 251.
[45] *See Kunarac et al.* Appeal Judgement, paras 85, 102.
[46] *Kunarac et al.* Appeal Judgement, para. 86.
[47] *Tadić* Appeal Judgement, para. 251.
[48] *Kunarac et al.* Appeal Judgement, para. 86.
[49] *Kunarac et al.* Appeal Judgement, para. 87, *affirming Kunarac et al.* Trial Judgement, para. 580.

25. *The attack must be directed against any civilian population.* An attack may be considered to have been directed against a civilian population if the civilian population was the "primary rather than an incidental target of the attack".[50] The *Kunarac et al.* Appeals Chamber affirmed that "the use of the word 'population' does not mean that the entire population of the geographical entity in which the attack is taking place must have been subjected to [the] attack".[51] It is sufficient that the Trial Chamber is satisfied that enough individuals were targeted in the course of an attack or that they were targeted in a manner that indicates that the attack was against the civilian population, "rather than against a limited and randomly selected number of individuals".[52]

26. In order to qualify as a civilian population for the purposes of Article 5, the target population must be of a *predominantly* civilian nature.[53] The jurisprudence has established that the presence within the civilian population of individuals who do not come within the definition of civilians does not deprive the population of its civilian character.[54]

27. Article 50(1) of Additional Protocol I provides: "A civilian is any person who does not belong to one of the categories of persons referred to in Article 4A(1), (2), (3) and (6) of the Third Convention and in Article 43 of this Protocol."[55] On the basis of this, the Appeals Chamber has held that members of the armed forces, and members of the militias or volunteer corps forming part of such armed forces, cannot claim civilian status.[56] The specific situation of the victim at the time of the crimes may not be determinative of civilian or non-civilian status, and a member of an armed organisation is not accorded civilian status by the fact that he or she is not armed or in combat at the time of the commission of the crimes.[57] The term "civilian" should not be defined expansively so as to include persons *hors de combat*.[58] Yet, while the term "civilian" should be given a restrictive definition, a person *hors de combat* may still be a victim of an act amounting to a crime against humanity, provided that all the other necessary conditions are met, in particular that the act in question is part of a widespread or systematic attack against a civilian population.[59] The Appeals

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[50] *Kunarac et al.* Appeal Judgement, paras 91-92.
[51] *Kunarac et al.* Appeal Judgement, para. 90.
[52] *Kordić and Čerkez* Appeal Judgement, para. 95; *Blaškić* Appeal Judgement, para. 105; *Kunarac et al.* Appeal Judgement, para. 90.
[53] *Limaj et al.* Trial Judgement, para. 186; *Galić* Trial Judgement, para. 143; *Naletilić and Martinović* Trial Judgement, para. 235; *Kordić and Čerkez* Trial Judgement, para. 180; *Kunarac* Trial Judgement, para. 425; *Tadić* Trial Judgement, para. 638.
[54] *Mrkšić and Šljivančanin* Appeal Judgement, para. 31; *Kordić and Čerkez* Appeal Judgement, para. 50. *See also Limaj et al.* Trial Judgement, para. 186; *Blaškić* Appeal Judgement, para. 113; *Naletilić and Martinović* Trial Judgement, para. 235; *Kordić and Čerkez* Trial Judgement, para. 180; *Kunarac et al.* Trial Judgement, para. 425; *Jelisić* Trial Judgement, para. 54; *Tadić* Trial Judgement, para. 638.
[55] *See* Article 4(A) of Geneva Convention III; Article 43 of Additional Protocol I.
[56] *Kordić and Čerkez* Appeal Judgement, para. 50; *Blaškić* Appeal Judgement, para. 113.
[57] *Blaškić* Appeal Judgement, para. 114.
[58] *Martić* Appeal Judgement, para. 302; *Galić* Appeal Judgement, para. 144.
[59] *Martić* Appeal Judgement, para. 313.

Chamber has held that it is neither a requirement nor an element of crimes against humanity that the victims of the underlying crimes are civilians.[60]

28. *The attack must be widespread or systematic.* The jurisprudence establishes that the attack must be either widespread or systematic.[61] The term "widespread" refers to the large-scale nature of the attack and the number of victims, while the term "systematic" refers to the organised nature of the acts of violence and the improbability of their random occurrence.[62] A systematic attack is commonly expressed as a pattern of crimes involving the "non-accidental repetition of similar criminal conduct on a regular basis".[63] Proof of the existence of a plan or policy behind the attack may serve an evidentiary purpose in proving that it was directed against a civilian population or that it was widespread or systematic, but a plan or policy is not a legal requirement of Article 5.[64] A single act or a limited number of acts can qualify as a crime against humanity provided that they may not be said to be isolated or random and all other conditions are met.[65]

29. *The acts of the perpetrator must be part of the attack.* The acts of the perpetrator must be part of the attack on the civilian population, although they need not be committed in the midst of that attack.[66] This requirement is sometimes expressed in terms of a nexus between the acts of the perpetrator and the attack.[67] A crime that is committed before or after the main attack on the civilian population, or removed from it, could still, if sufficiently connected, be part of that attack. If, however, the act is so far removed from the attack that, having considered the context and circumstances in which it was committed, it cannot reasonably be said to have been part of the attack, it will not amount to a crime under Article 5.[68]

30. *The perpetrator must know that there is an attack on the civilian population and know, or take the risk, that his acts comprise part of this attack.* The perpetrator must have the requisite intent to commit the alleged underlying offences, and he or she must know that there is an attack on the civilian population and that his or her acts comprise part of that attack.[69] The perpetrator need not have knowledge of the details of the attack.[70] The motives of the perpetrator for taking part in

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[60] *Mrkšić and Šljivančanin* Appeal Judgement, para. 32; *Martić* Appeal Judgement, para. 307.
[61] *Kunarac et al.* Appeal Judgement, para. 93.
[62] *Kordić and Čerkez* Appeal Judgement, para. 94; *Blaškić* Appeal Judgement, para. 101; *Kunarac et al.* Appeal Judgement, para. 94.
[63] *Blaškić* Appeal Judgement, para. 101; *Kunarac et al.* Appeal Judgement, para. 94.
[64] *Blaškić* Appeal Judgement, para. 120; *Kunarac et al.* Appeal Judgement, paras 98, 101.
[65] *Kordić and Čerkez* Appeal Judgement, para. 94; *Blaškić* Appeal Judgement, para. 101; *Kunarac et al.* Appeal Judgement, para. 96.
[66] *Kunarac et al.* Appeal Judgement, para. 100.
[67] *Kunarac et al.* Appeal Judgement, paras 99, 101.
[68] *Kunarac et al.* Appeal Judgement, para. 100.
[69] *Kordić and Čerkez* Appeal Judgement, para. 99; *Blaškić* Appeal Judgement, para. 124; *cf. Kunarac et al.* Appeal Judgement, para. 102; *Tadić* Appeal Judgement, para. 248.
[70] *Kunarac et al.* Appeal Judgement, para. 102.

the attack are not relevant.[71] The perpetrator need not share the purpose or the goal behind the attack, and may commit a crime against humanity for purely personal reasons.[72]

2. Violations of the laws or customs of war under Article 3

31. The introductory paragraph to Article 3 of the Statute provides that the Tribunal "shall have the power to prosecute persons violating the laws or customs of war", and the sub-paragraphs of the Article provide a non-exhaustive list of offences that qualify as such violations. Article 3 is a residual provision, conferring jurisdiction over any serious offence against international humanitarian law not covered by Articles 2, 4, or 5—in addition to the offences expressly listed in the Article's sub-paragraphs.[73] No definition of a violation of the laws or customs of war is provided in the Statute, but the jurisprudence of the Tribunal has established the following general requirements:

(a) the existence of a state of internal or international armed conflict;

(b) the existence of a nexus between the acts of the physical perpetrator and the armed conflict;

(c) the conduct of the physical perpetrator infringes a rule of international humanitarian law, whether conventional or customary in nature;

(d) the violation of the relevant rule must entail the individual criminal responsibility of the person in breach of the rule; and

(e) the violation must be "serious".

32. *A state of internal or international armed conflict existed during the period relevant to the indictment.* One of the requirements of Article 3 is the existence of an armed conflict.[74] Although historically there was no precise definition of the term "armed conflict" in international law,[75] the Tribunal has used the test as articulated by the *Tadić* Appeals Chamber in 1995, according to which "an armed conflict exists whenever there is a resort to armed force between States or protracted

[71] *Kunarac et al.* Appeal Judgement, para. 103.
[72] *Kunarac et al.* Appeal Judgement, para. 103; *cf. Tadić* Appeal Judgement, paras 248, 252.
[73] *Tadić* Jurisdiction Decision on Interlocutory Appeal, para. 91.
[74] *Čelebići* Trial Judgement, para. 182; *Tadić* Jurisdiction Decision on Interlocutory Appeal, para. 67.
[75] *See* Jean Pictet (ed.), *Commentary, Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field* (1952, 1st reprint 1995) ("ICRC Commentary to First Geneva Convention"), p. 49.

armed violence between governmental authorities and organized armed groups or between such groups within a State."[76]

33. Trial Chambers assessing internal armed conflicts must consider both the intensity of the conflict and the organisation of the parties to the conflict[77] in order to exclude banditry, civil unrest, and unorganised and short-lived insurrections, none of which is subject to international humanitarian law.[78] An internal armed conflict need not be "generalised" in the sense that the entire territory is involved in the conflict; the requirement of protracted armed violence may be satisfied by evidence of localised areas in which "serious fighting for an extended period of time" occurred.[79]

34. *There was a nexus between the crimes alleged and the armed conflict.* Although there must be a connection between the crimes alleged and the armed conflict, the Prosecution need not establish that actual combat activities took place in the area where the offences are alleged to have occurred; in order to find a nexus, it is sufficient that the alleged crimes be closely related to the hostilities occurring in other parts of the territories controlled by the parties to the conflict.[80] However, it needs to be shown that the conflict played a substantial part in the perpetrator's ability to commit the crime, his decision to commit it, the manner in which it was committed, or the purpose for which it was committed.[81]

35. *The conduct must infringe a rule of international humanitarian law, whether customary or conventional in nature*.[82] The substantive rules comprising the body of international humanitarian law are found primarily in The Hague Conventions of 1899 and 1907 and the Geneva Conventions of 1949. Article 3 common to the four Geneva Conventions ("Common Article 3") is regarded as the core of customary international humanitarian law.[83] In addition to these customary rules, prohibitions relevant to the conduct of parties to an armed conflict may also be found in international treaties or agreements. In those circumstances, however, two additional requirements

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[76] *Tadić* Jurisdiction Decision on Interlocutory Appeal, para. 70.

[77] *See Tadić* Trial Judgement, para. 562. *See also Orić* Trial Judgement, para. 254 (finding that some degree of organisation is necessary to establish the existence of an armed conflict); *Limaj et al.* Trial Judgement, para. 89 (finding that some degree of organisation by the parties will suffice to establish the existence of an armed conflict).

[78] *Kordić and Čerkez* Appeal Judgement, para. 341; *Limaj et al.* Trial Judgement, paras 84, 87; *Čelebići* Trial Judgement, para. 184; *Tadić* Trial Judgement, para. 562.

[79] *See Kordić and Čerkez* Trial Judgement, para. 31, affirmed by *Kordić and Čerkez* Appeal Judgement, paras 333-341. *See also Naletilić and Martinović* Trial Judgement, para. 177; *Tadić* Jurisdiction Decision on Interlocutory Appeal, para. 70.

[80] *Stakić* Appeal Judgement, para. 342.

[81] *Stakić* Appeal Judgement, para. 342; *Kunarac et al.* Appeal Judgement, para. 58.

[82] *Tadić* Jurisdiction Decision on Interlocutory Appeal, para. 94(i)-(ii).

[83] *Čelebići* Appeal Judgement, para. 143 (footnotes omitted); *Tadić* Jurisdiction Decision on Interlocutory Appeal, paras 89, 134.

must be satisfied: the agreement must have been "unquestionably binding on the parties at the time of the alleged offence", and the agreement cannot be "in conflict with or derogate from peremptory norms of international law".[84]

36. *The violation of the rule must entail individual criminal responsibility and must be serious ("gravity requirement").* In order for the Tribunal to exercise its jurisdiction—which is limited to "serious violations of international humanitarian law"[85]—over an accused for an alleged breach of a rule of international humanitarian law, the violation of that particular rule must entail the imposition of individual criminal responsibility, must constitute a breach of a rule protecting important values, and must involve grave consequences for the victim.[86]

37. Moreover, with regard to charges based upon Common Article 3, the victims of the alleged violation of the laws or customs of war must have taken no active part in the hostilities at the time the crime was committed.[87] In addition, the principle of individual guilt requires that the perpetrator of a Common Article 3 crime knew or should have been aware that the victim was taking no active part in the hostilities when the crime was committed.[88]

## B. Elements of underlying offences

### 1. Murder, a crime against humanity, under Article 5(a) (count 3)

38. In order to prove the underlying offence of murder, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity and the *actus reus* and *mens rea* of murder.

39. In order to prove the underlying offence of murder, the Prosecutor bears the onus of proving: (a) that the death was the result of an act or omission of the accused or of one or more persons for whom the accused is criminally responsible (*actus reus*); and (b) the intent of the accused or of the person or persons for whom he is criminally responsible (i) to kill the victim or

[84] *Tadić* Jurisdiction Decision on Interlocutory Appeal, para. 143.
[85] Article 1 of the Statute; *Tadić* Jurisdiction Decision on Interlocutory Appeal, paras 90, 94, *referring to* the Preamble of the Statute, as well as Articles 1, 9(1), 10(1), 10(2), 23(1), and 29(1).
[86] *Tadić* Jurisdiction Decision on Interlocutory Appeal, para. 94(iii)-(iv), 129-130. *See also Galić* Appeal Judgement, para. 92 (finding that individual criminal responsibility "can be inferred from, *inter alia*, state practice indicating an intention to criminalise the prohibition, including statements by government officials and international organisations, as well as punishment of violations by national courts and military tribunals"); *Čelebići* Appeal Judgement, paras 179-180 (affirming the *Čelebići* Trial Chamber's holding that imposing criminal responsibility for violations of Common Article 3 does not violate the principle of legality, *nullum crimen sine lege*).
[87] *Boškoski and Tarčulovski* Appeal Judgement, para. 66, *citing Čelebići* Appeal Judgement, paras 420, 423-424; *Strugar* Appeal Judgement, paras 172-179.
[88] *Boškoski and Tarčulovski* Appeal Judgement, para. 66, *citing Naletilić and Martinović* Appeal Judgement, paras 118-121; *Strugar* Appeal Judgement, para. 271.

(ii) to wilfully cause serious bodily harm which the perpetrator should reasonably have known might lead to death (*mens rea*).[89]

40. The *Kvočka et al.* Appeals Chamber has held that proof beyond reasonable doubt that a person was murdered does not necessarily require proof that the dead body of that person has been recovered and that the fact of a victim's death can be inferred circumstantially from all of the evidence presented. All that is required to be established from that evidence is that the only reasonable inference is that the victim is dead as a result of acts or omissions of the accused or of one or more persons for whom the accused is criminally responsible.[90]

2. Murder, a violation of the laws or customs of war, under Article 3 (count 4)

41. In order to prove the underlying offence of murder, as a violation of the laws or customs of war, the Prosecution must prove the general requirements of a violation of the laws or customs of war and the *actus reus* and *mens rea* of murder.[91]

42. The elements of the underlying offence of murder are the same as those articulated for murder as a crime against humanity, as set forth in the previous section. In addition, in order to prove murder as a violation of the laws or customs of war, the Prosecution must also prove the death of a victim taking no active part in the hostilities.[92]

3. Extermination, a crime against humanity, under Article 5(b) (count 2)

43. In order to prove the underlying offence of extermination, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity and the *actus reus* and *mens rea* of extermination.

44. The *actus reus* of extermination is the act of killing on a large scale.[93] This element of "massiveness" is what distinguishes the crime of extermination from the crime of murder.[94] A "vast scheme of collective murder" is not an element of the crime;[95] and, while extermination requires killing to be on a massive scale, it does not imply a numerical minimum number of victims.[96] The

[89] *Kvočka et al.* Appeal Judgement, para. 261.
[90] *Kvočka et al.* Appeal Judgement, para. 260.
[91] *Kvočka et al.* Appeal Judgement, para. 261.
[92] *Kvočka et al.* Appeal Judgement, para. 261.
[93] *Lukić and Lukić* Appeal Judgement, para. 536, *citing Stakić* Appeal Judgement, para. 259. *See also Seromba* Appeal Judgement, para. 189, *citing Brdanin* Trial Judgement, para. 389; *Vasiljević* Trial Judgement, para. 229.
[94] *Lukić and Lukić* Appeal Judgement, para. 536, *citing Stakić* Appeal Judgement, para. 260.
[95] *Stakić* Appeal Judgement, paras 258-259; *cf. Krstić* Appeal Judgement, para. 225.
[96] *Lukić and Lukić* Appeal Judgement, para. 537, *citing Stakić* Appeal Judgement, para. 260; *Brdanin* Appeal Judgement, para. 471.

element of massive scale should be assessed on a case-by-case basis, taking into account the circumstances in which the killings occurred.[97]

45. "The *mens rea* of extermination requires the intention of the perpetrator 'to kill on a large scale or to systematically subject a large number of people to conditions of living that would lead to their deaths.'"[98] It does not require intent to kill a certain threshold number of victims.[99]

4. Torture, a crime against humanity, under Article 5(f) (count 5)

46. In order to prove the underlying offence of torture, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity and the *actus reus* and *mens rea* of torture.

47. Under the case law of the Tribunal, the underlying offence of torture consists of the following elements:

(a) The infliction, by an act or omission, of severe pain or suffering, whether physical or mental.

(b) The act or omission must be intentional.

(c) The act or omission must aim at obtaining information or a confession, or at punishing, intimidating, or coercing the victim or a third person, or at discriminating, on any ground, against the victim or a third person.[100]

48. With respect to the pain and suffering requirement, the Appeals Chamber has observed that the absolute degree of pain required for an act to amount to torture has not been determined yet.[101] However, suffering does not have to remain visible. As stated by the Appeals Chamber, "[g]enerally speaking, some acts establish *per se* the suffering of those upon whom they were inflicted. Rape is obviously such an act. […] Sexual violence necessarily gives rise to severe pain or suffering, whether physical or mental, and in this way justifies its characterisation as an act of torture."[102]

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[97] *Lukić and Lukić* Appeal Judgement, para. 538. *See also Popović et al.* Trial Judgement, para. 800, *citing Blagojević and Jokić* Trial Judgement, para. 573; *Stakić* Trial Judgement, para. 640.
[98] *Lukić and Lukić* Appeal Judgement, para. 536; *Stakić* Appeal Judgement, para. 259, *citing Ntakirutimana and Ntakirutimana* Appeal Judgement, para. 522.
[99] *Stakić* Appeal Judgement, para. 260.
[100] *Kunarac et al.* Appeal Judgement, para. 142; *Furundžija* Appeal Judgement, para. 111.
[101] *Kunarac et al.* Appeal Judgement, para. 149.
[102] *Kunarac et al.* Appeal Judgement, para. 150.

49. There is no requirement that a public official, or any other person acting in a non-private capacity, participated in the infliction of the severe pain or suffering. The Appeals Chamber has clarified that the "public official requirement [is] not a requirement under customary international law in relation to the criminal responsibility of an individual for torture outside the framework of the Torture Convention."[103]

5. Torture, a violation of the laws or customs of war, under Article 3 (count 6)

50. In order to prove the underlying offence of torture, as a violation of the laws or customs of war, the Prosecution must prove the general requirements of a violation of the laws or customs of war and the elements of the underlying offence of torture.

51. The Prosecution must therefore prove the existence of a state of internal or international armed conflict and the existence of a nexus between the acts of the physical perpetrator and the armed conflict.

52. Regarding the general "legal" requirements of torture under Article 3 of the Statute, the Trial Chamber considers that, because the prohibition against torture is not only customary international law[104] but also *jus cogens*,[105] the Article 3 requirement that the conduct of the physical perpetrator infringes a rule of international humanitarian law, whether conventional or customary in nature, is satisfied. In this regard, the Trial Chamber notes that Common Article 3(1) of the Geneva Conventions proscribes "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and *torture*"; Article 87 of Geneva Convention III, which deals with penalties for prisoners of war, forbids "any form of torture or cruelty"; and Article 4 of Additional Protocol II prohibits "[v]iolence to the life, health and physical or mental well being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment." The Trial Chamber further considers that torture is a violation of the prohibition thereof that entails the individual criminal responsibility of the person in breach of the rule. Finally, because torture involves the infliction of severe pain or suffering, whether physical or mental, it is inherently "serious". The Trial Chamber therefore finds that torture satisfies the general legal requirements for a violation of the laws of customs of war under Article 3 of the Statute.

[103] *Kvočka et al.* Appeal Judgement, para. 284, *citing Kunarac et al.* Appeal Judgement, para. 148.
[104] *Kunarac et al.* Appeal Judgement, para. 146; *Furundžija* Appeal Judgement, para. 111; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly on 10 December 1984 and entered into force on 26 June 1987.
[105] *Furundžija* Trial Judgement, paras 153-157.

53. Pursuant to Common Article 3 of the Geneva Conventions, the Prosecution also must prove that the torture victim took no active part in the hostilities at the time the crime was committed[106] and that the perpetrator knew or should have been aware that the victim was taking no active part in the hostilities when the crime was committed.[107]

54. The elements of the underlying offence of torture are the same as those articulated for torture, as a crime against humanity, as set forth in the previous section.

6. Cruel treatment, a violation of the laws or customs of war, under Article 3 (count 7)

55. In deciding whether certain conduct satisfies the elements of the underlying offence of cruel treatment under Article 3, the Appeals Chamber has stated:

> The basis of the inclusion of cruel treatment within Article 3 of the Statute is its prohibition by common article 3(1) of the Geneva Conventions, which proscribes, "violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture". In addition to its prohibition in common article 3, cruel treatment or cruelty is proscribed by article 87 of the Third Geneva Convention, which deals with penalties for prisoners of war, and article 4 of Additional Protocol II, which provides that the following behaviour is prohibited:
>
> Violence to life, health and physical or mental well being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment.
>
> As with the offence of inhuman treatment, no international instrument defines this offence, although it is specifically prohibited by article 5 of the Universal Declaration of Human Rights, article 7 of the ICCPR, article 5, paragraph 2, of the Inter-American Convention of Human Rights and article 5 of the African Charter of Human and Peoples' Rights. In each of these instruments, it is mentioned in the same category of offence as [cruel] treatment.[108]

56. The Statute and jurisprudence of the Tribunal, as well as the relevant international legal instruments, do not provide a comprehensive definition of the offence of cruel treatment,[109] but the Appeals Chamber has defined the elements of cruel treatment as a violation of the laws and customs of war as follows:

(a) an intentional act or omission that causes serious mental or physical suffering or injury or constitutes a serious attack on human dignity,

(b) committed against a person taking no active part in the hostilities.[110]

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[106] *Boškoski and Tarčulovski* Appeal Judgement, para. 66, *citing Čelebići* Appeal Judgement, paras 420, 423-424; *Strugar* Appeal Judgement, para. 271.
[107] *Boškoski and Tarčulovski* Appeal Judgement, para. 66, *citing Naletilić and Martinović* Appeal Judgement, paras 118-121; *Strugar* Appeal Judgement, paras 172-179.
[108] *Haradinaj et al.* Appeal Judgement, para. 93, *quoting Čelebići* Trial Judgement, paras 548-549.
[109] *Haradinaj et al.* Appeal Judgement, para. 94.
[110] *Haradinaj et al.* Appeal Judgement, para. 94, *quoting Blaškić* Appeal Judgement, para. 595 (which cites *Čelebići* Appeal Judgement, paras 424, 426).

57. Therefore, in order to prove the underlying offence of cruel treatment, as a violation of the laws or customs of war, the Prosecution must prove the general requirements of a violation of the laws or customs of war and the elements of the underlying offence, as set forth in the foregoing paragraph.

7. Other inhumane acts, a crime against humanity, under Article 5(i) (count 8)

58. The Appeals Chamber has observed that inhumane acts, as crimes against humanity, were

> deliberately designed as a residual category, as it was felt undesirable for this category to be exhaustively enumerated. An exhaustive categorization would merely create opportunities for evasion of the letter of the prohibition.[111]

In order to prove the crime of other inhumane acts, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity and the following elements of the underlying offence:

(a) the victim must have suffered serious bodily or mental harm;

(b) the suffering must be the result of an act or omission of the accused or his subordinate; and,

(c) when the offence was committed, the accused or his subordinate must have been motivated by the intent to inflict serious bodily or mental harm upon the victim.

59. The degree of severity must be assessed on a case-by-case basis with due regard for the individual circumstances.[112]

8. Deportation, a crime against humanity, under Article 5(d) (count 9) and other inhumane acts (forcible transfer), a crime against humanity, under Article 5(i) (count 10)

60. The *Krnojelac* Appeals Chamber has held that "[t]he prohibition against forcible displacements aims at safeguarding the right and aspiration of individuals to live in their communities and homes without outside interference."[113]

61. In order to prove deportation and other inhumane acts (forcible transfer), as crimes against humanity, the Prosecution must prove the general requirements of a crime against humanity and the following elements of the underlying offences:

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[111] *Kordić and Čerkez* Appeal Judgement, para. 117, *quoting Kupreškić et al.* Trial Judgement, para. 563.
[112] *Kordić and Čerkez* Appeal Judgement, para. 117.
[113] *Krnojelac* Appeal Judgement, para. 218.

(a) The removal of persons by expulsion or other coercive acts, from an area in which they are lawfully present, without grounds permitted under international law. In the case of deportation, the removal must be across a *de jure* state border or, in certain circumstances, a *de facto* border. In the case of forcible transfer, the removal may take place within national boundaries.

(b) The perpetrator must intend to displace, permanently or otherwise, the victim or victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer).[114]

62. The Appeals Chamber has stated that whether a particular *de facto* border is sufficient for the purposes of deportation is to be examined "on a case by case basis in light of customary international law".[115]

63. The requirement that the displacement be forced necessitates that the victims had no genuine choice in their displacement; in other words, the displacement must have been involuntary in nature. Thus, while persons may consent to, or even request, their removal, any consent or request to be displaced "must be real in the sense that it is given voluntarily and as a result of the individual's free will, assessed in the light of the surrounding circumstances".[116] The forceful character of the displacement may be established through the use of physical force. However, it may also be established by the threat of force or the use of coercive measures, including the fear of violence, duress, detention, psychological oppression, abuse of power, or the act of taking advantage of a coercive environment.[117]

64. International law recognises certain grounds permitting forced removals; if an act of forced removal is carried out on such a basis, that act cannot constitute the *actus reus* of the crime of deportation.[118] The involvement of a non-governmental organisation in facilitating displacements does not in and of itself render an otherwise unlawful transfer lawful.[119] Although displacement for humanitarian reasons is justifiable in certain situations, it is not justifiable where the humanitarian crisis that caused the displacement is itself the result of the accused's own unlawful activity.[120]

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[114] *Stakić* Appeal Judgement, paras 278, 317, 321; *Milutinović et al.* Trial Judgement, vol. 1, para. 164.
[115] *Stakić* Appeal Judgement, para. 300.
[116] *Stakić* Appeal Judgement, para. 279.
[117] *Stakić* Appeal Judgement, paras 279, 281.
[118] *Stakić* Appeal Judgement, paras 284-285, *quoting* Article 19 of Geneva Convention III, Article 49 of Geneva Convention IV, and Article 17 of Additional Protocol II.
[119] *Stakić* Appeal Judgement, para. 286.
[120] *Stakić* Appeal Judgement, para. 287.

65. In respect of forcible transfer, the Prosecution must also prove the elements of other inhumane acts, a crime against humanity, under Article 5(i), which are set forth in the previous section.

### 9. Persecution, a crime against humanity, under Article 5(h) (count 1)

#### (a) Specific requirements of persecution

66. In addition to the general requirements for crimes against humanity, the crime of persecution consists of an act or omission that (a) discriminates in fact and (b) denies or infringes upon a fundamental right laid down in customary international law or treaty law (*actus reus*); and (c) was carried out deliberately with the intention to discriminate on one of the listed grounds in Article 5(h): race, religion, or politics (*mens rea*).[121]

67. While the crime of persecution may be considered as an "umbrella" crime, the principle of legality requires that the Prosecution nonetheless charge particular acts or omissions amounting to persecution, rather than persecution in general.[122] Persecution cannot, because of its nebulous character, be used as a catch-all charge, and it is not sufficient for an indictment to charge a crime in generic terms.[123]

68. With respect to the *actus reus*, an act or omission is discriminatory when a victim is targeted because of his or her membership, or imputed membership,[124] in a group defined by the perpetrator on a political, racial, or religious basis.[125] Ethnicity has also been accepted as an additional ground upon which the requirement has been satisfied.[126] "[A]lthough persecution often refers to a series of acts, a single act may be sufficient, as long as this act or omission discriminates in fact and is carried out deliberately with the intention to discriminate on one of the listed grounds."[127]

69. With respect to the *mens rea*, "[t]he requisite specific discriminatory intent may not be 'inferred directly from the general discriminatory nature of an attack which may be characterised as a crime against humanity.'" However, such intent may nonetheless "be inferred from such a context as long as, in view of the facts of the case, circumstances surrounding the commission of the alleged

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[121] *Deronjić* Appeal Judgement, para. 109; *Kvočka et al.* Appeal Judgement, paras 320, 454; *Blaškić* Appeal Judgement, para. 131; *Krnojelac* Appeal Judgement, para. 185.
[122] *Blaškić* Appeal Judgement, para. 139; *Kupreškić et al.* Appeal Judgement, para. 98.
[123] *Kupreškić et al.* Appeal Judgement, para. 98.
[124] *Krnojelac* Appeal Judgement, para. 185.
[125] *Kordić and Čerkez* Appeal Judgement, para. 674; *Vasiljević* Appeal Judgement, para. 113.
[126] *See Đordević* Trial Judgement, para. 1758; *Milutinović et al.* Trial Judgement, vol. 1, para. 176. *See also Krnojelac* Appeal Judgement, para. 185.
[127] *Blaškić* Appeal Judgement, para. 135, *citing Vasiljević* Appeal Judgement, para. 113.

acts substantiate the existence of such intent."[128] Although within the context of persecution it is often the case that a governmental discriminatory policy exists, the existence of such a policy is not a requirement, nor must it be shown that the perpetrator took part in the formulation of any such a discriminatory policy, were it shown that one did in fact exist.[129]

(b) Elements of underlying acts of persecution

70. The crime of persecution can include acts that are listed as crimes under Article 5 of the Statute or under other articles of the Statute, as well as acts not listed in the Statute.[130] Acts underlying persecution need not be considered a crime in international law.[131] For the acts not enumerated as a crime in the Statute to amount to the crime of persecution pursuant to Article 5(h) of the Statute, they must be of equal gravity to the crimes listed in Article 5 of the Statute, whether considered in isolation or in conjunction with other acts.[132] To meet the test of equal gravity, these acts must constitute a denial of or infringement upon a fundamental right laid down in international customary law[133] and must be determined based on "a fact-specific inquiry."[134]

(i) Murder (killings)

71. In order to prove the crime of murder (killings), as persecution, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity, the specific requirements of persecution, and the *actus reus* and *mens rea* of the underlying offence of murder, which have been set out above.

72. Murder is a crime against humanity under Article 5(a) of the Statute. The Appeals Chamber has held that murder is of sufficient gravity as compared to the other crimes enumerated in Article 5 of the Statute and therefore may constitute persecution.[135]

(ii) Torture, cruel treatment, and other inhumane acts

73. The Indictment charges persecution, as a crime against humanity, through torture, cruel treatment, and other inhumane acts. More specifically, torture, cruel treatment, and other inhumane

[128] *Blaškić* Appeal Judgement, para. 164, *citing Krnojelac* Appeal Judgement, para. 184.
[129] *Đorđević* Trial Judgement, para. 1759; *Brdanin* Trial Judgement, para. 996.
[130] *Brdanin* Appeal Judgement, para. 296; *Kvočka et al.* Appeal Judgement, paras 321-323; *Krnojelac* Appeal Judgement, para. 219.
[131] *Brdanin* Appeal Judgement, para. 296; *Kvočka et al.* Appeal Judgement, para. 323.
[132] *Brdanin* Appeal Judgement, para. 296; *Simić et al.* Appeal Judgement, para. 177; *Naletilić and Martinović* Appeal Judgement, para. 574; *Kvočka et al.* Appeal Judgement, paras 321-323.
[133] *Kordić and Čerkez* Appeal Judgement, para. 103; *Blaškić* Appeal Judgement, para. 139.
[134] *Brdanin* Appeal Judgement, para. 295.
[135] *Kordić and Čerkez* Appeal Judgement, para. 106; *Blaškić* Appeal Judgement, para. 143.

acts are said to encompass beatings, humiliation, harassment, psychological abuse, and sexual violence.[136]

74. In order to prove the crime of torture, cruel treatment, and other inhumane acts, as persecutions, as crimes against humanity, the Prosecution must prove the general requirements of a crime against humanity, the specific requirements of persecution, and the elements of torture, cruel treatment, and inhumane acts, which have been set out above.

75. Torture is a crime against humanity under Article 5(f) of the Statute. Other inhumane acts are crimes against humanity under Article 5(i). The Appeals Chamber has held that torture, cruel treatment, and inhumane acts are of sufficient gravity as compared to the other crimes enumerated in Article 5 of the Statute and therefore may constitute persecution.[137]

(iii) Establishment and perpetuation of inhumane living conditions in detention facilities

76. The Indictment also charges persecution, as a crime against humanity, through the establishment and perpetuation of inhumane living conditions in detention facilities. These conditions are said to have included the failure to provide adequate (a) accommodation or shelter, (b) food or water, (c) medical care, or (d) hygienic sanitation facilities.[138] The concept of "inhuman living conditions" has been considered a subcategory of cruel treatment and other inhumane acts, which can rise to the level of gravity of the other crimes enumerated in Article 5, and therefore may constitute persecution.[139]

(iv) Imprisonment

77. The Trial Chamber construes the charges of unlawful detention in the Indictment as charges of the crime of imprisonment.[140]

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[136] Indictment, paras 26(c)-(d), 27(c)-(d).
[137] *Kordić and Čerkez* Appeal Judgement, paras 106-107; *Blaškić* Appeal Judgement, paras 143, 155 (beatings, physical or psychological abuse, and intimidation can constitute persecution); *Vasiljević* Appeal Judgement, para. 143; *Krnojelac* Appeal Judgement, para. 188. *See also Kvočka et al.* Appeal Judgement, paras 323-325 (harassment, humiliation, and psychological abuse can constitute the material elements of the crime of persecution); *cf. Kunarac et al.* Appeal Judgement, paras 149-151 ("Sexual violence necessarily gives rise to severe pain or suffering, whether physical or mental, and in this way justifies its characterisation as an act of torture.").
[138] Indictment, paras 26(f), 27(f).
[139] *Blaškić* Appeal Judgement, para. 155 (holding that the deprivation of adequate food and water to Bosnian Muslim civilians in detention rose to the level of gravity of the other crimes enumerated in Article 5); *Krajišnik* Trial Judgement, paras 755-756; *Krnojelac* Trial Judgement, paras 439, 443; *Kvočka et al.* Trial Judgement, paras 189-192; *Čelebići* Trial Judgement, para. 558.
[140] Indictment, paras 26(e), 27(e). *See Gotovina et al.* Trial Judgement, para. 1814; *Krajišnik* Trial Judgement, para. 752.

78. In order to prove the crime of imprisonment as persecution, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity, the specific requirements of persecution, and the following elements of the underlying offence:

(a) an individual is deprived of his or her liberty;

(b) the deprivation of liberty is carried out arbitrarily, that is, there is no legal basis for it; and,

(c) the perpetrator acted with the intent to deprive the individual arbitrarily of his or her liberty.[141]

79. The Appeals Chamber has held that imprisonment, in the context of Article 5(e), should be understood as "arbitrary imprisonment, that is to say, the deprivation of liberty of the individual without due process of law."[142] The legal basis for the deprivation of liberty must apply throughout the entire period of the individual's imprisonment; and, as soon as that legal basis ceases to exist, such a deprivation of liberty will become arbitrary. Any national law that is relied upon to justify the deprivation of liberty may not violate international law.[143]

80. Imprisonment is a crime against humanity under Article 5(e) of the Statute. The Appeals Chamber has held that detention is of sufficient gravity as compared to the other crimes enumerated in Article 5 of the Statute and therefore may constitute persecution.[144]

(v) Deportation and other inhumane acts (forcible transfer)

81. In order to prove deportation and other inhumane acts (forcible transfer) as persecution, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity, the specific requirements of persecution, and the *actus reus* and *mens rea* of deportation and other inhumane acts (forcible transfer), which have been set forth above.

82. Deportation under Article 5(d) and other inhumane acts (forcible transfer) under Article 5(i) constitute crimes of equal gravity to other crimes listed in Article 5 of the Statute and therefore can amount to persecutions as a crime against humanity.[145]

(vi) Plunder of property

[141] *See Gotovina et al.* Trial Judgement, para. 1815; *Krajišnik* Trial Judgement, para. 752.
[142] *Kordić and Čerkez* Appeal Judgement, para. 116.
[143] *Gotovina et al.* Trial Judgement, para. 1816; *Krajišnik* Trial Judgement, para. 753.
[144] *Blaškić* Appeal Judgement, para. 155. *See also Gotovina et al.* Trial Judgement, para. 1817; *Krajišnik* Trial Judgement, para. 754.
[145] *Blaškić* Appeal Judgement, para. 153; *Krnojelac* Appeal Judgement, paras 221-223.

83. The plunder of public or private property is a war crime under Article 3(e) of the Statute. "Acts of plunder, which have been deemed by the International Tribunal to include pillage, infringe various norms of international humanitarian law."[146] The Trial Chamber considers that "looting" is also included in the crime of plunder of property.[147]

84. In order to prove plunder of property as persecution, as a crime against humanity, the Prosecution must prove the general requirements for a crime against humanity, the specific requirements of persecution, and the elements of the underlying offence: the intentional and unlawful appropriation of public or private property.[148]

85. The Appeals Chamber has held that there is a consequential link between the monetary value of the appropriated property and the gravity of the consequences for the victim, stressing that the assessment of when a piece of property reaches the threshold level of a certain value can only be made on a case-by-case basis and only in conjunction with the general circumstances of the crime.[149]

(vii) Wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings

86. Wanton destruction of towns or villages is a war crime under Article 3(b) of the Statute. Destruction or wilful damage done to institutions dedicated to religion and other cultural buildings is a war crime under Article 3(d). Destruction of property, depending on the nature and extent of the destruction, may constitute a crime of equal gravity to other crimes listed in Article 5(h).[150] Moreover, where the wanton destruction is committed on discriminatory grounds, it may constitute persecution.[151]

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[146] *Kordić and Čerkez* Appeal Judgement, para. 77; *Blaškić* Appeal Judgement, para. 147, *referring to Čelebići* Trial Judgement, para. 591.

[147] The Trial Chamber notes that the Indictment, at paragraphs 26(h) and 27(h), alleges the *appropriation or plunder* of property during and after attacks on villages and non-Serb parts of towns listed in schedule F, in detention facilities, and in the course of deportations or forcible transfers. The Indictment, at paragraphs 26(i) and 27(i), also alleges the *looting* of residential and commercial property in villages and areas listed, again, in schedule F. Despite being included in different paragraphs and despite the use of different terminology, the Chamber construes these allegations as duplicative to the extent that they allege the appropriation of property in the places listed in schedule F. The Chamber further considers that the Prosecution's formulation of the charge as "appropriation or plunder of property" is properly construed as "plunder of property", because the word "appropriation" has been used by the Appeals Chamber in the definition of the crime of plunder. *Kordić and Čerkez* Appeal Judgement, para. 84.

[148] *Kordić and Čerkez* Appeal Judgement, para. 84. *See also Gotovina et al.* Trial Judgement, para. 1777.

[149] The Appeals Chamber was careful to note that "the requirement of grave consequences stems from the special jurisdictional provisions of the Statute. This discussion is therefore without prejudice to the general – less stringent – requirements for the crime of plunder under international criminal law." *Kordić and Čerkez* Appeal Judgement, para. 82, fn. 94, *cf. Blaškić* Appeal Judgement, para. 148, fn. 310.

[150] *Kordić and Čerkez* Appeal Judgement, para. 108; *Blaškić* Appeal Judgement, para. 149.

[151] *Blaškić* Appeal Judgement, para. 146, *citing Kupreškić et al.* Trial Judgement, para. 631.

87. In order to prove wanton destruction of towns or villages as persecution, as a crime against humanity, the Prosecution must prove the general requirements of a crime against humanity, the specific requirements of persecution, and the following elements of the underlying offence:

(d) the destruction of property occurs on a large scale;

(e) the destruction is not justified by military necessity; and,

(f) the perpetrator acted with the intent to destroy the property in question or in reckless disregard of the likelihood of its destruction.[152]

88. The Appeals Chamber in *Blaškić* has implicitly held that the destruction of religious or cultural property as persecution, as a crime against humanity, is subsumed under the broader category of "destruction of property", otherwise known as "wanton destruction".[153] In *Milutinović et al.*, the Trial Chamber extrapolated the elements of the destruction or damage of religious or cultural property as persecution, as a crime against humanity, from the Tribunal's jurisprudence regarding the elements of Article 3(d) of the Statute, as well as the jurisprudence dealing with destruction of property as an underlying offence of persecution as a crime against humanity.[154] This Trial Chamber follows the same approach and finds that, in order to prove the destruction or wilful damage done to institutions dedicated to religion and other cultural buildings as persecution, as a crime against humanity, the Prosecution must prove the general requirements of crimes against humanity, the specific requirements of persecution, and the following elements of the underlying offence:

(a) the destruction or damage of the religious or cultural property occurs on a large scale;

(b) the destruction or damage of the religious or cultural property is not justified by military necessity; and,

(c) the perpetrator acted with the intent to destroy or damage the religious or cultural property or in reckless disregard of the likelihood of its destruction or damage.

89. In order to rise to the level of equal gravity of the enumerated crimes under Article 5 of the Statute, and therefore constitute persecution, Trial Chambers have held that the impact of the deprivation of destroyed property must be serious, such as where the property is indispensable, a

[152] *Kordić and Čerkez* Trial Judgement, para. 346, affirmed by *Kordić and Čerkez* Appeal Judgement, paras 74-76.
[153] *Blaškić* Appeal Judgement, paras 144-149. *See also Milutinović et al.* Trial Judgement, vol. 1, para. 204.
[154] *Milutinović et al.* Trial Judgement, vol. 1, para. 206.

vital asset to the owners, or the means of existence of a given population.[155] Therefore, if the property in question is not destroyed, the damage to it must be on a large scale in order to satisfy the equal gravity requirement.[156] In this context, the terms "destruction" and "damage" are given their plain and common meanings, where the former term signifies demolition or reduction to a useless form,[157] and the latter refers to physical injury or harm to an object that impairs its usefulness or value.[158]

90. In order for the damage or destruction to constitute a crime against humanity, the property in question must not have been used for a military purpose at the time when the acts of hostility directed against it took place. According to the Appeals Chamber in the *Brdanin* case, the burden is on the Prosecution to establish that the destruction or damage in question was not justified by military necessity.[159] The Appeals Chamber also held that determining whether the destruction or damage occurred due to military necessity involves determination of what constitutes a military objective, referring to Article 52 of Additional Protocol I as containing the widely acknowledged definition of military objectives.[160] The fact that the building in question was located in the immediate vicinity of the military objectives does not justify its destruction because it is its use, and not its location, that determines the loss of protection.[161]

(viii) Imposition and maintenance of restrictive and discriminatory measures

91. Count 1 of the indictment charges persecution through imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and Bosnian Croats. These measures are said to have included the following: (a) the denial of freedom of movement; (b) the denial of employment through removal from positions of authority in local government institutions, the military, and the police and general dismissal from employment; (c) the invasion of privacy through arbitrary searches of homes; (d) the denial of the right to judicial process; and (e) the denial of equal access to public services.[162]

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[155] *Milutinović et al.* Trial Judgement, vol. 1, para. 207, *citing Naletilić and Martinović* Trial Judgement, para. 699; *Kupreškić et al.* Trial Judgement, para. 631. *See also Stakić* Trial Judgement, para. 763.
[156] *Milutinović et al.* Trial Judgement, vol. 1, para. 207, *citing Kordić and Čerkez* Appeal Judgement, para. 108.
[157] *Milutinović et al.* Trial Judgement, vol. 1, para. 207, *citing The Oxford English Dictionary*, 2nd ed., 1989, vol. IV, pp. 538-539.
[158] *Milutinović et al.* Trial Judgement, vol. 1, para. 207, *citing The Oxford English Dictionary*, 2nd ed., 1989, vol. IV, p. 224.
[159] *Brdanin* Appeal Judgement, para. 337. The Trial Chamber notes that this discussion in *Brdanin* took place in the context of Article 3(d); however, the Chamber nevertheless finds that the conclusions therein apply to destruction of religious or cultural buildings as a form of persecution, a crime against humanity.
[160] *Brdanin* Appeal Judgement, para. 337.
[161] *Martić* Trial Judgement, para. 98; *Strugar* Trial Judgement, para. 310; *Naletilić and Martinović* Trial Judgement, para. 604. *But see Blaškić* Trial Judgement, para. 185.
[162] Indictment, paras 26(j), 27(j).

92. The Appeals Chamber has held that the denial of freedom of movement, the denial of employment, and the denial of the right to judicial process can constitute underlying acts of the imposition and maintenance of restrictive and discriminatory measures for purposes of Article 5(h). In so holding, the Appeals Chamber noted that whether the acts actually constituted persecution is a fact-specific inquiry.[163] Moreover, it has been held that the invasion of privacy through arbitrary searches of homes and the denial of equal access to public services constitute the crime of persecution when the general requirements of a crime against humanity and the specific requirements of persecution are satisfied and when these acts are considered in conjunction with other acts constituting persecution.[164]

## C. Elements of modes of individual criminal responsibility

### 1. Article 7(1) of the Statute

#### (a) Planning

93. Planning requires that one or more persons design criminal conduct constituting one or more statutory crimes that are later perpetrated,[165] with direct intent in relation to his own planning.[166] In addition, a person, who plans an act or omission with the awareness of the substantial likelihood that a crime will be committed in the execution of that plan, has the requisite *mens rea* for establishing responsibility under Article 7(1) of the Statute pursuant to planning.[167]

94. Planning can be done by one person acting alone.[168] It is not necessary to establish that the crime at issue would not have been committed absent the accused's plan.[169] An individual cannot be liable for planning a crime that was not actually committed.[170]

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[163] *Brdanin* Appeal Judgement, paras 295, 297. *See also Brdanin* Trial Judgement, para. 1049 ("In the context of the conflict taking place in the ARK, the Trial Chamber finds that, taking into account the cumulative effect of their denial, these rights cannot but be considered as fundamental rights for the purposes of establishing persecution.").
[164] *See Krajišnik* Trial Judgement, paras 736-741 (discussing decisions by the Nuremberg Tribunal and decisions under Allied Control Council Law No. 10 regarding crimes against humanity for various acts committed against Jews, including the denial of equal access to public services and the invasion of privacy through arbitrary searches of homes). *See also Brdanin* Trial Judgement, para. 1049 (holding that the denial of proper medical care, in the context of the conflict taking place in the ARK and taking into account the cumulative effect of the denial of other rights, was an infringement of a fundamental right for the purposes of establishing persecution).
[165] *Kordić and Čerkez* Appeal Judgement, para. 26.
[166] *Kordić and Čerkez* Appeal Judgement, para. 29.
[167] *Kordić and Čerkez* Appeal Judgement, para. 31.
[168] *Kordić and Čerkez* Appeal Judgement, para. 26.
[169] *Cf. Kordić and Čerkez* Appeal Judgement, para. 27.
[170] *Kordić and Čerkez* Appeal Judgement, para. 26; *Brdanin* Trial Judgement, para. 267; *Kajelijeli* Trial Judgement para. 758; *Semanza* Trial Judgement, para. 378.

(b) Instigation

95. Instigation requires that a person prompted another person to commit a crime,[171] with direct intent in relation to his own instigating.[172] In addition, a person who instigates another person to commit an act or omission with the awareness of the substantial likelihood that a crime will be committed in the execution of that instigation has the requisite *mens rea* for establishing responsibility under Article 7(1) of the Statute pursuant to instigating.[173]

96. The prompting that constitutes instigation need not be direct or public.[174] Moreover, liability for instigation may be incurred even though an accused lacks any sort of authority over the person committing the crime.[175] The Appeals Chamber has held that, in order to incur liability, the prompting must have been a factor "substantially contributing to the conduct of another person in committing the crime."[176] An individual cannot be liable for instigating a crime that was not actually committed.[177]

(c) Ordering

97. Ordering requires that a person in a position of authority instructs another person to commit an offence,[178] with direct intent in relation to his own ordering.[179] In addition, a person who orders an act or omission with the awareness of the substantial likelihood that a crime will be committed in the execution of that order has the requisite *mens rea* for establishing responsibility under Article 7(1) of the Statute pursuant to ordering.[180]

98. The Prosecution does not need to demonstrate that a formal superior-subordinate relationship existed between the accused and the individual committing the crime.[181] Rather, the Prosecution must adduce "proof of some position of authority on the part of the accused that would

[171] *Kordić and Čerkez* Appeal Judgement, para. 27.
[172] *Kordić and Čerkez* Appeal Judgement, para. 29.
[173] *Kordić and Čerkez* Appeal Judgement, para. 32.
[174] *Akayesu* Appeal Judgement, paras 477-478, 483. Article 6(1) of the ICTR Statute is identical in all material respects to Article 7(1) of the ICTY Statute.
[175] *Semanza* Appeal Judgement, para. 257.
[176] *Gacumbitsi* Appeal Judgement, para. 129; *Kordić and Čerkez* Appeal Judgement, para. 27.
[177] *Orić* Trial Judgement, para. 269, fn. 732; *Brdanin* Trial Judgement, para. 267; *Galić* Trial Judgement, para. 168; *Mpambara* Trial Judgement, para. 18.
[178] *Galić* Appeal Judgement, para. 176; *Semanza* Appeal Judgement, para. 361; *Kordić and Čerkez* Appeal Judgement, para. 28.
[179] *Ntagerura et al.* Appeal Judgement, para. 365; *Kordić and Čerkez* Appeal Judgement, para. 29.
[180] *Galić* Appeal Judgement, para. 152; *Kordić and Čerkez* Appeal Judgement, para. 30; *Blaškić* Appeal Judgement, paras 41-42.
[181] *Galić* Appeal Judgement, para. 176; *Kamuhanda* Appeal Judgement, para. 75; *Semanza* Appeal Judgement, para. 361.

compel another to commit a crime in following the accused's order."[182] The order does not need to be in writing or in any particular form.[183] The order must have had "a direct and substantial effect on the commission of the illegal act."[184] An individual cannot be liable for ordering a crime that was not actually committed.[185]

(d) Commission

99. Joint criminal enterprise is a form of "commission" under Article 7(1) of the Statute.[186] Three categories of joint criminal enterprise existed in customary international law at the time of the events alleged in the Indictment.[187] The first category is a "basic" form of joint criminal enterprise, which is characterised by cases where the participants in the enterprise, acting pursuant to a common purpose, possess the same intent to commit crimes under the Statute.[188] The second category is a "systemic" form of joint criminal enterprise, characterised by the existence of an organised system of ill-treatment.[189] The third category is an "extended" form of joint criminal enterprise, which involves the responsibility of a participant in a joint criminal enterprise for a crime beyond the common purpose, but that was nevertheless a natural and foreseeable consequence of carrying out the crimes forming part of the common purpose ("extended crime").[190] The first and third categories of joint criminal enterprise are charged in the Indictment.[191]

100. The *actus reus* of a participant in a joint criminal enterprise is common to all three categories: (a) a plurality of persons; (b) the existence of a common plan, design, or purpose that amounts to or involves the commission of a crime provided for in the Statute; and (c) the participation of the accused in the common plan, design, or purpose.[192]

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[182] *Semanza* Appeal Judgement, para. 361. *See also Galić* Appeal Judgement, para. 176; *Kamuhanda* Appeal Judgement, para. 75; *Kordić and Čerkez* Appeal Judgement, para. 28.
[183] *Kamuhanda* Appeal Judgement, para. 76.
[184] *Kamuhanda* Appeal Judgement, para. 75. *See also Strugar* Trial Judgement, para. 332.
[185] *Martić* Trial Judgement, para. 441; *Brdanin* Trial Judgement, para. 267; *Kajelijeli* Trial Judgement, para. 758; *Semanza* Trial Judgement, para. 378.
[186] *Tadić* Appeal Judgement, para. 188.
[187] *Brdanin* Appeal Judgement, paras 363-364; *Vasiljević* Appeal Judgement, para. 96; *Tadić* Appeal Judgement, paras 195-226.
[188] *Gacumbitsi* Appeal Judgement, para. 158; *Kvočka et al.* Appeal Judgement, para. 82; *Ntakirutimana and Ntakirutimana* Appeal Judgement, para. 463; *Vasiljević* Appeal Judgement, para. 97; *Tadić* Appeal Judgement, paras 196-201. *See also Krnojelac* Appeal Judgement, para. 84.
[189] *Kvočka et al.* Appeal Judgement, para. 82; *Vasiljević* Appeal Judgement, para. 98; *Krnojelac* Appeal Judgement, para. 89; *Tadić* Appeal Judgement, paras 202-203.
[190] *Stakić* Appeal Judgement, para. 65; *Kvočka et al.* Appeal Judgement, para. 83; *Blaškić* Appeal Judgement, para. 33; *Vasiljević* Appeal Judgement, para. 99; *Tadić* Appeal Judgement, paras 204-219.
[191] Indictment, paras 13-14.
[192] *Brdanin* Appeal Judgement, para. 364; *Tadić* Appeal Judgement, para. 227.

101. First, in order for there to be a finding that a joint criminal enterprise exists, there must be a plurality of persons.[193] It is not necessary to identify by name each of the persons involved; rather, it can be sufficient to merely refer to categories or groups of persons.[194] However, such groups of persons must be adequately identified to prevent ambiguity.[195]

102. Second, it must be established that there is a common plan, design, or purpose, which amounts to or involves the commission of a crime provided for in the Statute.[196] The common purpose need not be previously arranged or formulated.[197] The Trial Chamber must "specify the common criminal purpose in terms of both the criminal goal intended and its scope (for example, the temporal and geographic limits of this goal, and the general identities of the intended victims)".[198] The criminal means of effecting the common objective of the joint criminal enterprise can evolve over time; it is therefore not necessary to show that the joint criminal enterprise members explicitly agreed to the expansion or extension of criminal means, and such agreement may come about extemporaneously and can be inferred from circumstantial evidence.[199]

103. Third, an accused must have participated in furthering the common purpose at the core of the joint criminal enterprise;[200] these acts do not have to involve carrying out any part of the *actus reus* of a crime forming part of the common purpose, or indeed any crime at all.[201] A crime must have been committed for an accused to be held responsible,[202] but the accused's participation is not a *sine qua non* without which the crime could or would not have been committed.[203] Although the contribution need not be necessary or substantial, it should at least be a significant contribution to the crimes for which the accused is to be found responsible.[204] The accused does not have to be present at the time and place of perpetration of the crime in order to be held responsible for it.[205]

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[193] *Brdanin* Appeal Judgement, para. 364; *Stakić* Appeal Judgement, para. 64; *Kvočka et al.* Appeal Judgement, para. 81; *Vasiljević* Appeal Judgement, para. 100; *Krnojelac* Appeal Judgement, para. 31; *Tadić* Appeal Judgement, para. 227. *See also Ntakirutimana and Ntakirutimana* Appeal Judgement, para. 466.
[194] *Krajišnik* Appeal Judgement, para. 156, *referring to Limaj et al.* Appeal Judgement, para. 99; *Brdanin* Appeal Judgement, para. 430. *See also Stakić* Appeal Judgement, para. 69.
[195] *Krajišnik* Appeal Judgement, para. 157.
[196] *Brdanin* Appeal Judgement, para. 364; *Stakić* Appeal Judgement, para. 64; *Kvočka et al.* Appeal Judgement, para. 81; *Vasiljević* Appeal Judgement, para. 100; *Krnojelac* Appeal Judgement, para. 31; *Kayishema and Ruzindana* Appeal Judgement, para. 193; *Tadić* Appeal Judgement, para. 227.
[197] *Furundžija* Appeal Judgement, para. 119, *quoting Tadić* Appeal Judgement, para. 227. *See also Brdanin* Appeal Judgement, para. 418.
[198] *Brdanin* Appeal Judgement, para. 430.
[199] *Krajišnik* Appeal Judgement, para. 163.
[200] *Brdanin* Appeal Judgement, para. 427.
[201] *Krajišnik* Appeal Judgement, para. 215; *Brdanin* Appeal Judgement, para. 427; *Stakić* Appeal Judgement, para. 64; *Kvočka et al.* Appeal Judgement, para. 99; *Tadić* Appeal Judgement, para. 227.
[202] *Brdanin* Appeal Judgement, para. 430.
[203] *Kvočka et al.* Appeal Judgement, paras 98, 193; *Tadić* Appeal Judgement, paras 191, 199.
[204] *Brdanin* Appeal Judgement, para. 430.
[205] *Krnojelac* Appeal Judgement, para. 81.

104. The Appeals Chamber has held that persons carrying out the *actus reus* of the crime forming part of the common purpose do not have to be participants in or members of the joint criminal enterprise.[206] Persons carrying out the *actus reus* of the crime therefore do not have to share the intent of the crime with the participants in the common purpose.[207] It is necessary, however, that the crimes can be imputed to at least one member of the enterprise and that this member, when using a principal perpetrator, acted in accordance with the common plan. Such a link is established by a showing that the JCE member used the non-JCE member to commit a crime pursuant to the common criminal purpose of the JCE.[208] This is assessed on a case-by-case basis.[209]

105. With respect to the *mens rea* for joint criminal enterprise category 1, the Prosecution must prove that the accused voluntarily participated in at least one aspect of the common purpose[210] and that the accused shared with the other joint criminal enterprise members the intent to commit the crime.[211] Where the criminal object consists of a crime requiring specific intent, the Prosecution must prove not only that the accused shared with the principal perpetrators the general intent to commit the crime, but also that he shared with the other joint criminal enterprise members the specific intent required for the crime.[212]

106. With respect to the *mens rea* for joint criminal enterprise category 3, the Prosecution must prove that the accused possessed the intention to participate in and contribute to the common criminal purpose.[213] Moreover, an accused can only be held responsible for a crime outside the common purpose, if under the circumstances of the case (a) it was foreseeable that such a crime might be perpetrated and (b) the accused willingly took that risk.[214] The Appeals Chamber has specified that "willingly took that risk" means that the accused, "with the awareness that such a crime was a possible consequence of the implementation of that enterprise, decided to participate in that enterprise."[215]

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[206] *Brdanin* Appeal Judgement, paras 413, 419, 430. *See also Krajišnik* Appeal Judgement, para. 225; *Martić* Appeal Judgement, para. 168.
[207] *Brdanin* Appeal Judgement, para. 362.
[208] *Krajišnik* Appeal Judgement, para. 225.
[209] *Krajišnik* Appeal Judgement, para. 226; *Martić* Appeal Judgement, para. 169; *Brdanin* Appeal Judgement, para. 413.
[210] *Tadić* Appeal Judgement, paras 196, 228. *See also Vasiljević* Appeal Judgement, para. 119.
[211] *Brdanin* Appeal Judgement, para. 365, *referring to Furundžija* Trial Judgement, paras 190-249; *Stakić* Appeal Judgement, para. 65; *Vasiljević* Appeal Judgement, para. 101; *Krnojelac* Appeal Judgement, para. 32.
[212] *Kvočka et al.* Appeal Judgement, para. 110.
[213] *Kvočka et al.* Appeal Judgement, para. 83; *Vasiljević* Appeal Judgement, para. 101; *Krnojelac* Appeal Judgement, para. 32; *Tadić* Appeal Judgement, para. 220.
[214] *Brdanin* Appeal Judgement, paras 365, 411; *Stakić* Appeal Judgement, paras 65, 87; *Kvočka et al.* Appeal Judgement, para. 83; *Ntakirutimana and Ntakirutimana* Appeal Judgement, para. 467; *Blaškić* Appeal Judgement, para. 33; *Vasiljević* Appeal Judgement, para. 101.
[215] *Brdanin* Appeal Judgement, para. 411; *Prosecutor v. Karadžić,* Case No. IT-95-5/18-AR72.4, Decision on Prosecution's Motion Appealing Trial Chamber's Decision on JCE III Foreseeability, 25 June 2009, para. 15.

(e) Aiding and abetting

107. Aiding and abetting is a form of accomplice liability.[216] The Appeals Chamber has held that:

> an aider and abettor carries out acts specifically directed to assist, encourage, or lend moral support to the perpetration of a certain specific crime, which have a substantial effect on the perpetration of the crime. […] The requisite mental element of aiding and abetting is knowledge that the acts performed assist the commission of the specific crime of the principal perpetrator.[217]

108. The aider and abettor must be aware of the essential elements of the crime that was ultimately committed by the principal.[218] In order to be liable for aiding and abetting, an accused must know that his acts assist the commission of the crime; and, although the accused does not need to have the intent to commit the crime, the accused must be aware of the principal's intent to commit the crime.[219] The person committing the crime need not have been tried or identified, even in respect of a crime that requires specific intent,[220] nor does the person committing the crime need to be aware of the involvement of the aider and abettor.[221] The Prosecution does not have to provide evidence that a plan or an agreement existed between the aider and abettor and the person committing the crime.[222] An individual cannot be liable for aiding and abetting a crime that was not actually committed.[223]

2. Article 7(3) of the Statute

109. Under Article 7(3) of the Statute, a superior may incur individual criminal responsibility for failing to take the necessary and reasonable measures either to prevent a subordinate from committing a crime within the jurisdiction of the Tribunal or to punish a subordinate for having committed a crime, if the following elements exist: (a) a superior-subordinate relationship; (b) the superior knew or had reason to know that a criminal act was about to be, was being, or had been committed; and (c) failure to take necessary and reasonable measures to prevent or punish the conduct in question.[224]

110. The Appeals Chamber has held that "superior responsibility under Article 7(3) of the Statute encompasses all forms of criminal conduct by subordinates," including "all other modes of

[216] *Tadić* Appeal Judgement, para. 229.
[217] *Blagojević and Jokić* Appeal Judgement, para. 127. *See also Perišić* Appeal Judgement, paras 26, 28-29, 31, 35-36; *Simić* Appeal Judgement, paras 85-86; *Ntagerura et al.* Appeal Judgement, para. 370; *Blaškić* Appeal Judgement, para. 45; *Vasiljević* Appeal Judgement, para. 102; *Tadić* Appeal Judgement, para. 229.
[218] *Brdanin* Appeal Judgement, para. 484; *Simić* Appeal Judgement, para. 86; *Aleksovski* Appeal Judgement, para. 162.
[219] *Aleksovski* Appeal Judgement, para. 162. *See also Brdanin* Appeal Judgement, para. 484; *Blaškić* Appeal Judgement, para. 49; *Vasiljević* Appeal Judgement, paras 102, 142-143; *Tadić* Appeal Judgement, para. 229.
[220] *Krstić* Appeal Judgement, para. 143. *See also Brdanin* Appeal Judgement, para. 355.
[221] *Tadić* Appeal Judgement, para. 229.
[222] *Krnojelac* Appeal Judgement, para. 33, *citing Tadić* Appeal Judgement, para. 229.
[223] *Aleksovski* Appeal Judgement, para. 165.

participation under Article 7(1)."[225] A superior therefore may bear superior responsibility for his failure to prevent or punish the physical commission, including through participation in a joint criminal enterprise, planning, instigation, ordering, or aiding and abetting of crimes by a subordinate.[226]

111. *Superior-subordinate relationship.* A superior-subordinate relationship exists where a superior has "effective control" over the subordinate in question.[227] "Effective control" is the "material ability to prevent or punish criminal conduct, however that control is exercised."[228] In order to be a superior within the meaning of Article 7(3), the accused must be, "by virtue of his position, senior in some sort of formal or informal hierarchy to the perpetrator."[229] This standard applies to any superior, whether military or civilian.[230]

112. Effective control is primarily a question of fact, not of law, to be determined by the circumstances of each case.[231] Both *de jure* and *de facto* command structures are relevant.[232] Although *de jure* authority may imply a material ability to prevent or punish criminal acts of subordinates, such authority may be neither necessary nor sufficient in itself to prove such ability and establish the existence of effective control.[233] For example, a person may have the authority to issue commands, but they may not be followed.[234] Accordingly, not every position of authority and influence necessarily leads to Article 7(3) liability.[235] Alternatively, a command structure may be organised hastily, and a commander may have effective control over subordinates *de facto* without any formal letters of commission.[236]

113. Civilian superiors may be held responsible for acts of subordinates so long as they have the requisite power to prevent or punish.[237] Civilian superiors often may not have the direct power to punish subordinates; however, effective control may be found if they have the authority to report to the appropriate authorities and these reports are likely to trigger an investigation.[238]

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[224] *Perišić* Appeal Judgement, para. 86; *Orić* Appeal Judgement, para. 18; *Kordić and Čerkez* Appeal Judgement, paras 827, 839; *Aleksovski* Appeal Judgement, para. 72. *See also Gacumbitsi* Appeal Judgement, para. 143.
[225] *Blagojević and Jokić* Appeal Judgement, para. 280.
[226] *Orić* Appeal Judgement, para. 21; *Blagojević and Jokić* Appeal Judgement, paras 280-282.
[227] *Orić* Appeal Judgement, para. 91.
[228] *Halilović* Appeal Judgement, para. 59.
[229] *Halilović* Appeal Judgement, para. 59. *See also Čelebići* Appeal Judgement, para. 303.
[230] *Kajelijeli* Appeal Judgement, paras 85-86; *Bagilishema* Appeal Judgement, paras 50-52; *Čelebići* Appeal Judgement, paras 195-197, 240; *Aleksovski* Appeal Judgement, para. 76.
[231] *Perišić* Appeal Judgement, para. 87; *Nahimana* Appeal Judgement, para. 605.
[232] *Čelebići* Appeal Judgement, para. 193.
[233] *Orić* Appeal Judgement, paras 91-92.
[234] *Halilović* Appeal Judgement, para. 207.
[235] *Kvočka* Appeal Judgement, para. 144.
[236] *Čelebići* Appeal Judgement, para. 193.
[237] *Čelebići* Appeal Judgement, para. 197.
[238] *Boškoski and Tarčulovski* Appeal Judgement, para. 231.

114. According to the jurisprudence of the Tribunal, a superior cannot incur responsibility under Article 7(3) for crimes committed by individuals who were not under his command at the time the crimes were committed.[239] There must be a temporal concurrence between the superior's effective control and the commission of the underlying crime by the alleged subordinates.[240] A superior may, however, incur superior responsibility no matter how far down the chain of authority the subordinate may be,[241] including a subordinate who has participated in the crimes through intermediaries.[242] The relationship between the superior and subordinate does not have to be permanent in nature.[243] The superior does not need to know the identity of the subordinate.[244]

115. *Knew or had reason to know.* Command responsibility under Article 7(3) is not a form of strict liability. For liability to attach, it must be proved that a superior knew (actual knowledge) or had reason to know (constructive knowledge) that a subordinate's criminal act was about to be, was being, or had been realised.[245] Actual knowledge may not be presumed by virtue of a position of command alone;[246] however, such knowledge may be inferred from circumstantial evidence.[247] Moreover, a superior can be considered to have had constructive knowledge if he possessed "information sufficiently alarming to justify further inquiry."[248] The information available to the superior must "put him on notice of the risk that an unlawful act was being, or about to be, committed by a subordinate."[249] The information required to put a superior on notice may be written or oral; it also does not need to have the form of specific reports submitted pursuant to a monitoring system, nor provide specific information about unlawful acts committed or about to be committed,[250] as long as the information should have alerted the superior and required some further inquiry or intervention, whether to prevent or to punish.[251] The determination of whether a superior had "reason to know" must take into account the specific circumstances of each case.[252]

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[239] *Prosecutor v. Hadžihasanović et al.*, Case No. IT-01-47-AR72, Decision on Interlocutory Appeal Challenging Jurisdiction in Relation to Command Responsibility, 16 July 2003 ("*Hadžihasanović et al.* July 2003 Appeal Decision"), paras 45-51. *See also Halilović* Appeal Judgement, para. 67.
[240] *Perišić* Appeal Judgement, para. 87; *Halilović* Appeal Judgement, para. 67; *Hadžihasanović et al.* July 2003 Appeal Decision, paras 45-51.
[241] *Blaškić* Appeal Judgement, para. 67; *Čelebići* Appeal Judgement, paras 252, 303.
[242] *Orić* Appeal Judgement, para. 20. *See also Halilović* Appeal Judgement, para. 59.
[243] *Strugar* Trial Judgement, para. 362, fn. 1072.
[244] *Blagojević and Jokić* Appeal Judgement, para. 287.
[245] *Gacumbitsi* Appeal Judgement, para. 143; *Kordić and Čerkez* Appeal Judgement, para. 839. *See also Blaškić* Appeal Judgement, para. 57; *Krnojelac* Appeal Judgement, para. 154; *Bagilishema* Appeal Judgement, para. 37; *Čelebići* Appeal Judgement, para. 241.
[246] *Blaškić* Appeal Judgement, para. 57.
[247] *Galić* Appeal Judgement, paras 171, 180-184.
[248] *Strugar* Appeal Judgement, para. 298. *See also Hadžihasanović and Kubura* Appeal Judgement, paras 27-28.
[249] *Čelebići* Appeal Judgement, paras 232-233. *See also Strugar* Appeal Judgement, paras 303-304.
[250] *Krnojelac* Appeal Judgement, para. 155; *Čelebići* Appeal Judgement, para. 238.
[251] *Hadžihasanović and Kubura* Appeal Judgement, para. 30.
[252] *Krnojelac* Appeal Judgement, para. 156.

116. *Failure to take necessary and reasonable measures.* In order to be held responsible under Article 7(3), it must be proved that the superior failed to take the necessary and reasonable measures to prevent or punish the commission of the crime charged in the indictment.[253] A superior fulfils the duty to prevent or punish where "a reasonable trier of fact could conclude that [the superior] took measures […] which were 'reasonable and necessary' in the circumstances of the case".[254] "Necessary" measures are those appropriate to show a genuine attempt to prevent or punish, and "reasonable" measures are those within the material possibility of the accused.[255] A superior is not expected to perform the impossible,[256] but must use every means within his material ability, based on the circumstances prevailing at the time the superior acquires the requisite knowledge or has reason to know.[257] The determination of what constitutes "necessary and reasonable measures" is not a matter of substantive law but of fact, which must be assessed on a case-by-case basis, taking into account the particular circumstances of each case.[258]

117. "Necessary and reasonable" measures may include carrying out an investigation,[259] transmitting information in a superior's possession to the proper administrative or prosecutorial authorities,[260] issuing special orders aimed at bringing unlawful practices of subordinates into compliance with the rules of war[261] and securing the implementation of these orders,[262] protesting against or criticising criminal action, taking disciplinary measures against the commission of atrocities,[263] reporting the matter to the competent authorities,[264] and/or insisting before a superior authority that immediate action be taken.[265] In certain circumstances, the duty may be discharged by reporting to the proper authorities, where such reporting is likely to trigger an investigation.[266] The superior does not need to be the one administering the punishment or discipline.[267]

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[253] *Kordić and Čerkez* Appeal Judgement, para. 839.
[254] *Hadžihasanović and Kubura* Appeal Judgement, para. 142.
[255] *Orić* Appeal Judgement, para. 177.
[256] *Blaškić* Appeal Judgement, para. 417.
[257] *Blaškić* Appeal Judgement, paras 72, 417, 499. *See also Bagilishema* Appeal Judgement, para. 35.
[258] *Boškoski and Tarčulovski* Appeal Judgement, para. 259; *Orić* Appeal Judgement, para. 177; *Hadžihasanović and Kubura* Appeal Judgement, para. 33; *Halilović* Appeal Judgement, para. 63; *Blaškić* Appeal Judgement, para. 72; *Aleksovski* Appeal Judgement, paras 73-74.
[259] *Limaj et al.* Trial Judgement, para. 529; *Halilović* Trial Judgement, paras 97, 99-100; *Strugar* Trial Judgement, paras 376, 416.
[260] *Milutinović et al.* Trial Judgement, vol. 1, para 123; *Limaj et al.* Trial Judgement, para. 529; *Hadžihasanović and Kubura* Trial Judgement, paras 173-174, 176; *Halilović* Trial Judgement, paras 97, 99-100; *Strugar* Trial Judgement, para. 376; *Kvočka et al.* Trial Judgement, para. 316.
[261] *Hadžihasanović and Kubura* Trial Judgement, para. 153; *Halilović* Trial Judgement, paras 74, 89; *Strugar* Trial Judgement, para. 374.
[262] *Halilović* Trial Judgement, para. 74; *Strugar* Trial Judgement, para. 378.
[263] *Halilović* Trial Judgement, para. 89; *Strugar* Trial Judgement, para. 374.
[264] *Boškoski and Tarčulovski* Appeal Judgement, paras 230, 234; *Hadžihasanović and Kubura* Trial Judgement, para. 154; *Blaškić* Trial Judgement, paras 329, 335.
[265] *Halilović* Trial Judgement, para. 89; *Strugar* Trial Judgement, para. 374.
[266] *Boškoski and Tarčulovski* Appeal Judgement, paras 230-231.
[267] *Hadžihasanović and Kubura* Appeal Judgement, para. 154.

### 3. Relationship between Articles 7(1) and 7(3)

118. The Appeals Chamber has held that, although Article 7(1) and Article 7(3) of the Statute connote distinct categories of criminal responsibility, it is not appropriate to convict under both Article 7(1) and Article 7(3) in relation to a particular count. Where both Article 7(1) and Article 7(3) responsibility are alleged under the same count and where the legal requirements pertaining to both are met, a Trial Chamber should enter a conviction on the basis of Article 7(1) only and consider the accused's superior position as an aggravating factor in sentencing.[268]

[268] *Blaškić* Appeal Judgement, para. 91, *citing Aleksovski* Appeal Judgement, para. 183, and *Čelebići* Appeal Judgement, para. 745.

# IV. POLITICAL AND HISTORICAL DEVELOPMENTS

119. The Second World War was a time of prolonged armed conflict in Yugoslavia. The conflict was in part a product of civil war and in part a struggle against foreign invasion and subsequent occupation.[269] Three main Yugoslav forces were involved in hostilities: the "Ustasha" forces of the strongly nationalist Croatian state; the "Chetniks", who were Serb nationalists and monarchists; and the Partisans, a communist group.[270] Lasting from 1941 to 1945, the hostilities left bitter memories, not least in BiH, where many hard-fought and bloody conflicts took place.[271]

120. SFRY was founded, with Marshal (Josip Broz) Tito as its leader, in Jajce on 29 November 1943.[272] The Constitution of SFRY, which was adopted in 1946, split the country into six republics: Serbia, Croatia, Slovenia, SRBiH, Macedonia, and Montenegro. SFRY further consisted of two autonomous regions: Vojvodina and Kosovo.[273] With the exception of SRBiH, each republic was constitutionally recognised as a distinct nation within federal Yugoslavia.[274] SRBiH was populated by Serbs, Croats, and members of the Muslim-Slavic community, and the resulting heterogeneity meant that SRBiH could not be recognised as a distinct nation within SFRY.[275] However, by 1974 Muslims were considered one of the nations or peoples of federal Yugoslavia.[276]

121. Tito's communist regime strongly encouraged inter-ethnic harmony and did so by suppressing nationalist tendencies and discouraging religious observance.[277] Although Serbs, Croats, and Muslims remained conscious of their ethnic identity, they lived together in relative peace.[278] There were good inter-communal relations, friendships across ethnic and religious divides, intermarriages, and generally harmonious relations.[279]

122. During the 1980s Yugoslavia was engulfed in a protracted economic crisis.[280] Towards the end of the 1980s, Yugoslavia's economic woes turned political.[281] In 1988, sweeping reforms were enacted to the political and constitutional structures of Yugoslavia, and the entire system of socialist

[269] Agreed Fact 12.
[270] Agreed Fact 14.
[271] Agreed Facts 13, 15.
[272] Agreed Fact K.
[273] Agreed Facts 19, B.
[274] Agreed Fact 20.
[275] Agreed Facts 21, B.
[276] Agreed Fact 22.
[277] Agreed Facts 18, 23, K.
[278] Agreed Facts 24, B.
[279] Agreed Fact 17.
[280] Agreed Fact 39.
[281] Agreed Fact 40.

self-management was abolished.[282] The leading political role of the League of Communists was also brought to an end.[283]

123. Tito's death in 1980 and the rapid disintegration of the ruling League of Communists in the early months of 1990 resulted in a power vacuum and the emergence of national parties throughout the country.[284] State socialism was replaced by nationalism in each of the Yugoslav republics, except SRBiH, which possessed no single national majority.[285]

124. By the autumn of 1990, the power vacuum in SRBiH was filled by three political parties: the SDA, the SDS, and the HDZ.[286] On 18 November 1990, the first free, multi-party elections for the republican legislature and municipal assemblies were held.[287] The outcome of these elections was, in effect, little more than a reflection of the ethnic composition of SRBiH, with each ethnic group voting for its own nationalist party.[288] The SDA, SDS, and HDZ formed a coalition government, headed by a seven-member State Presidency, with Alija Izetbegović, leader of the SDA, as President.[289]

125. During the election campaign, the SDA, SDS, and HDZ reached an informal agreement not to campaign against each other, but rather to direct their efforts against the League of Communists, the Social Democrats, and other non-national parties.[290] After the election, the three victorious parties extended their pre-election inter-party agreement to the division of primary positions at the national, regional, and municipal levels so as to ensure that no leadership in any public institution or company was held exclusively by one ethnic group.[291] However, as time went by, co-operation between the three parties proved increasingly difficult.[292] While the SDA and the HDZ promoted the secession of SRBiH from SFRY, the SDS advocated the preservation of Yugoslavia as a state. The SDS leadership strongly believed that Serbs should live together in Yugoslavia, rather than as a minority in an independent Bosnian state.[293] The SRBiH leadership on the other hand believed that the recognition of SRBiH as an independent state would internationalise any potential conflict and

[282] Agreed Fact 41.
[283] Agreed Fact 42.
[284] Agreed Fact 44.
[285] Agreed Fact 71.
[286] Agreed Facts 44, 75, C.
[287] Agreed Facts 74, D.
[288] Agreed Fact 76.
[289] Agreed Facts 78, E.
[290] Agreed Fact D.
[291] Agreed Fact E.
[292] Agreed Facts 79, 87.
[293] Agreed Fact 87.

that this could lead to protection from the international community in the form of the deployment of UN troops to prevent an outbreak of war.[294]

126. The SDS and the SDA remained unable to reconcile their differences. The use of hostile rhetoric by party leaders and party-controlled media created mutual suspicions and amplified ethnic tensions.[295] Tensions were further amplified when conflict erupted between Serbia and Croatia after Croatia and Slovenia declared independence on 25 June 1991.[296] The disintegration of multi-ethnic Yugoslavia was swiftly followed by the disintegration of multi-ethnic SRBiH, and the prospect of war in SRBiH increased.[297]

127. On 15 October 1991, SDS President Radovan Karadžić made an impassioned speech before the Republican Assembly of SRBiH in Sarajevo, indicating that Bosnian Muslims could disappear as a group if SRBiH became independent. SDA President Alija Izetbegović responded that Karadžić's threatening message and its method of presentation illustrated why SRBiH might be forced to separate from SFRY.[298] After the Assembly had adjourned and the SDS delegation had departed, the HDZ and SDA delegates reconvened without them and passed a "Declaration of Sovereignty"—a measure that moved SRBiH a step closer to independence.[299] As a result, the SDS formed a separate assembly, the BSA, on 24 October 1991 and elected Momčilo Krajišnik as its President.[300] The SDS then called for a plebiscite of the Bosnian Serbs to determine whether they wished to remain in Yugoslavia.[301]

128. The plebiscite, which was held on 9 and 10 November 1991, resulted in a purported 100% affirmative vote and was later cited as justification for the 9 January 1992 proclamation of a separate Bosnian Serb republic called the "Republic of the Serbian People in BiH"—later renamed to Republika Srpska ("RS").[302] The plebiscite was also cited as justification for the SDS and Serb Forces to establish political and physical control over certain municipalities.[303] By October 1991, the coalition government had broken down, and by January 1992, it had failed completely.[304]

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[294] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20602 (confidential) and P2209, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 August 2003, T. 20694-20695, 20697 (confidential).
[295] Adjudicated Fact 89.
[296] Agreed Fact 59; Adjudicated Fact 82.
[297] Adjudicated Fact 81.
[298] Adjudicated Fact 748.
[299] Adjudicated Fact 749.
[300] Agreed Facts 90, F; Adjudicated Fact 746.
[301] Agreed Facts 90, F; Adjudicated Fact 91; P2067, Minutes of the 1st Session of the BSA, 24 October 1991, p. 6.
[302] Agreed Fact 63; Adjudicated Facts 93, 109; P2067, Minutes of the 1st Session of the BSA, 24 October 1991, p. 6. The Chamber notes that the "Republic of the Serbian People in BiH" was renamed to Republika Srpska on 12 August 1992 (Adjudicated Fact 109). For ease of reference, the Chamber will refer to this entity by its acronym "RS" throughout the Judgement.
[303] Adjudicated Fact 94.
[304] Agreed Fact 80.

129. On 15 January 1992, the Badinter Commission publicly announced its recommendation that SRBiH hold a referendum to determine the will of the people in BiH regarding independence.[305] In accordance with this recommendation, a referendum—sponsored by the SDA and HDZ—was held on 29 February and 1 March 1992.[306] The referendum was strongly opposed by the SDS and largely boycotted by Bosnian Serbs.[307]

130. When SRBiH officially declared its independence on 6 March 1992, open conflict erupted.[308] Units of the JNA already present in BiH were actively involved in the fighting; reports of combat included the occupation of Derventa, as well as incidents in Bijeljina, Foča, and Kupres in early April.[309] There was also an attack on Bosanski Brod on 27 March 1992, the same day that the BSA ceremonially promulgated the Constitution of SerBiH and established the Serb MUP.[310] After the independence of BiH was recognised by the European Community on 6 April 1992, attacks increased and intensified, particularly in Sarajevo, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Prijedor, and Brčko.[311] The independence of BiH was recognised by the European Community and by the United States of America on 6 and 7 April 1992 respectively, and BiH was admitted as a member state of the United Nations on 22 May 1992.[312]

131. Following several international peace plans such as the Cutileiro plan, the Vance-Owen plan, and others which did not bring a resolution to the conflict, hostilities officially ended with the signing of the Dayton Peace Accord in 1995, by which BiH was split into two constituent units: RS and the Muslim-Croat Federation.[313]

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[305] P30, Expert Report by Robert J. Donia entitled "The Origins of Republika Srpska, 1990-1992" ("Donia Expert Report: Origins of RS"), p. 35; P31, Export Report by Robert J. Donia entitled "Bosnian Krajina in the History of Bosnia and Herzegovina" ("Donia Expert Report: Bosnian Krajina in the History of BiH"), p. 65.
[306] Agreed Fact 64; P30, Expert Report by Robert J. Donia entitled "The Origins of Republika Srpska, 1990-1992", p. 35; P31, Export Report by Robert J. Donia entitled "Bosnian Krajina in the History of Bosnia and Herzegovina", p. 65.
[307] Agreed Fact 65.
[308] Agreed Fact 64; Adjudicated Fact 157.
[309] Adjudicated Fact 157.
[310] Adjudicated Facts 115, 132, 157.
[311] Adjudicated Fact 157.
[312] Agreed Facts 66-67; Herbert Okun, P2194, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 24 June 2004, T. 4328.
[313] Ian Traynor, 18 May 2010, T. 10411.

# V. EXISTENCE OF AN ARMED CONFLICT

132. The Prosecution alleges that, at all times relevant to the Indictment, a state of armed conflict existed in BiH.[314] The Trial Chamber notes that, far from disputing the existence of an armed conflict in BiH during the Indictment period, the Defence has made submissions accepting—and even arguing—that such an armed conflict existed.[315] Looking at the evidence in its totality,[316] the Trial Chamber finds that it has been established beyond reasonable doubt that an armed conflict existed on the territory of BiH at all times relevant to the Indictment period.

[314] Indictment, para. 43.
[315] Stanišić Final Trial Brief, paras 60, 135, 162, 184, 288, 351, 420, 456; Župljanin Final Trial Brief, paras 280-282, 288. *See also* 2 March 2012, T. 26991, 27025-27027.
[316] *See, e.g.*, Branko Basara, 12 October 2009, T. 1226-1228, 1235-1236, 1239, 13 October 2009, T. 1307-1309, 1313, 1383, 1385; Slavko Lisica, 1 March 2012, T. 26899-26901, 2 March 2012, T. 26990, 26992; P1803, Ewan Brown Expert Report entitled "Military Developments in the Bosanska Krajina – 1992, 21 July 2002" ("Brown Expert Report"), pp. 21-32, 44-110, 133-156; Predrag Radulović, 28 May 2010, T. 10989; Milan Babić, P2117, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 3 June 2004, T. 3413-3415 (confidential); Milenko Delić, 19 October 2009, T. 1589; ST139, 12 April 2010, T. 8492-8494 (confidential); ST207, 13 May 2010, T. 10122 (confidential); ST191, 14 May 2010, T. 10245-10246, 10248, 10274 (confidential); Ian Traynor, 18 May 2010, T. 10411; Adjudicated Facts 157, 160, 161, 993.

# VI. MUNICIPALITIES

133. The Trial Chambers notes that many of the events charged as violations of Articles 3 and 5 of the Statute are also charged as underlying acts of persecution under Article 5 of the Statute. In the legal findings in this section of the Judgement, the Trial Chamber has first discussed—in each of the municipality sections—its findings on counts 2 through 10 and then made its findings in relation to count 1 (persecution).

## A. Banja Luka

### 1. Charges in Indictment

134. The Indictment charges Mićo Stanišić and Stojan Župljanin with the following crimes allegedly committed in the municipality of Banja Luka at the times and locations specified below.

135. Under count 1, the Accused are charged with persecution as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4; (b) torture, cruel treatment, and inhumane acts in detention facilities as specified below under counts 5, 6, 7, and 8; (c) unlawful detention at the CSB building in Banja Luka at least between June and December 1992 and at Manjača camp between May and December 1992; (d) the establishment and perpetuation of inhumane living conditions at the foregoing detention facilities; (e) forcible transfer and deportation; (f) appropriation and plunder of property in detention facilities and in the course of forcible transfer and deportation.[317]

136. Under counts 2, 3, and 4, the Accused are charged with the following: (a) murder both as a crime against humanity and as a violation of the laws or customs of war and (b) extermination as a crime against humanity, for the suffocation of a number of non-Serb prisoners during their transportation by Serb Forces from Betonirka detention facility in Sanski Most to Manjača camp on 7 July 1992 and the killing by Serb Forces of a number of men in front of Manjača camp on or about 6 August 1992.[318]

137. Under counts 5, 6, 7, and 8, the Accused are charged with the following: (a) torture both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity for the

[317] Indictment, paras 24-28, Schedules B n. 1.1-1.2, C n. 1.1-1.2, D n. 1.1-1.2. The Trial Chamber notes that paragraphs 26(j) and 27(j) of the Indictment do not charge Mićo Stanišić and Stojan Župljanin with the imposition of discriminatory measures against Bosnian Muslims and Bosnian Croats as underlying acts of persecution in the municipality of Banja Luka.
[318] Indictment, paras 29-31, Schedule B n. 1.1-1.2.

beating by Serb Forces of detainees held at the CSB building beginning in June 1992 and the beating of detainees at Manjača camp between May and the end of December 1992.[319]

138. Under counts 9 and 10, the Accused are charged with deportation and inhumane acts (forcible transfer) as crimes against humanity, committed by Serb Forces against the Bosnian Muslim and Bosnian Croat population of the ARK municipality of Banja Luka.[320]

## 2. Analysis of Evidence

### (a) Introduction

139. The municipality of Banja Luka is located in the northern part of BiH. It is bordered to the north by the municipalities of Prijedor and Bosanska Gradiška; to the east by the municipalities of Laktaši, Čelinac, and Skender Vakuf; to the south by the municipality of Mrkonjić Grad; and to the west by the municipalities of Ključ and Sanski Most.[321] According to the 1991 census in BiH, the ethnic composition of Banja Luka municipality was 106,826 (55%) Serbs, 29,026 (15%) Croats, 28,558 (15%) Muslims, 23,656 Yugoslavs, and 7,626 of other ethnicity.[322] In 1997, the percentage of both Muslims and Croats had decreased to approximately 2%.[323] Approximately 20,900 individuals of Muslim ethnicity and 19,000 of Croatian ethnicity who resided in the municipality of Banja Luka in 1991 were internally displaced persons in 1997.[324]

### (b) Pre-Indictment period

140. The eruption of the war in Croatia in summer 1991 impacted on the security situation in Banja Luka. In December 1991, a great number of Croatian refugees of Serb ethnicity arrived to Banja Luka from Western Slavonia and, also due to the mobilisation call, a very large number of people owned weapons.[325] At the same time, ethnic tensions started arising in the municipality.[326] Serb soldiers and paramilitaries coming back from the Croatian front started roaming the streets. They were often drunk and were shooting at houses and shops and at mosques as they passed through Muslim areas. Serb nationalistic songs exhorting Muslims to move out, were sung in town,

[319] Indictment, paras 32-36, Schedule D n. 1.1-1.2.
[320] Indictment, paras 37, 39, 41.
[321] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[322] Adjudicated Fact 1050.
[323] P1627, Tabeau *et al*. Expert Report, pp. 69, 73.
[324] P1627, Tabeau *et al*. Expert Report, pp. 101, 105.
[325] ST183, 21 April 2010, T. 9061-9063 (confidential).
[326] Muharem Krzić, P459.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 February 2002, T. 1439-1440; ST174, P1098.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 8 April 2002, T. 3864-3865 (confidential).

and Bosnian songs could no longer be heard on the radio.[327] In 1991 and 1992, the SDS, the political party in power in Banja Luka at that time, broadcast through its media that Croats and Muslims were posing a significant threat to the Serbian nation.[328] According to ST174, the SDS also armed the Serb population in the Banja Luka area with weapons obtained from the JNA, and Župljanin was aware of this arming.[329] On 21 March 1992, the intelligence unit known as the "Miloš Group"[330] reported that the SDA was gathering military intelligence on Serb Forces and targets, as well as information on Muslim entrepreneurs who could re-adjust their factories' production for the needs of SDA armed formations.[331] ST174 testified that Muslims and Croats armed themselves, but on a smaller scale than the Serbs. According to ST174, the Muslim and Croatian parties had no organised distribution of weapons in place in Banja Luka. Rather, individual non-Serbs purchased weapons for their own use.[332]

141. According to ST174, persons acting on behalf of the SDS began blowing up cafes and other businesses, the vast majority of which belonged to Muslims and Croats.[333] Muslim and Croat managers, directors, and workers started being dismissed from their jobs.[334]

(c) SOS takeover on 3 April 1992

142. On 2 April 1992 the Miloš Group issued a dispatch in which it stated that, based on "insufficiently verified" intelligence information, the SOS—which was also known as the "Red Berets" and was an armed formation of the SDS—intended to block all roads towards Banja Luka on 3 April 1992 in order to force individual members of the ARK government to resign and to pressure the JNA to make personnel changes in the Banja Luka Corps, thus rendering it a tool at the service of the SDS. The report cautioned that the activities of the SOS could worsen the already existing ethnic divisions.[335] On the same day, Milorad Sajić, commander of the Banja Luka

[327] Muharem Krzić, P459.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 February 2002, T. 1439-1441; ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4407; ST225, 10 November 2010, T. 17202 and 11 November 2010, T. 17270-17271 (confidential).
[328] Muharem Krzić, P459.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 February 2002, T. 1440; ST174, P1098.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 8 April 2002, T. 3915-3916; ST139, P1284.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 30 June 2003, T. 18487 (confidential).
[329] ST174, P1098.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 8 April 2002, T. 3883-3885, 3891-3897 (confidential); ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3947-3949 (confidential); ST174, P1098.06, Witness Statement, 14 March 2001, pp. 4-6.
[330] The Trial Chamber has reviewed evidence concerning the Miloš Group in the section dedicated to Stojan Župljanin's individual criminal responsibility.
[331] Goran Sajinović, 17 October 2011, T. 25126-25127; 1D289, Miloš Group Report, 21 March 1992.
[332] ST174, P1098.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 8 April 2002, T. 3898-3899 (confidential).
[333] ST174, P1098.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 8 April 2002, T. 3866-3868 (confidential).
[334] Muharem Krzić, P459.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 February 2002, T. 1440-1441, 1448-1450; P459.06, *Oslobodenje* Article entitled "After the Plebiscite: You Should Better Give Yourselves Up", 11 November 1991.
[335] P1369, Report of the Miloš Group on the SOS Intentions to Set Up Roadblocks in Banja Luka on 3 April 1992, 2 April 1992. Radulović testified that "Red Berets" was a way to refer to the SOS, *see* Predrag Radulović,

municipal TO and secretary of the ARK Secretariat for National Defence,[336] during a meeting at the municipality building, informed Kesić, Bogdan Subotić, Topić, Vesić, and Bulić from the Banja Luka CSB that he intended to "blockade" the town of Banja Luka on the following day, and that General Momir Talić was aware of this plan.[337] A man named Stevandić, described as one of the leaders of the Red Berets/SOS, was present at the meeting.[338]

143. Predrag Radić was the president of the Banja Luka municipal assembly and was also referred to as the mayor of Banja Luka.[339] During the Indictment period, he was a member of the SDS and became a member of both the Banja Luka and ARK Crisis Staffs upon their establishment in April and May 1992, respectively.[340] Predrag Radulović was an inspector in charge of intelligence at the Banja Luka SNB, and Goran Sajnović was an officer of the SNB.[341] All three witnesses testified that the SOS was formed mostly of local criminals or thugs and consisted of around 200 members. This assessment coincided with the one of Zdravko Tolimir, head of the VRS security organ.[342] According to ST183, members of the SOS wore camouflage uniforms and were equipped with automatic rifles.[343] According to Predrag Radulović and ST183, among the SOS's leaders were, Slobodan Dubočanin, Nenad Stevandić, Ljubam Ečim, and Zdravko Samardžija. Ečim and Samardžija were active members of the SNB in Banja Luka.[344] The group was

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25 May 2010, T. 10757-10758. ST183 also refers to the paramilitary group operating in Banja Luka as the "red berets". *See* ST183, P1295.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 March 2003, T. 15646-15647 (confidential). The Trial Chamber notes that, according to Nedeljko Đekanović, there was a group known as the "red berets" that had participated in combat in Croatia and that among the requests made by the SOS on 3 April was the acknowledgment of the status of veterans for fighters who had fought in Western Slavonia. *See* Nedeljko Đekanović, 9 October 2009, T. 1173; P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, p. 1.

[336] ST183, P1295.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 6 March 2003, T. 15282-15283 (confidential); Vladimir Tutuš, 15 March 2010, T. 7619; P467, Decision Concerning Mobilisation and Curfew in the ARK, 4 May 1992, p. 2.

[337] ST183, P1295.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 7 March 2003, T. 15366-15369 (confidential) and P1295.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 March 2003, T. 15633-15636 (confidential).

[338] ST183, P1295.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 7 March 2003, T. 15389 (confidential); Predrag Radić, P2105, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 6 November 2003, T. 22225.

[339] Muharem Krzić, P459.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 14 February 2002, T. 1746-1747; ST174, P1098.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 10 April 2002, T. 4064-4067 (confidential); ST183, P1295.06, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 13 March 2003, T. 15766 (confidential); Predrag Radić, P2100, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 November 2003, T. 21945 (confidential); Momčilo Mandić, P1318.08, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 7 December 2004, T. 9284; Vladimir Tutuš, 15 March 2010, T. 7605; P459.07, SDA Banja Luka Report to the BiH Mission to the UN, 30 September 1992, p. 2.

[340] ST174, P1098.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 10 April 2002, T. 4064-4067 (confidential); Predrag Radić, P2100, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 November 2003, T. 21945 (confidential) and P2103, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 5 November 2003, T. 22154 (confidential); Dorothea Hanson, 8 December 2009, T. 4400-4402; SZ023, 7 October 2011, T. 24671 (confidential); P556, Decision on the Formation of the ARK Crisis Staff, 5 May 1992.

[341] Predrag Radulović, 25 May 2010, T. 10719-10720, 10722-10723 (confidential).

[342] Predrag Radić, P2100, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 November 2003, T. 21945 and P2105, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 6 November 2003, T. 22215; Predrag Radulović, 25 May 2010, T. 10757-10759; Goran Sajinović, 17 October 2011, T. 25131; P591, Report by Zdravko Tolimir on Paramilitary Formations Operating in RS, 28 July 1992, pp. 1, 4-6.

[343] ST183, 21 April 2010, T. 9075-9076 (confidential).

[344] ST183, P1295.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 7 March 2003, T. 15389-15392 (confidential); Predrag Radulović, 25 May 2010, T. 10760, 10761 (confidential).

headquartered at the Mali Logor army barracks in Banja Luka until about 5 April 1992. After that date, some members moved to Hotel Bosna and others to private houses.[345] According to Dragan Majkić, Chief of the Sanski Most SJB until 30 April 1992,[346] the SOS in Banja Luka had no connections with the group which operated in Sanski Most under the same name.[347]

144. In the early hours of 3 April 1992, armed members of the SOS erected barricades and blockaded the city of Banja Luka.[348] According to Radulović, the police did not offer any resistance and no SOS member was arrested.[349] The blockade lasted for one day.[350] They surrounded the municipality building, erected checkpoints, and issued a press statement calling on the president of the municipality to establish a crisis staff in order to pursue a number of objectives. These goals included the immediate enactment of the Law on Internal Affairs of the Serbian People of BiH, changing the Latin script with Cyrillic in public insignia, the reinforcement of the Banja Luka Corps ranks, and the dismissal of military officers and public utility managers who had voted "against Yugoslavia" in the referendum for independence held in BiH. They requested the dismissal of staff from the *Privredna banka* and *Jugobanka* in Banja Luka "to avoid a monetary shock", managers at the Banja Luka post office "who had voted against Yugoslavia", and all employees, including in the judiciary, who were "destroyers of Yugoslavia and enemies of the Serbian people."[351]

145. There is evidence that the reason behind the SOS's blockade was that the SOS was dissatisfied with the Minister of Defence of BiH's announcement that members of the SOS, who had fought in Western Slavonia, would not be granted veteran status.[352] According to ST225, a Muslim,[353] the events of 3 April 1992 were the consequence of the dissatisfaction of the SDS and the ARK authorities with the situation in Banja Luka and specifically with the appointment of Muslims and Croats to executive positions in the municipality.[354] ST174, a Muslim,[355] testified that the SDS itself had set up the SOS in Banja Luka with the approval of the police, and that the SOS's demands were the same as those of the SDS, which was not satisfied with the pace of removal of

[345] ST183, 20 April 2010, T. 8955-8956 (confidential) and 21 April 2010, T. 9071-9072 (confidential); P1295.21, p. 15 (confidential).
[346] See Sanski Most section.
[347] Dragan Majkić, 13 November 2009, T. 3096.
[348] Vladimir Tutuš, 15 March 2010, T. 7602-7605; Adjudicated Fact 1053.
[349] Predrag Radulović, 25 May 2010, T. 10775.
[350] Vladimir Tutuš, 16 March 2010, T. 7649.
[351] ST225, 10 November 2010, T. 17198-17199; P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, pp. 2-3; P1098.22, Press Statement of the SOS, 3 April 1992; Adjudicated Fact 1053.
[352] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3973-3974 (confidential); Vladimir Tutuš, 18 March 2010, T. 7778-7779; ST183, 21 April 2010, T. 9072-9073 and 22 April 2010, T. 9088-9089 (confidential); Predrag Radulović, 28 May 2010, T. 10992-10994 (confidential); P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, p. 1.
[353] ST225, 10 November 2010, T. 17183 (confidential).
[354] ST225, 11 November 2010, T. 17246-17248 (confidential).

Croats and Muslims from various posts.[356] The witness also saw SOS members escorting Vojislav Kuprešanin and Radoslav Brđanin, both prominent SDS members and members of the ARK governing bodies.[357] Radulović also testified that he had information of a close relationship between the SOS and "people from the SDS."[358] Finally, Predrag Radić testified that the demands of the SOS coincided with the demands that he had been instructed to implement by the SDS leadership in Pale, namely Biljana Plavšić, Momčilo Krajišnik, and Radovan Karadžić.[359] The Trial Chamber has also considered the evidence of Dragan Majkić, who, differently from ST225 and ST174, testified that there was no organisation behind the SOS, not even the SDS.[360] However, considering that Majkić was not in Banja Luka when the blockade took place, considering his evidence discussed above that the Sanski Most and Banja Luka SOS were two different groups, and further considering the evidence of other witnesses, the Trial Chamber does not consider Majkić's testimony on this point to be reliable.

146. The evidence shows that the SOS also had links with members of the Banja Luka CSB and SNB. Above, the Trial Chamber has reviewed the evidence of Radulović, who testified that two members of the Banja Luka SNB, namely Ljubam Ečim and Zdravko Samardžija, were among the leaders of the SOS. Radulović added that Nedeljko Kesić, the chief of the Banja Luka SNB, was in contact with the SOS on a daily basis. SOS members had unrestricted access to Kesić's office, where Kesić had framed pictures of members of the paramilitary group.[361] Other members of the police, namely SJB sector chief Đuro Bulić and officer Stojan Davidović, were also in regular contact with the SOS.[362] In addition, on 28 July 1992, General Tolimir reported that "some officials" at the Banja Luka CSB had considerable influence over the SOS, even though the SOS was "not really" under CSB command.[363]

147. At 3:00 a.m. on 3 April 1992, the SJB/CSB's operative duty officer informed Vladimir Tutuš, the SJB chief, that an armed group was taking over the main infrastructures in town. Tutuš immediately informed Predrag Radić, the president of the municipality, but he did not inform Župljanin, because he was sure that the duty officer had already done that. According to Tutuš, it

[355] ST174, P1098.06, Witness Statement, 14 March 2001, p. 1 (confidential).
[356] ST174, P1098.01, *Prosecutor v. Brđanin*, Case No. IT-99-36-T, 8 April 2002, T. 3907 (confidential) and P1098.02, *Prosecutor v. Brđanin*, Case No. IT-99-36-T, 9 April 2002, T. 3957-3959, 3980 (confidential); P539, News Report of a Press Conference with Stojan Župljanin, 8 April 1992.
[357] ST174, P1098.06, Witness Statement, 14 March 2001, p. 13. The role and position of Vojislav Kuprešanin and Radoslav Brđanin are discussed in the ARK sub-section of the JCE section.
[358] Predrag Radulović, 25 May 2010, T. 10761 (confidential).
[359] Predrag Radić, P2105, *Prosecutor v. Brđanin*, Case No. IT-99-36-T, 6 November 2003, T. 22249. The Trial Chamber has reviewed the evidence of Plavšić, Krajišnik, and Karadžić's membership in the SDS in the JCE section.
[360] Dragan Majkić, 13 November 2009, T. 3100-3101.
[361] Predrag Radulović, 25 May 2010, T. 10771.
[362] Predrag Radulović, 25 May 2010, T. 10772.
[363] P591, Report of General Tolimir on Paramilitary Formations in the RS, 28 July 1992, pp. 4-5.

was the operative officer's duty to also inform Župljanin.[364] Neither the army nor the police took action against the SOS's blockade. Rather, representatives of the military and of the security apparatus, including Stojan Župljanin, began negotiating with the SOS in order to "normalise" the situation.[365] Around 3:30 a.m. on 3 April 1992, it was decided that Radić should negotiate with the SOS.[366]

(d) Acceptance of SOS demands by the municipal authorities

148. As requested by the SOS, the authorities set up a municipal Crisis Staff. Its members included Predrag Radić, Stojan Župljanin for the Banja Luka CSB, and Vladimir Tutuš for the SJB. The TO was represented by Milorad Sajić, Miloš Kesić, and Miroslav Vesić, and the Banja Luka Corps by Colonel Boško Kelečević and Bogdan Subotić. Radoslav Vukić, president of the Banja Luka branch of the SDS, represented the SDS. Radoslav Brđanin represented the ARK. Nenad Stevandić, Ilija Milinković, Slobodan Popović, Aleksandar Tolimir, and Ranko Dubočanin represented the SOS.[367] According to ST174, after the establishment of the Crisis Staff, the regular municipal bodies were effectively divested of their authority.[368]

149. The Crisis Staff accepted the demands of the SOS on the same day it was formed.[369] It promulgated the LIA of SerBiH. It decided that CSB employees, in order to keep their jobs, had to sign a statement of loyalty to the RS MUP; that the staff would be reorganized; that people loyal to the Serbian Assembly of BiH and Yugoslavia would be appointed to key positions; and that CSB employees would get new insignia.[370] The Crisis Staff agreed to request the Presidency of the SFRY and the General Staff of the JNA to reinforce the Banja Luka Corps. At the same time, it agreed to advise the two bodies to dismiss or transfer those officers who had not voted "for Yugoslavia."[371] According to ST174, non-Serb officers within the Banja Luka Corps were

[364] Vladimir Tutuš, 15 March 2010, T. 7603-7605.
[365] Predrag Radić, P2105, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 6 November 2003, T. 22218; Vladimir Tutuš, 15 March 2010, T. 7607-7608; Predrag Radulović, 25 May 2010, T. 10775-17776; ST225, 10 November 2010, T. 17199-17200 (confidential); 1D137, Dispatch of Stojan Župljanin, 3 April 1992, p. 2.
[366] Vladimir Tutuš, 15 March 2010, T. 7605-7606.
[367] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3963-3965 (confidential); Predrag Radić, P2105, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 6 November 2003, T. 22226-22227; ST183, P1295.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 7 March 2003, T. 15411 (confidential); Predrag Radulović, 25 May 2010, T. 10761 and 1 June 2010, T. 11147-11148 (confidential); P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, p. 6; P591, Report of General Tolimir on Paramilitary Formations in the RS, 28 July 1992, pp. 4-5.
[368] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3967-3968 (confidential). The Banja Luka municipal Crisis Staff was a different body from the ARK Crisis Staff, also located in Banja Luka. *See* Amir Džonlić, P2287, *Prosecutor v Brdanin*, Case No. IT-99-36-T, 26 February 2002, T. 2328.
[369] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3957-3959 (confidential); 1D137, Dispatch of Stojan Župljanin, 3 April 1992, p. 2.
[370] P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, p. 4; 1D137, Dispatch of Stojan Župljanin, 3 April 1992, p. 2.
[371] P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, p. 4.

dismissed as a result of this demand.[372] The Crisis Staff also decided to dismiss the directors of the *Privredna* and *Jugobanka* banks, who were Muslims, by 6 April 1992 and to remove, by 10 April 1992, "all post office staff who had voted against Yugoslavia".[373] It tasked Radoslav Brđanin, Predrag Mitraković, and Ilija Milinković to make arrangements to dismiss "all key officials in Banja Luka enterprises who are pursuing an anti-Serbian policy."[374]

(e) Implementation of SOS demands

(i) Dismissals of police officers who refused to sign a solemn declaration

150. On 3 April 1992, after recalling the SOS's blockade and the acceptance of the SOS's demands by the Crisis Staff, Stojan Župljanin ordered all the SJBs in the area of responsibility of the Banja Luka CSB that the application of the LIA of SerBiH should begin immediately. Župljanin also ordered that the introduction of the new police insignia and the signing of the solemn declaration to the Serbian Republic envisaged by the LIA be carried out and concluded by 6 April 1992.[375] At a meeting held on 6 April 1992 at the Banja Luka CSB in the presence of representatives of other ARK municipalities, Župljanin reiterated the need to sign the solemn declaration.[376] The declaration was almost identical to the one that police officers had to sign in the BiH MUP. The only difference is that the BiH MUP declaration contained a reference to the protection of "working people and citizens", while the RS MUP one did not. The RS MUP declaration contained a pledge to protect "the constitutionally established order of the republic", which the BiH one did not contain, but, like the BiH declaration, a pledge to protect "rights, freedoms, and security."[377] All police officers had to sign this declaration, and anyone who refused was dismissed.[378]

151. SZ003 testified that his immediate superiors and colleagues in the police did not perceive the declaration to contain any discriminatory statement.[379] He stated that several people of non-Serb ethnicity decided to sign the formal declaration and to remain working for the CSB, and he recalled

[372] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3962 (confidential).
[373] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3957-3959 (confidential); P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, p. 4.
[374] P536, Article on the SOS Proclamation Published in the Newspaper *Glas*, 4 April 1992, p. 4.
[375] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3981-3982 (confidential); 1D137, Dispatch of Stojan Župljanin, 3 April 1992, p. 2.
[376] P355, Conclusions Reached at the CSB Advisory Council Meeting on 6 April 1992, 10 April 1992, pp. 1, 3.
[377] SZ003, 21 September 2011, T. 24503-24505; P510, Law on Internal Affairs of the former Socialist Republic of BiH, 29 June 1990, p. 12, Article 41; P530, Law on Internal Affairs of the Serbian People in BiH, 23 March 1992, p. 6, Article 41.
[378] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3957-3960, (confidential); Vladimir Tutuš, 15 March 2010, T. 7600-7602; P355, Conclusions Reached at the CSB Advisory Council Meeting on 7 April 1992, 10 April 1992, p. 3.
[379] SZ003, 20 September 2011, T. 24441 (confidential).

the names of 18 such employees.[380] According to SZ003, people who decided not to sign left the police out of their own free will.[381] According to the Banja Luka CSB salary records, some individuals of non-Serb ethnicity were still working for the CSB in June 1992, a fact confirmed by Predrag Radulović and SZ002.[382] Vladimir Tutuš testified that, after the creation of the RS MUP, 73% of all the Croatian members and 61% of all the Muslim members of the SJB Banja Luka (including the substations of the Muslim settlements of Mejdan, Budžak, and the Centar station) agreed to sign the declaration of loyalty and to remain within the newly created RS MUP.[383] SZ002 and ST213, who were both employed at the Banja Luka CSB in 1992, testified that non-Serb employees remained on the job after the creation of the RS MUP.[384] ST174 and Amir Džonlić, however, testified that while some of the Muslim and Croatian officers decided to sign the declaration they were nevertheless dismissed after some months. Asked whether they left voluntarily or were dismissed, ST174 answered, "You don't have to leave our job voluntarily if something is bothering you. They were forced to leave and go abroad." With regard to the percentage of non-Serbs who signed, ST174 considered Tutuš's estimate on the number of non-Serbs who had signed the declaration to be a "blatant lie", and testified that only 2% or 3% decided to sign it.[385] ST174's testimony on this point is consistent with the evidence of Predrag Radulović, who testified that most non-Serbs in Banja Luka, but also in Ključ, Prijedor, and other municipalities, left immediately after the plan to create the RS MUP was made public.[386]

152. The Trial Chamber has also received evidence on a specific episode of dismissal upon refusal to sign the solemn declaration. On 15 April 1992, a Muslim police officer was invited to Župljanin's office.[387] Radić asked the officer to sign a declaration of loyalty to the Serbian Republic, but he refused.[388] Župljanin then asked the officer to return his side arm and radio.[389] That evening, a Serb inspector advised the Muslim officer to flee because a team had already been put together to arrest him on the following day. The officer fled to a foreign country with his wife the following morning.[390] Not long after his departure, policemen raided his house and looted it

[380] SZ003, 19 September 2011, T. 24381-24382 and 20 September 2011, T. 24445 (confidential).
[381] SZ003, 19 September 2011, T. 24381-24382 and 20 September 2011, T. 24445 (confidential).
[382] Predrag Radulović, 25 May 2010, T. 10787; SZ002, 8 November 2011, T. 25414-25416; P1373, SNB Banja Luka Payroll for June 1992, 7 July 1992; 2D184, Banja Luka CSB's Record of Salaries for 1992, 17 June 1992.
[383] Vladimir Tutuš, 18 March 2010, T. 7774-7775, 7812-7813, 19 March 2010, T. 7835 and 23 March 2010, T. 7989-7991; P1095, Article Published in the Newspaper *Glas*, 24 April 1992, p. 2; 1D203, Official Note Concerning the Murder of Enis Kikić, 17 April 1992, p. 5.
[384] ST213, 4 March 2010, T. 7241 and 5 March 2010, T. 7295 (confidential); SZ002, 8 November 2011, T. 25413.
[385] Amir Džonlić, P2289, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 February 2002, T. 2470-2471; ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3981-3982 (confidential); ST174, 23 March 2010, T. 8070-8072, 8120 (confidential).
[386] Predrag Radulović, 25 May 2010, T. 10755-10756.
[387] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3980-3981 (confidential).
[388] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3981-3982 (confidential).
[389] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3982 (confidential).
[390] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3982, 3984 (confidential).

completely. The police justified the taking of property by stating that it was needed by the Serbian government.[391]

153. The Trial Chamber has reviewed evidence that on 22 June 1992 the ARK Crisis Staff issued a decision which stated, under Article 1, that only personnel of Serbian ethnicity may hold executive posts in the MUP and the army.[392] On 1 July 1992, Stojan Župljanin forwarded the 22 June 1992 decision to all the ARK SJBs. The dispatch stated that "in the implementation of this decision, the chiefs of the public security stations are obliged particularly to abide by its provisions, regarding the proposal of candidates for posts described in Article 1".[393] According to SZ003, however, several Muslim and Croatian employees who had signed the solemn declaration in April remained in the police even after the 22 June 1992 decision and the subsequent dispatch.[394] He provided names of these employees, who included: Mugdim Haračić, a Muslim who worked in the duty operations team at the Banja Luka CSB;[395] Vilko Marić, a Croat, who was a crime investigation inspector of the Banja Luka CSB and continued working in this capacity throughout 1992;[396] Muhamed Krkić, an inspector of the CSB in 1992;[397] Ivo Majdandjić and Franjo Kezić, two active-duty police officers of the Budžak police station of Croatian origin, who continued working there throughout 1992;[398] Sead Jusufbegović, a forensic expert of Muslim origin who worked at the Banja Luka CSB throughout 1992;[399] Anto Benko, a Croatian officer who continued working in the police throughout 1992;[400] and Dragan Verunik, a Croat who was the deputy commander of the Centar Police Station.[401] SZ023 testified that the head of the section of the cryptographic data protection department at the Banja Luka CSB, who was a Muslim, was transferred to the fire protection department. He believed this was as a consequence of the decision forwarded by Župljanin in July 1992. He did not recall other instances in which non-Serb police officers in managerial positions were replaced by Serbs in 1992.[402] Differently from SZ003 and SZ023, Radulović testified that the only non-Serb who remained throughout 1992 was Željko Domazet, a Croat married to a Serb woman.[403] The Trial Chamber has also received evidence on

[391] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3982-3985 and P1098.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 11 April 2002, T. 4150-4151 (confidential).
[392] SZ003, 22 September 2011, T. 24579-24580, (confidential); P432.19, Decision of the ARK Crisis Staff Reached at a Meeting Held on 22 June 1992, dated 22 June 1992. P432.19 is also discussed in the JCE section.
[393] SZ003, 22 September 2011, T. 24580-24581; P577, Dispatch of CSB Banja Luka to all the Chiefs of SJBs Forwarding the Decision of the ARK Crisis Staff, 1 July 1992, p. 2.
[394] SZ003, 22 September 2011, T. 24582-24584 (confidential).
[395] SZ003, 19 September 2011, T. 24379 and 20 September 2011, T. 24436 (confidential).
[396] SZ003, 19 September 2011, T. 24410 (confidential).
[397] SZ003, 19 September 2011, T. 24407-24410 (confidential).
[398] SZ003, 19 September 2011, T. 24411 (confidential).
[399] SZ003, 19 September 2011, T. 24412 (confidential).
[400] SZ003, 20 September 2011, T. 24425-24426 (confidential).
[401] SZ003, 19 September 2011, T. 24381-24382 (confidential).
[402] ST023, 7 October 2011, T. 24632, 24661-24662 (confidential).
[403] Predrag Radulović, 25 May 2010, T. 10787-10788.

this issue from SZ002, who testified that quite a few of the non-Serb employees remained at the CSB until the end of 1992, including a woman named Nisveta Dervisić.[404] However, during cross-examination by the Prosecution, SZ002 was confronted with the August 1992 payroll for the Banja Luka CSB, where Nisveta Dervisić's name did not appear, and was unable to explain the reason of this inconsistency with his previous testimony.[405] Considering that SZ002 testified that throughout 1992 he was mostly in the field,[406] and further noting the demeanour of the witness during his testimony and certain inconsistencies in his evidence,[407] the Trial Chamber does not consider SZ002's testimony on the amount of non-Serbs who remained employed at the Banja Luka CSB throughout 1992 to be reliable and credible. The Trial Chamber also notes that most of the persons of non-Serb ethnicity mentioned by SZ003 did not hold executive positions in the CSB and thus fell outside the order of 22 June 1992 issued by the ARK Crisis Staff.

(ii) Evidence of other dismissals of Muslims and Croats from employment

154. After April 1992 and throughout the rest of the year, Serb authorities dismissed Muslims and Croats from their jobs in the education sector, factories, banks, hospitals, the media, the judiciary, and the Banja Luka Corps. Some of the non-Serbs in managerial positions were re-assigned to sweep the streets in Banja Luka. According to Krzić, about 50% of the non-Serb personnel in schools and hospitals was laid off in 1992, and all work places where non-Serbs worked were affected, not only executive positions.[408] In relation to the judiciary, Džonlić testified that, between May or June 1992 and 1993, all Muslim and Croat judges were dismissed.[409] Dismissal from employment was often justified by the refusal of non-Serb employees to respond to the call for mobilisation in the Serb army.[410]

155. The dismissal of non-Serb officers from the Banja Luka Corps is further confirmed by a report of Milutin Vukelić, assistant commander for morale of the 1st KK, who on 9 June 1992

[404] SZ002, 8 November 2011, T. 25415-25417 and 11 November 2011, T. 25653.
[405] SZ002, 11 November 2011, T. 25662-25664; P2407, Banja Luka CSB Payroll for August 1992, 27 August 1992.
[406] SZ002, 11 November 2011, T. 25651-25652.
[407] SZ002, 11 November 2011, T. 25652-25657.
[408] Muharem Krzić, P459.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 14 February 2002, T. 1752-1753; Predrag Radić, P2103, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 5 November 2003, T. 22163-22164 (confidential) and P2096, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 26 October 2004, T. 7409; ST139, P1284.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 30 June 2003, T. 18495 (confidential); Muharem Krzić, 19 January 2010, T. 5113-5118; ST183, 20 April 2010, T. 8976-8977 (confidential).
[409] Amir Džonlić, P2287, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 February 2002, T. 2332-2334.
[410] Muharem Krzić, P459.01, *Prosecutor v. Brđanin*, Case No. IT-99-36-T, 4 February 2002, T. 1460-1464; Amir Džonlić, P2287, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 February 2002, T. 2331-2336; Muharem Krzić, 19 January 2010, T. 5113, 5120-5122; ST225, 10 November 2010, 17212-17214, 17236 (confidential); P1098.24, Transcript of an Interview given by Radoslav Brđanin of 11 September 1992, pp. 2-3; P459.13, SDA Report on a Meeting with the ICRC of 31 July 1992, 2 August 1992, p. 1; P459.18, Letter from the Social, Cultural, Religious, and Political Association of the Muslim People in Banja Luka to General Talić, 22 June 1992, p. 1; P463, Article Published in the Newspaper *Glas* entitled "Dismissal According to the Wishes of the People", 21 April 1992, p. 2.

expressed doubts in relation to the dismissals of 67 officers of Muslim and Croatian ethnicity from the Banja Luka Corps, requested by the ARK Crisis Staff on 8 June 1992, stating that their competencies could not be readily replaced.[411] According to Radulović, after the dismissals of non-Serb officers, the Banja Luka Corps was staffed with officers belonging or loyal to the SDS, which consequently began exercising some degree of control over the military.[412]

156. Not having responded to the mobilisation call and dismissal from a job also implied losing the apartment in which one lived, as well as health insurance. In addition, armed Serbs coming back from the front forcibly evicted non-Serbs from their apartments, and neither the police nor the military intervened.[413]

(f) Security situation in Banja Luka after 3 April 1992

157. After setting up barricades on 3 April 1992, the SOS began carrying out attacks against non-Serbs and their property, blowing up houses and business premises two or three times per week, mostly at night. Muslims, Croats, but also Serbs whose ideas were not in line with those of the SOS were afraid of the SOS. An increasing number of non-Serbs left Banja Luka.[414] ST223 testified that the Serb police did not intervene to stop the violence; rather, when they patrolled areas inhabited by Muslims, they seised money and gathered information, which was subsequently used to bring people to the CSB/SJB building for interrogation.[415] The police also set up checkpoints in town, which were manned by Serb reserve policemen, and later also by persons wearing JNA and camouflage uniforms. Both Serbs and non-Serbs needed a pass to move around. ST223 testified that it was difficult for non-Serbs to obtain passes.[416]

158. ST223 and ST225 testified that the police in Banja Luka conducted large scale searches by entering hundreds of houses, arresting many people, mistreating them, and removing property from

[411] P1295.18, 1st KK Report to the VRS Main Staff and the RS Presidency Concerning the Dismissal of Muslim and Croatian Officers, 9 June 1992, p. 1.
[412] Predrag Radulović, 25 May 2010, T. 10767-10770.
[413] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4436 (confidential); Predrag Radić, P2097, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 27 October 2004, T. 7460-7466 (confidential); ST225, 10 November 2010, T. 17210-17212; P2229, p. 1 (confidential).
[414] Ian Traynor, P1356.02, Witness Statement, 8 March 200, pp. 7-8; ST174, P1098.06, Witness Statement, 14 March 2001, p. 13 (confidential); Muharem Krzić, P459.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 February 2002, T. 1458-1459; ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3965-3968, 3972 (confidential); ST183, P1295.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 7 March 2003, T. 15389 (confidential); ST139, P1284.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 30 June 2003, T. 18492-18493 (confidential); ST223, 2 December 2010, T. 18019-18020; Radomir Rodić, 16 April 2010, T. 8843; Predrag Radulović, 25 May 2010, T. 10765-10766; ST225, 10 November 2010, T. 17218-17219 (confidential); ST223, 2 December 2010, T. 18026-18027; P1372, Miloš Group Report, 12 May 1992; 1D198, Operative Work Plan of the Banja Luka CSB, 25 May 1992, p. 1.
[415] ST223, 2 December 2010, T. 18027-18028.

the houses they searched. These searches were targeted mainly at non-Serbs.[417] This evidence is corroborated by several official notes and reports sent by Vladimir Tutuš in June and July 1992 to the Chief of the Banja Luka CSB, Stojan Župljanin, and to other officers of the Banja Luka SJB. According to these reports, members of the Banja Luka CSB Special Police Detachment behaved in an unruly manner; stole vehicles, money, and other property; and broke into houses.[418] Radulović testified that the Special Police Detachment conducted many searches in apartments owned by non-Serbs, without any court order. He testified that there was an old law still in force at the time that allowed, under certain circumstances, members of the Banja Luka Special Police Detachment to search apartments without court orders. In 20 years of service, Radulović had never had to resort to this exceptional power. In light of the high number of unauthorised searches carried out by the Special Detachment, he considered that they used this prerogative "very lightly." SZ002, too, testified that some members of the Special Police Detachment had abused their powers.[419] During the same period, regular police officers in Banja Luka reported several instances of threats from members of the Special Police Detachment that prevented them from performing their duties. On one occasion, Gojko Račić stormed into the SJB premises with Svetko Makivić (both members of the Special Police Detachment) and another man, threatened to take over the police station, and pointed a loaded gun at a regular police officer's head.[420]

159. Starting in April 1992 and continuing throughout 1992, a group of up to 10 people drove around Banja Luka in a red van.[421] The group—which according to ST223 consisted of policemen dressed in blue camouflage uniforms—conducted searches, beat, harassed, arrested non-Serbs, and stole their property. Their victims included prominent Muslim citizens and SDA members, as well as Serbs who "opposed" their activities.[422] In Banja Luka, the red van was synonymous with fear.[423] ST223 testified that the men from the red van entered houses, smashed the belongings inside with

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[416] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4420; ST183, P1295.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 7 March 2003, T. 15370 (confidential); Muharem Krzić, 19 January 2010, T. 5132; ST223, 2 December 2010, T. 18019-18020 (confidential).

[417] ST225, 12 November 2010, T. 17360-17361 (confidential); ST223, 2 December 2010, T. 18031; P459.13, SDA Report on a Meeting with the ICRC of 31 July 1992, 2 August 1992, p. 2.

[418] P1088, Report on the Negative Activities of Members of the Banja Luka CSB, 24 June 1992; P1089, Official Notes on Alleged Criminal Activities Carried Out by Members of the Banja Luka CSB Special Police Detachment, 1 July 1992, pp. 1-2, 4, 5.

[419] Predrag Radulović, 26 May 2010, T. 10809-10811; SZ002, 9 November 2011, T. 25465.

[420] P1081, Dispatch to the Chief of the Banja Luka CSB, 4 June 1992; P1084, Official Note Regarding the Road Check of Gojko Račić, 20 June 1992; P1088, Report on the Negative Activities of Members of the Banja Luka CSB, 24 June 1992; P1089, Official Notes on Alleged Criminal Activities Carried Out by Members of the Banja Luka CSB Special Police Detachment, 1 July 1992, pp. 8-11.

[421] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4413-4414 (confidential); Predrag Radulović, 26 May 2010, T. 10813-10814.

[422] Muharem Krzić, P459.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 5 February 2002, T. 1485-1488; ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4414-4421 (confidential); ST174, 26 March 2010, T. 8235-8236 (confidential); Predrag Radulović, 26 May 2010, T. 10812-10813, 10815.

[423] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4414-4415 (confidential); ST223, 2 December 2010, T. 18030; Predrag Radulović, 26 May 2010, T. 10814-10815.

baseball bats, and asked questions such as, "Why aren't you going away? Why aren't you moving out?".[424] ST223 witnessed the arrest of Ismet Raković, Angijad Gunić, Fahret Redžepović, Reuf Gunić, Šefket Tulek, and Jasmin Hrnić.[425] Jasmin Hrnić and Šefket Tulek were thrown into the van and beaten so fiercely that they screamed of pain.[426] Jasmin Hrnić was taken to a coffee shop and forced to sing Serb songs while being intermittently beaten.[427] According to ST223, the doors of the van were generally left open so that people on the streets could hear and see what was happening and that this was done in order to intimidate the non-Serb population into leaving. Those who exited the van were covered in bruises and swelling.[428] Occupants of the red van also carried out raids on local markets and checked if non-Serbs had the proper documents to be allowed to move around town; those not in possession of such documents were rounded up and taken away.[429] The existence of the red van and what was happening to non-Serbs was common knowledge in Banja Luka in 1992.[430] Included in the group of people in the red van were a Serb police officer named "Boško Vuksan", another police officer called "Predrag Boziroda", and a person nicknamed "Žućo".[431] ST223 testified that he saw the red van parked in front of the Banja Luka CSB, and Radulović testified that from the CSB building the group launched at least some of its attacks.[432]

160. The Trial Chamber has reviewed evidence in the section dedicated to Župljanin's individual criminal responsibility that, in May 1992, the ARK Crisis Staff issued a number of decisions tasking the police with the confiscation of illegally obtained weapons in the ARK and that Župljanin requested the ARK SJBs to implement these decisions. With regard to Banja Luka, Muharem Krzić testified that the disarmament operation targeted only non-Serbs, whose legally owned weapons were also requisitioned. Serbs, on the other hand, were being armed.[433] In reviewing evidence on who were the targets of the disarming operation, the Trial Chamber has also considered the evidence of ST174, who testified that Župljanin was involved in the distribution of weapons to the Serb population, which was carried out by the SDS and the JNA in the Banja Luka area at the beginning of 1992.[434] The Trial Chamber has received documentary evidence showing

[424] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4420 (confidential).
[425] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4415 (confidential)
[426] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4416 (confidential).
[427] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4418 (confidential).
[428] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4416 (confidential).
[429] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4417 (confidential).
[430] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4439 (confidential); Predrag Radulović, 26 May 2010, T. 10814-10815.
[431] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4413-4414 (confidential); ST174, 26 March 2010, T. 8235-8236 (confidential); Predrag Radulović, 25 May 2010, T. 10784 and 26 May 2010, T. 10814; ST223, 2 December 2010, T. 18017-18018, 18084-18085 (confidential).
[432] Predrag Radulović, 26 May 2010, T. 10814-10815; ST223, 2 December 2010, T. 18019, 18034-18035.
[433] Muharem Krzić, 19 January 2010, T. 5130-5131.
[434] ST174, P1098.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 8 April 2002, T. 3883-3885, 3891-3897 (confidential); ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 3947-3949; ST174, P1098.06, Witness Statement, 14 March 2001, pp. 4-6.

that the Banja Luka SJB, by 30 September 1992, had also filed reports against Serbs for illegally obtaining weapons.[435]

(g) Arrests

(i) Banja Luka CSB

161. Serb authorities detained civilians, mostly of Muslim and Croatian ethnicity, in eight detention centres in Banja Luka. One of them was the building that hosted the Banja Luka CSB.[436]

162. The CSB and the SJB in Banja Luka were located in the same building and had a joint communication centre.[437] The SJB also had substations in town, namely the Centar police station, located about 20 metres away from the CSB building; the Mejdan police station, located east of the CSB; the Budžak police station, located along the railroad north of the CSB; the Ivanjska police station; and the Bronzani Majdan station. Each substation had its own commander. The commanders of Mejdan and Buzak were a Muslim and a Croat, respectively, while the commander of Centar was a Serb.[438]

163. The chief of the CSB was Stojan Župljanin, and the chief of the SJB was Vladimir Tutuš.[439] Đuro Bulić was the chief of the Public Security Service Sector.[440] Stevan Marković was chief of the Department for Police Duties and Assignments, Milorad Đjuričić was chief of the Crime Prevention Department of the CSB, and Nedžad Jusufović the chief of Forensic Department of the CSB.[441] When Stevan Marković was killed his post was taken by Mile Matijević, who remained in that position until the end of 1994.[442] The SJB used the services of the CSB forensic department.[443] In April 1992, the CSB had about 26 SJBs under its jurisdiction.[444] The police force in Banja Luka in

[435] 1D235, Report of the Banja Luka SJB, 30 September 1992, pp. 5-11.
[436] Adjudicated Fact 1066.
[437] Vladimir Tutuš, 15 March 2010, T. 7576; P1076, Photograph of the CSB and SJB Buildings in Banja Luka; P35, Picture of the Banja Luka CSB Building.
[438] Vladimir Tutuš, 15 March 2010, T. 7577-7578 and 18 March 2010, T. 7760; ST174, 24 March 2010, T. 8091 (confidential) and 24 March 2010, T. 8098 (confidential); SZ003, 21 September 2011, T. 24538 (confidential); P1077, Banja Luka CSB Chart.
[439] ST174, P1098.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 9 April 2002, T. 4007 (confidential); Vladimir Tutuš, 15 March 2010, T. 7573, 7606; ST174, 24 March 2010, T. 8081, 8099-8100; Predrag Radulović, 25 May 2010, T. 10723 (confidential); P458, Decision on the Appointment of Stojan Župljanin as Chief of the Banja Luka CSB of the RS MUP, 15 May 1992; P1077, Banja Luka CSB Chart.
[440] Vladimir Tutuš, 22 March 2010, T. 7939.
[441] Vladimir Tutuš, 19 March 2010, T. 7834-7835; P367, Conclusions Reached at the Meeting of the Banja Luka CSB on 6 May 1992, 30 May 1992, p. 1.
[442] SZ003, 20 September 2011, T. 24480-24481 (confidential).
[443] Vladimir Tutuš, 19 March 2010, T. 7833.
[444] Vladimir Tutuš, 19 March 2010, T. 7895-7896; ST174, 24 March 2010, T. 8142 (confidential).

April 1992 numbered about 250 uniformed officers.[445] From May 1992, the Banja Luka CSB also had at its disposal a well-equipped special unit known as the Special Police Detachment, which was under the authority of Stojan Župljanin. It numbered between 150 and 200 men.[446]

164. Between April and December 1992, persons moving around in the red van—and also starting from May 1992 members of the Banja Luka CSB Special Police Detachment—arrested non-Serbs and brought many of them to the CSB building for interrogation, where they mistreated them.[447] Interrogations were carried out in the administration building by a mixed team of investigators from the army and the state and public security services in Banja Luka.[448]

165. Muharem Krzić, president of the SDA in Banja Luka, was arrested and brought to the Banja Luka CSB, where he was severely mistreated. According to Krzić, everyone knew of his detention and of the mistreatment, and it would have been impossible for Župljanin not to know.[449] In June 1992, officer Zdravko Samardžija took ST019, a Muslim, from a prison in Kotor Varoš to the Banja Luka CSB, where he was interrogated. He was not beaten, but testified that a young man arrested with him was beaten badly and could not move for a long time after that.[450]

166. In 1992, ST223, a Muslim from Banja Luka, received a summons to appear at the SUP, but no reason was given.[451] The Trial Chamber understands the "SUP" building to be the same building which hosted the CSB and the SJB in Banja Luka. Once there, at about 10:00 a.m., ST223 was interrogated in an office on the second floor as to the whereabouts of his car.[452] ST223 responded that his Mercedes had already been taken by the police.[453] Officer Drago Samardžija and two inspectors beat ST223 on his face and body for a long period of time.[454] His teeth were broken, and his neck was scarred from strangulation ligatures.[455] ST223 testified that such beatings carried out

[445] Vladimir Tutuš, 15 March 2010, T. 7606; SZ003, 20 September 2011, T. 24482-24483. The Trial Chamber is mindful that SZ003 testified to a lower number (between 150 and 200), but in light of the fact that Tutuš was chief of the SJB, it considers his testimony on this point more reliable than SZ003's.
[446] The Trial Chamber has reviewed an extensive body of evidence on the leadership of the Banja Luka CSB Special Police Detachment in the section dedicated to Stojan Župljanin's individual criminal responsibility.
[447] Predrag Radulović, 26 May 2010, T. 10823-10827.
[448] Adjudicated Fact 353.
[449] Muharem Krzić, P459.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 6 February 2002, T. 1625-1628; Muharem Krzić, 19 January 2010, T. 5101.
[450] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17663; ST019, 30 September 2009, T. 530-531, 537-540; 1D7, Statement to the Banja Luka SNB, 18 June 1992.
[451] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4398, 4420 (confidential).
[452] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4420-4421 (confidential); ST223, 2 December 2010, T. 18023-18024.
[453] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4421 (confidential).
[454] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4427 (confidential); ST223, 2 December 2010, T. 18024.
[455] ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4427.

at the police station were common practice. The main aim was intimidation or to obtain valuables.[456]

167. On 11 June 1992, men in military olive-drab camouflage uniforms stopped ST027, a Croat, at a checkpoint just outside the town of Kotor Varoš.[457] ST027 was unsure whether these men were regular police, reserve police, or army personnel.[458] These men asked him if he had any weapons. He replied that he had none.[459] They tied his hands and took him to a nearby building where he was held from 6:30 or 7:00 a.m. until 4:00 p.m.[460] At 4:00 p.m. a red van arrived, and the witness was put inside.[461] Already inside the van were other persons of Croat and Muslim ethnicity.[462] Some of these people had been beaten, and one of them so badly beaten that his head was deformed.[463] The witness was not told why he was being detained.[464]

168. When ST027 arrived at the CSB in Banja Luka, he was beaten.[465] At first, in one of the corridors of the building, he was forced to put his arms against the wall with three fingers outstretched. A Croat and a Muslim who had been transported with ST027 in the red van were also there, and they were beaten by people passing by. The witness was not able to identify who beat them, because he and the other prisoners were not allowed to turn around.[466] With regard to the three fingers outstretched, the Trial Chamber understands it to be a Serbian form of greeting.[467]

169. The persons who were transported in the van with ST027 were taken upstairs one by one for interrogation by members of the police.[468] ST027 was taken to an office upstairs and interrogated by an SNB officer who asked him to sign a paper stating that he had been a part of an armed insurgency. ST027 refused.[469] There were no further questions, and ST027 was taken to another prison. On the following day, pursuant to a request of the Banja Luka SNB, ST027 was taken back to the CSB building and questioned repeatedly regarding the arming of Muslims and Croats, meetings with certain people, and the pistol and automatic rifle found in his home.[470] The man

[456] ST223, 2 December 2010, T. 18025-18026.
[457] ST027, 2 October 2009, T. 715, 739-741 (confidential).
[458] ST027, 5 October 2009, T. 802.
[459] ST027, 2 October 2009, T. 740.
[460] ST027, 2 October 2009, T. 740-741.
[461] ST027, 2 October 2009, T. 742 (confidential).
[462] ST027, 2 October 2009, T. 730-731,742-743 (confidential).
[463] ST027, 2 October 2009, T. 743 (confidential).
[464] ST027, 2 October 2009, T. 747 (confidential)
[465] ST027, 2 October 2009, T. 743, 747 and 5 October 2009, T. 833-834 (confidential).
[466] ST027, 2 October 2009, T. 747 (confidential).
[467] Nusret Sivac, P1671.12, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 13 January 2003, T. 12751, 12755; Predrag Radulović, 27 May 2010, T. 10880; ST137, 14 September 2010, T. 14612 (confidential).
[468] ST027, 2 October 2009, T. 747 (confidential).
[469] ST027, 2 October 2009, T. 749-752 (confidential) and 5 October 2009, 815.
[470] ST027, 2 October 2009, T. 752-754 and 5 October 2009, T. 806; 2D3, Statement of ST027, 16 June 1992, p. 1 (confidential).

interrogating ST027 told him that he would have wanted to release him, but that the Crisis Staff in the area of the municipality where he was arrested would not permit it.[471] In the course of interrogation, ST027 gave two statements to the SNB and one statement to the CSB.[472] ST027 was not shown the charges against him until he was brought before a military court and charged with having taken part in an armed rebellion. However, the charges were later dropped for lack of evidence.[473] ST027 was held in custody in various prisons, civilian and military, from 11 June 1992 to the end of November 1992, when he was exchanged.[474]

(ii) Manjača

a. Creation

170. The detention camp in Manjača was first created on 15 September 1991 to hold prisoners captured during the war in Croatia and operated until 1 November 1991.[475] It was set up within a farm in a military training facility on Manjača mountain, about 35 km south of the city of Banja Luka, within the area of responsibility of the 1st KK.[476] The camp was reopened on 15 May 1992 and operated until mid-December 1992, when it was closed pursuant to an order of General Momir Talić.[477] Starting at the end of October 1992, the first releases of significant numbers of detainees began.[478] After the camp closed, inmates suspected of having committed war crimes were transferred to Batković camp in Bijeljina. Of the others, some were transferred under the auspices of the ICRC to Croatia, and some were released.[479]

b. Authority over camp

171. The camp was run by Serb military police under the command of the 1st KK. Colonel Božidar Popović was the camp commander.[480] Predrag Kovačević, nicknamed "Spaga", was the

[471] ST027, 2 October 2009, T. 754 and 5 October 2009, T. 834 (confidential).
[472] 2D2, Statement of ST027, 12 June 1992 (confidential); 2D3, Statement of ST027, 16 June 1992, (confidential); 2D4, Statement of ST027, 19 June 1992 (confidential).
[473] ST027, 2 October 2009, T. 765-766 (confidential) and 5 October 2009, T. 809.
[474] ST027, 2 October 2009, T. 760, 763-764 (confidential), 768.
[475] ST172, 21 January 2010, T. 5257; 2D33, Report of the CSCE Rapporteur on his visit to Banja Luka, 3 September 1992, para. 38.
[476] ST172, 21 January 2010, T. 5260 and 22 January 2010, T. 5365; Adjudicated Facts 449, 450.
[477] ST172, 21 January 2010, T. 5255-56 (confidential); 2D33, Report of the CSCE Rapporteur on his Visit to Banja Luka, 3 September 1992, para. 38; P1792, Order of General Momir Talić for the Closing of the Manjača camp, 15 December 1992; Adjudicated Facts 817, 1065.
[478] Mirzet Karabeg, 5 October 2009, T. 862-863; ST172, 22 January 2010, T. 5361-5362.
[479] P1792, Order of General Momir Talić for the Closing of the Manjača camp, 15 December 1992; Adjudicated Fact 1065.
[480] ST172, 21 January 2010, T. 5261, 5264-5265, 5278; 2D33, Report of the CSCE Rapporteur on his Visit to Banja Luka, 3 September 1992, p. 1; Adjudicated Fact 451.

prison warden and in charge of the guards.[481] The 1st KK Command had the authority to decide on the release and exchange of prisoners.[482]

172. Security in the camp was provided mainly by military police, although the civilian police, starting in June 1992, also guarded the perimeter of the camp.[483] Pursuant to regulations issued by the camp commander, the civilian and military police tasked with securing the external perimeter were not allowed to enter the camp. Only a special intervention patrol unit designated by the chief of the military police was authorised to enter.[484]

c. Transfers of detainees from other municipalities

173. Manjača was one of the major places of detention in the ARK, and it received detainees from other ARK municipalities and detention facilities located therein.[485] On most occasions it was the civilian police who brought in the detainees.[486] Enis Šabanović, for instance, was transferred to Manjača from the detention centre known as the "sports hall" in Sanski Most on 6 June 1992. He was transported in a police truck, which, together with two other trucks, transported about 140 people.[487] Mirzet Karabeg was transferred to Manjača on 28 August 1992 from the Sanski Most SJB, where he was detained.[488]

174. ST172 testified that each prisoner should have been accompanied by at least one official note indicating the details of and the reasons behind his arrest, but many prisoners arrived without such a note. The security organ of the 1st KK discussed this problem with the heads of the SJBs in the areas from where the prisoners were brought. Consequently, the SJBs started sending operatives and inspectors to conduct interviews with the prisoners and generate the missing paper work.[489]

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[481] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5080-5081.
[482] ST172, 22 January 2010, T. 5361; P489, List of Prisoners Under 18 to be Released from Manjača, 10 July 1992; P61.02, Instruction on the Treatment of Prisoners of War Delivered to Manjača, 15 June 1992, p. 2.
[483] ST172, 21 January 2010, T. 5265-5266, 22 January 2010, T. 5332; P61.01, 1st KK Order to Step Up Security Measures in Manjača, 27 July 1992, p. 1; P391, Report from the Sanski Most SJB to the Banja Luka SNB on the Detention Centres in Sanski Most, 18 August 1992, p. 3.
[484] Adil Draganović, P411.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 13 May 2002, T. 5453; ST172, 21 January 2010, T. 5265-5267.
[485] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4951-4952; Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4984; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6164; ST172, 21 January 2010, T. 5259; P480, Report from the Manjača Security Staff to the Command of the 1st KK, 27 June 1992 (confidential); Adjudicated Facts 464, 465, 919.
[486] ST172, 21 January 2010, T. 5259-5260, 5275; SZ007, 6 December 2011, T. 26230-26231 (confidential); P602, Report of the Banja Luka CSB on the Situation of Reception Centres, 18 August 1992, pp. 6-7.
[487] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6486-6488.
[488] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6175, 6182.
[489] ST172, 21 January 2010, T. 5272-5273 (confidential), 5280-5281; P476, List of Detained Persons from Ključ Municipality, 19 June 1992.

These inspectors and operatives conducted their interviews with the prisoners in Manjača without the presence of the army personnel.[490]

175. After prisoners were brought in, they were interrogated by the camp security staff, which took statements and gathered other information. It was then the job of police officers of the SJB who had transferred the prisoners to Manjača to use the material gathered during the interrogations to file criminal reports.[491]

d. Status of detainees

176. On 27 June 1992 there were 1,700 prisoners held in Manjača. On 1 July 1992 the camp's security staff estimated that 95% of the prisoners were Muslims.[492] By 30 August 1992 the number had increased to around 3,640, of which 96.5% were Muslims, 3.4% Croats, and the rest Serbs.[493] According to Draganović, between 1 June and 18 December 1992, 5,434 detainees were detained in the camp.[494] When prisoners arrived at Manjača, some wore civilian clothes and others uniforms.[495] The Trial Chamber has also received evidence that, on the occasion of a visit by Lord Paddy Ashdown, the leader of the British Liberal Democratic Party, invited as international observer by Radovan Karadžić, the authorities had dressed up the detainees in what appeared to be uniforms. The detainees wore those uniforms only on the occasion of that event.[496]

177. There were some members of Muslim or Croatian forces detained at the camp.[497] However, according to one of the camp's interrogators, for the vast majority of detainees there was no evidence or indication that they had been involved in armed rebellion or subversive activities. Others were below 18 or above 60 years of age, and on numerous occasions the camp's security staff requested that the 1st KK command release prisoners below 18 or above 60 years of age who had not committed war crimes and alerted the 1st KK command to the presence of individuals for whom there was no evidence of any involvement in an armed rebellion or in other subversive activities.[498] On 10 July 1992, about 105 Muslims who had not been charged with any crime were

[490] ST172, 21 January 2010, T. 5273-5275, 5276, 5283-5284 (confidential); P478, Dispatch from the Ključ SJB to the Command of the Manjača Prison Camp, 24 June 1992.
[491] ST172, 21 July 2010, T. 5291; P485, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 5 July 1992 (confidential).
[492] P480, Report from the Manjača Security Staff to the Command of the 1st KK, 27 June 1992 (confidential); P482, Report from the Manjača Security Staff to the 1st KK Command, 1 July 1992, p. 1 (confidential).
[493] 2D33, Report of the CSCE Rapporteur on his Visit to Banja Luka, 3 September 1992, pp. 2-3; Adjudicated Fact 453.
[494] Adil Draganović, P411.10, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 22 May 2002, T. 5868-5869.
[495] ST172, 21 January 2010, T. 5320.
[496] ST172, 21 January 2010, T. 5317-5318, 5319; P411.40, Video Showing Paddy Ashdown's Visits to the Manjača, Kula, and Omarska Camps, transcript, p. 1.
[497] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5103.
[498] ST172, 21 January 2010, T. 5282, 5289, 5291, 5293, 5295-5296, 5302-5303 and 22 January 2010, T. 5344-5345, 5386-5387; P477, Daily Report to the 1st KK Command on the Security Situation in Manjača, 22 June 1992, p. 1 (confidential); P482, Report from the Manjača Security Staff to the 1st KK Command, 1 July 1992, p. 1 (confidential);

handed over to the Muslim charity Merhamet. On the same day, Colonel Vukelić signed the release of 23 prisoners who were younger than 18.[499]

178. On 7 August 1992, the security staff of Manjača sent a report to the Security and Intelligence Department of the 1st KK regarding the arrival of a group of prisoners brought from Omarska by the civilian police. The investigating inspector who brought them had informed the camp security that they were "serious extremists." However, the guards who admitted the detainees into the camp found "people who weren't even fit to hold a rifle in their hands, nonetheless to run or to shoot." The guards also reported the presence of people older than 60 years and 15-year-old boys who did not own weapons or who had not participated in any capacity in combat activities.[500] SZ007 testified that many people who were subsequently transferred to Manjača "were not supposed to be there" and that some of the people were brought in with insufficient evidence that they possessed weapons or that they had been involved in armed rebellion.[501] There were four imams and one friar detained in the camp. For one of the imams, there was some information that he had a rifle hidden in a mosque. According to ST172, they were eventually released and handed over to the imam of Banja Luka.[502]

179. Adil Draganović testified that he was transferred from Betonirka in Sanski Most to Manjača with 21 other Muslim detainees. Neither he nor the others had been charged with anything, nor were they involved in fighting against Serb forces. They were taken to Manjača by Drago Vujanić and Zoran Despot, two police officers of the Sanski Most SJB.[503] Mirzet Karabeg testified that his name appeared on a list of alleged "extremists" in the area of Sanski Most. All the other 50 people on the list had been taken with him to Manjača. Karabeg testified that they were all Muslims and Croats, but none of them was an "extremist."[504] Enis Šabanović testified that none of the prisoners from Sanski Most whom he knew was involved in any armed rebellion, as there had been no resistance there, and that there had been not a single shot fired when they were taken from their

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P484, Daily Report to the 1st KK Command on the Security Situation in Manjača, 4 July 1992, p. 1 (confidential); P485, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 5 July 1992 (confidential); P486, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 8 July 1992 (confidential); P487, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 9 July 1992, p. 1 (confidential); P493, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 23 July 1992, p. 1 (confidential).

[499] ST172, 21 January 2010, T. 5297-5298; Adil Draganović, 26 November 2009, T. 3921; P488, Regular Combat Report from the 1st KK Command to the VRS Main Staff, 10 July 1992, p. 1; P489, List of Prisoners Under 18 to be Released from Manjača, 10 July 1992.

[500] P497, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 7 August 1992 (confidential).

[501] SZ007, 6 December 2011, T. 26232-26233 (confidential).

[502] ST172, 22 January 2010, T. 5360.

[503] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 5002-5004 and P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5852-5853.

[504] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6190-6191; P60.12, List of the Most Radical Extremists in the Area of Sanski Most.

houses or at work.[505] At the end of June 1992, Manjača camp was inspected by an official delegation consisting of SDS representatives, military and police officials, and both the "Muslim" Red Cross and the Serbian Red Cross. Omer Filipović, former deputy president of the municipality of Ključ, who was being detained at Manjača, told the delegation that none of the detainees had been captured in combat and described the living conditions at the camp. No other detainee was allowed to speak afterwards, and the delegation left.[506]

e. Conditions in camp

180. The detainees were kept in six large, crowded stables for livestock, where they sat or lay down for most of the day. There were some straw and blankets, but at times some detainees were lying directly on the concrete floor.[507] When the cold season arrived, the camp authorities did not provide them with extra blankets.[508] Up to 890 inmates were kept in a single stable.[509]

181. The prisoners ate in two structures next to the dormitories used as canteens.[510] The food was insufficient.[511] According to Draganović, inmates lost a considerable amount of weight as a consequence.[512] According to ST172, the food shortages were caused by the difficult situation existing at the time, with Banja Luka cut off from the rest of RS and from Serbia, and there was no intention to starve the detainees.[513] The provision of food improved at the end of August 1992, due to the intervention of the ICRC.[514]

182. The camp had no shower or bathing facilities, there was no running water, and it was infested with lice.[515] Once every one or two months, the military brought a water tank from Banja Luka, and the detainees could have a brief, cold shower. To make up for the lack of water, the detainees used polluted water from a nearby lake to drink, cook, and wash themselves.[516] There were also quite a number of people with diabetes, high blood pressure, scabies, and injuries.

[505] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6498-6499.
[506] Adjudicated Fact 1064.
[507] ST172, 21 January 2010, T. 5257-5258, 5262; SZ002, 11 November 2011, T. 25645-25646 (confidential); P472, Drawing of the Manjača Camp, n. 1-6; Adjudicated Fact 920.
[508] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36, 26 April 2002, T. 5106.
[509] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36, 3 June 2002, T. 6509-6510.
[510] ST172, 21 January 2010, T. 5262-5263; P472, Drawing of the Manjača Camp, n. 7-8.
[511] ST172, 22 January 2010, T. 5401-5402; P490, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 16 July 1992, p. 2 (confidential); Adjudicated Fact 455.
[512] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5098-5099.
[513] ST172, 22 January 2010, T. 5345-5347.
[514] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5098-5099; ST172, 22 January 2010, T. 5347, 5349-5350; 2D33, CSCE Rapporteur's Report on his Visit to Banja Luka, 3 September 1992, p. 5, para. 39 and p. 7, para. 37 (confidential).
[515] Adjudicated Facts 454, 921.
[516] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5104-5105.

Medical care was only occasionally provided to some inmates in need, and the medical clinic in the camp, staffed by detainees, suffered a severe shortage of staff, medicines, and supplies.[517]

183. At a meeting on 22 June 1992, General Momir Talić was informed by a representative of a Muslim organisation that civilians were detained in inadequate conditions at Manjača camp and were being ill-treated. The representatives also informed Talić about mass torture, killings, forcible transfer, and other crimes that were being committed against Muslims in the ARK, including Banja Luka. In response, Talić announced that he would send a memorandum to Župljanin to release all non-military persons, because conditions in detention centres under the responsibility of the civilian authorities were worse than in the camps run by the military.[518]

f. Beatings and other abuses

184. From the moment of their arrival at Manjača, detainees were subjected to regular beatings.[519] The perpetrators were both members of the military police who were manning the camp and those who had accompanied the detainees during their transfer from their municipalities of origin.[520] For instance, when Draganović and the other detainees at the end of their transfer from Sanski Most arrived at Manjača, Drago Vujanić ordered them off the bus, and each one of them was immediately beaten with batons and other weapons. Shortly after, they were beaten by the military police.[521] Inside the camp, the military police took valuables from the detainees.[522]

185. Both military and civilian police punched, kicked, and beat detainees in their dormitories, during interrogations, and in the isolation cells, with batons, wooden poles, rifle-butts, and electric cables.[523] In some cases, these beatings were so severe as to result in serious injury or death.[524]

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[517] ST172, 21 January 2010, T. 5276; Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6503, 6506-6510, 6513; 2D33, CSCE Rapporteur's Report on his Visit to Banja Luka, 3 September 1992, para. 8 (confidential); Adjudicated Fact 924.

[518] P459.19, Summary of Meeting Between the Association of Muslim People of Banja Luka and General Talić, 22 June 1992; Adjudicated Fact 1063.

[519] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6489-6491; Predrag Radulović, 26 May 2010, T. 10828-10829; Adjudicated Fact 456.

[520] ST172, 21 January 2010, T. 5300; Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5072-5074; P490, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 16 July 1992 (confidential); P493, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 23 July 1992 (confidential); Adjudicated Fact 457.

[521] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 5004-5005.

[522] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 5008 and P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5068-5069; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6188.

[523] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 5008; Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6523; Adjudicated Fact 458.

[524] Adil Draganović, P411.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 13 May 2002, T. 5453-5454; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6187; P472, Drawing of the Manjača Camp, n. 10-11; Adjudicated Facts 460, 461.

186. Omer Filipović, a prominent Muslim detainee from Ključ, was beaten on a daily basis and died on 28 July 1992 as a result of the severe beatings.[525] One night, on or around 28 June 1992, Esad Bender was called out from the stable where he was held at Manjača camp. Shortly after his return in the morning, Esad Bender died as a result of the beatings inflicted on him during that night. Enis Šabanović was forced to issue a death certificate stating that Bender had died of cancer.[526] Between June and November 1992, at least 10 detainees died inside Manjača camp as a result of beatings or sporadic killings.[527]

187. Aside from the beatings, the guards humiliated the detainees.[528] On one occasion, military policemen ordered the inmates to stand in a circle and raise their hands showing three fingers, after which they had to drop on the ground and say: "I am kissing this Serbian soil. I'm a Serb bastard. This is Serbian land." They also had to sing "Chetnik" songs.[529]

188. Šabanović testified that Colonel Božidar Popović, the camp commander, was quartered at the camp and stayed there at night. According to Adil Draganović, Popović knew of the beatings since the window in his room faced the stables where they were held and often beaten.[530]

g. Charged murder incidents

189. On 7 July 1992, police officers from the Sanski Most SJB transferred about 560 prisoners from Sanski Most to Manjača. The prisoners were locked into refrigerator trucks. About 64 of these prisoners were detained at the Betonirka prison in Sanski Most. The detainees in Betonirka were Croats and Muslims. According to SZ007, prisoners were often transported in trucks with rubber covers that did not allow enough airflow. He characterised these transports as "not entirely done in a humane way." When the truck with the Betonirka prisoners arrived at Manjača, it was discovered that about 20 persons inside the truck had suffocated. According to ST172, the prisoners had travelled "packed like sardines", and some of the victims were old or not in good health.[531] The

[525] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6518-6520; Adjudicated Fact 462.
[526] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6521; Adjudicated Fact 463.
[527] Adjudicated Facts 461, 925.
[528] Adil Draganović, P411.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 13 May 2002, T. 5450-5452.
[529] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5070-5071.
[530] Adil Draganović, P411.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 26 April 2002, T. 5081-5083; Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 June 2002, T. 6569-6570; P472, Drawing of the Manjača Camp, n. 18.
[531] Adil Draganović, P411.06, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 14 May 2002, T. 5551-5552; Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 June 2002, T. 6540-6542; Adil Draganović, 1 December 2009, T. 4008; ST172, 21 January 2010, T. 5293-5294; SZ007, 7 December 2011, T. 26280-26284, 26287 (confidential); P486, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 8 July 1992, pp. 1-2 (confidential); P487, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 9 July 1992, p. 1 (confidential); P411.32, Official Note by Adil Draganović, 2 June 2000; Adjudicated Facts 465, 466, 467, 468, 486. With regard to the ethnicity of the detainees in Betonirka in July 1992. See also Sanski Most section.

Trial Chamber has analysed the forensic evidence adduced in relation to this incident and was unable to identify any of the 30 persons named in the Prosecution's Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II to this Judgement.

190. In 2000, Adil Draganović found a document indicating that an investigation into these deaths had been initiated. The Sanski Most court and the police had requested the examination of the victims of this incident, and it was determined that they had died of asphyxia. The evidence neither shows in which period this investigation was initiated, nor if further steps were taken by the authorities with regard to these deaths.[532] In Annex II of to this Judgement, the Trial Chamber has determined that it will not rely on this document.

191. In the morning of 6 August 1992, civilian police escorted about 1,300 prisoners in about 15 buses from Omarska camp to Manjača.[533] Muharem Murselović, a Muslim from Prijedor, was among the people transported in the buses.[534] He testified that there were 80 or 90 persons in the bus with him and that the police ordered them to lie on the floor, in two layers, one on top of the other. According to Murselović, the bus was to pass through Banja Luka, and the police wanted to make it look empty.[535] Police officers walked on the back of the detainees from one end of the bus to the other, uttering sentences such as: "These balija guys really stink like hell." People had no other choice than to relieve themselves in the bus.[536] It was also very hot, and the police did not allow the windows to be opened. The prisoners were not given any water. Murselović testified that it was an "inferno" and that they were all melting away in the heat and in the stench. His bus had left Omarska at 10:00 a.m. and arrived in Manjača around 8:00 or 9:00 p.m.[537] Once at Manjača, the prisoners were left in the bus with closed doors until about 6:00 a.m. on the following day, when they were let out.[538]

192. In the night between 6 and 7 August 1992, while the prisoners were in the bus, the police escort, together with other unspecified people, were stationed outside of the buses. The police took an old man called Dedo Crnalić out of the bus, stating they would make *ćevapčići*, a typical meat dish from the region, out of him. They beat him hard and then put him back on the bus. Crnalić was dead the following morning.[539] The Prijedor police officers beat other men on the buses, and the

[532] Adil Draganović, 26 November 2009, T. 3919-3920; P411.32, Official Note by Adil Draganović Containing a List of Persons Deceased While Transported to Manjača, 2 June 2000.
[533] Muharem Murselović, 11 October 2010, T. 15717-15718, 15720-15722; Adjudicated Fact 469.
[534] Muharem Murselović, 11 October 2010, T. 15710-15711, 15720.
[535] Muharem Murselović, 11 October 2010, T. 15720-15721.
[536] Muharem Murselović, 11 October 2010, T. 15721.
[537] Muharem Murselović, 11 October 2010, T. 15722-15724.
[538] Muharem Murselović, 11 October 2010, T. 15724.
[539] Muharem Murselović, 11 October 2010, T. 15725-15726.

following morning there were eight bodies lying in front of the vehicles. Murselović learned that among the dead were Nezir Krak and Sead Babić.[540]

193. The Prosecution has submitted forensic evidence in relation to these alleged killings. Nihad Bašić, a Muslim man from Čarakovo, Prijedor, died on 6 August 1992 in Manjača. The body in civilian clothes was exhumed in Novo Grobije, Banja Luka Municipality. The cause of death was determined to be bilateral multiple serial fractures of the ribs.[541] Sead Babić, a Muslim from Prijedor, died on 9 August 1992 in Manjača.[542] According to the death certificate of Adem Balić, a Muslim from Kozarac, Prijedor Municipality, he died on 27 May 1992 in Kozarac. According to the autopsy report, his body in civilian clothes was exhumed from the Tomašica mass grave. The cause of death was determined to be multiple penetrating wounds.[543] According to exhumation records, the body of Dedo Crnalić, a man from Prijedor, was exhumed from an individual grave site in Novo Groblje, Banja Luka Municipality. The body was in civilian clothes. According to the same record, he was killed at the Manjača Camp in 1992. The cause of his death was determined to be multiple serial fractures of the ribs on both sides, and it was a "clear case" of a violent lethal injury "due to" the inability to breathe; the injuries were caused by multiple blows with a hard blunt instrument.[544] According to the exhumation records, the body of Samir Džafić, a man from Prijedor, was exhumed from an individual grave site in Novo Groblje, Banja Luka municipality. The body was in civilian clothes. According to the same record, he had been killed at Manjača camp in 1992. His death was determined to have been violent and a consequence of multiple injuries to the ribs from a number of blows with a hard and blunt instrument.[545] According to the BiH State Commission for Tracing Missing Persons, Osman Denić, a man from Kozarac, Prijedor Municipality, disappeared on 1 June 1992 and his body was exhumed in Novo Groblje, Banja Luka Municipality.[546] According to the autopsy report, Medin Hadžiahmetović, a man from Sanski Most, disappeared in 1992 in Podlug, municipality of Sanski Most, and his body was exhumed at the Banja Luka Stričići–Manjača locality. The body was found in civilian clothes and military boots. He was violently killed

[540] Muharem Murselović, 11 October 2010, T. 15727-15728; P497, Daily Report to the Security and Intelligence Departments of the 1st KK Command, 7 August 1992, p. 1 (confidential); P506, Official Note on the Violent Behaviour of Prijedor SJB Employees Towards Prisoners During their Transfer from Omarska to Manjača on 6 August 1992, 10 August 1992, pp. 1-2 (confidential); Adjudicated Fact 470.
[541] P2466, Proof of Death Database (CHS), "ordinal number" 181, Autopsy Report (confidential); "ordinal number" 182.1, Death Certificate of Nihad Bašić (confidential).
[542] P2466, Proof of Death Database (CHS), "ordinal number" 185.1, Death Certificate of Said Babić (confidential). The Trial Chamber notes that the Prosecution's Final Victims List indicates that this individual's name is "Sead AKA 'Sejo' AKA 'Đuzin' AKA 'Said'". Therefore, the Trial Chamber considers that this document refers to the same person as in Murselović's testimony.
[543] P2466, Proof of Death Database (CHS), "ordinal number" 191.1, Death Certificate of Adem Balić (confidential); "ordinal number" 191.2, Autopsy Report (confidential).
[544] P2466, Proof of Death Database (CHS), "ordinal number" 197, Court Record of Exhumation (confidential).
[545] P2466, Proof of Death Database (CHS), "ordinal number" 208, Court Record of Exhumation (confidential).
[546] P2466, Proof of Death Database (CHS), "ordinal number" 211, BiH State Commission for Tracing Missing Persons (confidential).

and died of an entry-exit wound to the head.[547] According to exhumation records, Kemal Jakupović, a man from Kevljani, Prijedor Municipality, whose body was exhumed from an individual grave site in Novo Groblje locality, Banja Luka Municipality, was killed at the Manjača camp in 1992. His body was found in civilian clothes. The death was caused by lethal penetrating wounds to the thoracic cavity.[548] According to exhumation records and an identification report, Nezir Krak, a man from Prijedor whose body was exhumed from an individual grave site in Novo Groblje locality, Banja Luka Municipality, was killed at the Manjača camp in 1992. His body was found in civilian clothes. The death was caused by a penetrating wound to the head, according to the autopsy report.[549] According to the BiH State Commission for Tracing Missing Persons, Zvonko Tokmadžić, a man from Kalajevo, Prijedor Municipality, disappeared from D. Ljubja, Prijedor Municipality, on 1 June 1992 and his body was exhumed from Novo Groblje locality, in the municipality of Banja Luka.[550] The Prosecution also alleges that Jasmin Alšić, Nihad Avdić, Meho Balić, and Deda Cerić were killed in front of the Manjača camp, but no evidence was adduced as to their place of death or the cause.

h. Attempted visit to Manjača by Tadeusz Mazowiecki and journalists in August 1992

194. On 23 August 1992, Colonel Vukelić of the 1st KK reported that Tadeusz Mazowiecki, Special Rapporteur of the United Nations Commission on Human Rights,[551] had attempted to visit and inspect the conditions of the Manjača camp. Banja Luka municipal authorities were present. Mazowiecki and the journalists accompanying him were denied access on the pretext that they lacked the required government authorisation. However, Vukelić specified in his report that the real reason for the denial was that he acted pursuant to a confidential order issued earlier on the same day. The report was sent to the RS Government, to the VRS Main Staff, and to the forward command post of the 1st KK.[552]

[547] P2466, Proof of Death Database (CHS), "ordinal number" 216.1, Autopsy Report (confidential).
[548] P2466, Proof of Death Database (CHS), "ordinal number" 222, Identification Report of Kemal Jakupović (confidential); P2466, Proof of Death Database (CHS), "ordinal number" 220, BiH State Commission for Tracing Missing Persons (confidential).
[549] P2466, Proof of Death Database (CHS), "ordinal number" 227, Identification Report of Nezir Krak (confidential); "ordinal number" 228, Autopsy Report (confidential).
[550] P2466, Proof of Death Database (CHS), "ordinal number" 231, BiH State Commission for Tracing Missing Persons (confidential).
[551] P1992, Report on the Situation of Human Rights in the Territory of the former Yugoslavia submitted by Tadeusz Mazowiecki, 27 October 1992 ("Mazowiecki October Report"), p. 1.
[552] ST183, P1295.04, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 11 March 2003, T. 15529-15530 (confidential); 1D87, 1st KK Report on the Attempted Visit of Tadeusz Mazowiecki at the Manjača Camp, 23 August 1992.

(h) Deportation and forcible transfer from Banja Luka

195. Muharem Krzić testified that on 27 August 1992 the television station in Banja Luka aired an interview with local SDS leaders Brđanin, General Subotić, and another man named Milovanović. According to notes taken by Krzić, which were sent to the BiH mission to the UN on 28 August 1992, the SDS leaders had stated that Muslims and Croats had to leave not only their work places but Banja Luka itself, and that only 1,000 or 2,000 Muslims loyal to the Serbian government could remain; that all businesses owned by Muslims and Croats would be seised and placed at the disposal of Serbs returning from the front; and that Muslims and Croats would shortly be banned from travelling around the city.[553]

196. As a consequence of the campaign of violence to which they were subjected, Muslims and Croats lived in fear and insecurity. People had seen buses full of prisoners from Prijedor travelling to Manjača, and rumours about atrocities committed against civilians in the camp had spread among the citizens of Banja Luka. As a consequence, many non-Serbs sought to leave the municipality.[554] It was necessary for people fleeing the municipality to use resettlement agencies that organised buses to Travnik and Croatia.[555]

197. A person who wanted to leave had first to notify the police and to state where he or she was planning to go; then it was necessary to obtain various certificates showing that he or she had paid bills, was not in debt, and was not subject to criminal proceedings.[556] The process also required payments to various municipal organs and the resettlement agency.[557] In order to obtain the "resettlement documents" and leave the municipality, Muslims and Croats were also required to sign over all movable and immovable property to the RS.[558] There were strict limitations on the property that could be taken away; people leaving could not take more than 200 or 300 DM with

[553] P459.20, Letter from Muharem Krzić to the BiH Embassy at the UN, 28 August 1992.
[554] Ian Traynor, P1356.02, Witness Statement, 8 March 2000, pp. 7-8; Muharem Krzić, P459.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 4 February 2002, T. 1454 and P459.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 14 February 2002, T. 1752-1753; Amir Džonlić, P2288, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 February 2002, T. 2401; ST183, P1295.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 10 March 2003, T. 15497-15498 (confidential); ST139, P1284.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 30 June 2003, T. 18487 (confidential); ST225, 10 November 2010, T. 17219, 17236-17238 (confidential); P2229, pp. 1, 4 (confidential).
[555] Ian Traynor, P1356.02, Witness Statement, 8 March 2000, p. 9; Amir Džonlić, P2288, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 February 2002, T. 2397; ST223, P1744.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 April 2002, T. 4436-4437 (confidential); ST223, 2 December 2010, T. 18020-18021; P1356.11, Article by Ian Traynor on the Situation in Banja Luka, 30 September 1992.
[556] Amir Džonlić, P2288, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 February 2002, T. 2398-2399; ST223, 2 December 2010, T. 18021.
[557] Amir Džonlić, P2288, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 February 2002, T. 2400-2401; ST223, 2 December 2010, T. 18021-18022.
[558] ST223, 2 December 2010, T. 18022; L329, Official Gazette of the ARK Crisis Staff, 23 June 1992, p. 13, para. 45.

them.[559] The buses that drove Muslim and Croats out of Banja Luka were escorted by the police.[560] According to ST223, Serb policemen conducted searches of the buses and took all the valuables.[561]

198. On 1 June 1992, Colonel Vukelić reported to the 1st KK command that a portion of the Muslim and Croatian population was moving out and that the ARK had issued a decision to facilitate such departures. Vukelić also wrote that "those departing will not be allowed to return".[562]

199. Džonlić testified that hundreds of non-Serbs were leaving in the buses organised by the resettlement agencies every week.[563] By 11 September 1992, it was estimated that about 30% of the Muslims in Banja Luka had left, and the exodus was still ongoing.[564]

### 3. Factual Findings

200. The Trial Chamber has examined the evidence on the 3 April 1992 blockade of Banja Luka by the SOS in light of the events that unfolded the day before the blockade and in the days that followed. First, it has considered that both the civilian and military authorities were informed on 2 April 1992 of the SOS's intention to blockade the city on the following day, but took no action to prevent it. Second, it has learned that, according to multiple sources, the SOS had close links with the SDS and that the actions of the former were aimed at carrying out the political agenda of the latter. Third, the Chamber also heard evidence that the Serb municipal authorities implemented the demands of the SOS by immediately forming a Crisis Staff, which thereafter implemented the other demands of the SOS. Among the members of the Crisis Staff were Predrag Radić and Stojan Župljanin. Fourth, the SOS was escorting municipal and regional SDS top leaders such as Vojislav Kupreš anin and Radoslav Brđanin around Banja Luka. Finally, the Chamber has considered that the SOS demands coincided with those demands that the SDS leadership in Pale, namely Biljana Plavšić, Momčilo Krajišnik, and Radovan Karadžić, had instructed to be implemented. On this basis, the Trial Chamber finds that the 3 April 1992 blockade of Banja Luka was orchestrated by high-ranking members of the SDS, who used the SOS as a tool to implement their political agenda. It also finds that the Banja Luka civilian police did not take action against the blockade. The Trial Chamber also finds that, starting in May 1992, the police carried out an operation for the confiscation of weapons that almost exclusively targeted citizens of Muslim and Croatian ethnicity.

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[559] ST225, 10 November 2010, T. 17239-17243 (confidential); ST223, 2 December 2010, T. 18022-18023.
[560] ST223, 2 December 2010, T. 18022; P1712, Request for a Police Escort for a Convoy from Banja Luka to Galica, 1 October 1992.
[561] ST223, 2 December 2010, T. 18022-18023.
[562] P411.29, Report to the 1st KK Command, 1 June 1992, p. 1.
[563] Amir Džonlić, P2288, *Prosecutor v. Brđanin*, Case No. IT-99-36-T, 27 February 2002, T. 2401.
[564] P2229, p. 4 (confidential).

201. *Arrests and treatment of the prisoners.* The Trial Chamber finds that, after 3 April 1992, members of the Serb group driving in a red van, and also from May 1992 members of Banja Luka CSB Special Police Detachment, rounded up non-Serbs on the streets, searched a large number of houses, mistreated their occupants, looted their property, carried out arbitrary arrests, and took Muslim and Croat citizens to the Banja Luka CSB, where CSB and SNB inspectors interrogated them. Based on the evidence of Predrag Radulović, ST174, and ST223, the Trial Chamber finds that at least some of those associated with the red van were members of the police. Based on the evidence of Krzić, ST223, ST225, and ST027, the Trial Chamber finds that members of the Special Police Detachment—as well as the persons conducting the interrogations—frequently beat the people brought in for questioning. Some of these beatings caused severe bodily harm. Muslims and Croats brought to the CSB were also openly beaten and humiliated upon arrival by people present in the building's corridors. The victims of these searches, arrests, and beatings were mainly of Muslim and Croatian ethnicity.

202. The Trial Chamber finds that Serb civilian police from Prijedor, Sanski Most, Ključ, and other ARK municipalities transported thousands of detainees, mainly of Muslim and Croatian ethnicity, to the detention camp known as "Manjača", starting in mid-May 1992 until about November or December of the same year. Once in the camp, which was under the authority of the 1st KK, the detainees were guarded by the 1st KK's military police. Civilian policemen from Sanski Most and other ARK municipalities provided security to the camp's external perimeter. More than 95% of the inmates were Muslims, 3–4% Croats, and a small number were Serbs.

203. The Trial Chamber finds that the camp's authorities did not provide the detainees with sufficient food, and as a consequence the detainees lost a significant amount of weight. The blankets provided to the detainees were insufficient during the winter; additional blankets were eventually provided due to the intervention of humanitarian organisations. The detainees were kept in unsanitary conditions and were not provided with sufficient medical care. Already in June 1992, General Momir Talić had been informed of these problems.

204. The military police, but also civilian police from Ključ and Prijedor, humiliated and beat the inmates regularly and severely and caused them great suffering. During some of the beatings, the perpetrators used ethnic slurs. Some inmates died as a consequence of the beatings. The actions of the military and civilian police created a climate of extreme fear in the camp. The camp's warden, Božidar Popović, was aware of the conditions and the mistreatments. The military police took valuables from the inmates in Manjača. Based on the ethnicity of the inmates in Manjača, the Trial Chamber is satisfied that the vast majority of the valuables were taken from Muslims and Croats.

205. *Killings*. The Trial Chamber finds that on 7 July 1992 police officers from the Sanski Most SJB transported a large number of detainees from Betonirka in Sanski Most to Manjača. The Trial Chamber recalls that, in June 1992, only Muslims and Croats were detained in Betonirka. They were transported in harsh conditions in locked trucks. Some of the prisoners were already weak or infirm, and about 20 of them died of asphyxia during the transport. In Annex II of the Judgement, the Trial Chamber was unable to identify any of the 20 victims.

206. The Trial Chamber finds that, in the night between 6 and 7 August 1992, in front of Manjača camp's entrance, civilian policemen from Prijedor beat an old man named Dedo Crnalić to death. The Trial Chamber has received evidence that the Prijedor police beat other detainees on the buses during that night and that on the following morning there were eight bodies lying in front of the buses. In light of this evidence, and considering the date and cause of death of Samir Džafić and Nihad Bašić, the Trial Chamber finds that the police beat them to death. Finally, the Trial Chamber finds that the other five detainees also died during that night as a consequence of the beatings inflicted by the police or as a consequence of the harsh conditions in which they were transported to Manjača by the same policemen. The Trial Chamber was unable to identify the identity of these five men.

207. All of the approximately 28 victims of these two incidents were either civilians or persons *hors de combat* at the time they were killed.

208. *Forcible transfer and deportation*. The Trial Chamber finds that, shortly after the SOS blockaded Banja Luka on 3 April 1992, the municipal Crisis Staff ordered the *en masse* dismissal of non-Serbs from their jobs, including positions in the police and in the army, and as a consequence many lost their accommodation and health insurance. With regard to dismissals of non-Serbs from the police, however, the Trial Chamber finds that policemen of Muslim and Croatian ethnicity were given, at least until 22 June 1992, the choice to remain in the force, and that some decided to stay. However, it also finds that on 22 June 1992 the ARK Crisis Staff explicitly ordered that only personnel of Serb ethnicity could occupy executive posts in the RS MUP, and that Župljanin sent up a follow-up order to all the ARK SJBs. There is conflicting evidence on how many non-Serbs who had signed the solemn declaration remained after this decision and throughout 1992. Based on witnesses Džonlić, ST174, and Predrag Radulović, and considering the credibility issues of SZ002 on this point, the Trial Chamber finds that very few non-Serbs remained. However, the Trial Chamber is unable to conclude whether the others left voluntarily, or whether they were fired or otherwise coerced into leaving.

209. After 3 April 1992, the SOS, the Banja Luka CSB Special Police Detachment (after its creation in May 1992), and a group of Serb men in a red van who were feared by many in Banja

Luka, began carrying out attacks against Muslim and Croatian persons and property. The Trial Chamber is satisfied that at least two of the persons in the red van's crew were Serb police officers.

210. Muslims and Croats were picked up on the street by the crew travelling in the red van and beaten. Their homes were searched by the Special Police Detachment, and many Muslims and Croats were arrested, interrogated, and brutally beaten or mistreated by the very people who were supposed to protect them. Serb media broadcast interviews with Serb civilian and military leaders who made threatening statements against Muslim and Croats and exhorted them to leave the municipality. As a consequence of this campaign of violence and threats, the Muslims and Croatian population of Banja Luka lived in constant fear and insecurity and wanted to leave the municipality.

211. In order to leave, it was necessary to use the resettlement agencies set up by the ARK Crisis Staff. These agencies organised buses to Travnik or Croatia. To be allowed to leave, Muslims and Croats had to pay the resettlement agency, to relinquish all their movable and immovable property to RS, and could not take more than 200 or 300 DM with them. The buses were escorted by the civilian police. Based on the testimony of ST223, the Trial Chamber finds that the policemen took valuables from the passengers of the buses. Based on the demographic data for the municipality of Banja Luka, reviewed at the outset of this chapter, on the testimony of Džonlić, and on exhibit P2999, the Trial Chamber finds that hundreds Muslims and Croats left with these buses every week and that by September 1992 thousands had left the municipality.

### 4. Legal Findings

212. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Banja Luka and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in hostilities.

213. The Trial Chamber finds that the widespread campaign of violence, arrests, mistreatments, and dismissals from employment, examined above, constituted a large scale attack against the civilian population, identified as the Muslims and Croats of Banja Luka. In light of the number of people affected by the campaign of violence and the role played jointly by the civilian and military authorities, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. The Trial Chamber is also satisfied that the specific acts and omissions of the SOS, the Banja Luka CSB Special Police Detachment, the crew moving around in the red van, and Serb civilian and military police described above in the factual findings section were part of this attack. Finally, in light of the large scale of the attack, which affected in multiple ways the

life of Muslims and Croats in Banja Luka, the Trial Chamber finds that the perpetrators knew that an attack was ongoing in Banja Luka and that their acts were part of it.

214. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

215. *Counts 2, 3, and 4.* With regard to the death of about 20 prisoners on 7 July 1992, the Trial Chamber finds that Sanski Most police officers intended to inflict serious bodily harm upon these detainees, some of whom were weak or infirm, by transporting them "packed like sardines" within locked refrigerator trucks and with insufficient airflow in the summer. In addition, the police officers knew or should have known that this way of transporting the detainees could result in their death. Nevertheless, they accepted the risk. On this basis, the Trial Chamber finds that the death of the about 20 prisoners constituted murder.

216. The Trial Chamber finds that, by beating Dedo Crnalić, who was an elderly man, Nihad Bašić, and Samir Džafić in the night between 6 and 7 August 1992 with blunt objects or other tools which caused them several fractures, members of the Prijedor civilian police intended to inflict them serious bodily harm. The police officers knew or should have known that with their actions they could have caused the victims' deaths. Nevertheless, they accepted this risk. On this basis, the Trial Chamber finds that the deaths of Dedo Crnalić, Nihad Bašić, and Samir Džafić constituted murder.

217. With regard to the other five persons killed during the night between 6 and 7 August 1992, the Trial Chamber finds that they died as a consequence of the very harsh conditions under which they were transported by the Prijedor police or as a consequence of beatings received in the course of their transportation to and arrival at Manjača. In both instances, the police officers intended to cause the detainees serious bodily harm and knew or should have known that with their actions they could cause the victims' deaths. Nevertheless, they accepted this risk. On this basis, the Trial Chamber finds that the deaths of these six men constituted murder.

218. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that on 7 July 1992 and in the night between 6 and 7 August 1992 the Sanski Most and Prijedor policemen, respectively, committed murder, both as a crime against humanity and as a violation of the laws or customs of war.

219. With regard to the 7 July 1992 murder of 20 prisoners, the Trial Chamber, having taken into account the circumstances of this incident, finds that the number of killings is sufficiently large so as to satisfy the requirements of extermination. Therefore, and recalling that the general

requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, the perpetrators committed extermination, as a crime against humanity. In relation to the eight murders perpetrated by the Prijedor police between 6 and 7 August 1992, the Chamber is not satisfied that the number of victims is sufficiently large so as to satisfy the requirements of extermination as a crime against humanity.

220. *Counts 5, 6, 7, and 8.* The Trial Chamber finds that the assaults carried out by Serb civilian and military police against the Muslim and Croatian detainees, both during the arrests and in the detention centres, caused them great physical and psychological suffering and long term consequences to their health and that the assaults were carried out as a form of intimidation and discrimination. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that Serb civilian and military police committed torture against the Muslim and Croat detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that the same conduct of Serb civilian and military police also constituted other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

221. *Counts 9 and 10.* The Trial Chamber finds that Serb Forces—through the arrest campaign, the large scale dismissal from jobs, and the looting carried out after 3 April 1992 and throughout the rest of the year—removed Muslims and Croats from Banja Luka, where they were lawfully present, by expulsion or other coercive or intimidating acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, causing the victims to suffer serious mental harm. Victims were also removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that, between April and at least September 1992, Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim and Croatian population of Banja Luka.

222. *Count 1.* With regard to the arrests of Muslims and Croats in Banja Luka and their detention at the Banja Luka CSB, the Trial Chamber has considered the evidence that the Special Police Detachment arrested large numbers of Muslims and Croats after unauthorised and arbitrary

searches. Others were brought in by the group moving around in the red van, at least two of whom were members of the police. It has also considered the evidence of ST223 that he was summoned to the police station without a reason, interrogated, and beaten heavily and that such beatings at the police station were a common practice. In addition, ST027 was searched for weapons and arrested, even though no weapon was found, and later humiliated and beaten at the CSB together with other non-Serbs. Finally, the Trial Chamber recalls the evidence that shortly after 15 April 1992 the Banja Luka police attempted to arrest a Muslim officer who had refused to sign an oath of loyalty to the Serbian Republic. On this basis, the Trial Chamber finds that Serb police unlawfully arrested and detained Muslims and Croats at the CSB Banja Luka without legitimate grounds and on a discriminatory basis.

223. With regard to the detention of thousands of Muslims and Croats in Manjača between mid-May and mid-December 1992, the Trial Chamber has considered that many prisoners were brought to Manjača without any accompanying documentation explaining the reasons for their arrest. On several occasions, military interrogators at the camp pointed out to their superiors that for the vast majority of detainees there was no evidence or indication that they had been involved in armed rebellion or subversive activities. This evidence is corroborated by the evidence of SZ007, Draganović, Karabeg, and Šabanović. The Trial Chamber has also considered evidence that people who were too sick, too weak, or just too young to take any part in combat activities were nevertheless brought to Manjača by the civilian police. On this basis, the Trial Chamber finds that Serb civilian and military police unlawfully transferred and detained Muslims and Croats at Manjača camp without legitimate grounds and on a discriminatory basis.

224. The Trial Chamber finds that Commander Popović of the 1st KK established inhumane living conditions in Manjača. It further finds that the military police of the 1st KK, by taking valuables from Muslims and Croatian inmates, committed plunder of property.

225. The Trial Chamber finds that, by limiting to 200 or 300 DM the amount of money that Muslims and Croats fleeing Banja Luka could take with them and by obliging them to relinquish all their movable and immovable property to RS, the ARK and Banja Luka municipal authorities committed appropriation of property. Moreover, Serb civilian police in Banja Luka committed plunder of property by seizing valuables from Muslims and Croats who were being removed from the municipality on buses.

226. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, 5, 6, 7, 8, 9, and 10—as well as the unlawful detentions, the establishment and perpetuation of inhumane living conditions in Manjača, and the plunder of property—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and treaty law. They were

also discriminatory in fact, as they selectively and systematically targeted Muslims and Croats. On the basis of the pattern of conduct—statements made by Serb politicians and broadcast on TV, the measures taken by the Crisis Staff after the takeover on 3 April 1992, and the ethnic slurs uttered against detainees—, the Trial Chamber finds that Serb municipal authorities, members of the Banja Luka CSB Special Police Detachment, the civilian police, and the military police of the 1st KK carried out these actions with the intent to discriminate against Muslims and Croats because of their ethnicity.

227. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of Banja Luka.

228. *Conclusion.* The Trial Chamber finds that from 3 April 1992 until December 1992 Serb Forces committed the crimes charged under counts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of the Indictment in the municipality of Banja Luka.

## B. Donji Vakuf

### 1. Charges in Indictment

229. The Indictment charges Mićo Stanišić and Stojan Župljanin with crimes allegedly committed in the municipality of Donji Vakuf at the times and locations specified below.

230. Under count 1, the Accused are charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4; (b) torture, cruel treatment, and inhumane acts committed in the SJB building, TO warehouse, Vrbas Promet factory, and "The House" opposite the SJB building between mid-June and mid-September 1992, including instances where detainees witnessed the beatings and deaths of other inmates; (c) unlawful detention in the SJB building, TO warehouse, Vrbas Promet factory, and "The House" opposite the SJB building between mid-June and mid-September 1992; (d) the establishment and perpetuation of inhumane living conditions in the SJB building, TO warehouse, Vrbas Promet factory, and "The House" opposite the SJB building between mid-June and mid-September 1992; (e) forcible transfer and deportation; (f) the appropriation or plunder of property during and after attacks on the non-Serb parts of the town of Donji Vakuf, Prusac, Doganovci, and Torlakovac at least between May and September 1992, in detention facilities, and in the course of deportations or forcible transfers; (g) wanton destruction of the non-Serb parts of the town of Donji Vakuf, Prusac, Doganovci, and Torlakovac at least between May and September 1992, including the destruction of Sokolina mesdžid, Šeherdžik mosque, and Prusac's three mosques at least

between July and September 1992, and the looting of residential and commercial property in the non-Serb parts of the town of Donji Vakuf, Prusac, Doganovci, and Torlakovac at least between May and September 1992; (h) the imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and Bosnian Croats beginning shortly after the takeover of Donji Vakuf in May 1992. All the underlying acts of persecution were allegedly committed by Serb Forces against Bosnian Muslims and Bosnian Croats.[565]

231. Under counts 2, 3, and 4, the Accused are charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, for the killing, by Serb Forces, between mid-June and mid-September 1992, of (a) a number of men who died as a result of beatings at Vrbas Promet factory and (b) a number of men who died as a result of beatings at the TO warehouse.[566]

232. Under counts 5, 6, 7, and 8, the Accused are charged with (a) torture, both as a crime against humanity and a violation of the laws or customs or war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, inflicted by Serb Forces between mid-June and mid-September 1992 on the non-Serb population at the SJB building, the TO warehouse, Vrbas Promet factory, and "The House" opposite the SJB building, including instances where detainees witnessed the beatings and deaths of other inmates.[567]

233. Under counts 9 and 10, the Accused are charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Donji Vakuf beginning in May 1992.[568]

### 2. Analysis of Evidence

#### (a) Background

234. The municipality of Donji Vakuf is located in central BiH. It is bordered to the west by the municipalities of Šipovo and Kupres; to the east by the municipality of Travnik; to the north by the municipality of Jajce; and to the south by the municipality of Bugojno.[569] The municipality of Donji Vakuf was predominantly Muslim.[570] In 1991, the ethnic composition of Donji Vakuf municipality was 13,509 (55%) Muslims, 9,533 (39%) Serbs, 682 (3%) Croats, 593 Yugoslavs, and 227 persons

[565] Indictment, paras 24-28, Schedules B n. 2, C n. 2, D n. 2, E n. 1, F n. 1, G n. 1.
[566] Indictment, paras 29-31, Schedule B n. 2.
[567] Indictment, paras 32-36, Schedule D n. 2.
[568] Indictment, paras 37-41, Schedules F n. 1, G n. 1.
[569] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[570] Adjudicated Fact 570; P2433, Ethnic Composition Data Map of Donji Vakuf, 22 January 2010.

of other or unknown ethnicity.[571] In November 1993, the Donji Vakuf SJB reported that Donji Vakuf's population consisted of 11,403 Serbs, 45 Muslims, 25 Croats, and 18 Yugoslavs.[572] The Prosecution's Demographic Unit estimates provide that in 1995 Donji Vakuf had 8,884 (98.7%) Serbs, 81 (0.9%) Muslims, and 32 (0.4%) Croats.[573] In 1997, approximately 1,915 individuals of Muslim ethnicity and 505 persons of Croat ethnicity who had resided in the municipality of Donji Vakuf in 1991 were displaced persons or refugees in 1997.[574]

(b) Takeover of Donji Vakuf

235. The local commander of the police station, a Serb, began preparing for a separate Serb SJB towards January 1992 and contacted the Banja Luka CSB at the end of February 1992. The latter offered support and possible financial aid to the leader of this project.[575]

236. On 15 February 1992, the Serbian Municipal Assembly, chaired by Nedeljko Ninković, President of the Municipal Board of the SDS, established the Serbian Municipality of Donji Vakuf and decided that it would join the ARK. At this session, Nikica Zagorac was elected president of the newly formed Serbian Municipality of Donji Vakuf.[576]

237. In April 1992, a Bosnian Serb armed formation called the "White Eagles" arrived in Donji Vakuf.[577] The population was requested to hand in weapons.[578] On 14 April 1992, the Serbian Municipal Assembly of Donji Vakuf decided to establish a Serb SJB and decided that all paramilitary formations should be disarmed and placed under the single command of the JNA.[579] The Trial Chamber has no evidence as to whether this was affected.

238. According to an SJB report, the Serb and the Muslim leadership in Donji Vakuf had agreed to divide the resources of the SJB between them.[580] On 10 April 1992, all Serb police, about 39% of the police force, signed solemn declarations to the Serb SJB.[581] The Serb SJB of Donji Vakuf was set up on 17 April 1992 and took control of the entire town the same day. Rajko Kisin was

[571] Adjudicated Fact 1149.
[572] P1929, Report of SJB and Speech, 21 November 1993, p. 2.
[573] P1626, Summary of the Results of Ethnic Composition Prepared for the *Stanišić & Župljanin* Case, 30 September 2010, p. 2.
[574] P1627, Tabeau *et al*. Expert Report, pp. 102, 106.
[575] Adjudicated Fact 1150; P1799, Letter from Srbobran SJB to the Banja Luka CSB Regarding Formation of Serb SJB in Donji Vakuf, 4 October 1993, p. 1.
[576] P1923, Minutes of the Serbian Municipal Assembly of Donji Vakuf, 15 February 1992; P1834, Decision on the Establishment of the Serbian Municipality of Donji Vakuf, 15 February 1992.
[577] Adjudicated Fact 571.
[578] Adjudicated Fact 572.
[579] P1924, Minutes of the Second Session of the Serbian Municipality of Donji Vakuf, 14 April 1992, pp. 5-6.
[580] Adjudicated Fact 1151; P1929, Report of SJB and Speech, 21 November 1993, p. 2; P1799, Letter from SJB Srbobran to the CSB Banja Luka Regarding Formation of Serb SJB in Donji Vakuf, 4 October 1993, p. 1.
[581] P1799, Letter from SJB Srbobran to the CSB Banja Luka Regarding Formation of Serb SJB in Donji Vakuf, 4 October 1993, p. 1.

appointed SJB chief, Jovo Šatara was appointed SJB commander, and Zoran Ilić was appointed deputy commander.[582]

239. On 6 May 1992, a general Serb mobilisation was declared, and Muslims were requested to lay down their arms. The following day, the Serb flag was hoisted on the municipality building.[583]

240. On 13 June 1992, a military order of the 19th Partisan Division[584] established a defence command for the town of Donji Vakuf. This order was made pursuant to a document of the 30th Partisan Division, which was renamed the 30th Infantry Division under the VRS and under the command of Stanislav Galić and overall command of General Momir Talić.[585]

241. The order of 13 June 1992 establishes Boško Savković as chief of the Donji Vakuf SJB and appoints Sufulo Šišić, a military captain, as commander of the Donji Vakuf SJB and Jovo Šatara as deputy commander of the Donji Vakuf SJB.[586] The Prosecution's military expert, Ewan Brown, stated that town commands were set up where there was little civilian presence or in areas that had been recently captured by the military.[587] According to Ewan Brown, there was an agreement between the Crisis Staff of Donji Vakuf and the 1st Krajina Corp that a town command would be created.[588]

242. Between May and September 1992, the 19th Infantry Brigade of the VRS and Serb police, fighting together, took control of the territory of Donji Vakuf.[589] There were at least seven clashes in Donji Vakuf between the Serb police and Muslims, with the Serb police sometimes being supported by VRS units.[590] On 21 May 1992, 18 members of the Serb police in Donji Vakuf and 12 members of the Banja Luka CSB attacked the village of Korenići. Jovan Šatara, police station commander, reporting to the Banja Luka CSB, stated that "[t]here was no great resistance by Muslim extremists". On 3 June 1992, the village of Torlakovac was attacked by Serb police and the VRS; Jovan Šatara reported to the Banja Luka CSB that "no serious resistance" was put up by the

[582] Adjudicated Fact 1152; P1924, Minutes of the Second Session of the Serbian Municipality of Donji Vakuf, 14 April 1992, p. 5; P1928, Report on the Work of the Donji Vakuf SJB Between 1 April 1992 and 25 December 1992, January 1993, p. 1.
[583] Adjudicated Fact 1153; P1929, Report of SJB and Speech, 21 November 1992, p. 2; P1799, Letter from SJB Srbobran to the CSB Banja Luka Regarding Formation of Serb SJB in Donji Vakuf, 4 October 1993, p. 2.
[584] The 19th Partisan Division was the name of the brigade while it was part of the JNA. *See* ST197, 20 October 2010, T. 16258-16259.
[585] Ewan Brown, 11 January 2011, T. 18690; 1D403, Dispatch of the Command of the 19th Partisan Brigade Forming a Defence Command for the Town of Donji Vakuf, 13 June 1993, pp. 1, 3.
[586] 1D403, Dispatch of the Command of the 19th Partisan Brigade Forming a Defence Command for the Town of Donji Vakuf, 13 June 1993, pp. 1, 3.
[587] Ewan Brown, 21 January 2011, T. 19162-19164.
[588] Ewan Brown, 20 January 2011, T. 19052-19053.
[589] Adjudicated Fact 1154; P1929, Report of SJB and Speech, 21 November 1993, pp. 3-4.
[590] Adjudicated Fact 1155. *See also* P1815, Formation and Deployment of War Units in Donji Vakuf, 19 April 1992.

Muslim villagers who fled.[591] In late summer 1992, an armed Bosnian Serb formation went around Muslim villages, such as Doganovci, and opened fire. Many houses were burned to the ground.[592] There was no armed resistance from Muslims.[593] On 17 August 1992, Prusac village was attacked by 56 Serb policemen and a number of RS soldiers, but by nightfall, after hand-to-hand combat, the Serbs had to return to their original positions.[594]

243. In mid-1992, Bosnian Serb soldiers broke into houses of Muslims in the town of Donji Vakuf and in the surrounding villages, looting their belongings and valuables. Bosnian Serb soldiers used garbage trucks and cars to carry away the booty. Bosnian Serb civilians also participated in the looting.[595]

244. Villages in the municipality of Donji Vakuf were regularly shelled by the Bosnian Serb military. The Bosnian Serb military shelled the village of Prusac in August 1992.[596]

245. In the middle of May 1992, a "collection centre" was set up for Croatian and Muslim men who had been detained. The Serb SJB reported to the RS MUP and the Banja Luka CSB that it, together with the military security organs, dealt with everything concerning the detention and investigation of these men at this collection centre where police were charged with providing security.[597]

246. According to the Serb SJB, most of the Muslims in Donji Vakuf fled *en masse* from the municipality starting in May and throughout the summer.[598] Muslims had left the municipality throughout the summer of 1992 due to harassment and threats by Serbs.[599] A 1993 MUP report indicates that, in 1992, 12,970 Muslims and 480 Croats moved out of the municipality and that 5,450 Serbs moved in.[600]

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[591] P1799, Letter from Srbobran SJB to the Banja Luka CSB Regarding Formation of Serb SJB in Donji Vakuf, 4 October 1993, p. 2.
[592] Adjudicated Fact 575.
[593] Adjudicated Fact 576.
[594] P1799, Letter from Srbobran SJB to the Banja Luka CSB Regarding Formation of Serb SJB in Donji Vakuf, 4 October 1993, p. 3; P1929, Report of SJB and Speech, 21 November 1993, p. 3.
[595] Adjudicated Fact 966.
[596] Adjudicated Fact 965.
[597] P1928, Report on the Work of the Donji Vakuf Public Security Station Between 1 April 1992 and 25 December 1992, January 1993, p. 2.
[598] Adjudicated Fact 1156. *See also* P1928, Report on the Work of the Donji Vakuf Public Security Station Between 1 April 1992 and 25 December 1992, January 1993, p. 1.
[599] Adjudicated Fact 1159. *See also* P1928, Report on the Work of the Donji Vakuf Public Security Station Between 1 April 1992 and 25 December 1992, January 1993, p. 2.
[600] Adjudicated Fact 1158; P1626, Summary of the Results of Ethnic Composition Prepared for the *Stanišić & Župljanin* Case, 30 September 2010. *See also* P2048, Information from the Donji Vakuf Assembly to the MOJ Regarding the Structure of Delegates in the Donji Vakuf Assembly.

247. When Muslims and Croats left Donji Vakuf, their property was stolen by private individuals and uniformed men, including reserve policemen.[601] In a January 1993 report to the Banja Luka CSB, covering the period between 1 April 1992 and 25 December 1992, the Serb SJB reported that the reserve policemen who had committed thefts were discharged. Checkpoints manned by members of the Serb SJB and the military police were set up to prevent theft of material assets from Donji Vakuf. Vehicles left behind by people belonging to other ethnicities were impounded. The Serb SJB made these vehicles available to the VRS. The Serb SJB also reported that there was a particular problem with "refugees from other areas" who stole property belonging to persons who had moved out. According to the Serb SJB, it had done everything in its power to prevent thefts, but was unable to do so because of its involvement in direct combat operations.[602]

248. On 8 August 1992, the command of the 30th Partisan Division reported that in Donji Vakuf and the surrounding villages "a gang" operating in collaboration with the Donji Vakuf SJB were attacking, looting, and committing arson. Colonel Stanislav Galić requested that the command of the 1st Krajina Corps demand through the organs of the MUP that the work of the Donji Vakuf SJB be inspected and that the gangs and commander of the Donji Vakuf SJB be arrested because the 30th Partisan Division was not able to take such action themselves.[603]

(c) Destruction of mosques

249. A number of mosques were destroyed by Serb Forces in Donji Vakuf.[604] The mosque in the village of Sokolina was set on fire by men wearing olive grey uniforms in June 1992.[605] The mosque in the hamlet of Šeherdžik was destroyed by men wearing JNA uniforms on 9 August 1992.[606] Three mosques in the village of Prusac were damaged in August or September 1992. The mosques were riddled with bullets and some of the minarets were destroyed.[607]

(d) Arrests and detentions

250. Between mid-June and mid-September 1992, Muslim and Croat men were arrested by Bosnian Serb soldiers, military police, and police officers and detained in the SJB building. Later, they were variously confined in the TO warehouse, a detention camp at Vrbas Promet factory, and a

[601] Adjudicated Facts 1157, 1159; P1928, Report on the Work of the Donji Vakuf Public Security Station Between 1 April 1992 and 25 December 1992, January 1993, pp. 2, 3.
[602] P1928, Report on the Work of the Donji Vakuf Public Security Station Between 1 April 1992, January 1993, pp. 2-3.
[603] P705, Request of the Command of the 30th Partisan Division for the Arrest of Gangs in Donji Vakuf, 8 August 1992.
[604] Adjudicated Fact 1038.
[605] Adjudicated Fact 972.
[606] Adjudicated Fact 971.
[607] Adjudicated Fact 970; András Riedlmayer, 2 June 2010, T. 11266-11267.

detention facility known as "The House".[608] In May 1992, Serbian SJB employees, with the help of the military police, started apprehending "Muslims who were suspected of being in possession of unlicenced weapons or of having taken part in the war against the Serbs."[609] Lists of detainees show that nearly all the Muslim and Croat men were unarmed at the time of their arrest and detention.[610]

(i) TO warehouse

251. The TO warehouse was staffed by the Bosnian Serb military and commanded by Miodrag Đurkić.[611] It held around 80 Muslim men, some for about 20 days.[612]

252. Beatings occurred very often, sometimes in front of other detainees. Detainees were kicked and beaten with electric cables, bats, and rifle butts. Detainees who were relatives were forced to beat each other.[613] Naim Sutković, an elderly detainee, died as a result of a severe beating. Detainees witnessed the deaths of their fellow inmates.[614] The Prosecution alleges that Hasan Omeragić,[615] Jusuf Omeragić,[616] and Abdurahman Softić ("Sofić")[617] died as a result of the beatings at the TO warehouse between mid-June and mid-September 1992 and tendered documentary evidence in relation to these men. The Trial Chamber considers, however, that this documentary evidence does not identify where the men were beaten or where they died.

[608] Adjudicated Fact 577; P1928, Report on the Work of the Donji Vakuf Public Security Station Between 1 April 1992 and 25 December 1992, January 1993, pp. 1-2; P1926, List of Persons Taken into Custody and Detained Since 27 May 1992 Currently in Donji Vakuf Prison, 31 July 1992; P1930, Register of Persons Brought in or Detained in the Donji Vakuf SJB, pp. 2-19; P2023, List of Names of Persons Taken Into the Donji Vakuf SJB, 12 July 1992.
[609] P1928, Report on the Work of the Donji Vakuf Public Security Station Between 1 April 1992 and 25 December 1992, January 1993, pp. 1-2.
[610] P1926, List of Persons Taken into Custody and Detained Since 27 May 1992 Currently in Donji Vakuf Prison, 31 July 1992; P1927, Dispatch from Donji Vakuf SJB to Banja Luka CSB Regarding Detainees in Donji Vakuf, 26 August 1992.
[611] Adjudicated Fact 585.
[612] Adjudicated Fact 584.
[613] Adjudicated Fact 586.
[614] Adjudicated Fact 587.
[615] P2466, Proof of Death Database (CHS) "ordinal number" 418, Autopsy Report Bašćeluci No. 2/2 (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 419, Record of Identification (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 420, DNA Report (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 421, ICRC Missing Persons Report, Table of Solved Deaths (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 422, Federal Institute for Statistics (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 423, BiH State Commission for Tracing Missing Persons (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 424, ICMP DNA Report (confidential).
[616] P2466, Proof of Death Database (CHS) "ordinal number" 426, ICRC Missing Persons Report, Table of Pending Reports on Death (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 427, Federal Institute for Statistics (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 428, Death Certificate of Jusuf Omeragić (confidential).,
[617] P2466, Proof of Death Database (CHS) "ordinal number" 429, Autopsy Report (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 430, Record of Identification (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 431, ICMP DNA Report (confidential).

253. Some of the perpetrators of the beatings at the TO warehouse also carried out the beatings at the SJB building.[618]

(ii) Vrbas Promet factory

254. Muslims and Croats were confined in an empty warehouse at the Vrbas Promet trade factory.[619] According to an SJB dispatch, this detention centre was established in May 1992 by the Command of the 19th Infantry Brigade of the VRS.[620] Miodrag Đurkić, who was also the commander of the TO warehouse, was the commander of the detention facility at the Vrbas Promet factory.[621]

255. Upon arrival, detainees had to run a gauntlet where they were beaten with fists, rifles, and batons.[622] Beatings continued during the course of detention at Vrbas Promet factory. Among the perpetrators of the beatings were those who were also responsible for beatings at the TO warehouse.[623]

256. There were about 90 to 95 male detainees at this detention centre. The length of detention varied between one and three months.[624] Two detainees died while at the Vrbas Promet factory. Other detainees witnessed their deaths.[625]

257. The Prosecution alleges that the following individuals died as a result of the beatings at Vrbas Promet factory or after they were taken away, and documentary evidence was admitted to establish their deaths: Naim Šurković ("Šutković"),[626] Nurija Čauk ("Čaluk"),[627] Hamid Mehdić ("Mehtić"),[628] Ljuban ("Ljubomir") Mršić,[629] Mahmut Omeragić,[630] Ismet Samić ("Smajić"),[631] and Midhat Softić.[632] The Trial Chamber considers, however, that the documentary evidence does not identify where they were beaten or where they died.

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[618] Adjudicated Fact 588.
[619] Adjudicated Fact 589.
[620] P1927, Dispatch from Donji Vakuf SJB to Banja Luka CSB Regarding Detainees at Vrbas Promet, 26 August 1992, p. 1.
[621] Adjudicated Fact 590.
[622] Adjudicated Fact 591.
[623] Adjudicated Fact 592. *See also* Adjudicated Fact 588.
[624] Adjudicated Fact 589. *See also* P1927, Dispatch from Donji Vakuf SJB to Banja Luka CSB Regarding Detainees at Vrbas Promet, 26 August 1992, p. 1.
[625] Adjudicated Fact 593.
[626] P2466, Proof of Death Database (CHS) "ordinal number" 397.1, Death Certificate (confidential).
[627] P2466, Proof of Death Database (CHS) "ordinal number" 400.1, Death Certificate (confidential).
[628] P2466, Proof of Death Database (CHS) "ordinal number" 403.1, Death Certificate (confidential).
[629] P2466, Proof of Death Database (CHS) "ordinal number" 407.1, Death Certificate (confidential).
[630] P2466, Proof of Death Database (CHS) "ordinal number" 409, ICRC Missing Persons Report, Table of Pending Reports on Death (confidential); P2466, Proof of Death Database (CHS) "ordinal number" 410, Federal Institute for Statistics (confidential).
[631] P2466, Proof of Death Database (CHS) "ordinal number" 412.1, Death Certificate (confidential).
[632] P2466, Proof of Death Database (CHS) "ordinal number" 416.1, Death Certificate (confidential).

258. On 26 August 1992, the chief of the Donji Vakuf SJB, Boško Savković, sent a dispatch to the chief of the Banja Luka CSB, Stojan Župljanin, informing him that 61 persons of Muslim and Croat ethnicity had been arrested and held at the Vrbas Promet factory, a collection centre formed in May 1992 by the Command of the 19th Infantry Brigade of the VRS, and that none of the detainees were serving prison sentences.[633]

(iii) "The House" opposite SJB building

259. At least between four and 12 Muslim men were kept in a private house owned by a Serb woman that was across the street from the MUP building in Donji Vakuf.[634] At this detention facility, detainees were kicked and beaten with fists, logs of wood, rifle butts, and police batons.[635] As a result of these beatings, one detainee sustained fractured ribs.[636] Detainees witnessed the beating and resulting death of Mulo Robović as he was being taken to the TO warehouse.[637]

3. Factual Findings

260. Rajko Kisin was the first chief of the Serb Donji Vakuf SJB. On 13 June 1992, Boško Savković was appointed chief of the Serb Donji Vakuf SJB.

261. The 30th Partisan Division was renamed the 30th Infantry Division under the VRS and under the command of Stanislav Galić and overall command of General Momir Talić.

262. In relation to unlawful detention and the imposition of restrictive measures, the Trial Chamber finds that, between mid-June and mid-September 1992, Muslim and Croat male civilians were arrested by Bosnian Serb soldiers, military police, and police officers and detained in the SJB building and also confined at the TO warehouse, the Vrbas Promet factory, and a detention facility known as "The House". In reference to the Vrbas Promet factory, it was explicitly acknowledged that the detainees were not serving sentences. The Trial Chamber therefore finds that Muslims and Croats were arrested and detained on the basis of their ethnicity.

263. In relation to the appropriation and plunder of property, the Trial Chamber finds that in mid-1992 Bosnian Serb soldiers broke into houses of Muslims in the town of Donji Vakuf and in the surrounding villages, looting their belongings and valuables. Bosnian Serb soldiers used garbage trucks and cars to carry away the booty. Bosnian Serb civilians also participated in the looting.

[633] P1927, Dispatch from Donji Vakuf SJB to Banja Luka CSB Regarding Detainees at Vrbas Promet, 26 August 1992, p. 1.
[634] Adjudicated Fact 580.
[635] Adjudicated Fact 581.
[636] Adjudicated Fact 582.
[637] Adjudicated Fact 583.

Uniformed men, including reserve policemen, stole the property of Muslims and Croats when they left Donji Vakuf. Donji Vakuf Serb police impounded vehicles left behind by people belonging to other ethnicities and made them available to the VRS. The Trial Chamber therefore finds that Serb Forces unlawfully took the private property of Muslims and that this was done on the basis of their ethnicity.

264. The Trial Chamber has considered evidence regarding the wanton destruction of Muslim property and the destruction of Muslim religious and cultural buildings. The Trial Chamber finds that a number of mosques in Donji Vakuf were destroyed by Serb Forces. Three mosques in the village of Prusac were damaged in August or September 1992. The mosque in the hamlet of Šeherdžik was destroyed by men wearing JNA uniforms on 9 August 1992. The mosque in the village of Sokolina was set on fire by men wearing olive grey JNA uniforms in June 1992. The Trial Chamber finds that, in late summer of 1992, an armed Bosnian Serb formation went around Muslim villages, such as Doganovci, and opened fire. Many houses were burned to the ground. Based on this evidence, the Trial Chamber finds that Serb Forces destroyed Muslim religious buildings and property.

265. The Trial Chamber finds that the disarmament process targeted Muslims. Muslims were asked to lay down their weapons, and in May 1992, Serbian SJB employees, with the help of the military police, started apprehending Muslims who were suspected of being in possession of unlicenced weapons.

266. With regard to counts 1, 2, 3, and 4, the Trial Chamber finds that Naim Sutković, an elderly detainee, died as a result of a severe beating at the TO warehouse and that two detainees were killed at Vrbas Promet factory. By virtue of the fact that these men were detained at the time of the killing, the Trial Chamber finds that they were taking no active part in hostilities.

267. The Trial Chamber finds that the TO warehouse was commanded by Miodrag Đurkić and staffed by the Bosnian Serb military. The Trial Chamber therefore finds that the only reasonable inference is that the Bosnian Serb military perpetrated the killings at the TO warehouse. The Trial Chamber finds that there is insufficient evidence that Hasan Omeragić, Jusuf Omeragić, and Abdurahman Softić ("Sofić") were killed at the TO warehouse.

268. The Trial Chamber finds that the Vrbas Promet factory was established by the 19th Infantry Brigade of the VRS and Miodrag Đurkić was the commander of the facility. The Trial Chamber further finds that among the perpetrators of the beatings at the Vrbas Promet factory were those who were responsible for the beatings at the TO warehouse. The Trial Chamber therefore finds that the only reasonable inference is that the Bosnian Serb military perpetrated the killings at the Vrbas

Promet factory. The Trial Chamber finds that there is insufficient evidence that Naim Šurković ("Šutković"), Nurija Čauk ("Čaluk"), Hamid Mehdić ("Mehtić"), Ljuban ("Ljubomir") Mršić, Mahmut Omeragić, Ismet Samić ("Smajić"), or Midhat Softić were among the detainees killed at the Vrbas Promet factory.

269. With respect to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered the evidence of the treatment of the detainees during their detention at the SJB building, the TO warehouse, the Vrbas Promet factory, and "The House" opposite the SJB building. At the TO warehouse, Vrbas Promet factory, and "The House", the detainees were kicked and beaten with fists, rifle butts, batons, electric cables, bats, and wooden logs. No evidence detailing the alleged beatings was adduced in relation to the SJB building.

270. Detainees witnessed the beatings and, in some instances, the resulting deaths of other detainees. At the TO warehouse, detainees who were relatives were forced to beat one another.

271. The Trial Chamber finds that the TO warehouse was staffed by the Bosnian Serb military and that some of the perpetrators at the TO warehouse were also perpetrators of the beatings at the Vrbas Promet factory. The Trial Chamber therefore finds that the only reasonable inference is that the Bosnian Serb military perpetrated the beatings at the TO warehouse and the Vrbas Promet factory. There is, however, insufficient evidence identifying the perpetrators of the beatings at "The House". The Trial Chamber is therefore unable to make a positive finding upon this charge in the Indictment in relation to "The House".

272. No evidence was adduced in relation to the conditions of detention at the SJB building, the TO warehouse, the Vrbas Promet factory, or "The House" opposite the SJB building.

273. With regard to counts 1, 9, and 10, the Trial Chamber finds that, starting in May and throughout the summer of 1992, 12,970 Muslims and 480 Croats left Donji Vakuf due to harassment and threats by Serbs. During this same period, 5,450 Serbs moved to Donji Vakuf.

274. The Trial Chamber has considered evidence that, between May and September 1992, the VRS and Donji Vakuf's Serb police, fighting together, took control of the municipality of Donji Vakuf. In this period, there were at least seven clashes between the Serb police and Muslims, with the Serb police sometimes being supported by VRS units. In mid-1992, Bosnian Serb soldiers broke into houses of Muslims in the town of Donji Vakuf and in the surrounding villages, looting their belongings and valuables. In late summer of 1992, an armed Bosnian Serb formation went around Muslim villages, such as Doganovci, and opened fire. Many houses were burned to the ground. Furthermore, between July and September 1992, the Sokolina mesdžid, the Šeherdžik mosque, and

Prusac's three mosques were destroyed. The Trial Chamber, considering the arrest campaign that targeted Muslims and Croats, finds that Muslims and Croats of Donji Vakuf left the municipality as a consequence of the operations carried out by members of the Donji Vakuf SJB and VRS units.

### 4. Legal Findings

275. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in hostilities.

276. The Trial Chamber finds that the acts of Serb Forces in Donji Vakuf were linked geographically and temporally with the armed conflict. The arrests, thefts, and destruction of property carried out by Bosnian Serb soldiers, military police, and Donji Vakuf's Serb police officers constituted an attack against the civilian population. The attack occurred on a large scale: approximately 182 to 187 Muslims and Croats were detained, and 12,970 Muslims and 480 Croats left Donji Vakuf following the attacks. The attacks were well organised. They were therefore widespread and systematic. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing and that their acts were part of it.

277. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

278. *Counts 2, 3, and 4*. The Trial Chamber recalls its finding that two detainees died at Vrbas Promet factory and that Naim Šutković, an elderly detainee, died as a result of a severe beating at the TO warehouse. The Trial Chamber further recalls its findings that these killings were perpetrated by the Bosnian Serb military. These detainees were taking no active part in hostilities. The perpetrators of these killings reasonably should have known that the punching, kicking, and beating of these detainees with rifle butts, batons, electric cables, bats, and wooden logs might lead to their death, and the mode of the killing shows that the perpetrators acted with intent to kill. The Trial Chamber finds that the Bosnian Serb military committed murder, both as a crime against humanity and a violation of the laws and customs of war.

279. While there is no numerical minimum number of victims required in order to prove a charge of extermination, the Trial Chamber recalls that the killing must be of a large number of individuals. The Trial Chamber finds that neither of the killings at the two locations mentioned above, even if considered together, are sufficiently large so as to satisfy the requirements of

extermination. The Trial Chamber therefore finds that the crime of extermination has not been proved with regard to the events in Donji Vakuf.

280. *Counts 5, 6, 7, and 8*. The Trial Chamber has found that the assaults against Muslim and Croat detainees at the TO warehouse, the Vrbas Promet factory, and "The House" opposite the SJB building caused the detainees severe physical and psychological suffering, both in terms of the actual beatings and the fact that detainees had to watch the beatings of others. The assaults were intentionally carried out as a form of intimidation and discrimination. The Trial Chamber, however, found insufficient evidence to identify the perpetrators of these beatings at "The House" and therefore will not take these legal findings any further. The Trial Chamber has found that the assaults against Muslim and Croat detainees at the TO warehouse and the Vrbas Promet factory were perpetrated by the Bosnian Serb military. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that the Bosnian Serb military committed torture against Muslim and Croat detainees at the TO warehouse and the Vrbas Promet factory, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that the Bosnian Serb military committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees at the TO warehouse and the Vrbas Promet factory.

281. *Counts 9 and 10*. The Trial Chamber has found that, starting in May and throughout the summer of 1992, 12,970 Muslims and 480 Croats left Donji Vakuf due to harassment and threats by Serbs. The Trial Chamber finds that Serb Forces removed Muslims and Croats from the municipality of Donji Vakuf, where they were lawfully present, by expulsion or other coercive acts contrary to international law. Based on the fact that the homes of Muslims and Croats were burned, their property looted by Bosnian Serb soldiers, and they were arrested and detained following attacks, the Trial Chamber is convinced that members of the Serb Forces intended to displace Muslims and Croats from the municipality of Donji Vakuf. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Croat and Muslim population of Donji Vakuf. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

282. *Count 1*. The Trial Chamber finds that Muslims and Croats were arrested by Bosnian Serb soldiers, military police, and police officers and later detained at the SJB building, the TO warehouse, the Vrbas Promet factory, and a detention facility known as "The House", without legitimate grounds and on a discriminatory basis. These arrests constituted unlawful detentions. The Trial Chamber recalls that no evidence was adduced in relation to conditions of detention and therefore does not find that Serb Forces established and perpetuated inhumane living conditions in the detention facilities. The Trial Chamber recalls that Bosnian Serb soldiers broke into houses inhabited by Muslims in the town of Donji Vakuf and in the surrounding villages, looting their belongings and valuables and carrying them away in garbage trucks and cars. The Trial Chamber finds that this looting constituted plunder of property. The Trial Chamber finds that the damage and destruction to the three mosques in the village of Prusac, the mosque in the hamlet of Šeherdžik, the mosque in the village of Sokolina, and the homes in the Muslim village of Doganovci by Serb Forces constituted wanton destruction. In relation to the imposition and maintenance of restrictive and discriminatory measures, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslim and Croat population of Donji Vakuf by unlawfully detaining them and thereby denying them judicial process.

283. The Trial Chamber finds that the acts discussed above under counts 3, 4, 5, 6, 7, 8, and 10—as well as the unlawful detentions; the plunder of property; the wanton destruction of towns and villages, including the destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and in treaty law. These acts were also discriminatory in fact because persons of Muslim and Croat ethnicity were selectively and systematically targeted. On this basis, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

284. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Donji Vakuf.

285. *Conclusion.* The Trial Chamber finds that, from about May 1992 to September 1992, Serb Forces committed the crimes charged under counts 1, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Donji Vakuf.

## C. Ključ

### 1. Charges in Indictment

286. The Indictment charges Mićo Stanišić and Stojan Župljanin with crimes against humanity and violations of the laws or customs of war allegedly committed in the municipality of Ključ as outlined below.

287. Count 1 charges the Accused with persecution, as a crime against humanity, through the commission of the following crimes: (a) killings, as specified below under counts 2, 3, and 4; (b) torture, cruel treatment, and inhumane acts in detention facilities as specified below under counts 5, 6, 7, and 8; (c) unlawful detention at the Ključ SJB building and the Nikola Mačkić Elementary School; (d) the establishment and perpetuation of inhumane living conditions in these two detention facilities, including the failure to provide accommodation or shelter, food or water, medical care, and hygienic sanitation facilities; (e) the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Ključ; (f) the appropriation or plunder of property during and after the attack on the non-Serb parts of the town of Ključ, Krasulje, Gornja and Donja Sanica, Crljeni, Draganovići, Pudin Han, Velagići, Biljani, and Prhovo at least between mid-May and August 1992; in the Ključ SJB building and the Nikola Mačkić Elementary School; and in the course of deportations and forcible transfers; (g) the wanton destruction of the non-Serb parts of the town of Ključ, Krasulje, Gornja and Donja Sanica, Crljeni, Draganovići, Pudin Han, Velagići, Biljani, and Prhovo, including the looting of residential and commercial property, at least between mid-May and August 1992; and the wanton destruction of religious and cultural buildings at least between July and August 1992, including the Ključ town mosque, the Biljani-Džaferagići mosque, the Pudin Han mosque, the Velagići mosque, the Donji Budelj mosque, the Humići mosque, the Krasulje mosque, the Sanica mosque, and the Ključ town Catholic church; and (h) the imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and Bosnian Croats, which began shortly after the takeover of Ključ on or about 7 May 1992.[638]

288. Under counts 2, 3, and 4, the Accused are charged with murder, as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, for the killing by Serb Forces, of (a) a number of people in Biljani on 10 July 1992, and (b) a number of men in Velagići on 1 June 1992.[639]

289. Under counts 5, 6, 7, and 8, the Accused are charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the

[638] Indictment, paras 26-27, Schedules A n. 1.1-1.2, C n. 3.1-3.2, D n. 3.1-3.2, E n. 2, F n. 2, G n. 2.

laws or customs of war; and (c) inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population at the Ključ SJB building and the Nikola Mačkić Elementary School. In relation to the Ključ SJB building, it is alleged that, at least between May and August 1992, detainees were beaten on a regular basis during and outside periods of interrogations; they were beaten with fists, feet, batons, pieces of wood, and electric cables. In some cases, the beatings were protracted and so severe as to result in serious injury. In relation to the Nikola Mačkić Elementary School, it is alleged that, at least between May and July 1992, detainees were beaten on a regular basis with all kinds of objects. In some cases, the beatings resulted in serious injury. Detainees witnessed the beatings of other inmates.[640]

290. Under counts 9 and 10, the Accused are charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces against Bosnian Muslims and Bosnian Croats after the takeover of Ključ on or about 7 May 1992.[641]

### 2. Analysis of Evidence

291. The municipality of Ključ is located in the north-west of BiH.[642] According to the 1991 census in BiH, the ethnic composition of the municipality of Ključ was 18,506 (49%) Serbs, 17,696 (47%) Muslims, 330 (1%) Croats, 579 Yugoslavs, and 280 persons of unknown ethnicity.[643] Out of the approximately 17,000 Muslims who had been living in the Ključ area, only about 600 remained by the summer of 1992.[644]

292. In the multi-party elections held in November 1990 in BiH, the SDS obtained the majority of the votes, and the SDA came second. The electoral results gave the SDS the right to appoint the Chief of the Ključ SJB, Vinko Kondić, who was a Serb. The SDA appointed the Commander of the police, Atif Džafić, who was a Muslim. Both men took their position in 1991. Ključ was under the Banja Luka CSB.[645]

#### (a) Background

293. Atif Džafić stated that Vinko Kondić, in the first half of 1991, had frequent meetings with Ključ municipal SDS leaders and JNA officers from Banja Luka, where he went often. At the same time, Džafić noticed that policemen started avoiding going on mixed patrols and preferred pairing

[639] Indictment, paras 29-30, Schedule A n. 1.1-1.2.
[640] Indictment, paras 32-36, Schedules D n. 3.1-3.2.
[641] Indictment, paras 37-41, Schedules F n. 2, G n. 2.
[642] P945, General Map of Ključ Municipality, 3 February 2010.
[643] Adjudicated Fact 1160.
[644] Adjudicated Fact 1187.
[645] Asim Egrlić, 3 February 2010, T. 6059; Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 3.

with officers of their own ethnicity.[646] In the summer of 1991, Džafić started hearing from local citizens that Serbs were being armed, including by way of air drops by military helicopters. Vinko Kondić began sending police cadets of Serb ethnicity for training to Knin and Banja Luka.[647] Asim Egrlić, a Muslim, testified that Serb civilian authorities consulted with Banja Luka before taking important decisions.[648]

294. After the summer of 1991, with the start of the war in Croatia, mobilisation orders were issued. Serbs responded to the order. The Muslims, following the advice of Muslim military officers and of Alija Izetbegović, did not.[649] When Serb soldiers started coming back from the Croatian front at the end of 1991, they did not hand in their weapons. Many of them were drunk on the street, fired shots, and created an atmosphere of fear. On some occasions, the police confiscated weapons from Serb soldiers involved in illegal activities. However, when this happened, Vinko Kondić returned the weapons to the soldiers the following day.[650] Towards the end of 1991, a number of local Serb citizens, some of whom were SDS members, formed a Crisis Staff which met at the municipal building in Ključ. Vinko Kondić, who was a member of the Crisis Staff, never told Atif Džafić, his Muslim police commander, that the Crisis Staff had been formed. Crisis Staffs were also formed in other Serb villages in the municipality.[651]

295. On 15 March 1992, Vinko Kondić signed, in Banja Luka, a pledge of allegiance to the local CSB and to the ARK government. Kondić informed his policeman that they would soon have to sign an "oath of loyalty to the Serbian authorities and Serbian Republic."[652] In March and April 1992 there was an increase of violence in the villages around Ključ. Drunk Serb soldiers returning from the front fired their rifles in Muslim villages. In response, the Muslims in Velagići and Pudin Han organised garrisons and patrols.[653]

296. Around the beginning of 1992, about ten members of the State Security Service in Banja Luka arrived in Ključ. They wore green camouflage uniforms and red berets and came to work with the local police. While at the beginning they helped in maintaining public order, after a while they

[646] Atif Džafić, P962.01, Witness Statement, 20 February 2001, pp. 5-6.
[647] Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 6.
[648] Asim Egrlić, P960.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 10 October 2002, T. 4917; Asim Egrlić, 3 February 2010, T. 6056.
[649] Atif Džafić, P962.01, Witness Statement, 20 February 2001, pp. 6-7.
[650] Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 7.
[651] Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 9.
[652] Atif Džafić, P962.01, Witness Statement, 20 February 2001, pp. 9-10.
[653] Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 11.

started committing crimes and intimidating the civilian population. They were often in touch with Kondić and remained in Ključ until approximately the end of May 1992.[654]

(b) Takeover of Ključ

297. On 5 May, Serb authorities imposed a curfew in the municipality of Ključ pursuant to a decision of the ARK authorities.[655] On 7 May 1992, the 6th Krajina Brigade led by Colonel Basara, together with other military units, occupied Ključ by gaining control of all important locations and intersections of the town.[656] On the same day, Vinko Kondić informed Stojan Župljanin of the takeover of Ključ.[657]

298. On 7 May 1992, Vinko Kondić called a meeting at the Ključ SJB. Dejan Šamara and Vaso Škondrić, Serb inspectors from Banja Luka, were present at the meeting. The non-Serb police officers were asked to sign a solemn declaration of loyalty to the Serbian Republic, but they refused. Shortly after, Kondić told them to go on leave.[658] On the same day, all Muslims employed in companies in the municipality of Ključ were dismissed, starting with the ones occupying managerial positions.[659] On 21 May 1992, Kondić summoned the non-Serb officers to the SJB and asked them if they had changed their minds about signing the declarations. None of them had, and as a consequence they were all dismissed, including Džafić, the Muslim police commander. On the following day, non-Serb officers from other villages in the municipality were asked to sign the declaration. The ones who refused were fired.[660]

299. On 8 May 1992, the Ključ Crisis Staff informed the citizens of changes introduced on 7 May 1992. These changes included the police starting to wear blue hats with the Serbian flag and the Serbian flag being hoisted over the police station and the Ključ municipal building. The Crisis Staff added that the municipality of Ključ was obliged to implement laws and decisions issued by the RS and the ARK. It also reassured citizens that the increased presence of armed forces in the municipality was not an attack on the freedom or safety of any of the nationalities but, on the

[654] Atif Džafić, 4 February 2010, T. 6182-6183; ST218, 13 October 2010, T. 15871-15873; Asim Egrlić, P960.06, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 29 July 2004, T. 4888-4889; Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 8
[655] P960.17, Order by Jovo Banjac for the Imposition of a Curfew, 5 May 1992; Adjudicated Fact 1162.
[656] Asim Egrlić, 3 February 2010, T. 6072 and 4 February 1992, T. 6160-6161; P1124, Transcript of Intercepted Telephone Call between Stojan Župljanin and Čedo Kljajić, 7 May 1992, p. 1; P105, Minutes of Meeting between Military and Civilian Authorities, 14 May 1992, p. 2.
[657] P1124, Transcript of Intercepted Telephone Call between Stojan Župljanin and Čedo Kljajić, 7 May 1992, p. 1.
[658] Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 12. For the affiliation of Dejan Šamara with the Banja Luka CSB, *see also* Sreto Gajić, 15 July 2010, T. 12799-12807.
[659] Asim Egrlić, P960.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 10 October 2002, T. 10558.
[660] Atif Džafić, 4 February 2010, T. 6194-6200; ST218, 13 October 2010, T. 15874-15875; Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 13.

contrary, was a safety and security factor for all.[661] On 14 May 1992, the Crisis Staff declared that all managerial positions in public and private enterprises had to be filled by people "absolutely loyal" to the RS. It also ordered the implementation of a number of decisions of the ARK Crisis Staff.[662] A further decision on criteria for employment was issued in the following months by the Serb municipal authorities.[663]

300. Nikola Vračar, a Serb reserve police officer living in Ključ in 1992, testified that on 27 May 1992 he was a member of a team of four police officers that received an assignment to go to a village near Ključ, called Peći, because the police had received information that barricades had been erected in the area from Ključ to Sanski Most. Dušan Stojaković, a Serb and Deputy Chief of the Ključ SJB, was part of the team.[664] The team travelled in a police car.[665] Before they arrived at Peći, they came across a roadblock in the village of Krasulje. Before they could get out of the car, unidentified hostile forces hiding in the forest opened fire against them from all sides. Vračar and two of his colleagues were injured, and Dušan Stojaković was killed.[666] Vračar escaped through the forest in the direction of Ključ. In the village of Gornji Ramići, he was helped by a Muslim doctor who drove him to Ključ in an ambulance. The doctor stopped at Pudin Han, a Muslim village 2 or 3 km before Ključ, before continuing on to Ključ hospital. In front of Pudin Han's cultural centre, Vračar saw about 30 armed Muslim men wearing TO uniforms. Later, at the Ključ hospital, Vračar saw five or six uniformed JNA soldiers who had been injured in Pudin Han by mortars and gunfire. Vračar testified that six soldiers died as a consequence of this attack.[667]

301. On 28 May 1992, the Ključ Crisis Staff issued an ultimatum to surrender illegally acquired weapons to the local authorities. The order to disarm, which was broadcast on the radio and announced by the police through loudspeakers mounted on cars, was only enforced against non-Serbs, who were required to turn in all weapons, including the ones that they legally owned.[668] The deadline was extended to 29 May 1992. The extension was subjected to the condition that the perpetrators of the attacks against Serb soldiers and police on 27 May 1992 be handed over to the authorities. It explicitly stated that the order to hand over weapons was directed to "all citizens of

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[661] P450, Public Announcement of the Ključ Crisis Staff, pp. 1-2; ST218, 13 October 2010, T. 15876-15877; Adjudicated Fact 1164. *See also* P1644, Order of the Ključ Crisis Staff Regarding the Strengthening of the TO, 25 May 1992.
[662] P1832, Minutes of the Ključ Crisis Staff Meeting held on 13 and 14 May 1992, pp. 1-2.
[663] On 21 July 1992, the War Presidency issued a decision stating that all central positions in public institutions and companies were to be filled only by Serbs loyal to the RS. Adjudicated Fact 1167.
[664] Nikola Vračar, 2D180, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 18 December 2003, T. 23844-23846.
[665] Nikola Vračar, 2D180, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 18 December 2003, T. 23847.
[666] Nikola Vračar, 2D180, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 18 December 2003, T. 23848-23852; P969, Logbook of the Ključ SJB for the Period from 28 February 1992 to 31 July 1992, p. 53.
[667] Nikola Vračar, 2D180, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 18 December 2003, T. 23855-23859.
[668] ST017, 11 October 2010, T. 15773; P1647, Order of the Ključ Crisis Staff, 28 May 1992; Adjudicated Facts 554, 1171.

Muslim nationality."[669] Prior to the expiration of the ultimatum, Serb Forces started shelling Pudin Han, followed by Velagići, Prhovo, Hadžići, and other Bosnian Muslim villages in the municipality. A number of inhabitants of Pudin Han and Prhovo died as a consequence of these attacks. Serb Forces also carried out "mopping up" operations and attacked a number of villages across the municipality.[670] Serb military and White Eagles searched Biljani village for weapons on 30 May 1992. No weapons were found during the search. Biljani was searched for weapons again on 27 June 1992 by JNA soldiers and by members of the White Eagles.[671]

(c) Arrests and detention

302. Starting on 27 May, and during June 1992, police, soldiers, paramilitary units including the White Eagles, and Serb civilians arrested many Muslims and Croats from the town of Ključ and other villages in the municipality. Muslims and Croats were detained in six detention facilities in Ključ, including the SJB building and the Nikola Mačkić School.[672]

(i) Ključ SJB building

303. The logbook of the Ključ SJB and other police lists of detained persons record that, starting on 27 May 1992 and continuing throughout June 1992, dozens of people were arrested on a daily basis and detained at the SJB. These documents do not provide precise indications of the reasons that justified the arrests, aside from occasional notes that a particular individual had been found "walking" and subsequently arrested. ST218 testified that the detainees were interrogated, with inspectors from Banja Luka occasionally taking part to the questioning. If there were grounds to suspect that a certain person was a member of the Muslim TO, that he illegally owned or smuggled weapons, or that he had displayed "extremist views", the person was sent to Manjača camp. The Ključ SJB logbook records that, during the period of the arrests in May and June 1992, the Ključ SJB sent frequent reports to Banja Luka, notwithstanding power disruptions that occasionally prevented daily reports.[673] According to ST218, authorities in Banja Luka were familiar with the situation of the detentions in Ključ.[674]

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[669] ST218, 13 October 2010, T. 15900-15901; P960.22, Order Extending the Deadline to Hand in Weapons, 28 May 1992.
[670] ST237, P2139, Witness Statement, 14-15 September 2001, p. 2; P2388, 1st KK Notebook, Entry of 30 May 1992, p. 59; Adjudicated Facts 555, 556, 568, 954, 1174, 1175.
[671] Adjudicated Fact 1176.
[672] ST218, 13 October 2010, T. 15901-15903, 15905-15907 (confidential); Adjudicated Facts 545, 1192.
[673] ST218, 13 October 2010, T. 15906, 15914 (confidential); P969, Logbook of the Ključ SJB for the Period from 28 February 1992 to 31 July 1992, pp. 53-67; P1649, List of Persons in Custody from the Village of Sanica; P1651, List of Persons in Custody from the Village of Biljani; P1652, List of Persons Detained at the Ključ SJB on 29 May 1992, 29 May 1992; P1653, List of Persons Detained after Mopping-Up Operations in Ključ, 27 June 1992.
[674] ST218, 13 October 2010, T. 15916.

304. Ramiz Subašić, who was a Muslim ship-builder born in Donji Biljani, testified that 99% of the population in that village was Muslim.[675] Subašić was arrested in Biljani on 25 June 1992 at his house. After two soldiers had removed him from his house, he saw around 30 of his neighbours standing with their hands on their heads in the middle of the road. They were surrounded by soldiers on both sides. During his arrest, Subašić saw Atif Džafić, whom he knew and who had his hands tied together. Džafić's forehead was bloody and cut. Džafić was taken away by six soldiers. Subašić was detained in Sanica for two nights with about 100 other prisoners. During this period he was interrogated. Men in camouflage uniforms uttered ethnic slurs against him. These soldiers then transferred Subašić and other prisoners to the police station in Ključ. No paperwork was generated upon his arrest. On the following day, Vinko Kondić told Subašić, who showed clear signs of beatings he had received, that, although there was no criminal file against him, Kondić had information that Subašić had been caught in a combat area. No medical help was provided to Subašić, and he received insufficient water. Police in camouflage uniforms escorted him and five other detainees to the Manjača camp in Banja Luka, where he was detained until 18 December 1992.[676]

305. Nikola Vračar confirmed that people were brought to the SJB in Ključ and detained there.[677] According to Vračar, these persons were questioned and, although he never witnessed beatings himself, he heard prisoners being beaten during interrogations by Serb police.[678] He told some of his colleagues at the time that these beatings were wrong and that he did not agree; however, he said he was just an ordinary policeman and had very little influence.[679] The evidence of Vračar is consistent with facts of which the Trial Chamber has taken judicial notice.[680]

306. The detainees were also beaten outside the entrance of the SJB building with feet, fists, batons, rifle-butts, and chair legs by Serb police guarding the building. They were subjected to ethnic slurs.[681] Another prominent Muslim from Ključ was thrown down the stairs and knocked unconscious, thus incurring a serious and lasting injury. Yet another detainee suffered a cut lip and broken ribs.[682]

(ii) Nikola Mačkić Elementary School

[675] Ramiz Subašić, 15 October 2010, T. 16017.
[676] Ramiz Subašić, 15 October 2010, T. 16019-16026.
[677] Nikola Vračar, 2D180, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 18 December 2003, T. 23843, 23890.
[678] Nikola Vračar, 2D180, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 18 December 2003, T. 23890-23891. *See also* Adjudicated Fact 549.
[679] Nikola Vračar, 2D180, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 18 December 2003, T. 23891.
[680] Adjudicated Fact 549.
[681] Adjudicated Fact 547.
[682] Adjudicated Fact 548.

307. Following the Serb takeover of the municipality, through June 1992, Muslim civilians from the town of Ključ and other villages in the municipality were arrested and taken to the Nikola Mačkić Elementary School.[683] According to ST218, prisoners were brought to the Nikola Mačkić Elementary School for interrogation on only two or three days at the end of May 1992. ST218 tried to enter the gymnasium where he saw a number of people but was prevented from doing so by members of the White Eagles paramilitary unit.[684]

308. Atif Džafić, the former commander of the Ključ police, was arrested by soldiers wearing JNA uniforms on 31 May 1992 in Sanica and the following day was taken by reserve police officers to the Nikola Mačkić School. Džafić and approximately 500 non-Serb civilian men were detained in the gym of the school. As they entered, they were beaten by Serb civilians who had formed a gauntlet and by Serb police officers. Their valuables were confiscated. While detained at the school, Džafić was interrogated by Nedeljko Vasić, whom he recognised as a Serb police officer from Zagreb; Duško Miličević, an inspector from the Banja Luka CSB; Željko Dragić, the Chief of the crime police in Ključ at the time; and an unknown man in the military uniform of a captain. Džafić and the other detainees were punched, kicked, and beaten by members of the police with the leg of a school desk, a cable, and a bat. Džafić stated that he was in extreme pain as a result of these beatings.[685] In one particular incident, Serb police officers beat a detainee and forced him to lick his own blood off the floor, which others witnessed.[686] Džafić remained at the Nikola Mačkić School until 3 June 1992 when he and other detainees whose names were on a list were transported to the school in Sitnica by members of the police. They were beaten along the way.[687]

(d) Killings

309. According to Atif Džafić—who was re-appointed Chief of the Ključ SJB on 1 February 1996 and was thereafter involved in locating mass graves—twelve mass graves were discovered in Ključ out of which 410 persons were exhumed. Over 90% of the bodies were identified. Additionally, there were some 120 individual graves. The locations of these mass graves were at Lanište 1, Lanište 2, Crvena Zemlja 1, Crvena Zemlja 2, Vrhovo 1, Vrhovo 2, Potoćani, Biljani, and Bunarevo—all located in the municipality of Ključ. The remains of residents of Ključ were also

[683] Adjudicated Fact 545; Asim Egrlić, 3 February 2010, T. 6065-6067, 6094; P923, Aerial Photograph with Nikola Mačkić School Marked by Witness; P925, Photograph of Nikola Mačkić School; P926, Photograph of Nikola Mačkić School; P927, Photograph of Nikola Mačkić School Gym.
[684] ST218, 13 October 2010, T. 15907, 15915 (confidential).
[685] Atif Džafić, P962.01, Witness Statement, 20 February 2001, pp. 13-16. *See also* Atif Džafić, 5 February 2010, T. 6263.
[686] Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 16; Adjudicated Fact 956.
[687] Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 16.

found at two mass grave sites outside of Ključ.[688] Whereas most of the bodies exhumed were those of men, there were also bodies of women and children.[689]

(i) Killings in Velagići

310. On the afternoon of 31 May 1992, Dujo Vejin, the Serb commander of the Velagići reserve police forces, sent Hasan Salihović to compile a list of the residents in the predominantly Muslim hamlets of Vojići, Nežići, Hašići, Častovići, and Hadžići. The list was given to members of the police at the checkpoint at Velagići. Salihović was sent back to the same villages to inform the residents that everyone between the ages of 18 and 60 years was obliged to come to Velagići to receive permits for free movement.[690]

311. On or about 1 June 1992, ST017 and 78 other civilians, none of whom had weapons, arrived at the Velagići checkpoint.[691] The checkpoint was set up a short distance from the Velagići School building and, according to ST017, was manned by members of the police—reserve and active—and "army troops".[692] The villagers lined up and Zoran Dvizac, who was wearing a military uniform, drew up a list of their names.[693] ST017 testified that one of the police officers manning the Velagići checkpoint was Željko Radojčić, a reserve policeman. Radojčić was accompanied by two soldiers wearing olive-drab uniforms. They went from one person to another among those stopped at the checkpoint, cursing and abusing them. Radojčić put a rifle butt under ST017's throat and hit him in the chest. The two soldiers said to Radojčić: "Just tell us who to kill." Radojčić replied, "No one will stay to live here or survive."[694] Later, two soldiers confiscated everything the villagers had in their pockets, including identification papers and money.[695] Two men, Husein Bajrić and Ramiz Zukić, were separated from the group and remained at the checkpoint. A third man, Mirsad Dervišević, was also removed from the group and taken by Simo Vujičić, a member of the police, to the Ključ SJB building and eventually to Manjača.[696]

312. The remaining villagers were taken to the first floor of the school building by members of the military and detained in a classroom. A unit of the Ključ reserve police had a command centre at

[688] Atif Džafić, 4 February 2010, T. 6206-6207.
[689] Asim Egrlić, P960.06, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 29 July 2004, T. 4810-4812.
[690] ST017, 11 October 2010, T. 15774-15776 (confidential), 12 October 2010, T. 15781-15783, 15827 (confidential); Adjudicated Fact 558.
[691] ST017, 12 October 2010, T. 15782-15784 (confidential).
[692] ST017, 12 October 2010, T. 15786-15787, 15814-15815 (confidential); P1638, Aerial Photograph of the Velagići School Area marked by ST017; Atif Džafić, 4 February 2010, T. 6181.
[693] ST017, 12 October 2010, T. 15783, 15791 (confidential). *See* P1280, Banja Luka Military Court File Against Goran Amidzić and Others (Velagići Killings), pp. 36-43, which contains the list that was created.
[694] ST017, 12 October 2010, T. 15783, 15787-15789 (confidential). *See* P1641, Official Note from Ključ SJB to Banja Luka SJB signed by "Policeman" Željko Radojčić, 17 June 1992.
[695] ST017, 12 October 2010, T. 15788-15789 (confidential).

this school.[697] The detainees were forced to sit in each other's laps because there was very little room. ST017 sat in his father's lap. Those detainees who were next to the door were kicked and mistreated. ST017 frequently heard the soldiers saying to detainees: "Fuck Alija" and "Fuck your mothers." At one point, one of the detainees, Adem Muherić, addressed the soldier guarding them, begging him not to kill them, in response to which the soldier hit Muherić in the mouth with his rifle butt.[698]

313. On the night that ST017 was held in the classroom, he heard the sounds of individuals, whom he believed to be Husein Bajrić and Ramiz Zukić, being beaten and screams coming from outside the school. He heard soldiers shouting: "Get up, get up." He then heard bursts of rifle fire, moaning, and silence.[699]

314. Later that night, at about 11:30 p.m., ST017 and the other 75 detainees were ordered to exit the classroom and told to line up to leave the school. ST017 was somewhere in the middle of the line. As they exited the school, they were told to line up in pairs in front of the school and then to raise their arms and spread their legs facing the soldiers. Two buses were parked nearby with their engines running and their lights dimmed. ST017 looked towards the road and saw two people squatting with their guns aimed at the detainees. The two men shouted to the guards: "Are they all out?" The soldiers responded: "Wait a little bit longer until they're all lined up." When all the detainees were lined up, the soldiers moved to the left and shouted: "Fire!" As they started firing, ST017 dropped to the ground. As other bodies fell on top of him, he could hear groaning. After they had shot the detainees, the soldiers approached and shot those who still showed signs of life from close range.[700]

315. While ST017 was lying underneath the bodies, he could hear the soldiers talking to each other. They asked for brandy and started drinking, screaming, and singing. They then sat down and tried to agree on how to move the bodies. He heard them say that they would go to Lanište to get trucks and a bulldozer in order to have the bodies loaded and taken to the forest where they would unload and bury them. At one point, ST017 could hear Ismet Jukić from Vojići moan, as he had only been wounded. He begged the soldiers to kill him so he would not have to suffer any longer. After that, the soldiers approached Jukić and shot him dead. As ST017 managed to slide out from underneath the bodies that covered him, he noticed two of his fellow detainees also survived the shooting. After one of the buses had left and the rest of the soldiers had gone into the remaining bus

[696] ST017, 12 October 2010, T. 15789-15790, 15829 (confidential); P1639, Photographs of Ključ Crisis Staff including Simo Vujičić; P962.16, Photographs of Ključ War Presidency and Serbian Police Officers, p. 7.
[697] ST017, 11 October 2010, T. 15771, 12 October 2010, T. 15820 (confidential).
[698] ST017, 12 October 2010, T. 15793-15794 (confidential).
[699] ST017, 12 October 2010, T. 15794 (confidential).

to continue drinking, ST017 and one of the other survivors escaped by jumping over a fence and following a creek to Donji Vojići.[701]

316. There is evidence that, after the killing, Vinko Kondić and a Lieutenant Colonel Vukašević made arrangements to transfer the bodies to a mass grave site in the woods outside Lanište.[702] A total of 77 bodies were exhumed from a mass grave, Lanište 2, located near the main road between Ključ and Bosanski Petrovac, some 3 to 4 km from the Velagići checkpoint in the forest near Mount Grmeć.[703] It was determined that all of the bodies found at the grave site were residents of Velagići village and were all male Muslim civilians.[704] Having examined the relevant forensic evidence, the Trial Chamber was able to identify 71 of the 72 named persons listed in the Final Victims List as victims of this incident.[705] The Chamber has set out its analysis of this evidence in Annex II.[706]

317. Following the killings at the Velagići School, an investigative judge was sent to the school on 3 June 1992 to make a record of the crime. Several VRS soldiers were arrested in connection with the killings. The suspects were transferred to Mali Logor, in Banja Luka, where they were kept for a short time, before being released to their units in Ključ without being tried for their participation in the killings.[707]

(ii) Killings in Biljani

318. On 25 June 1992, the command of the VRS 17th Light Infantry Brigade issued an order pursuant to which the brigade units—jointly with the 6th Infantry Brigade and police squads—were to carry out "a complete blockade, search and mopping up of the terrain" in the areas of Rarnići, Krasulje, Hripavći, Ošljak, and Velagići. The order specifically prohibited the torching and destruction of houses except during combat operations if necessary.[708]

319. An official note from the commander of the Sanica sub-station in Ključ, Milan Tomić, reports on a "mopping up" operation in the villages of Gornji Biljani and Donji Biljani on 10 July 1992. The official note outlines the actions taken by the police and a military unit under the

[700] ST017, 12 October 2010, T. 15795-15801, 15830-15831 (confidential).
[701] ST017, 12 October 2010, T. 15797-15798 (confidential).
[702] P1280, Banja Luka Military Court File Against Goran Amidzić and Others (Velagići Killings), pp. 31, 52, 57; Adjudicated Fact 1178. *See also* ST218, 13 October 2010, T. 15918.
[703] Adjudicated Facts 1178, 1179; Atif Džafić, 4 February 2010, T. 6207; P2466, Proof of Death Database (CHS), "ordinal number" 1311, Report of the Federal Ministry of Internal Affairs on Exhumation and Identification of Bodies from Mass Graves in Sanski Most and Ključ (confidential).
[704] Asim Egrlić, 3 February 2010, T. 6073; Adjudicated Fact 1179.
[705] *See* Prosecution's Final Victims List, pp. 4-5.
[706] *See* Annex II, section on Ključ.
[707] Adjudicated Fact 1180; P1280, Banja Luka Military Court File Against Goran Amidzić and Others (Velagići Massacre), p. 59; P1284.18, Official Record of On-Site Investigation into Killing of a Large Group of Civilians from Velagići, 3 June 1992; ST218, 13 October 2010, T. 15918.
[708] Adjudicated Fact 1177. *See also* 2D46, Order from Ključ Military Post for Further Operations, 9 July 1992.

command of Jovan Kevac to "clear out" several villages and hamlets in the municipality of Ključ on 10 July 1992. Kevac's units began the operation in the early hours of the morning. A decision was taken to put "military prisoners" detained during the operation at the local school in Biljani under the control of members of the Sanica reserve police sub-station and members of the Ključ SJB.[709]

320. Muslim men and women were rounded up in Biljani and taken to the local school building; there, between 120 and 150 men were confined in two classrooms.[710] After a number of men were executed outside the school, the remaining men and women were taken out in groups of five, beaten, and loaded onto two buses to take them back to Ključ. When the buses filled up, those still waiting to board were taken aside and shot.[711] At least 144 men were killed in Biljani on 10 July 1992.[712]

321. Asim Egrlić stated that about 188 bodies of Muslims from Biljani were exhumed from a mass grave site, Lanište 1, located approximately 3 to 4 km from the Velagići checkpoint.[713] This is corroborated by the extensive forensic evidence the Chamber examined in the Proof of Death Database. The Chamber has identified 142 victims from among 172 persons named in the Prosecution's Final Victims List.[714] The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.[715]

(e) Appropriation, plunder, and looting of property

322. Ajiz Bečić stated that residents of Pudin Han in Ključ were in fear and stayed in their homes from mid-June to 1 October 1992. The constant sound of gunfire caused villagers not to go to the town of Ključ or farm their land, forcing them to live on food they had stored. There was electrical power occasionally, but televisions and radios had been stolen from their homes. Bečić learned that the "Serbs" had organised convoys to expel Muslims from Ključ; the villagers then had to go to Ključ to sign over their property to the "Serbian municipality of Ključ". This included Bečić's house and land. According to Bečić, if he had not done so, he would not have been allowed to leave.[716]

[709] P1654, Official Note of Public Security Station Ključ, 10 July 1992. *See also* ST218, 13 October 2010, T. 15916-15918 (confidential).
[710] Adjudicated Facts 564, 565.
[711] Adjudicated Facts 566, 1182. *See also* P1654, Official Note of Public Security Station, 10 July 1992 (indicating that two buses were sent from Ključ to take prisoners to Ključ).
[712] Adjudicated Fact 566.
[713] Atif Džafić, 4 February 2010, T. 6208; Asim Egrlić, P960.06, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 29 July 2004, T. 4810-4812.
[714] *See* Prosecution's Final Victims List, pp. 1-4.
[715] *See* Annex II, section on Ključ.
[716] Ajiz Bečić, P2139, Witness Statement, 15 September 2001, p. 4.

323. Upon returning to Ključ in 1995, Bečić found his family house in Pudin Han to be "just walls and a roof." Everything had been taken from his home, as well as from the homes of many of the others in Pudin Han. Many of the houses had been shelled and burned to the ground.[717] The houses belonging to Muslims in the town of Ključ were destroyed by Bosnian Serb soldiers. The houses were first looted and then set on fire.[718]

(f) Destruction of religious and cultural buildings

324. In mid-1992, many villages in the municipality of Ključ predominantly inhabited by Muslims and Croats were shelled, and houses and cars were set on fire and destroyed by Serb Forces. Asim Egrlić testified that, when he returned to Ključ in 1996, the town was in a very bad state. In addition to houses being torched, all of the mosques in the municipality had been destroyed.[719]

325. András Riedlmayer provided the Trial Chamber with a report detailing the destruction of religious and cultural sites in Ključ.[720] Riedlmayer examined 20 different sites in the municipality of Ključ, including the Biljani mosque (torched on 10 July 1992), the old mosque at Humići (burned by Serb Forces on 4 August 1992), Ključ town mosque (mined and destroyed to its foundation by Serb Forces in August 1992), the Pudin Han mosque (blown up by Serb Forces in July 1992), Sanica mosque (set on fire by Serb Forces on 26 June 1992 and the ruins and minaret were blown up on 1 August 1992), the Krasulje mosque, and the Ključ town Catholic church (mined by Serb Forces between January and February 1993).[721]

326. Following the Crisis Staff's order to surrender weapons on 28 May 1992 and continuing throughout 1992, 3,500 Muslim-owned houses, one Catholic church, and at least four Muslim monuments in Ključ, including the Ključ Atik town mosque and its minaret and the Biljani mosque, were either completely destroyed or heavily damaged by fire and explosives set by Bosnian Serb Forces during 1992.[722]

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[717] Ajiz Bečić, P2139, Witness Statement, 15 September 2001, p. 5.
[718] Adjudicated Fact 567.
[719] Asim Egrlić, 3 February 2010, T. 6080-6081; Adjudicated Fact 568.
[720] P1396, Expert Report of András Riedlmayer entitled "Destruction of Cultural Heritage in Bosnia and Herzegovina: A Post-War Survey of the Destruction of Non-Serb Cultural Heritage", 18 August 2009 ("Riedlmayer 2009 Report").
[721] P1396, Riedlmayer 2009 Report, p. 8; P1402, Database of Material Related to András Riedlmayer's Expert Report on Destruction of Cultural Heritage in Bosnia-Herzegovina, 1992-1996 ("Riedlmayer Database"), pp. 552-553, 561-562, 570-572, 573-574, 588, 591-593, 597-598.
[722] Adjudicated Facts 963, 964, 1173, 1190.

(g) Deportation and forcible transfer

327. An agency for the reception and removal of refugees was established on 27 May 1992 by the Ključ Crisis Staff. Persons who wished to move out of the municipality had to obtain a permit issued by the municipal authorities.[723] Convoys for Muslims and Croats leaving Ključ for Travnik were organised by the police, who issued the relevant documents to the detainees.[724] On one occasion, after a number of convoys had already been organised, a convoy of approximately 1,000 people left Ključ for Travnik in late July 1992. The majority of those in the convoy were Muslim women and children.[725] In accordance with the Crisis Staff decision of 30 July 1992, those who wished to leave the municipality had to submit a statement saying that they were leaving permanently and had to exchange their property or surrender it to the municipality.[726]

328. In October 1992, Ajiz Bečić, a Muslim, and his family left Ključ as part of a convoy of 11 buses and 11 trucks. Both the local police and army were at the departure site checking whether those departing had both paid for their ticket and signed over their property. The buses were escorted by the "Serbs" to a place about 25 km away from Travnik. The passengers were ordered off the bus and forced to hand over their money and valuables to the "Serbs". All these persons were then released and allowed to walk to Travnik, where Bečić remained for 10 to 15 days. He then went to Zenica where he remained until 1995. Bečić estimated that 2,500 non-Serbs, mostly women, children, and the elderly, were expelled from Ključ. The young men and men of fighting age had already been taken to the Manjača facility.[727]

329. Detainees were transferred by bus or on foot from Ključ to the Manjača camp in Banja Luka. They were escorted by, among others, members of the police.[728] ST017 testified that, after being held in detention in Ključ for several days, he was later transferred to Manjača along with other detained persons.[729]

330. A report from the VRS 17th Ključ Light Infantry Brigade command of the 2nd Krajina Corps, dated 16 February 1993, detailed the numbers of people who had left Muslim villages and communes in the municipality 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

[723] Adjudicated Fact 1183.
[724] Adjudicated Fact 959.
[725] Adjudicated Fact 958. *See also* P2229, p. 3 (confidential).
[726] Adjudicated Fact 1184. *See* P960.21, Statement of Resident Leaving Ključ, 3 August 1992.
[727] Ajiz Bečić, P2139, Witness Statement, 15 September 2001, pp. 4-5.
[728] ST218, 13 October 2010, T. 15914-15915; Atif Džafić, 5 February 2010, T. 6228-6229, 6271-6272; Atif Džafić, P962.01, Witness Statement, 20 February 2001, p. 16; Adjudicated Fact 1193.
[729] ST017, 12 October 2010, T. 15829 (confidential).

Ribnik.[730] A May 1993 MUP report indicates that between 14,000 to 15,000 Muslims, 200 Croats, and 1,000 Serbs had left the municipality of Ključ; at the same time, 2,000 to 3,000 Serbs moved into the municipality.[731] Out of the approximately 17,000 Muslims who had lived in the Ključ area, only about 600 remained by the summer of 1992.[732]

### 3. Factual Findings

331. The Trial Chamber finds that on 7 May 1992 the 6th Krajina Brigade of the JNA entered the town of Ključ, implemented a curfew imposed by the local Serb authorities, and set up checkpoints at important locations and intersections throughout the municipality. Continuing in May 1992, other villages in the municipality of Ključ were subjected to a forcible takeover by Serb military and paramilitary forces and by Serb police. The Trial Chamber is satisfied that all police personnel were required to sign a declaration of loyalty to the RS. Those who refused to sign the declaration were sent on leave or removed from duty; and, by the end of May 1992, the Ključ police was staffed and operated by Bosnian Serb police only. The Trial Chamber also finds that the Ključ Crisis Staff ordered the dismissal of non-Serbs from employment, starting with the ones holding managerial positions.

332. The Trial Chamber is satisfied that, from 27 May 1992, and continuing throughout June 1992, police, soldiers, paramilitary units including the White Eagles, and Serb civilians arrested Muslims and Croats in the municipality of Ključ. Muslims from Ključ, Krasulje, Gornja and Donja Sanica, Crljeni, Draganovići, Pudin Han, Velagići, Biljani, and Prhovo were arrested and taken to detention facilities at the Nikola Mačkić School and the SJB building in Ključ. While the Trial Chamber acknowledges that some of the detainees were arrested from places where combat activities were ongoing, the evidence shows that large numbers of non-Serbs were detained merely on the suspicion of being extremists. Individuals were arrested while walking on the streets or simply for being present in combat areas.

333. The Trial Chamber further finds that on 28 May 1992 the Ključ Crisis Staff issued an order for Muslims to surrender their weapons and turn themselves in. Prior to the expiration of the ultimatum, the VRS started shelling Pudin Han, followed by Velagići and Prhovo.

334. The Trial Chamber finds that from mid-1992 villages in the municipality that were predominantly inhabited by Muslims and Croats were shelled, and houses and cars were set on fire by Serb Forces. These villages included Gornja and Donja Sanica, Crljeni, Draganovići, Prhovo,

[730] Adjudicated Fact 1188.
[731] Adjudicated Fact 1189.
[732] Adjudicated Fact 1187.

and Biljani. The Trial Chamber has considered evidence of the presence of organised Muslim resistance in Krasulje, Pudin Han, and Velagići and evidence that armed clashes occurred in these areas. Based on the available evidence, the Trial Chamber is unable to determine if the destruction of property in these villages was the result of combat or the consequence of criminal activity, constituting wanton destruction. The Trial Chamber finds that property was stolen from the homes of Muslims and Croats and that Muslims being expelled had to sign over their property to the Serbian authorities.

335. While in detention at the Nikola Mačkić School and the SJB building, detainees were subjected to harsh conditions and beatings during interrogations and transfers between detention facilities. Detainees were beaten and subjected to ethnic slurs from the Serb Forces guarding them. In some cases, the beatings resulted in serious injury, and detainees were subjected to witnessing the beatings of other detainees. Serb guards confiscated the property of detainees. The Trial Chamber finds that the Nikola Mačkić School was being guarded by police personnel and interrogations were conducted by Nedeljko Vasić, a Serb police officer from Zagreb; Duško Miličević, an inspector from the Banja Luka CSB; and Željko Dragić, the Chief of the crime police in Ključ at the time. The SJB building was staffed and guarded by the police, and the SJB Chief Vinko Kondić was aware of unlawful detentions and beatings taking place at the SJB building.

336. The Trial Chamber finds that, on the night of 1 June, two men, Husein Bajrić and Ramiz Zukić, were beaten and shot to death outside the old school in Velagići by Serb Forces; thereafter, at about 11:30 p.m., approximately 74 civilian detainees were lined up outside the school and killed by Serb Forces. These victims were residents of Vojići, Nežići, Hašići, Častovići, and Hadžići in Ključ who were told by Bosnian Serb police to come to the checkpoint at Velagići. They were arrested and detained at a local school building in Velagići. The Trial Chamber heard evidence from ST017 who was among those arrested on that day. He gave detailed evidence of what he saw and heard at the school that day, and the Trial Chamber accepts him as a credible witness. The Trial Chamber is satisfied that none of the residents from the villages who were detained possessed weapons. All of the bodies found at the Lanište 2 mass grave sites were residents of Ključ municipality and were male Muslim civilians or persons not taking an active part in the hostilities. The Trial Chamber considers that on 3 June 1992 an investigation was carried out by an investigative judge in relation to the killings on 1 June 1992. The Trial Chamber further considers that several VRS soldiers were arrested in connection with these killings. However, they were released a short time later and no one was charged for the crimes. The Trial Chamber is satisfied that the approximately 76 victims were killed on 1 June 1992. The Trial Chamber was able to identify 71 of these individuals as specified in Annex II of the Judgement.

337. The Trial Chamber finds that police from the Sanica sub-station in Ključ and VRS soldiers under the command of Jovan Kevac carried out "mopping up" operations in Gornji Biljani and Donji Biljani on 10 July 1992. The Trial Chamber was presented with an official note outlining the actions taken by the police and soldiers in Biljani on that day. Muslim men and women were taken out of their homes and rounded up at a school in Biljani. The Trial Chamber finds that between 120 and 150 men were confined in two classrooms at the school. After a number of men were executed, the remaining men and women were taken outside the school and loaded onto buses taking them back to Ključ. Those still waiting to board when the buses were full were taken aside and shot. The Trial Chamber finds that Serb police and VRS soldiers killed at least 144 men in Biljani during "mopping up" operations on 10 July 1992. The Trial Chamber finds that 142 of these individuals have been identified as named victims as specified in Annex II of the Judgement.

338. The Trial Chamber finds that a significant number of persons living in the Ključ municipality prior to the war were forced from their homes and the municipality between May 1992 and January 1993. The Trial Chamber heard evidence from Ajiz Bečić, who testified that his family and other Muslims and Croats were placed onto 11 buses and 11 trucks and forced to leave the municipality by Serb Forces. His evidence is that both the police and the army were present at the departure site. He estimates that 2,500 Muslims and Croats were expelled from Ključ. Some persons were sent to Travnik and released there, and others were sent by bus or on foot to the Manjača camp in Prijedor. Thousands of residents of Sanica, Velagići, and Peći Humići, and all of the residents of Sokolovo and Gornji Ribnik had left Ključ by January 1993. The Trial Chamber finds that these residents left as a result of the attacks, of the arbitrary arrests, and of the other discriminatory measures imposed on them by Serb authorities.

339. The Trial Chamber finds that the Ključ town mosque, the old mosque at Humići, the Pudin Han mosque, the Sanica mosque, and the Biljani mosque were destroyed by Serb Forces in 1992. However, although the Krasulje mosque was destroyed, insufficient evidence was adduced in relation to the perpetrators. Further, while there is evidence that the Catholic church in Ključ was destroyed by Serb Forces, this was done between January and February 1993, which is outside the Indictment period. In addition, thousands of Muslim-owned houses and at least four Muslim monuments in Ključ were either completely destroyed or heavily damaged by fire and explosives set by Serb Forces during 1992. It has not been proved that the Donji Budelj mosque or the Velagići mosque were destroyed.

### 4. Legal Findings

340. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in Bosnia and Herzegovina during the time period relevant to

the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Ključ and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

341. The Trial Chamber finds that the acts of the Serb Forces in Ključ were linked geographically and temporally with the armed conflict. The Trial Chamber is satisfied that there was an attack by Serb Forces directed at the civilian population in Ključ. The arbitrary arrests that began on 27 May 1992, the detention of Muslims and Croats, and the appropriation of their property by Serb Forces demonstrate that these attacks were highly organised and carried out in a systematic way. The Trial Chamber finds that, at least between mid-May and August 1992, Serb Forces looted residential and commercial property after the attacks on Muslim and Croat parts of Ključ. The Trial Chamber finds that the attack against the civilian population was widespread and systematic. The acts of Serb police and paramilitary forces against the Muslim and Croat civilian population were part of this attack; and, given the high degree of organisation of the attack, the Trial Chamber finds that the perpetrators knew that the attack was ongoing and that their acts were part of it.

342. The Trial Chamber therefore finds that the general requirements of Articles 3 and 5 have been satisfied.

343. *Counts 2, 3, and 4*. The Trial Chamber has found that on 1 June 1992 Serb Forces killed approximately 76 Muslims at the old school in Velagići. The Trial Chamber is also satisfied that Serb police and VRS soldiers carried out "mopping up" operations in Biljani on 10 July 1992, in which they killed at least 144 Muslim men. Recalling the finding that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that Serb Forces committed murder, both as a crime against humanity and a violation of the laws or customs of war.

344. The Trial Chamber considers that the above killings were carried out in a relatively short time period, in a similar manner, and at locations within the municipality of Ključ. The Trial Chamber therefore finds that the killings in Velagići and Biljani were part of the same operation. The number of victims in both killings, amounting to at least 220 victims, is sufficiently large so as to satisfy the requirements of extermination. The Trial Chamber, however, notes that even if considered separately, each of the killings is sufficiently large so as to satisfy those requirements. Therefore, and recalling that the general requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, the perpetrators committed extermination, as a crime against humanity.

345. *Counts 5, 6, 7, and 8*. The Trial Chamber finds that the assaults carried out by Serb police and paramilitaries against Muslims and Croats at the Nikola Mačkić School and the SJB building in

Ključ caused them severe physical and psychological suffering and that the assaults were carried out as a form of intimidation and discrimination. Accordingly, the Trial Chamber, recalling that the general requirements of Article 3 and 5 have been satisfied, finds that torture, as a crime against humanity and as a violation of the laws or customs of war, was committed by Serb police and paramilitaries against the Muslim and Croat population in Ključ. Having found that the general requirements of both Articles 3 and 5 are satisfied and that torture was committed, the Trial Chamber further finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees in Ključ.

346. *Counts 9 and 10*. The Trial Chamber has found that thousands of Muslim and Croat residents of Ključ were removed from their homes and from the municipality by Serb Forces between May 1992 and December 1992. The Trial Chamber therefore finds that Serb Forces removed Muslims and Croats from Ključ, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that between May 1992 and December 1992, Serb Forces committed other inhumane acts (forcible transfer), as crimes against humanity, against the Muslim and Croat populations of the municipality of Ključ. There is insufficient evidence that victims were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

347. *Count 1*. The Trial Chamber finds that Serb Forces unlawfully detained Muslims and Croats. There was significant appropriation or plunder of Muslim and Croat property by Serb police and paramilitaries during and after the attack on Ključ. The Trial Chamber finds that Serb Forces carried out the wanton destruction of the Muslim and Croat parts of the municipality of Ključ. The Ključ town mosque, the old mosque at Humići, the Pudin Han mosque, the Sanica mosque, the Biljani mosque, and thousands of Muslim-owned houses were destroyed by Serb Forces in 1992. From the beginning of May 1992 onwards, Serb Forces imposed restrictive and discriminatory measures on Muslims and Croats in Ključ by removing Muslim personnel in Ključ from official positions and by restricting the freedom of movement of Muslims and Croats.

348. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, 5, 6, 7, 8, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living

conditions; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of a particular ethnicity. Based on the pattern of conduct by Serb Forces in Ključ during operations in the municipality—such as the verbal abuse and use of derogatory terms towards Muslim and Croat detainees—, the Trial Chamber finds that Serb Forces carried out these acts with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

349. On the basis of the above, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Ključ.

350. *Conclusion.* The Trial Chamber finds that between April and December 1992 Serb Forces committed the crimes charged under counts 1, 2, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Ključ.

## D. Kotor Varoš

### 1. Charges in Indictment

351. The Indictment charges Mićo Stanišić and Stojan Župljanin with the following crimes allegedly committed in the municipality of Kotor Varoš at the times and locations specified below.

352. In count 1, the Accused are charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4;[733] (b) torture, cruel treatment, and inhumane acts, as specified below under counts 5, 6, 7, and 8;[734] (c) unlawful detention in the SJB building in Kotor Varoš, Kotor Varoš prison, and the sawmill;[735] (d) the establishment and perpetuation of inhumane living conditions during the same time periods at the same detention facilities, including the failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities;[736] (e) forcible transfer and deportation;[737] (f) the appropriation and plunder of property during and after the attacks on non-Serb parts of the towns of Kotor Varoš, Vrbanjci, Dabovci, Hanifići, Plitska, and Večići, at least between June and August 1992, in detention facilities, and in the course of deportations or forcible

[733] Indictment, paras 26(a), 26(b), 27(a), 27(b), Schedules A n. 2.1, B n. 3.2.
[734] Indictment, paras 26(c), 26(d), 27(c), 27(d), Schedules A n. 2.1, D n. 4.1-4.3.
[735] Indictment, paras 26(e), 27(e), Schedule C n. 4.1-4.3.
[736] Indictment, paras 26(f), 27(f), Schedule C n. 4.1-4.3.
[737] Indictment, paras 26(g), 27(g).

transfers;[738] (g) wanton destruction of Bosnian Muslim and Bosnian Croat villages and areas, including the destruction of the town Catholic church, Hrvanćani mosque, Hanifići mosque, the old mosque in Večići, the new mosque in Večići, Vrbanjci mosque, Vranić mosque, Ravne mosque, Donji Varoš mosque, and Hadrovići mosque at least between June and November 1992; and the looting of residential and commercial property in non-Serb parts of the town of Kotor Varoš, Vrbanjci, Dabovci, Hanifići, Plitska, and Večići, at least between June and August 1992;[739] and (h) the imposition of discriminatory measures after the takeover of Kotor Varoš on or about 10 June 1992.[740] All the underlying acts of persecution were allegedly committed by Serb Forces against Bosnian Muslims and Bosnian Croats.[741]

353. In counts 2, 3, and 4, the Accused are charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and with extermination, as a crime against humanity, committed by Serb Forces against Muslims and Croats: (a) on 25 June 1992 in Kotor, on the way to the medical centre, and in front of the medical centre; and (b) between June and September 1992 in the Kotor Varoš prison building where a number of men died as a result of beatings.[742]

354. In counts 5, 6, 7, and 8, the Accused are charged with the following: (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, these crimes having been committed by Serb Forces against the non-Serb population in the SJB building in Kotor Varoš at least between June and September 1992, in the Kotor Varoš prison at least between June and the end of 1992, in the Kotor Varoš sawmill at least during August 1992, and on 25 June 1992 on the way to and in front of the medical centre in Kotor Varoš.[743]

355. In counts 9 and 10, the Accused are charged with the following: deportation and forcible transfer (other inhumane acts), as crimes against humanity, committed by Serb Forces following the takeover of Kotor Varoš on or about 10 June 1992 against the Bosnian Muslim and Bosnian Croat population.[744]

[738] Indictment, paras 26(h), 27(h), Schedule F n. 3.
[739] Indictment, paras 26(i), 27(i), Schedules E n. 3, F n. 3.
[740] Indictment, paras 26(j), 27(j), Schedule G n. 3.
[741] Indictment, paras 26, 27.
[742] Indictment, paras 29-30, Schedules A n. 2.1, B n. 3.2; Final Victims List, n. 2.1, 3.2.
[743] Indictment, paras 32-36, Schedules A n. 2.1, D n. 4.1-4.3.
[744] Indictment, paras 37-41, Schedules F n. 3, G n. 3.

## 2. Analysis of Evidence

### (a) Background

356. The municipality of Kotor Varoš is located in north-western BiH. It is bordered to the west by the municipality of Skender Vakuf, to the east by the municipality of Teslić, to the north by the municipality of Čelinac, and to the south by the municipality of Travnik.[745] In 1991, the municipality of Kotor Varoš had 14,056 (38%) Serbs, 11,090 (30%) Muslims, and 10,695 (29%) Croats with the remaining population of other or unknown ethnicity.[746] In 1995, Kotor Varoš had approximately 14,000 (83.3%) Serbs, 1,800 Muslims (10.7%), and 1,000 (6%) Croats.[747] The Prosecution's Demographic Unit estimated that approximately 7,964 individuals of Muslim ethnicity and 7,876 persons of Croat ethnicity who had resided in the municipality of Kotor Varoš in 1991 were displaced persons or refugees in 1997.[748]

357. Prominent figures in Kotor Varoš before the takeover included: Savo Tepić, a Serb and chief of the Kotor Varoš SJB; Nedeljko Marić, a Croat and commander of the Kotor Varoš SJB; Muhamed Sadiković, a Muslim and assistant commander of the Kotor Varoš SJB; Manojlo Tepić, a Serb and commander of the TO; Nedeljko Đekanović, a Serb and head of the SDS in Kotor Varoš, a member of the SNO, and president of the Crisis Staff; Anto Mandić, a Croat and president of the municipality of Kotor Varoš, who also presided over the SO; and Fikret Džikić, a Muslim and head of the SDA.[749]

### (b) Takeover

358. Prior to the municipal elections in Kotor Varoš in 1991, many government posts were held by Serbs. After the elections in 1991, there was an attempt to divide government posts according to the election results and the ethnic structure of Kotor Varoš; however, each political party attempted to get as many posts as possible.[750] Many of the posts formerly held by Serbs were reassigned to other parties. The Serb representatives at the SO formally accepted this arrangement, but there continued to be situations where assemblies were dissolved because there was dissatisfaction in the

[745] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[746] Adjudicated Fact 1195. *See also* Nedeljko Đekanović, 7 October 2009, T. 974; P65, Ethnic Map of Kotor Varoš; P1626, Summary of the Results of Ethnic Composition Prepared for the Stanišić & Župljanin Case, pp. 2-3; ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17664 (confidential).
[747] P1626, Summary of the Results of Ethnic Composition Prepared for the Stanišić & Župljanin Case.
[748] P1627, Tabeau *et al*. Expert Report, pp. 102, 106.
[749] ST027, 2 October 2009, T. 730-731 (confidential); Nedeljko Đekanović, 7 October 2009, T. 1008.
[750] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17669-17670 (confidential).

way positions had been assigned.[751] Around March or April 1992, after the first incidents in which civilians were wounded, Muslim representatives stopped participating in the work of the SO.[752]

359. Sometime after December 1991, the Assembly of Serbian People of the Municipality of Kotor Varoš was formed. The Assembly met on occasion in Serb majority localities in Kotor Varoš before 11 June 1992. The SDS continued to take part in the joint SO until May 1992. [753]

360. On 18 March 1992, the JNA 122nd Brigade relocated its units from Slavonia to the area around Skender Vakuf, Maslovare, and Mount Borja.[754] The 122nd Brigade of the JNA became the 22nd Light Infantry Brigade of the VRS in a process that lasted several months.[755] The 122nd Brigade of the JNA was tasked with seising illegally possessed weapons from the general population.[756] Slobodan Župljanin, a Serb, was the local commander of the 22nd Light Infantry Brigade in Kotor Varoš. Colonel Peulić, a Serb, was the overall commander of the brigade.[757]

361. By April 1993, the 1st KK had formed 24 light infantry brigades. According to Ewan Brown, the 1st Kotor Varoš Light Infantry Brigade was actively involved in most of the military operations in Kotor Varoš, alongside elements of the 22nd Light Infantry Brigade, the Čelinac Light Infantry Brigade, and the MUP.[758]

362. At a meeting of the SNO of Kotor Varoš on 7 April 1992, Anto Mandić complained that weapons from the TO warehouse had been moved to the Mali Logor barracks in Banja Luka. Manojlo Tepić stated that they had been moved on the order of the Banja Luka headquarters command because of the security situation in Kotor Varoš and could be instantly returned if necessary.[759]

363. In the first half of April 1992, a meeting, chaired by Stojan Župljanin, was held at the Banja Luka CSB. At the meeting, Muslim and Croat representatives were invited to remain loyal to the authorities of the RS and were told that they would be asked to sign a solemn declaration to that effect. Muslim and Croat representatives did not accept the invitation. As ST258 was leaving the

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[751] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17677-17678 (confidential); 16 June 2003, T. 17672 (confidential).
[752] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17672 (confidential).
[753] Nedeljko Đekanović, 7 October 2009, T. 1008-1010 and 8 October 2009, T. 1066-1067; P15, Instructions for the Organisation and Operation of the Serb People in BiH, 19 December 1991, p. 7.
[754] ST197, 7 September 2010, T. 14338-14339 (confidential).
[755] ST197, 7 September 2010, T. 14343-14344, 14353 (confidential); Nenad Krejić, 2 September 2010, T. 14109-14110.
[756] ST197, 19 October 2010, T. 16218-16220 (confidential).
[757] ST027, 2 October 2009, T. 736-737 (confidential); Obrad Bubić, 16 November 2011, T. 25895-25896 and 17 November 2011, T. 25974-25975.
[758] Ewan Brown, 12 January 2011, T. 18717-18718 and 17 January 2011, T. 18787-18788; P1803, Brown Expert Report, pp. 74, 131, 138, 177-178; P1787, Order of the Command of Light Infantry Brigade to the 82mm Mortar Platoon, 23 July 1992, p. 2.
[759] P72, Excerpts from the Minutes of the 13th Session of the National Defence Council of Kotor Varoš, 7 April 1992.

meeting, Stojan Župljanin said to the president of the municipality of Kotor Varoš, "Now bang your fist on the table and solve the situation out there; Nedeljko should be head of the Croats, Muhamed should lead the Muslims, and Savo should lead the Serbs" in Kotor Varoš. ST258 interpreted Stojan Župljanin's words to mean that a political solution should be found to the inter-ethnic tensions in Kotor Varoš. A solution was not found at this meeting.[760]

364. Thereafter, three to four meetings of the SNO were held, which included the army, civilian authorities, and politicians. A political solution to the situation in the municipality still had not been found. A debate amongst the three political parties in Kotor Varoš was later organised to discuss the state of affairs in the municipality. The debate abruptly ended when Nedeljko Đekanović gave a speech stating that "like it or not we are going to be Republika Srpska."[761]

365. In late April or early May 1992, a meeting was convened in a Kotor Varoš retirement home in which employees of the Kotor Varoš SJB were requested to sign a solemn declaration stating their willingness to continue their duties under the "Ministry of the Serbian Republic of Bosnia-Herzegovina". All the uniformed personnel of the Kotor Varoš SJB were present at this meeting. Dragan Raljić, a Serb policeman present at the meeting, did not recall any members of the higher echelons of the MUP attending the meeting. According to Raljić, employees of the Kotor Varoš SJB were not forced to sign the declaration. At the meeting, some discussion ensued as to who would sign the declaration and who would not, but soon thereafter the meeting ended.[762]

366. During April and May 1992, public institutions in Kotor Varoš, such as the social and health services and the financial and postal services, began receiving instructions from their respective headquarters in Banja Luka.[763] The Kotor Varoš SJB also followed the orders of the Banja Luka CSB. However, in contrast to most SJBs in the ARK, officers of the Kotor Varoš SJB continued to wear the insignia of the BiH Government until 11 June 1992.[764]

367. Much earlier than June 1992, even during the conflict in Croatia, a Serb Kotor Varoš Crisis Staff was formed.[765] The Kotor Varoš Crisis Staff renamed itself the "War Presidency" on 7 July 1992.[766] A Serb regional Crisis Staff was also formed and met in Banja Luka before

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[760] ST258, 18 November 2010, T. 17542-17544, 17546-17547 (confidential). *See also* P72, Excerpts from the Minutes of the 13th Session of the National Defence Council of Kotor Varoš, 7 April 1992, p. 2.
[761] ST258, 18 November 2010, T. 17544-17547 (confidential).
[762] Dragan Raljić, 29 June 2010, T. 12396-12399; 2D18, Telegram from Stojan Župljanin to all SJBs Regarding Solemn Declarations, 16 April 1992.
[763] Adjudicated Fact 1196.
[764] Adjudicated Fact 1197.
[765] Nedeljko Đekanović, 7 October 2009, T. 1008 and 8 October 2009, T. 1067; P15, Instructions for the Organisation and Operation of the Serb People in BiH, 19 December 1991, p. 7.
[766] Nedeljko Đekanović, 9 October 2009, T. 1138; P87, Minutes of the 63rd Session of the Crisis Staff of Kotor Varoš, 7 July 1992.

11 June 1992. Representatives from Kotor Varoš regularly attended regional Crisis Staff meetings, except in the month of June when outbreaks of violence made it unsafe to travel between Kotor Varoš and Banja Luka. The president of the Serb Kotor Varoš Crisis Staff, Nedeljko Đekanović, saw Stojan Župljanin at some of the regional Crisis Staff meetings he attended and saw General Momir Talić at one such meeting he attended. He requested the assistance of the regional Crisis Staff in relation to increasing personnel for the takeover of Kotor Varoš. He made such requests also directly to Stojan Župljanin and to the military and the police station.[767]

368. Tensions were building in Kotor Varoš in the lead-up to the takeover. Each ethnic group had its own guards and put up barricades. Stories were circulating of the imminent takeover of Kotor Varoš by one of the three operating parties.[768] Various military formations were present before the takeover.[769] Each ethnic group armed itself,[770] such that each group's village or town guards gradually evolved into armed formations.[771] Serbs armed themselves by responding to TO call-ups and being issued weapons. Most Muslims and Croats did not respond to the call-ups; they purchased weapons from soldiers returning from the front in Croatia or from Serbs who had access to official weapons.[772] ST241, a non-Serb, did answer to a TO call-up, but he was not called again when weapons were being distributed at the stadium in Banja Luka.[773] ST019 testified that the arming of Muslims was done on an individual basis and not through parties such as the SDA.[774]

369. Media announcements encouraged Muslims to surrender their weapons.[775] When the deadline of 14 May to surrender weapons expired, the 1st KK and the police conducted operations to disarm Muslims and Croats.[776]

370. In June 1992, Serbs planned to carry out a takeover.[777] On 8 or 9 June 1992, a meeting was held at the Banja Luka CSB with representatives of the Kotor Varoš municipality, members of the military, and Stojan Župljanin. The deteriorated political and military situation of the municipality was discussed at the meeting. In particular, the fact that the Banja Luka–Kotor Varoš road had been cut off by Muslims at Vrbanjci, the fact that all ethnic groups were arming themselves, and the need

[767] Nedeljko Đekanović, 8 October 2009, T. 1067-1070.
[768] Nedeljko Đekanović, 14 October 2009, T. 1443-1446; Obrad Bubić, 16 November 2011, T. 25893-25895.
[769] Nedeljko Đekanović, 14 October 2009, T. 1453.
[770] ST027, 2 October 2009, T. 733-734; Obrad Bubić, 16 November 2011, T. 25893-25895.
[771] Obrad Bubić, 16 November 2011, T. 25896-25897. *See also* ST197, 20 October 2010, T. 16249-16250.
[772] ST027, 2 October 2009, T. 732-734; ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17691 (confidential).
[773] ST241, 5 November 2010, T. 16939-16940.
[774] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17694 (confidential).
[775] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17641-17642 (confidential).
[776] P1803, Brown Expert Report, pp. 66-67.
[777] Nedeljko Đekanović, 7 October 2009, T. 1038-1039.

to provide assistance to the police force in Kotor Varoš were discussed.[778] The Kotor Varoš Crisis Staff asked for assistance from the Banja Luka CSB in relation to the takeover. In response, the Banja Luka CSB sent a unit of the Banja Luka CSB Special Police Detachment, led by Slobodan Dubočanin, which comprised, at the time, of 30 to 40 well-trained men, to assist in the takeover of Kotor Varoš.[779] While members of the Banja Luka CSB Special Police Detachment normally wore blue and grey camouflage uniforms and blue berets,[780] members of Dubočanin's unit often wore lighter green-coloured camouflage uniforms and red berets.[781] Some witnesses also noted that members of Dubočanin's unit wore wider brimmed hats and patches with "four S's" or a "Cyrillic S".[782] The Trial Chamber notes that it has reviewed evidence on the composition of, and authority over, the Banja Luka CSB Special Police Detachment in the chapter of this Judgement dedicated to Stojan Župljanin's alleged participation in the joint criminal enterprise.

371. Prior to the takeover, all the communication lines were functioning properly. On 11 June 1992 and for the seven to ten days thereafter, telephone and teletype lines did not function properly; only radio communication was possible. After the initial seven to ten days following the takeover, there continued to be difficulty sending communications and dispatches because of the constant shortages of electricity.[783] Radio communication, however, was still possible.[784] The chief of the Kotor Varoš police station, the deputy commander, the chief of crime service, and the deputy officer had a special telephone line registered at the post office that acted as a closed network.[785] The chief of the Kotor Varoš police, Savo Tepić, used this line to contact his superiors in Banja Luka. A courier service was also used to carry communications, once or twice per week, between

[778] ST197, 8 September 2010, T. 14406-14407, 14409-14416.
[779] Nedeljko Đekanović, 7 October 2009, T. 1039-1041; Nedeljko Đekanović, 15 October 2009, T. 1495-1504; Dragan Raljić, 29 June 2010, T. 12395; Adjudicated Fact 522. *See also* P76, Report of Miloš Group Regarding the Takeover of Power by SDS in Kotor Varoš, 9 June 1992.
[780] Dragan Raljić, 29 June 2010, T. 12394-12396; SZ003, 21 September 2011, T. 24524-24531; SZ002, 8 November 2011, T. 25417-25425 (confidential); P1393, Video Footage of the Police Parade Held in Banja Luka on 12 May 1992, minute 45:40.
[781] ST012, 1 October 2009, T. 679 (confidential); ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17633-17634 (confidential); Nedeljko Đekanović, 9 October 2009, T. 1169-1173; P98, Photo Marked by Nedeljko Đekanović; ST197, 8 September 2010, T. 14450-14452; P1579, Video of Red Berets and Police in Kotor Varoš, minutes 5:40 and 9:18. The Trial Chamber notes that witnesses have generally referred to members of the Banja Luka CSB Special Police Detachment as "specials" or "specialists". ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17617-17618 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 3 (confidential); ST258, 18 November 2010, T. 17550-17551, 17551-17556 (confidential); ST013, 9 October 2009, T. 1210-1213; ST013, P103, Witness Statement, 16 August 2000, pp. 10-11 (confidential); ST241, 5 November 2010, T. 16949; Dragan Raljić, 30 June 2010, T. 12438-12440. *See also* Agreed Facts 523, 525.
[782] ST013, 9 October 2009, T. 1210-1213; ST013, P103, Witness Statement, 16 August 2000, pp. 10-11 (confidential); P1579, Video of Red Berets and Police in Kotor Varoš, minutes 5:40 and 9:18; ST012, 1 October 2009, T. 679 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 3 (confidential).
[783] Dragan Raljić, 29 June 2010, T. 12399-12401.
[784] Dragan Raljić, 29 June 2010, T. 12402-12403.
[785] Dragan Raljić, 29 June 2010, T. 12403-12404. Dragan Raljić stated that the deputy commander possibly had a special telephone line. Dragan Raljić, 29 June 2010, T. 12403.

Kotor Varoš and Banja Luka.[786] In June 1992, around the time of the takeover, Tepić would often attend meetings at the Banja Luka CSB, which were convened by Stojan Župljanin.[787]

372. On 11 June 1992, the day of the takeover, the town of Kotor Varoš was full of uniformed personnel—some in olive-grey camouflage uniforms, some in the lighter camouflaged uniforms of Slobodan Dubočanin's unit, some in regular police uniforms, and some in blue camouflage uniforms.[788] A Serbian flag was hung outside the Kotor Varoš SJB for the first time.[789] Prominent non-Serb citizens, including non-Serb policemen, were arrested; some were taken to the Banja Luka CSB.[790]

373. According to ST197, on that same day, the VRS 1st Light Infantry Brigade of Kotor Varoš was formed. Manojlo Tepić, commander of the TO, became commander of this light brigade.[791] The 1st Light Infantry Brigade reported to the 1st KK.[792] Obrad Bubić stated that the 1st Light Infantry Brigade was not formed until late June 1992.[793] Obrad Bubić, however, who stated that he was a member of the logistics platoon of the 1st Light Infantry Brigade, was unable to name the forward command post, could not name all the companies in the brigade, and acknowledged that he had little knowledge as to the creation of the brigade.[794] The Trial Chamber will rely on the testimony of ST197 in relation to the formation of the 1st Light Infantry Brigade.

374. The day after the takeover, many uniformed individuals were seen in the Kotor Varoš police station. Some of these individuals belonged to the Banja Luka CSB Special Police Detachment and were led by Slobodan Dubočanin.

375. The Crisis Staff imposed a curfew in Kotor Varoš on 12 June 1992. Implementation of the curfew was left to police and military units.[795] Nedeljko Đekanović testified that the Crisis Staff did not have the ability to issue orders to the military or the police but, because representatives of the police and military attended Crisis Staff meetings, joint decisions could be made that involved the

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[786] Dragan Raljić, 29 June 2010, T. 12406-12407.
[787] Dragan Raljić, 29 June 2010, T. 12417-12418; ST027, 2 October 2009, T. 739 (confidential).
[788] Dragan Raljić, 29 June 2010, T. 12394-12396; Dragan Raljić, 30 June 2010, T. 12421; ST197, 8 September 2010, T. 14416-14417.
[789] ST258, 18 November 2010, T. 17567 (confidential); P1579, Video of Red Berets and Police in Kotor Varoš, minute 16:52.
[790] ST258, 18 November 2010, T. 17550-17560, 17574 (confidential); ST027, 2 October 2009, T. 739, 743-747 (confidential); ST012, P41, Witness Statement, 27 September 2000, pp. 2-3 (confidential).
[791] ST197, 8 September 2010, T. 14416-14417, 14424-14425 (confidential); P2418, Appointment of Manojlo Tepić as Chief of Kotor Varoš Light Infantry Brigade, 8 June 1992.
[792] ST197, 8 September 2010, T. 14425 (confidential).
[793] Obrad Bubić, 16 November 2011, T. 25934.
[794] Obrad Bubić, 16 November 2011, T. 25940-25949; P1787, Order of the Command of the Light Infantry Brigade at Kotor Varoš to the 82mm Motor Platoon, 23 July 1992.
[795] Nedeljko Đekanović, 14 October 2009, T. 1416, 1468-1469; 1D24, Order to Impose Curfew in Kotor Varoš, 12 June 1992. *See also* ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17637 (confidential).

police or military.[796] A decision taken by the Kotor Varoš Crisis Staff stated that "citizens" were allowed freedom of movement between 9:00 a.m. and 11:00 a.m. and that this decision would be announced through the media.[797] According to ST012, Radio Banja Luka and Television Banja Luka announced that Croat and Muslim residents of Kotor Varoš were permitted to leave their homes only between 9:00 a.m. and 11:00 a.m. each day.[798]

(i) Attacks on non-Serb part of town and surrounding villages

376. On 11 and 12 June 1992, Serb soldiers wearing green camouflage uniforms attacked the town of Kotor Varoš, causing many Muslims and Croats to flee into the woods. After a week, the Muslims and Croats surrendered their weapons and returned to the town.[799]

377. The takeover of power by the SDS was achieved in June 1992 through attacks by Serb armed forces on the town of Kotor Varoš and the surrounding villages, including Večići, Hrvačani, Ravne, Hanifići, and other villages, all of which were inhabited by Muslims or Croats.[800] Serb Forces met resistance from Muslim forces, but in many villages Serb Forces were able to overcome that resistance. When the Muslim population in these villages surrendered, Serb Forces stripped them of their valuables and killed some of them.[801] Most inhabitants of these villages eventually fled to neighbouring areas.[802]

378. The town of Kotor Varoš and the village of Vrbanjci were attacked by the VRS in June 1992[803] and other villages in Kotor Varoš were shelled by Serb Forces later. When entering the villages, Serb Forces looted and set houses on fire.[804]

379. Vrbanjci was a mixed village of predominantly Muslims and Croats.[805] On 11 June 1992, several non-Serb residents of Vrbanjci were arrested and taken in the direction of Kotor Varoš.[806] Armed Serbs with red berets took some Muslims from Vrbanjci to the Kotor Varoš SJB building.[807] In August 1992, Slobodan Župljanin reported to the Kotor Varoš War Presidency that there were

[796] Nedeljko Đekanović, 15 October 2009, T. 1492-1495.
[797] P44, Decision on the Free Movement of the Civilian Population of Kotor Varoš, 15 June 1992, p. 2 (confidential).
[798] ST012, P41, Witness Statement, 27 September 2000, p. 5 (confidential).
[799] Adjudicated Fact 1198.
[800] Adjudicated Fact 519.
[801] Adjudicated Fact 1210.
[802] Adjudicated Fact 519.
[803] Adjudicated Fact 540.
[804] Adjudicated Fact 539.
[805] Obrad Bubić, 17 November 2011, T. 25976-25977.
[806] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17694 (confidential).
[807] ST026, P2123, Public Redacted Witness Statement, 7 December 1995, pp. 2-3.

operations in Vrbanjci and that one civilian named "Mlađen Momić" had been wounded in the area.[808]

380. Dabovci village is 5 km from Kotor Varoš. ST056 testified that the village was inhabited exclusively by Muslims. Most neighbouring villages were of mixed ethnicity. The closest neighbouring village, however, was a Serb village in the environs of Hrvačani.[809] The Trial Chamber has taken judicial notice of the fact that, in the village of Dabovci, Serb Forces—in particular White Eagles and local Serbs wearing camouflage uniforms, or police uniforms, with the "four S" insignia—frequently looted Muslim homes.[810] ST026 gave evidence that, on 13 August 1992, the houses in Dabovci were set on fire.[811] The Trial Chamber has taken further judicial notice of the fact that at least three Muslim men from Dabovci were killed after Serb soldiers had destroyed their village in mid-August 1992. The men, all civilians, were taken to a place nearby and summarily executed by the soldiers.[812] Dragan Raljić testified that the very centre of Dabovci was a Serbian village and was not razed to the ground by the Serbian army in August 1992. Raljić further testified that he kept in contact with his family in Dabovci village in 1992 and never heard anything about Muslim homes being frequently robbed.[813] The Trial Chamber considers that Raljić's evidence in this regard may have been motivated by a desire to protect his Serb family members in Dabovci. In any event, the Trial Chamber finds that the fact that Raljić did not hear about the robbing does not discredit the evidence of ST056 and ST026 and the adjudicated facts.

381. In mid-1992, the villages of Hanifići, Plitska, and Kotor were attacked and set on fire by Serb Forces.[814] At least eight Muslim civilians were killed in the village of Hanifići in mid-August of 1992. Bosnian Serb Forces rounded up these persons and shot them dead in the local mosque, which was subsequently set on fire. Eight bodies were retrieved and identified from the site of the mosque.[815] ST026 saw local Serbs—Miloš Serdar, Velimir Sakan, Veilbor Sakan, and Radomir Sakan—participating in the destruction of the mosque.[816]

382. During the attack on the village of Plitska, the local inhabitants put up resistance. Serb citizens were sent to the village to negotiate, but nothing came of the negotiations. ST019 testified that a vehicle with a megaphone drove through the village on a daily basis telling the non-Serb

[808] P1912, Extracts of Minutes from 65th Meeting of Kotor Varoš War Presidency, 28 August 1992.
[809] ST056, 1 October 2009, T. 609-610 (confidential).
[810] Adjudicated Fact 542; ST026, P2123, Public Redacted Witness Statement, 7 December 1995, p. 4.
[811] ST026, P2123, Public Redacted Witness Statement, 7 December 1995, p. 5.
[812] Adjudicated Fact 943.
[813] Dragan Raljić, 30 June 2010, T. 12456-12457, 12461.
[814] Adjudicated Fact 544.
[815] Adjudicated Fact 944.
[816] ST026, P2123, Public Redacted Witness Statement, 7 December 1995, p. 3.

population that their safety would be guaranteed if they pledged their loyalty, handed in their weapons, and turned in extremists. The residents of Plitska took shelter in the woods with residents of other villages. The individuals in the woods asked ST019 and two other men to negotiate for their ability to leave Kotor Varoš. ST019 and the two men hoped to prevent further escalation of the conflict or any type of combat operation in the area by establishing contact with Slobodan Župljanin. ST019 and the two men started to make their way to the centre of Kotor Varoš in an attempt to carry out negotiations when they were stopped by five to seven armed men, some wearing the blue uniforms of the reserve police and others wearing camouflage uniforms. ST019 recognised two of the uniformed men. One was the younger son of Vojin Kerezović, and the other was Zdenko Sakan. ST019 also recognised men with the last names of "Đurić" and "Tepić". ST019, and his fellow negotiators, who were unarmed at the time, were tied up by these men, put in a tractor-trailer, and taken to the centre of Vrbanjci. ST019 was taken to see Slobodan Župljanin who told him that there would not be any negotiations.[817] ST019 was detained thereafter and ultimately transferred to the Kotor Varoš prison, where he was detained until 23 July 1993.[818]

383. When early negotiations failed, the army marched on Večići and the village was attacked in June 1992. The local inhabitants put up resistance and the army was met by armed Muslims. Bosnian Serb forces destroyed the village of Večići with heavy artillery shelling and an air raid but Serb soldiers and police officers, who were working in coordinated action, were killed and the Serb army had to withdraw to its initial positions as a result of the resistance from Muslim villagers.[819] On 14 October 1992, a decision of the RS Presidency of Kotor Varoš stated that all armed persons in Kotor Varoš should lay down their arms by 15 October 1992 and that such persons were permitted to remain in their homes. This decision was signed by Nedeljko Đekanović, president of the Kotor Varoš Crisis Staff, and by Colonel Boško Peulić.[820] Negotiations with the combatants of Večići took place again in October or early November 1992. An army delegation led by Colonel Peulić went to Večići for negotiations. Captain Slobodan Župljanin and various priests and hodžas were also part of the negotiations. The negotiations ultimately fell through.[821] Muharem Krzić testified that there was cynicism surrounding the 14 October decision. Večići residents who ultimately surrendered tried to make their way to Travnik. One group from Večići arrived in Travnik safely.[822] According to Predrag Radulović, the people from Večići had to pay a fee to have safe passage from Kotor Varoš. Those that could not pay the fee—mostly elderly people, women,

[817] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17697-17702 (confidential); ST019, 30 September 2009, T. 531-533.
[818] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17701-17710 (confidential).
[819] Obrad Bubić, 16 November 2011, T. 25908-25909; Adjudicated Fact 543; ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17697 (confidential).
[820] P469, Kotor Varoš Presidency Decision, 14 October 1992, p. 1.
[821] Obrad Bubić, 16 November 2011, T. 25926.

and children—remained in the village and suffered mistreatment.[823] This group, numbering about 70 people, were taken to Grabovica village and killed.[824]

384. Radulović testified that he did not report the fee requirements for those leaving Večići because of the possible involvement of his superiors in the negotiations with inhabitants of Večići. Radulović stated that there was intelligence that Stojan Župljanin was involved in the negotiations.[825] Muharem Krzić also testified that Stojan Župljanin was involved in negotiations with the inhabitants from Večići. In a report to the BiH Mission to the UN, dated 18 October 1992, Krzić writes that he had set out to meet with representatives of Večići on 14 October 1992, but was intercepted by Colonel Peulić, Stojan Župljanin, Nenad Balaban, and others who gave him an ultimatum consisting of five points which he was ordered to convey to the people of Večići. That afternoon, Krzić met with the Večići residents who drafted five counterpoints to the Serb ultimatum. Later that afternoon, Krzić met with the same Serb representatives whom he had met with earlier in the day and conveyed the five counterpoints drafted by the representatives of Večići. During this meeting, Krzić reports that it was agreed that the ICRC would visit Večići. Krzić also reported that "the lieutenant-colonel stated that he would level Večići". Krzić testified that he drafted this report just 24 hours after the event.[826] On cross-examination, however, Radulović stated that he would fully accept the claim that Stojan Župljanin did not take part in negotiations with the inhabitants of Večići because he did not always trust the source of such intelligence and he did not verify this information himself.[827] Radulović was not certain that the fees were indeed paid.[828] Notwithstanding Radulović's distrust of the intelligence reports he received, the Trial Chamber accepts Muharem Krzić's testimony in relation to Stojan Župljanin's involvement in the negotiations at Večići because Muharem Krzić personally participated in these negotiations and he documented his and Stojan Župljanin's involvement in a report to the BiH mission to the UN, which was written just 24 hours after the event.

385. In total, over 157 Muslims and Croats were killed by Serb Forces in the municipality of Kotor Varoš from mid-June to the beginning of November 1992.[829]

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[822] Muharem Krzić, 19 January 2010, T. 5145-5147 (confidential).
[823] Predrag Radulović, 27 May 2010, T. 10917-10918; Predrag Radulović, 1 June 2010, T. 11173.
[824] Predrag Radulović, 27 May 2010, T. 10917-10918; Nedeljko Đekanović, 9 October 2009, T. 1179-1180; P101, Crisis Staff Meeting, 6 November 1992; Muharem Krzić, 19 January 2010, T. 5145-5147 (confidential). The events in Grabovica village are not charged in the Indictment and will therefore not be discussed further in the factual findings or legal findings sections that follow.
[825] Predrag Radulović, 27 May 2010, T. 10916-10918; Predrag Radulović, 1 June 2010, T. 11173-11176.
[826] Muharem Krzić, 19 January 2010, T. 5143-5145; P459.10, Report by the SDA Banja Luka to Republic of BiH Mission to the UN Regarding Ethnic Cleansing in the Territory of Kotor Varoš, 18 October 1992, pp. 2-3.
[827] Predrag Radulović, 1 June 2010, T. 11155-11161.
[828] Predrag Radulović, 1 June 2010, T. 11176.
[829] Adjudicated Fact 1209.

(ii) Destruction of cultural and religious institutions

386. During the summer of 1992, Serb Forces attacked Kotor Varoš town and a number of Croat and Muslim villages in the municipality of Kotor Varoš and damaged or destroyed Muslim and Croat cultural monuments.[830] During these attacks, in June and July 1992, mosques in the villages of Vrbanjci and Hanifići were set on fire and mined.[831] According to ST197, when Colonel Peulić's unit arrived in Vrbanjci in March, the village was half empty, and the village mosque had already been destroyed. ST197 stated that Colonel Peulić's brigade did not attack Vrbanjci.[832] However, the Trial Chamber does not find ST197's evidence on this point to be credible as the witness was involved in the operations in Vrbanjci and his testimony may be self-serving.

387. The Catholic church in the town of Kotor Varoš was set on fire on 2 July 1992[833] and heavily damaged.[834] Savo Tepić, chief of the Kotor Varoš SJB,[835] filed a criminal report on 10 December 1992 against "unknown perpetrators" in relation to the burning of the town Catholic church.[836] Nearly every single mosque in the municipality of Kotor Varoš was destroyed.[837] ST012 saw that the minaret of a mosque had been destroyed in Donji Varoš.[838]

388. A total of 14 Muslim and Catholic monuments in Kotor Varoš municipality were heavily damaged or completely destroyed in 1992—most of them in July and August—by fire, explosives, shelling, or a combination of the three. The monuments included mosques in Hanifići,[839] Kotor Varoš town,[840] Vrbanjci,[841] Hrvančani,[842] Ravne,[843] Vranić,[844] Donji Varoš,[845] and Večići.[846] The new mosque in Večići suffered minor shelling damage in August 1992.[847] The mosque in Gornji Hadrovci was gutted and its roof destroyed. Only the stump of the minaret remained. András

[830] Adjudicated Fact 1210.
[831] Adjudicated Fact 952.
[832] ST197, 8 September 2010, T. 14445-14447 (confidential).
[833] Adjudicated Fact 953; Nedeljko Đekanović, 8 October 2009, T. 1126-1127; ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17651 (confidential); Obrad Bubić, 17 November 2011, T. 25973-25974.
[834] András Riedlmayer, 2 June 2010, T. 11259; P1406, Database of Material Related to András Riedlmayer's *Karadžić* Report ("Riedlmayer *Karadžić* Database"), pp. 583-584.
[835] Nedeljko Đekanović, 14 October 2009, T. 1433-1434; ST012, 1 October 2009, T. 678 (confidential).
[836] Nedeljko Đekanović, 14 October 2009, T. 1430-1431; 1D39, SJB Kotor Varoš Criminal Report for Setting on Fire Catholic Church, 10 December 1992.
[837] Nedeljko Đekanović, 8 October 2009, T. 1127.
[838] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17651-17652 (confidential).
[839] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, p. 568.
[840] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, p. 580.
[841] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, pp. 610-612.
[842] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, pp. 571-572.
[843] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, pp. 589-590.
[844] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, pp. 607-608.
[845] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, pp. 577-578.
[846] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, pp. 601-602.
[847] Adjudicated Fact 1208; P1406, Riedlmayer *Karadžić* Database, pp. 598-600.

Riedlmayer reported that, according to information from the Islamic Community of Kotor Varoš, the mosque in Gornji Hadrovci was destroyed by Serb Forces in July 1992.[848]

(iii) Convoys

389. Large parts of the non-Serb population moved out of Kotor Varoš in 1992 due to unbearable circumstances in the municipality.[849] Already on 29 June 1992, the Serb Kotor Varoš Crisis Staff had decided to establish an agency to oversee the resettlement of persons. All buses in the municipality were to be made available for that purpose.[850] The War Presidency decided that lists of detainees whose families were leaving Kotor Varoš were given to the SJB and that the decision to release detainees for the purpose of leaving Kotor Varoš would be left to the SJB[851] or the judiciary.[852]

390. The Crisis Staff decided that all those who wanted to move out of Kotor Varoš had to submit written requests to the basic court in Kotor Varoš and fill in certain forms declaring their assets and stating that they were "leaving them in custody" of the political and social community.[853] Persons wishing to leave Kotor Varoš were to surrender their immovable property to the municipality of Kotor Varoš and declare that they were leaving voluntarily.[854] Persons moving out of Kotor Varoš were to be informed that they were only allowed to take 300 DM with them when they left.[855] On 28 July 1992, the Kotor Varoš War Presidency decided that money confiscated from departing persons was not to be returned to them but was to be used to assist the families of fallen soldiers and to cover municipal expenses.[856]

391. Radio and television announcements stated that non-Serbs could leave the municipality of Kotor Varoš. Every afternoon at 4:00 p.m., vehicles with microphones would announce when a convoy was leaving, when residents should pack, where they should register, and whether they should report in order to leave Kotor Varoš.[857]

392. ST013 left Kotor Varoš on 25 August 1992 in a convoy. Before leaving Kotor Varoš, his father was required to sign a statement that he was voluntarily leaving the municipality and

[848] P1406, Riedlmayer *Karadžić* Database, pp. 619-620.
[849] Adjudicated Fact 1212.
[850] Adjudicated Fact 1203. *See also* Adjudicated Fact 1211.
[851] Nedeljko Đekanović, 9 October 2009, T. 1166-1167; P96, Minutes of 58th Session of War Presidency of Kotor Varoš, 20 August 1992.
[852] Nedeljko Đekanović, 9 October 2009, T. 1166-1167.
[853] Adjudicated Fact 1204.
[854] Adjudicated Fact 1206; Nedeljko Đekanović, 9 October 2009, T. 1174-1175. *See also* P99, Statement of Ibro Smajlović on a Form Prepared by Authorities of Kotor Varoš Municipality Declaring Voluntary Departure, 21 August 1992.
[855] Adjudicated Fact 1205.
[856] Adjudicated Fact 1207.

surrendering his property. However, ST013 testified that he and his family left Kotor Varoš against their will.[858]

393. ST012 paid 200 DM to the Crisis Staff for the appropriate documentation to leave Kotor Varoš.[859] ST012 testified that leaving Kotor Varoš was not voluntarily, despite a statement issued at the Crisis Staff office to that effect. ST012 stated that, on the evening before the convoy left, "They came and they looked for us."[860] Sometime before 22 or 23 August 1992, ST012 said good-bye to a sister-in-law who was leaving Kotor Varoš in a convoy. At that time, ST012 saw several buses and more than 200 or 300 Muslims and Croats waiting in line to register to leave the municipality.[861] ST012 left Kotor Varoš on 22 or 23 August 1992[862] with 500 other Croats and Muslims on eight to ten buses. There were two armed, Serb policemen on each bus.[863]

394. A number of other convoys left for Travnik, including one that left Kotor Varoš municipality on 25 August 1992 and another that left the town of Kotor Varoš at the end of October 1992.[864] A convoy of civilians, carrying mostly Muslim women and children, left the village of Grabovica in approximately mid-to-late October 1992. The convoy first travelled to Vrbanjci, was then joined by 13 other buses transporting mostly Muslim women and children from Večići and the surrounding villages, and then left for Travnik.[865]

395. The police provided security for the convoys moving out of Kotor Varoš. Sometimes, members of the Crisis Staff escorted the convoys.[866] Money was stolen from families moving out of Kotor Varoš.[867] Thefts and robberies were committed by the reserve contingent of the police and the Special Police. Nedeljko Đekanović raised the issue of thefts by the reserve contingent with Savo Tepić, who was in charge of the police station.[868]

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[857] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17643 (confidential).
[858] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17939-17940, 17956 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 12 (confidential).
[859] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17647 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 8 (confidential).
[860] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17648-17649 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 8 (confidential); P48, Statement on Leaving Kotor Varoš, 5 August 1992, p. 1 (confidential).
[861] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17644-17645 (confidential).
[862] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17649-17650 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 8 (confidential).
[863] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17649-17651 (confidential).
[864] Adjudicated Fact 950.
[865] Adjudicated Fact 951.
[866] Nedeljko Đekanović, 9 October 2009, T. 1156.
[867] Nedeljko Đekanović, 9 October 2009, T. 1155-1157; P93, Minutes of the 41st Session of War Presidency of Kotor Varoš, 28 July 1992, p. 1.
[868] Nedeljko Đekanović, 9 October 2009, T. 1158-1159, 1164-1165; P94, Minutes of the 43rd Session of War Presidency of Kotor Varoš, 29 July 1992, p. 1.

396. The Banja Luka CSB reported in May 1993 that Muslim and Croatian forces had been defeated and that only 1,000 of the 10,640 Croats and 4,500 of the 11,161 Muslims remained in Kotor Varoš. In terms of Muslims or Croats returning to Kotor Varoš, it was reported that Croats or Muslims were not expected to return to Kotor Varoš in large numbers.[869]

(c) Events at Kotor Varoš SJB building

397. Savo Tepić, a Bosnian Serb, was chief of the Kotor Varoš SJB.[870] Slobodan Dubočanin, of the Banja Luka CSB Special Police Detachment, was present at the Kotor Varoš SJB as well.[871] At least 11 Muslims and Croats were detained at the Kotor Varoš SJB building.[872]

398. ST012 was arrested at home and taken to the Kotor Varoš SJB building by Duško Vujičić and two men who identified themselves as members of the Banja Luka CSB Special Police Detachment. All three men were wearing military uniforms with an insignia displaying the Cyrillic "S" and red berets.[873] Soldiers in green camouflage uniforms with red berets took ST241 in handcuffs from the sawmill to the Kotor Varoš SJB building.[874] On 11 June 1992, ST258 was arrested and taken to the Kotor Varoš SJB building by three members of the Banja Luka CSB Special Police Detachment, who wore red berets and had RS insignia on their uniforms.[875]

399. ST258 and ST241 testified that they saw a blue armoured personnel carrier in front of the Kotor Varoš SJB building.[876] According to ST197, an armoured personnel carrier painted blue indicated that the military vehicle had been taken over by the police.[877]

400. Beatings of detainees occurred upon entering the SJB building. Detainees were forced to run through gauntlets composed of reserves in blue camouflage uniforms and olive-drab uniforms[878] and, on occasion, members of the Banja Luka CSB Special Police Detachment, in the course of which they were kicked and beaten with fists, baseball bats, batons, and rifle butts.[879] Detainees were lined up against a wall in the hallway of the SJB building. They were told to spread their legs

[869] P1911, Report of CSB Banja Luka on the Security Situation in the Area of Kotor Varoš, pp. 1, 3.
[870] Adjudicated Fact 522. *See also* ST027, 2 October 2009, T. 730 (confidential).
[871] Adjudicated Fact 522.
[872] Agreed Fact 521.
[873] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17617-17618 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 3 (confidential).
[874] ST241, 5 November 2010, T. 16956.
[875] ST258, 18 November 2010, T. 17550-17551, 17551-17556 (confidential).
[876] ST258, 18 November 2010, T. 17602-17603 (confidential); ST241, 5 November 2010, T. 16956-16957.
[877] ST197, 8 September 2010, T. 14447 (confidential); P45, Videotape of Krajina News.
[878] ST241, 5 November 2010, T. 16955-16956.
[879] Agreed Fact 523.

and place three fingers of each hand against the wall and then were beaten.[880] ST258 testified that this type of beating was customary practice.[881]

401. Detainees were also beaten during interrogations.[882] In June and July 1992, a dozen Croats and Muslims were detained at the SJB building where they were beaten. One of them was nearly strangled while being interrogated about the activities of other SDA members. Some of them were also sexually abused.[883] One detainee was forced to eat a statement he had written because he wrote in Latin script rather than Cyrillic script.[884] Zdravko Samardžija interrogated some of the detainees. These detainees were later released.[885]

402. ST019 testified that he and a Croat man were brought to the Kotor Varoš SJB building in handcuffs from the Maslovare Primary School by soldiers in camouflage uniforms and a member of the military police. ST019 and the Croat man were beaten on the way to the SJB building. The Croat man was beaten as they entered the SJB building. When they entered the SJB building, they saw Savo Tepić standing in the corridor. ST019 was thereafter taken to Banja Luka by Zdravko Samardžija, who wore a camouflage uniform and a cowboy hat, and Vlado Novaković, who wore a blue reserve police uniform.[886]

403. ST019 saw Nerko Hanifić after Hanifić had spent a few days in the Kotor Varoš SJB building. Hanifić told ST019 that he had seen Berbić and many others being held at the Kotor Varoš SJB building and that they had been physically mistreated. ST019 said he could see bruises on Hanifić's body.[887] When ST019 was detained in the Kotor Varoš SJB building, he was beaten by young men in camouflage uniforms until Zdravko Samardžija stopped them.[888]

404. In addition to being interrogated, Muslim and Croat male and female detainees were forced by Serb policeman to perform sexual acts with each other, in front of a crowd of cheering men in police and Serb military uniforms, some of whom were wearing red berets. Two other male detainees were forced to perform fellatio on each other by members of the Banja Luka CSB Special Police Detachment while being subjected to ethnic slurs.[889]

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[880] ST258, 18 November 2010, T. 17556-17557 (confidential).
[881] ST258, 18 November 2010, T. 17562-17563 (confidential).
[882] ST258, 18 November 2010, T. 17556-17561 (confidential); ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17635 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 5 (confidential); ST241, 5 November 2010, T. 16959-16960.
[883] Adjudicated Fact 1200.
[884] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17635 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 5 (confidential).
[885] ST241, 5 November 2010, T. 16958.
[886] ST019, 30 September 2009, T. 534-537.
[887] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17699 (confidential).
[888] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17703 (confidential).
[889] Agreed Fact 525.

405. ST012's cell in the SJB building was 2 by 3 metres and had concrete floors, a bench, and no windows. The cell held seven to 15 Croats and Muslims. ST012 was not provided with food or water and was not permitted to use the toilet during the day while held at the SJB.[890] ST241 was given a slice of bread, some fish, or some canned food once per day.[891] The window in ST241's cell was boarded up, thereby making the room dark at all hours of the day.[892]

406. At the Kotor Varoš SJB building, ST012 saw men in camouflage uniforms, red berets, and military boots, carrying side arms and long-barrelled weapons. ST012 also saw regular police such as Jovan Marić and Miladin Teinović, both of Serb ethnicity, at the Kotor Varoš SJB building.[893] The regular police wore light blue short-sleeved collared shirts and grey or dark blue pants.[894] While at the Kotor Varoš SJB building, ST012 heard the voice of Savo Tepić, an acquaintance prior to the conflict.[895] During his detention at the Kotor Varoš SJB building, ST241 did not see police in regular police uniform; he only saw police wearing blue camouflage, including "Dule" Vujičić and a police officer named "Sejdo".[896]

407. ST012 was held in the SJB building for one day and was not formally processed. There was also no notification of the pending charges.[897] ST012 was released from the SJB by Slobodan Dubočanin.[898]

(d) Events at prison

408. Goran Zarić, a.k.a. "Điba", a Serb policeman from Kotor Varoš, was the commander of the Kotor Varoš prison[899] for about four months during the time ST241 was imprisoned there.[900] He was replaced with Zdravko Žutić, a reserve policeman,[901] after Croat detainees escaped during their

[890] ST012, P41, Witness Statement, 27 September 2000, p. 4 (confidential).
[891] ST241, 5 November 2010, T. 16959.
[892] ST241, 5 November 2010, T. 16958.
[893] ST012, 1 October 2009, T. 677-678, 678-679 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 4 (confidential).
[894] ST012, 1 October 2009, T. 679 (confidential); ST258, 18 November 2010, T. 17564 (confidential); P1579, Video of Red Berets and Police in Kotor Varoš, minute 9:53; ST012, P41, Witness Statement, 27 September 2000, p. 4 (confidential).
[895] ST012, 1 October 2009, T. 677-678 (confidential).
[896] ST241, 5 November 2010, T. 16957-16958.
[897] ST012, 1 October 2009, T. 677-678; ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17618-17619, 17633 (confidential).
[898] ST012, P41, Witness Statement, 27 September 2000, p. 5 (confidential).
[899] Adjudicated Fact 527; ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17959-17960 (confidential).
[900] ST241, 5 November 2010, T. 16972-16973, 16984.
[901] Dragan Raljić, 30 June 2010, T. 12460.

work assignment at a pig farm in August or September 1992.[902] The guards also changed when the commander of the prison changed.[903]

409. Muslim and Croat detainees were held in the prison, including women who were held in a separate area. There were about 145 male detainees in three different rooms.[904]

410. On 25 June 1992, ST013 and the other detainees were marched to Kotor Varoš prison and ordered by Serb soldiers and police to surrender their valuables.[905] Detainees were beaten upon arrival by policemen.[906] ST013 saw Duško Vujičić kick and punch detainees as they entered the prison.[907] ST019 testified that Duško Vujičić had no jurisdiction over the prison, but would visit it often because there was a storeroom with TO gear. Duško Vujičić often mistreated prisoners during his visits.[908]

411. ST013 saw Gavro Teinović, the Serb deputy commander of the Kotor Varoš police, standing in front of a house opposite the prison and observing the detainees as they entered the prison. Upon entering the prison, a policeman, whom ST013 believed was from Skender, hit ST013 across the head with a pistol; this blow caused ST013 to fall to the floor. ST013 crawled to the cell that he was ordered to enter. ST013 was hit on two more occasions before he reached the cell. Goran Zarić, an active duty policeman, took down the details of the detainees entering the prison.[909] ST013 was spitting up blood and urinating blood as a result of the beatings.[910] ST013 was not given any medical attention by the prison guards.[911]

412. ST013 testified that Slobodan Dubočanin of the Banja Luka CSB Special Police Detachment entered his cell on several occasions. Slobodan Dubočanin ordered detainees to sing and interrogated ST013.[912] Serb police banged on the wall of the cell and ordered detainees to sing Serb songs.[913] ST241 testified that Slobodan Dubočanin visited the prison on three occasions while

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[902] Adjudicated Fact 527; ST241, 5 November 2010, T. 16984. *See also* ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17744, 17778 (confidential).
[903] ST241, 5 November 2010, T. 16984; ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17744-17745, 17778 (confidential).
[904] Adjudicated Fact 526.
[905] ST013, P103, Witness Statement, 16 August 2000, p. 10 (confidential).
[906] Adjudicated Fact 529.
[907] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17935 (confidential).
[908] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17743-17745 (confidential).
[909] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17935 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 10 (confidential).
[910] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17936 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 11 (confidential).
[911] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17959 (confidential).
[912] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17933-17935, 17959 (confidential). *See also* ST013, P103, Witness Statement, 16 August 2000, pp. 10-11 (confidential).
[913] ST013, P103, Witness Statement, 16 August 2000, p. 10 (confidential).

he was detained there. ST241 testified that he was beaten every day and night until Slobodan Dubočanin told ST241 and some others that they would not be beaten anymore.[914]

413. Detainees in Room Three were physically mistreated by men in olive-drab camouflage uniforms, particularly at night.[915] Some detainees were beaten to death or executed after their beatings.[916] Detainees in Room Three witnessed other detainees being beaten to death.[917]

414. ST019 was placed in Room Three.[918] He was physically mistreated by soldiers in camouflage, olive-drab uniforms who entered his cell usually at night.[919] As a result of the beatings, ST019's left shoulder was dislocated; his nose and some teeth were broken; his ribs were fractured; and his right ankle, fist, and head were injured.[920] One night, Smajo Hodžić, from Čelinac; "Čuta" Beharić, a goal keeper in the local football club; and Mato Bjelobrk, a teacher from Vrbanjci, were taken from ST019's cell and never seen again. ST019 heard gunfire after these men were taken from his cell, but at the time he was not sure that Hodžić, Beharić, and Bjelobrk had been killed because the sound of gunfire outside the prison was a common occurrence. ST019 learned later from friends and relatives that their bodies had been found on the banks of the Vrbanja river.[921] Another man, Hasan Prlja complained of severe pain in the kidney area; he was taken from the cell and never seen again.[922]

415. ST019 testified that, during his time in prison, a number of persons died.[923] Edo Zembić died only after spending one night in the prison; he had been bleeding from injuries sustained before he arrived.[924] Stipo Marić was taken out of ST019's cell one evening along with a minor, Admir Planičić, by Dubočanin, who led the unit of the Banja Luka CSB Special Police Detachment in Kotor Varoš;[925] Stipo Marić and Admir Planičić were both beaten in the corridors of the prison. Stipo Marić's face and head showed visible signs of beatings. Planičić survived this beating, but Stipo Marić died soon after in the cell he shared with ST019 and the other detainees.[926] A young man named Zoran Marunović was brought into Room Three with visible signs of physical mistreatment. He had wounds on his body that seemed to show that he had been stabbed with a

[914] ST241, 5 November 2010, T. 16973.
[915] Adjudicated Fact 530.
[916] Adjudicated Fact 531.
[917] Adjudicated Fact 532.
[918] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17711 (confidential).
[919] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17714 (confidential).
[920] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17740-17741 (confidential).
[921] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17715-17716 (confidential).
[922] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17716 (confidential).
[923] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17718-17738 (confidential).
[924] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17718-17720 (confidential).
[925] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17735, 17778-17779 (confidential).
[926] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17735, 17778 (confidential).

protruding part of a rifle. He was ill for a lengthy period of time before he died.[927] ST019 testified that Avdo Vilić was beaten in the corridor of the prison; he died the evening of his beating. ST019 did not see Avdo Vilić being beaten, but recognised his childhood acquaintance from the speech impediment he heard when the man cried out for mercy. The morning following the beating, ST019 saw, as a result of a door being ajar, what he believed to be Vilić's body being loaded onto a tractor. ST019 never saw the perpetrators of the beatings.[928]

416. The Prosecution alleges that the following individuals were killed at the Kotor Varoš prison, and some evidence was admitted to establish their deaths: Enver "Čuta" Beharić, Mato Bjelobrk,[929] Smajo Hodžić, Stipo Marić, Avdo Vilić,[930] Sejfo Berbić, Zdravko Grgić,[931] Tomo Marić, Zoran Marunović, Hasan Prlja,[932] and Ibrahim Sultanić.

417. The Defence challenged the documentary evidence relating to proof of death of the following individuals: Stipo Marić, Avdo Vilić, Zdravko Grgić, and Hasan Prlja. Stipo Marić is said to be a Croatian defender.[933] Avdo Vilić's death certificate indicates he died in Kotor Varoš on 22 November 1996.[934] Zdravko Grgić was exhumed in a Catholic cemetery in Vrbanjci and is reported to have disappeared from Vrbanjci on 25 June 1992.[935] Hasan Prlja's death certificate indicates that he died in Vrbanjci on 25 June 1992;[936] another document introduced by the Defence indicates that he was a member of the Kotor Varoš TO in June 1992 and killed on 25 June 1992 while on a combat mission in Kotor Varoš.[937] The Trial Chamber will make findings on the deaths of these individually named victims in the factual findings section below.

418. ST019 also testified that soldiers of the Serb army made the detainees clean their weapons. On one occasion, a Croat detainee made a mistake when disassembling the weapon and was ordered

[927] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17735-17736 (confidential).
[928] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17736-17737 (confidential).
[929] P2466, Proof of Death Database (CHS), "ordinal number" 2345, Court Record of Exhumation (confidential); "ordinal number" 2346, BiH State Commission for Tracing Missing Persons (confidential).
[930] P2466, Proof of Death Database (CHS), "ordinal number" 2365.1, Death Certificate of Avdo Vilić (confidential).
[931] P2466, Proof of Death Database (CHS), "ordinal number" 2349, Court Record of Exhumation (confidential); "ordinal number" 2350, BiH State Commission for Tracing Missing Persons (confidential).
[932] P2466, Proof of Death Database (CHS), "ordinal number" 2361.1, Death Certificate of Hasan Prlja (confidential).
[933] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 18, "ordinal number" 2353; 1D795, Response by Croatian Government Regarding Register of Defenders, 31 March 2011, p. 3.
[934] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 18, "ordinal number" 2364.
[935] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 18, "ordinal number" 2348.
[936] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 18, "ordinal number" 2360.
[937] 1D834, Second Response by BiH Government Regarding Status of Victims, dated 9 July 2012, p. 9.

to drink the liquid that was used to clean the barrels of the weapons. The prison warden gave the Croat detainee a lot of water to drink to wash the barrel cleaning solution out of his system.[938]

419. ST019's cell measured 12 square metres and held 20 to 36 people.[939] He received one meal every two or three days. After a month in prison, around July 1992, conditions improved a bit when Dubočanin ordered that the boards be removed from the windows. From that day forward, those in ST019's cell were allowed to go to the toilet and use water to wash and drink.[940] ST019 was held in Kotor Varoš prison from around June 1992 until 23 July 1993. He was never given any official reason for his arrest.[941] ST019 was told by Pejić that he was being charged with "fundamentalism"; organising armed rebellion against the RS; and illegally possessing weapons, arms, and explosives. ST019 was never notified that any such charges were actually brought against him.[942]

420. ST013 was put in a 6 by 5 metre cell with 35 to 40 men from Kotor. The following day, more men from the villages of Vrbanjci and Rujevica were put in the cell, increasing the number of occupants to approximately 85 men.[943] Food was largely insufficient. The detainees received a meal consisting of the soldiers' leftovers once every two or three days. At times, the food was spoiled and caused the detainees dysentery and stomach problems.[944] ST013 and his fellow detainees were permitted to use the toilets on occasion, but ST013 and other detainees would at times use the containers their food was brought in to relieve themselves when they were not permitted to use the toilets. The cell had two windows with bars that could open, but soldiers ordered that the window be closed.[945] Savo Tepić reported on the unsanitary condition of the prison at an 8 August 1992 meeting of the War Presidency.[946]

421. In August 1992, representatives of the ICRC visited the prison while ST019 was detained there. According to ST019, on the first occasion of their visit, they were turned away by Zdravko Pejić, Savo Tepić, and Đekanović. ST019 and his fellow detainees were made to scrub the cell in anticipation of the ICRC visit. Detainees who had visible injuries were moved out of the prison. The ICRC visited the prison again and thereafter on a monthly basis. ST019 reported that conditions improved after the ICRC visit: fewer detainees were put in each cell, the bathrooms were

[938] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17715 (confidential).
[939] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17711 (confidential).
[940] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17711-17712 (confidential).
[941] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17698-17705, 17710 (confidential).
[942] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17772 (confidential).
[943] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17932 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 10 (confidential).
[944] Adjudicated Fact 528.
[945] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17933 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 11 (confidential).
[946] P2052, Minutes of Meeting of Kotor Varoš War Presidency, 8 August 1992.

made functional, visitors were allowed once per week, and some prisoners were allowed to go home to bathe.[947]

422. In October 1992, the ICRC again visited the Kotor Varoš prison.[948] On the day of the visit, ST241 saw five to six people look into the room where he and others were being held. ST241 immediately put his head down. ST241's brother, who was also being detained with ST241 and who had just been registered by the ICRC that morning, looked up to see who had opened the door to the cell. ST241's brother identified these men who peered into their cell as Nedeljko Đekanović, Stojan Župljanin, Zdravko Pejić, and Slobodan Župljanin. ST241 recognised Zdravko Pejić, Slobodan Župljanin, and Nedeljko Đekanović.[949] These men peered into the detention room for two to three minutes and then took the representative from the ICRC to an office. They stayed in the office for two hours. The representative from the ICRC then returned to the detention room to register the detainees. The ICRC representative registered ST241 and other detainees on 3 October.[950] On cross-examination, ST241 was presented with two prior statements in which he made no mention of Stojan Župljanin peering into his cell on 3 October. ST241 was asked by counsel whether he was perhaps mixing up Stojan Župljanin and Slobodan Župljanin's names. ST241 stated that he at times mixes up names, but in this instance he was simply reporting who his brother saw that day; ST241's brother knew of Stojan Župljanin. ST241 stated that he himself did not see Stojan Župljanin.[951]

423. Nedeljko Đekanović stated that he only visited the prison with the ICRC once and that Stojan Župljanin was not with him on that occasion.[952] During this visit, Đekanović was accompanied by Zdravko Pejić, members of the local Red Cross, and perhaps a journalist.[953] Đekanović stated that he was not sure if Savo Tepić was present during the ICRC visit to the prison, but he was positive that neither Slobodan Župljanin nor Stojan Župljanin were in attendance.[954] Đekanović stated that there may well have been other visits by the ICRC to the prison, but he was not informed of them.[955] The Trial Chamber notes that the ICRC visit that Đekanović described mirrors the August 1992 visit described by ST019.

424. The Trial Chamber considers that, as head of the Crisis Staff, Đekanović would have been informed of ICRC visits just as he had been of the visit he acknowledged. The Trial Chamber

[947] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17738-17740 (confidential).
[948] ST241, 5 November 2010, T. 16974, 16979.
[949] ST241, 5 November 2010, T. 16979-16981.
[950] ST241, 5 November 2010, T. 16979, 16983-16984.
[951] ST241, 5 November 2010, T. 16999-17002.
[952] Nedeljko Đekanović, 10 January 2011, T. 18528-18529, 18536.
[953] Nedeljko Đekanović, 10 January 2011, T. 18528-18530.
[954] Nedeljko Đekanović, 10 January 2011, T. 18536.
[955] Nedeljko Đekanović, 10 January 2011, T. 18539.

therefore does not find his testimony credible as to the number of times he accompanied the ICRC on its visits to the prison. Đekanović did not address the 3 October visit by the ICRC other than to deny that he was informed of more than one such visit. While the Trial Chamber does not find Đekanović credible on this point, the Trial Chamber also cannot not rely on ST241's hearsay evidence, that was absent from two prior statements, to find that Stojan Župljanin was present during a 3 October 1992 ICRC visit to the prison. The Trial Chamber therefore finds the evidence inconclusive as to whether Stojan Župljanin was present during a 3 October 1992 ICRC visit to the prison.

425. At a 28 August 1992 meeting of the War Presidency, Savo Tepić reported that, on instructions from the CSB, a proposal had been prepared in which some prisoners would be released from prison.[956]

(e) Events at sawmill

426. On 11 June 1992, ST241 was stopped by members of the Banja Luka CSB Special Police Detachment wearing green camouflage uniforms and red berets and taken to the sawmill.[957] Before reaching the sawmill, he was hit in the mouth with a rifle and asked if he had money.[958] At the sawmill, ST241 was taken before people in green camouflage uniforms with red berets. This uniformed group took ST241 outside to the gates of the sawmill and beat him to unconsciousness while he was handcuffed. When ST241 regained consciousness, he and Dževdo Turan were placed in a jeep and told that they would be moved to the Kotor Varoš SJB building.[959] ST241 saw 15 to 20 Muslim and Croat detainees at the sawmill.[960]

427. In June or July 1992, Bosnian Serb soldiers expelled Muslim men, women, and children from Lihovići to Čejavani, after which soldiers separated the women and children from the men.[961] Muslim women and children from the villages of Šipure and Medare were brought by Bosnian Serb soldiers to join the group of women and children already gathered in Čejavani.[962] A truck then took the two groups to the sawmill in Kotor Varoš, where they were joined by a third group of Muslim

[956] P1912, Minutes of Meeting of War Presidency of Kotor Varoš, 28 August 1992.
[957] ST241, 5 November 2010, T. 16940-16941, 16946 (confidential), 16949-16950. ST241 stated that uniforms were often swapped. ST241 stated that, for example, "Dule" Vujičić, who was an active duty police officer, was seen in a blue camouflage uniform and in a green camouflage uniform and red cap when he returned from mopping up operations. ST241, 5 November 2010, T. 16949-16951.
[958] ST241, 5 November 2010, T. 16947-16949.
[959] ST241, 5 November 2010, T. 16952-16953. Obrad Bubić testified that, in June 1992, he saw soldiers and policemen escorting individuals out of the sawmill. Obrad Bubić testified that these soldiers and policemen told him that they were taking those who had refused to surrender weapons to the SJB building for questioning. Obrad Bubić, 17 November 2011, T. 25990-25992.
[960] ST241, 5 November 2010, T. 16952, 16954.
[961] Adjudicated Fact 947.
[962] Adjudicated Fact 948.

women and children from the villages of Hanifići and Čirkino Brdo. There were approximately 150 to 200 children gathered in the warehouse of the sawmill, and soldiers ordered those whose names had been called out from the whole group to board one of three buses that left towards Travnik.[963]

428. In August 1992, approximately 1,000 women, children, and elderly civilians were detained at the sawmill.[964] Many women and girls aged 13 and older were raped by Serb soldiers prior to being sent to Muslim-held Travnik from whence they were released.[965]

429. Bosnian Serb soldiers from Banja Luka, who wore camouflage uniforms, and policemen from Kotor Varoš took female detainees out during the night.[966] The older men were mistreated by being forced to eat paper and drink petrol.[967] Detainees were forced to make the Serb sign of the cross and sing Serb songs.[968]

430. ST056 and her two children were taken to the sawmill in August 1992.[969] On her first night at the sawmill, ST056 was approached by a guard who asked her where her husband was, how many children she had, and whether she really needed to be pregnant with a third child. The guard cursed and insulted "Alija".[970] ST056 was then taken by this guard to a separate room on the upper level of the sawmill.[971] In this room, ST056 offered one of the guards 3,000 DM not to hurt her. This guard took the money from ST056. ST056 was then forced to have intercourse with two guards.[972] During the course of the night, ST056 saw guards take away about 20 women to be raped.[973] ST056 saw 400 to 500 people at the sawmill when she arrived. She spent two nights there and was not given any food.[974] ST056 was never arrested or charged with a crime before her detention at the sawmill.[975] After a second night at the sawmill, ST056 was put on a bus to Travnik.[976]

431. ST240 saw 20 soldiers in olive-drab or camouflage uniforms at the sawmill. ST240 also saw a group of men wearing blue camouflage uniforms or navy blue uniforms, some with an insignia stating "Specijalna Vojna Policija" (special army police). Drunk and noisy Serb soldiers came into the hall at night, sang nationalist songs, and cursed the detainees and their "Ustasha and Balija

[963] Adjudicated Facts 949, 1211.
[964] Adjudicated Facts 1202, 1211.
[965] Adjudicated Fact 1202.
[966] Adjudicated Fact 537.
[967] Adjudicated Fact 536; ST026, P2123, Public Redacted Witness Statement, 7 December 1995, p. 5.
[968] ST012, P2123, Public Redacted Witness Statement, 7 December 1995, p. 5.
[969] ST056, 1 October 2009, T. 615-618; P39, Kotor Varoš Exterior of the Sawmill – Back Entrance.
[970] ST056, 1 October 2009, T. 623.
[971] ST056, 1 October 2009, T. 624.
[972] ST056, 1 October 2009, T. 625, 631-632.
[973] ST056, 1 October 2009, T. 633-634.
[974] ST056, 1 October 2009, T. 620-621.
[975] ST056, 1 October 2009, T. 634.

mothers".[977] Around midnight, groups of men wearing navy blue uniforms with insignia of the "special army police" walked around the hall looking at the women. ST240 was taken by one of the men to an office on the upper level of the sawmill; there she was forced to have intercourse with two men. ST240 returned to the hall crying. Her sister-in-law told her that the same thing had happened to her.[978] ST240 spent two days and one night at the sawmill.[979]

432. ST026 testified that, at about 10:00 p.m. on 13 August 1992, men in camouflage uniforms and some in police uniforms stating "MUP" started to take women out of the sawmill's warehouse. At the sawmill, ST026 saw many soldiers and some police officers. ST026 described the soldiers as "foreigners". ST026, having gone to school in Kotor Varoš, recognised the police uniforms as those belonging to the Kotor Varoš police. The police officers from Kotor Varoš were also taking women out. When ST026 was taken away that night, she saw white and blue police cars parked outside the warehouse. She was raped at knifepoint for about one hour. ST026's sister-in-law was the next woman to be taken out by the same perpetrator. ST026 saw over 300 Muslim and Croat women and children and elderly men held at the sawmill.

433. Detainees were not allowed to use the toilets. Ten loaves of bread, powdered milk, and water were provided. The detainees were told to give the bread to the children. There was not enough food for everyone.[980]

434. Nedeljko Đekanović testified that the sawmill was a holding point for those who were to be sent by convoy out of Kotor Varoš or exchanged.[981] The sawmill was set up by the Crisis Staff as a collection centre for "refugees" who were in transit to other places,[982] According to Đekanović, the unit of the Banja Luka CSB Special Police Detachment, led by Dubočanin, did not guard the sawmill. Đekanović did not know if individual members of the Banja Luka CSB Special Police Detachment went to the sawmill, but knew that they were not guarding it in an official capacity.[983]

435. Predrag Radulović received intelligence that looting, physical mistreatment, killings, and rapes had been committed at the sawmill by the Banja Luka CSB Special Police Detachment. According to Predrag Radulović, the detachment operated in Kotor Varoš for 20 to 30 days, was led

[976] ST056, 1 October 2009, T. 634.
[977] ST240, P2299, Public Redacted Witness Statement, 12 December 2000, p. 6.
[978] ST240, P2299, Public Redacted Witness Statement, 12 December 2000, pp. 7-8.
[979] ST240, P2299, Public Redacted Witness Statement, 12 December 2000, p. 6.
[980] Adjudicated Fact 534; ST026, P2123, Public Redacted Witness Statement, 7 December 1995, pp. 5-6.
[981] Nedeljko Đekanović, 9 October 2009, T. 1140; Obrad Bubić, 17 November 2011, T. 25990-25991.
[982] Nedeljko Đekanović, 14 October 2009, T. 1427-1428; P46, Minutes of the 47th Meeting of the Kotor Varoš Crisis Staff, 29 June 1992.
[983] Nedeljko Đekanović, 9 October 2009, T. 1143-1146.

by Ljuban Ećim, and was based in the sawmill. Predrag Radulović reported these rapes to Stojan Župljanin in the summer of 1992.[984]

(f) Events at medical centre

436. On 25 June 1992, Serb soldiers, wearing green-black camouflaged uniforms and the unit of the Banja Luka CSB Special Police Detachment under Slobodan Dubočanin's command, rounded up the residents of Kotor and separated the women from the men. The men from Kotor were initially 50 in number. Duško Vujičić, an active service police officer from Kotor Varoš, wearing a blue camouflage uniform and a red beret, and Dragan Bojić, wearing a blue uniform consisting of a blue shirt and dark blue trousers, were also present. The male residents of Kotor were asked to hand over their personal documents, wallets, watches, belts, and shoelaces.[985] The men of Kotor were then asked to confess to killing a Serb and were told that for each Serb death five men would be killed in retaliation. Other men from Kotor were brought to the group such that their numbers grew to 85. The men were moved to Stipo Zeba's house. Bosnian Serb soldiers, some wearing red berets, some wearing helmets, and others not wearing any head gear beat the Kotor men outside Stipo Zeba's house. Since none of the Kotor men confessed to killing a Serb, five volunteers were asked for. When no one volunteered, Esad Muminović, Ševal Đuvelek, Samir Avdić, and Mevludin Vilić were singled out. Mevludin Vilić's father, Rešid Vilić, asked to take his son's place, but he was instead taken as the fifth volunteer. These five men were then taken behind a transport vehicle. ST013 heard someone say, "Make sure there is no ricochet [and] make sure you do not miss." He then heard a burst of gunfire. ST013 later saw Rešid Vilić's dead body at the Kotor Varoš medical centre.[986]

437. Suljo Mahmutagić was also outside Stipo Zeba's house. Bosnian Serb soldiers took the child that Suljo Mahmutagić was holding from him. Other than seeing Suljo Mahmutagić fall to the ground, ST013 could not see what happened next because he had been forced to bend his head between his legs. Semko Avdić collected Suljo Mahmutagić's body. Semko Avdić told ST013 that Suljo Mahmutagić's throat had been cut.[987]

[984] Predrag Radulović, 27 May 2010, T. 10911-10914.
[985] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17896-17901 (confidential); ST013, P103, Witness Statement, 16 August 2000, pp. 4-6 (confidential).
[986] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17902-17905 (confidential); ST013, P103, Witness Statement, 16 August 2000, pp. 6-7 (confidential).
[987] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17906 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 7 (confidential).

438. Just before the men from Kotor left Stipo Zeba's property, a few of the Muslim men from Kotor were ordered to set the houses in the village alight. Bosnian Serb soldiers accompanied them on this task. ST013 saw many houses being burned.[988]

439. The remaining men from Kotor were then lined up two-by-two and told to move along the railway line in the direction of town. A transport vehicle and the Bosnian Serb soldiers moved along with the men. ST013 stated that he and the other men from Kotor were to shield the transport vehicle from Muslim and Croat attack. En route, Bosnian Serb soldiers, for a reason unknown to ST013, opened fire. ST013 saw Idriz Fifić leaning against a fence and was later told that he had been killed.[989]

440. The men from Kotor were taken to the Kotor Varoš medical centre.[990] Bosnian Serb soldiers and police lined up a group of Muslims and Croats in front of the centre.[991] The Bosnian Serb soldiers punched and kicked the men, hit them with rifle butts and batons, and called them "Ustashas" and "Balijas".[992] Duško Vujičić, a police officer, killed Miralem Avdić with two shots from his pistol at close range. The other men were then ordered to take Miralem Avdić's body to a place where there were other dead bodies;[993] ST013 saw approximately 12 to 15 bodies piled up.[994] ST013 testified that he saw Muharem Skopljak within the grounds of the medical centre; he was lying on the ground screaming in agony. ST013 also saw Rešid Vilić's body among the pile of dead bodies. Semko Avdić told ST013 that he also saw the bodies of Miralem Avdić and Muharem Vilić in the pile. Thereafter, some of the men from Kotor were ordered by Serb soldiers to dig a grave large enough to fit all the men who had been brought to the medical centre.[995]

441. In front of the Kotor Varoš medical centre, Bosnian Serb soldiers in camouflage uniforms let loose a German shepherd on Enez Terzić, one of the detainees. Terzić was injured, but survived

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[988] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17907 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 7 (confidential).
[989] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17905-17906, 17908 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 7 (confidential).
[990] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17910 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 8 (confidential).
[991] Adjudicated Fact 538.
[992] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17910 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 8 (confidential).
[993] Adjudicated Fact 538; ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17911-17912, 17953-17954 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 8 (confidential).
[994] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17911-17912 (confidential).
[995] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17913-17914 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 8 (confidential).

the attack.[996] Rajko Škorić, a Serb soldier, took Ivo Kljajić away, and Kljajić was never seen again.[997]

442. ST013 saw that Ivica Matijević had been severely beaten and had part of his cheek hanging loose. Matijević was ordered to walk towards the pile of bodies. As Matijević walked toward the pile of bodies, someone called him an "Ustasha". ST013 saw a Serb soldier shoot in Ivica Matijević's direction. Matijević fell to the ground.[998]

443. Also in front of the medical centre, a Bosnian Serb soldier from Mahovljani beat a number of detainees with a log until they fell to the ground unconscious. During the beating, he cursed their "Balija mothers". A Bosnian Serb soldier nicknamed "Mama" also participated in the beatings and ordered detainees to beat each other.[999] Sakib Fifić and ST013's brother were tasked with loading dead bodies. They were taken aside by Serb soldiers. ST013 heard from Semko Avdić and Alvir Fifić that ST013's brother and Sakib Fifić were later killed. Semko Avdić told ST013 that he loaded the dead bodies of Sakib Fifić and ST013's brother. Each body had gunshot wounds. ST013 testified that he last saw his brother slumped over a table at the medical centre.[1000]

444. A soldier drove a bulldozer onto the grounds of the medical centre and pinned a number of the men from Kotor against the wall of the dental building. One man's arm was injured and another man's chest was pierced by the jag of the loader.[1001] The Serb soldiers made them say that they were no longer "Ustashas" or "Balijas", but "Chetniks". The Serb soldiers continuously cursed their mothers.[1002]

445. On 25 June around 6:00 p.m. or 6:30 p.m., ST012 was at home and saw, from the window, a tractor with a trailer attached to it coming from the direction of the medical centre; it was covered with a bloodied tarpaulin. ST012 saw legs and feet dangling from the trailer.[1003]

446. ST013 heard that the following persons were also killed in Kotor Varoš on 25 June 1992: Mujo Zeher, Rudo Matijević, Ivo Kljajić, Emir Avdić, Kasim Vilić, Tomo Budimir, Hajro Terzić,

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[996] Adjudicated Fact 941; ST013, P103, Witness Statement, 16 August 2000, p. 9 (confidential).
[997] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17918 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 9 (confidential).
[998] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17916-17917 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 9 (confidential).
[999] Adjudicated Fact 942; ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17918-17930 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 9 (confidential).
[1000] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17919-17920 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 9 (confidential).
[1001] ST013, P103.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 June 2003, T. 17930-17931 (confidential); ST013, P103, Witness Statement, 16 August 2000, p. 9 (confidential).
[1002] ST013, P103, Witness Statement, 16 August 2000, p. 10 (confidential).
[1003] ST012, P43, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 June 2003, T. 17638 (confidential); ST012, P41, Witness Statement, 27 September 2000, p. 7 (confidential).

Ramiz Bašić, Šerif Đuvelek, a 104-year-old woman by the name of Nura, Fikret Salčinović, Suljo Zeher, Hidajet Fifić, Sadik Fifić, the mother of Sadik Fifić, Ismet Fifić, and Esed Fifić.[1004]

447. The Prosecution alleges that the following individuals were killed on the way to and in front of the Kotor Varoš medical centre, and some documentary evidence was admitted to establish their deaths: Ševal Đuvelek,[1005] Samir Avdić,[1006] Idriz Fifić,[1007] Suljo Mahmutagić,[1008] Mevludin ("Melvin") Vilić,[1009] Rešid Vilić,[1010] Šerif Đuvelek,[1011] Emir Avdić,[1012] Miralem Avdić,[1013] Ramiz Bašić,[1014] Tomo Budimir,[1015] Ismet Fifić,[1016] Esed Fifić,[1017] Sakib Fifić,[1018] Ivo Kljajić,[1019] Ivica Matijević,[1020] Rudo ("Rudolf") Matijević,[1021] Fikret Salčinović,[1022] Muharem Skopljak,[1023]

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[1004] ST013, P103, Witness Statement, 16 August 2000, p. 12 (confidential).
[1005] P2466, Proof of Death Database (CHS), "ordinal number" 2182, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2183, Autopsy Report (confidential); "ordinal number" 2184, Record of Identification (confidential).
[1006] P2466, Proof of Death Database (CHS), "ordinal number" 2201, Autopsy Report (confidential); "ordinal number" 2202, Record of Identification (confidential); "ordinal number" 2203, BiH State Commission for Tracing Missing Persons (confidential).
[1007] P2466, Proof of Death Database (CHS), "ordinal number" 2233, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2234, Record of Identification (confidential); "ordinal number" 2235, Autopsy Report (confidential).
[1008] P2466, Proof of Death Database (CHS), "ordinal number" 2262, Autopsy Report (confidential); "ordinal number" 2263, Record of Identification (confidential); "ordinal number" 2264, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2265, ICMP (confidential).
[1009] P2466, Proof of Death Database (CHS), "ordinal number" 2314, Autopsy Report (confidential); "ordinal number" 2316, Record of Identification (confidential); "ordinal number" 2317, BiH State Commission for Tracing Missing Persons (confidential).
[1010] P2466, Proof of Death Database (CHS), "ordinal number" 2323, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2324, Autopsy Report (confidential); "ordinal number" 2325, ICRC Missing Persons Report (confidential); "ordinal number" 2326, ICMP (confidential).
[1011] P2466, Proof of Death Database (CHS), "ordinal number" 2179, ICRC Missing Persons Report (confidential); "ordinal number" 2180.1, Death Certificate of Šerif Đuvelek (confidential).
[1012] P2466, Proof of Death Database (CHS), "ordinal number" 2187, Court Record of Exhumation (confidential); "ordinal number" 2188, BiH State Commission for Tracing Missing Persons (confidential).
[1013] P2466, Proof of Death Database (CHS), "ordinal number" 2193, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2194, Autopsy Report (confidential); "ordinal number" 2195, Record of Identification (confidential); "ordinal number" 2197, ICRC Missing Persons Report (confidential).
[1014] P2466, Proof of Death Database (CHS), "ordinal number" 2207, Federal Institute for Statistics (confidential); "ordinal number" 2208, Record of Identification (confidential); "ordinal number" 2209, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2210, Autopsy Report (confidential); "ordinal number" 2211, ICRC Missing Persons Report (confidential).
[1015] P2466, Proof of Death Database (CHS), "ordinal number" 2215, Autopsy Report (confidential); "ordinal number" 2216, ICMP (confidential); "ordinal number" 2217, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2218.1, Death Certificate of Tomo Budimir (confidential); "ordinal number" 2218.2, DNA Report (confidential).
[1016] P2466, Proof of Death Database (CHS), "ordinal number" 2239, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2240, Court Record of Exhumation (confidential).
[1017] P2466, Proof of Death Database (CHS), "ordinal number" 2224, Record of Identification (confidential); "ordinal number" 2225, Autopsy Report (confidential).
[1018] P2466, Proof of Death Database (CHS), "ordinal number" 2248, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2249, Autopsy Report (confidential); "ordinal number" 2250, ICRC Missing Persons Report (confidential); "ordinal number" 2251, Record of Identification (confidential).
[1019] P2466, Proof of Death Database (CHS), "ordinal number" 2256, Autopsy Report (confidential); "ordinal number" 2258, Record of Identification (confidential); "ordinal number" 2259, BiH State Commission for Tracing Missing Persons (confidential).
[1020] P2466, Proof of Death Database (CHS), "ordinal number" 2268, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2270, ICMP (confidential); "ordinal number" 2271, Autopsy Report (confidential).

Muhamed Smailović,[1024] Hajro Terzić,[1025] Kasim Vilić,[1026] Suljo Zeher,[1027] Mujo Zeher,[1028] Đasima Fifić,[1029] Hidajet Fifić,[1030] Sadik Fifić,[1031] Ivica Jurinović, Esad Muminović,[1032] and Muharem Vilić.

448. In relation to Ivica Jurinović, the Trial Chamber notes that the Proof of Death Database only references a "witness statement", but no attachment or citation to a specific witness statement was provided. The Trial Chamber is therefore without evidence of Ivica Jurinović's death.

449. The Defence challenges the documentary evidence relating to proof of death of the following individuals: Rešid Vilić, Miralem Avdić, Esed Fifić, Sakib Fifić, Rudo Matijević, Muharem Skopljak, Muhamed Smailović, Suljo Zeher, and Đasima Fifić on the following grounds: Rešid Vilić is said to have been a member of the HVO for Kotor Varoš who died during combat duty and documentary evidence indicates he disappeared from Vrbanjci on 25 June 1992.[1033] Miralem Avdić is said to have been a member of the HVO who died during combat duty on

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[1021] P2466, Proof of Death Database (CHS), "ordinal number" 2274, Court Record of Exhumation (confidential); "ordinal number" 2276, BiH State Commission for Tracing Missing Persons (confidential).

[1022] P2466, Proof of Death Database (CHS), "ordinal number" 2285, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2287, Federal Institute for Statistics (confidential); "ordinal number" 2288, Court Record of Exhumation (confidential).

[1023] P2466, Proof of Death Database (CHS), "ordinal number" 2292, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2293, ICRC Missing Persons Report (confidential); "ordinal number" 2295, Autopsy Report (confidential); "ordinal number" 2296, Record of Identification (confidential).

[1024] P2466, Proof of Death Database (CHS), "ordinal number" 2299, Federal Institute for Statistics (confidential); "ordinal number" 2300, BiH State Commission for Tracing Missing Persons (confidential); "ordinal numbers" 2302.1, 2302.2, DNA Report (confidential).

[1025] P2466, Proof of Death Database (CHS), "ordinal number" 2304, ICRC Missing Persons Report (confidential); "ordinal number" 2306.1, Death Certificate of Hajro Terzić (confidential); "ordinal number" 2306.2, Photo Documentation (confidential); "ordinal number" 2306.3, DNA Report (confidential); "ordinal number" 2306.4, Report on Forensic Analysis (confidential).

[1026] P2466, Proof of Death Database (CHS), "ordinal number" 2309, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2310, Court Record of Exhumation (confidential); "ordinal number" 2311, Federal Institute for Statistics (confidential).

[1027] P2466, Proof of Death Database (CHS), "ordinal number" 2336, ICMP (confidential); "ordinal number" 2337, Federal Institute for Statistics (confidential); "ordinal number" 2338, ICRC Missing Persons Report (confidential); "ordinal number" 2339, Autopsy Report (confidential).

[1028] P2466, Proof of Death Database (CHS), "ordinal number" 2329, Autopsy Report (confidential); "ordinal number" 2330, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2332, ICMP (confidential).

[1029] P2466, Proof of Death Database (CHS), "ordinal number" 2220, Autopsy Report (confidential); "ordinal number" 2221, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2222, Court Record of Exhumation (confidential).

[1030] P2466, Proof of Death Database (CHS), "ordinal number" 2227, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2228, Autopsy Report (confidential); "ordinal number" 2229, ICRC Missing Persons Report (confidential).

[1031] P2466, Proof of Death Database (CHS), "ordinal number" 2244, ICRC Missing Persons Report (confidential); "ordinal number" 2246.1, Autopsy Report (confidential); "ordinal number" 2246.2, Death Certificate of Sadik Fifić (confidential); "ordinal number" 2246.3, Record of Re-Exhumation and Identification (confidential); "ordinal number" 2246.4, DNA Report (confidential).

[1032] P2466, Proof of Death Database (CHS), "ordinal number" 2279, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 2280, Record of Identification (confidential); "ordinal number" 2282, Autopsy Report (confidential).

[1033] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 17, "ordinal number" 2321; 1D833, List of Names from the Government of Bosnia and Herzegovina, 28 October 2011, para. 31 (confidential).

25 June 1992.[1034] Esed Fifić's name does not appear on the autopsy report and other documentary evidence indicates he died in Mali Harem on 25 June 1992;[1035] other evidence submitted by the Defence indicates that "Esad Fifić (son of Idriz) born 19 April 1962" was a member of the Kotor Varoš TO and was killed on 25 June 1992 while on combat mission in the Kotor Varoš area.[1036] The same document indicates that both "Mevlin" Vilić and Avdo Vilić were also members of the Kotor Varoš TO killed on 25 June 1992 while on combat mission in the Kotor Varoš area.[1037] Sakib Fifić's autopsy report indicates that he died of rib fractures resulting from a firearm projectile.[1038] Rudo Matijević's death was not witnessed by ST013.[1039] Muharem Skopljak was still alive when ST013 saw him.[1040] Muhamed Smailović disappeared from Vrbanjci on 25 June 1992.[1041] Suljo Zeher's autopsy report did not list his name.[1042] Đasima Fifić's documentary evidence provides that she died on 25 July 1992.[1043] While the Defence did not challenge Šerif Đuvelek's death, it tendered a document that indicates that he was a member of the Kotor Varoš TO in June 1992 and, without further detail, supports that he died on 25 June 1992 in Kotor Varoš.[1044]

450. ST013 named the following as perpetrators of the killings and beatings in front of the medical centre: Dragan Bojić, who was in charge of the men in front of the health centre and was the commander at the police station in Kotor Varoš; Duško Vujičić, who was a police officer who worked at the police station in Kotor Varoš; Duško Maksimović, a reserve police officer from Kotor Varoš; Rajko Škorić, a soldier; and Duško Krejić, an active-duty policeman. All these men were from Kotor Varoš or the surrounding places in Kotor Varoš municipality.[1045] ST013 testified that a non-local unit, the Banja Luka CSB Special Police Detachment, were also involved with the killings and beatings in front of the medical centre.[1046]

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[1034] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 16, "ordinal number" 2191; 1D833, List of Names from the Government of Bosnia and Herzegovina, 28 October 2011, para. 23 (confidential).
[1035] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 16, "ordinal number" 2223.
[1036] 1D834, Second response by BiH Government regarding status of victims, dated 9 July 2012, p. 5 (confidential).
[1037] 1D834, Second response by BiH Government regarding status of victims, dated 9 July 2012, p. 5 (confidential).
[1038] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 17, "ordinal number" 2247.
[1039] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 17, "ordinal number" 2273.
[1040] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 17, "ordinal number" 2290.
[1041] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 17, "ordinal number" 2298.
[1042] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 17, "ordinal number" 2334.
[1043] Joint Defence Final Submissions on the Proof of Death Database, 12 April 2012, Confidential Annex A, p. 16, "ordinal number" 2219.
[1044] 1D834, Second response by BiH Government regarding status of victims, dated 9 July 2012, p. 9 (confidential).
[1045] ST013, 9 October 2009, T. 1206-1208 (confidential).
[1046] ST013, 9 October 2009, T. 1210-1213.

451. According to Nedeljko Đekanović, the killings at the medical centre were carried out by members of the Banja Luka CSB Special Police Detachment led by Slobodan Dubočanin.[1047] The killings at the medical centre and their commission by the Banja Luka CSB Special Police Detachment were discussed at a meeting of the Crisis Staff on 26 June 1992.[1048] According to the minutes of the meeting, "Žarko Mikić said the Crisis staff had discussed the behaviour of members of the special unit on several occasions and shown itself unable to influence them". Mikić asked Colonel Peulić to help solve this problem.[1049] Nedeljko Đekanović explained at the Crisis Staff meeting that he had met with Slobodan Dubočanin to convey his disapproval of the killings.[1050] In late June or July 1992, Nedeljko Đekanović met with Stojan Župljanin to convey to him the Crisis Staff position that members of the Banja Luka CSB Special Police Detachment should be organisationally and structurally under control. Stojan Župljanin responded that he would do everything in his power to prevent the Banja Luka CSB Special Police Detachment from acting in the way that they had acted.[1051]

452. Around the second half of June 1992, Savo Tepić sent a dispatch to the Banja Luka "public security centre" complaining that the Banja Luka CSB Special Police Detachment had resorted to violence against some people and against Savo Tepić himself. Dragan Raljić stated that the dispatch was received by the communications centre in Banja Luka, but that he did not know where the dispatch went thereafter.[1052]

### 3. Factual Findings

453. The 22nd Light Infantry Brigade, the Čelinac Light Infantry Brigade, the 1st Kotor Varoš Light Infantry Brigade, and the MUP operated in Kotor Varoš.

454. Around late April or early May 1992, all uniformed employees of the Kotor Varoš SJB were asked, but not forced, to sign solemn declarations confirming their loyalty to the authorities of the RS. Media announcements encouraged non-Serbs to surrender their weapons. When the 14 May deadline to surrender weapons expired, the 1st KK and the police conducted operations to disarm Muslims and Croats.

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[1047] Nedeljko Đekanović, 8 October 2009, T. 1103-1104, 1107-1110; P81, Minutes of the 40th Session of the Crisis Staff of Kotor Varoš Municipality, 26 June 1992, p. 1. *See also*, ST013, 9 October 2009, T. 1210-1213; Dragan Raljić, 30 June 2010, T. 12438.
[1048] P81, Minutes of the 40th Session of the Crisis Staff of Kotor Varoš Municipality, 26 June 1992, p. 1; ST197, 8 September 2010, T. 14429-14430.
[1049] P81, Minutes of the 40th Session of the Crisis Staff of Kotor Varoš Municipality, 26 June 1992, p. 1.
[1050] Nedeljko Đekanović, 8 October 2009, T. 1107-1110; P81, Minutes of the 40th Session of the Crisis Staff of Kotor Varoš Municipality, 26 June 1992, p. 1.
[1051] Nedeljko Đekanović, 8 October 2009, T. 1107-1110; Nedeljko Đekanović, 14 October 2009, T. 1458-1461; Nedeljko Đekanović, 15 October 2009, T. 1509-1512. *See also* P81, Minutes of the 40th Session of the Crisis Staff of Kotor Varoš Municipality, 26 June 1992, p. 1.

455. On 11 June 1992, the day of the takeover, a Serbian flag was hung outside the Kotor Varoš SJB for the first time indicating the formation of a Serb SJB and non-Serb policemen were arrested along with the non-Serb civilian population.

456. The takeover of power was achieved in June 1992 through attacks by Serb Forces on the town of Kotor Varoš and the surrounding villages, including Večići, Hrvačani, Ravne, Hanifići, and other villages, all of which were inhabited by Muslims or Croats.

457. With regard to counts 1, 2, 3, and 4, the Trial Chamber finds that in Kotor, on the way to the medical centre from Kotor, and in front of the Kotor Varoš medical centre, 26 Muslim men were killed. In the village of Kotor, the Trial Chamber finds that five men were killed by Serb soldiers and the Banja Luka CSB Special Police Detachment behind a transport vehicle. ST013 identified these men as Esad Muminović, Ševal Đuvelek, Samir Avdić, Mevludin Vilić, and Rešid Vilić. In relation to Rešid Vilić's death, the documentary evidence lists two different exhumation sites, establishes his place of disappearance as Vrbanjci on 25 June 1992, and lists him as a member of the HVO who died in combat on 25 June 1992. The Trial Chamber finds that the documentary evidence is not inconsistent with ST013's testimony in relation to Rešid Vilić's death because the place of disappearance and site of exhumation have no bearing on the circumstances of Rešid Vilić's death. In addition, there is no evidence linking the "Rešid Vilić" listed as a member of HVO, with the Rešid Vilić mentioned in ST013's testimony. Finally, given the testimony of ST013 regarding Mevludin Vilić, and the consistent documentary evidence to support such testimony, the Trial Chamber finds that the document that indicates that a "Mevlin" Vilić was killed on 25 June 1992 cannot be linked with the "Mevludin" Vilić listed in the Prosecution's Final Victims List. The Trial Chamber therefore finds that Esad Muminović, Ševal Đuvelek, Samir Avdić, Mevludin Vilić, and Rešid Vilić were killed by Serb soldiers and the Banja Luka CSB Special Police Detachment in Kotor on 25 June 1992.

458. The Trial Chamber finds, based on the evidence of ST013 and documentary evidence, that Suljo Mahmutagić was killed by Bosnian Serb Forces on 25 June 1992 in the village of Kotor, outside of Stipo Zeba's house. On the way to the medical centre, from the village of Kotor, the Trial Chamber finds that Idriz Fifić was shot and killed by Bosnian Serb Forces on 25 June 1992.

459. In relation to events in front of the Kotor Varoš medical centre, the Trial Chamber finds that Miralem Avdić was shot and killed by a police officer named Duško Vujičić on 25 June 1992. ST013 stated that Miralem Avdić was shot twice and killed by Duško Vujičić. While the documentary evidence only refers to one gunshot wound, it establishes Miralem Avdić's cause of

[1052] Dragan Raljić, 30 June 2010, T. 12438-12440.

death as a gunshot facture to the lower jaw and date of disappearance as 25 June 1992. This documentary evidence is consistent with ST013's testimony. In addition, documentary evidence provided by the Defence that a Miralem Avdić is listed as a member of the HVO and died in combat is not decisive as further identification was not provided to confirm that the "Miralem Avdić" listed by the BiH authorities is the "Miralem Avdić" listed in the Indictment. The Trial Chamber therefore finds that Duško Vujičić, a police officer from Kotor Varoš, killed Miralem Avdić in front of the medical centre on 25 June 1992.

460. The Trial Chamber finds that Ivica Matijević was shot and killed by Serb Forces in front of the medical centre on 25 June 1992.

461. The Trial Chamber finds that Serb Forces killed Ivo Kljajić after Rajko Škorić, a Serb soldier, took him away in front of the medical centre on 25 June 1992.

462. ST013 testified that, at the medical centre, he saw Muharem Skopljak lying on the ground in agony, but not yet dead. Documentary evidence establishes Muharem Skopljak's date of death as 25 June 1992 and place of death as the Kotor Varoš hospital compound. The Trial Chamber therefore finds that, on 25 June 1992, Serb Forces—the Banja Luka CSB Special Police Detachment, regular police, or Serb soldiers—killed Muharem Skopljak in front of the medical centre.

463. ST013 testified that he last saw his brother and Sakib Fifić being taken away by Serb soldiers at the medical centre and his brother slumped over a table outside the medical centre. ST013 provided hearsay evidence that the dead bodies of his brother and Sakib Fifić were seen at the medical centre with gunshot wounds. The documentary evidence establishes that Sakib Fifić died of rib fractures caused by a firearm projectile and that ST013's brother disappeared from Vrbanjci on 25 June 1992. This documentary evidence does not negate ST013's testimony because Sakib Fifić's rib fractures resulted from a gunshot and ST013's brother's reported disappearance from Vrbanjci only indicates where someone reported last having seen him. The Trial Chamber therefore finds that Sakib Fifić and ST013's brother were killed at the Kotor Varoš medical centre on 25 June 1992 by Serb soldiers.

464. ST013 heard that the following persons were also killed in Kotor Varoš on 25 June 1992: Mujo Zeher, Rudo Matijević, Emir Avdić, Kasim Vilić, Tomo Budimir, Hajro Terzić, Ramiz Bašić, Šerif Đuvelek, a 104-year-old woman by the name of Nura, Fikret Salčinović, Suljo Zeher, Hidajet Fifić, Sadik Fifić, the mother of Sadik Fifić, Ismet Fifić, and Esed Fifić. The parties agree that the documentary evidence proves the deaths of Mujo Zeher, Rudo Matijević, Emir Avdić, Kasim Vilić, Tomo Budimir, Hajro Terzić, Ramiz Bašić, Šerif Đuvelek, Fikret Salčinović, Suljo Zeher, Hidajet

Fifić, Sadik Fifić, and Ismet Fifić in relation to the events at the medical centre in Kotor Varoš on 25 June 1992. The Trial Chamber therefore finds that these persons were killed by Serb Forces in Kotor Varoš in relation to the events at the medical centre on 25 June 1992. The Trial Chamber finds that ST013's evidence that he heard that Esed Fifić, a woman by the name of Nura, and Sadik Fifić's mother died in Kotor Varoš on 25 June 1992 is insufficient to prove that they were killed by Serb Forces in relation to events at the medical centre. While documentary evidence was admitted as to the nature of Esed Fifić's death by a hand-held firearm projectile, this is not inconsistent with the documentary evidence that an "Esad" Fifić was killed while on combat mission in the Kotor Varoš area and, without further detail, cannot support a finding that he was killed as alleged in the Indictment.

465. Documentary evidence was also provided to establish proof of death for Đasima Fifić. The Trial Chamber, however, finds insufficient evidence linking the death of Đasima Fifić to the events on the way to or in front of the Kotor Varoš medical centre on 25 June 1992.

466. No documentary or testimonial evidence was put forth in relation to Ivica Jurinović. The Trial Chamber therefore finds insufficient evidence that Ivica Jurinović died on 25 June 1992 on the way to or in front of the Kotor Varoš medical centre.

467. The Trial Chamber finds, based on the evidence of ST019 and documentary evidence, that "Čuta" Beharić, Mato Bjelobrk, and Smajo Hodžić were killed at the Kotor Varoš prison by Serb Forces. The Trial Chamber also finds, based on the evidence of ST019, that Stipo Marić died from beatings after he was removed from his cell by Slobodan Dubočanin. The Trial Chamber notes that a "Stipo Marić" is listed on the Integrated Register of Croatian Homeland War Defenders, but no link is made between the Stipo Marić referred to in ST019's testimony and the Stipo Marić listed on the register. The Trial Chamber therefore finds that the Integrated Register of Croatian Homeland War Defenders does not discredit ST019's testimony in relation to Stipo Marić's death.

468. Zoran Marunović was brought into Room Three of the prison with visible signs of mistreatment and died in the prison after a lengthy period of time. His death is supported by documentary evidence. The Trial Chamber finds that there is sufficient evidence that his death resulted from mistreatment while at the prison.

469. In relation to Avdo Vilić, ST019 testified that he did not see him being beaten, but rather heard someone being beaten in the corridor of the prison. ST019 identified Avdo Vilić by the speech impediment he heard when the man cried out while being beaten. The morning following this beating, ST019 saw a body he believed was Avdo Vilić being loaded on a tractor. Documentary evidence, however, establishes the date of death of Avdo Vilić as 22 November 1996 and another

document suggests that he was killed while on combat mission in Kotor Varoš. The Trial Chamber therefore finds that it has not been proved that Avdo Vilić died as a result of beatings at the prison.

470. No testimonial or documentary evidence was adduced in relation to Sejfo Berbić, Tomo Marić, and Ibrahim Sultanić. The Trial Chamber therefore finds that it has not been proved that they died as a result of beatings at the prison.

471. Documentary evidence was provided in support of the contention that Zdravko Grgić died as a result of beatings at the Kotor Varoš prison. The documentary evidence, however, fails to connect Zdravko Grgić's death to events at the prison. The Trial Chamber therefore finds that there is insufficient evidence that Zdravko Grgić died as a result of beatings at the Kotor Varoš prison.

472. Hasan Prlja was taken from his cell at the Kotor Varoš prison after complaining of severe kidney pain and never seen again. The Trial Chamber considers that ST019 only shared a cell with Hasan Prlja for a short time and that the evidence does not indicate where or how he sustained his injures or even whether his death was caused by his kidney injury. A death certificate for Hasan Prlja describes his place of death as Vrbanjci on 25 June 1992 and another indicates that he was killed on the same date in a combat mission in Kotor Varoš. The Trial Chamber finds it has not been proved that Hasan Prlja died as a result of beatings in the prison building.

473. With regards to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered evidence regarding the treatment of detainees at the SJB building, the prison, and the sawmill in Kotor Varoš.

474. At the Kotor Varoš prison, the Trial Chamber finds that there were about 145 Muslim and Croat detainees held in three different rooms. Women were held separately. Goran Zarić, a.k.a. "Điba", a policeman from Kotor Varoš, was the commander of the prison until he was replaced by Zdravko Žutić around August or September 1992. Slobodan Dubočanin also interrogated detainees. Detainees were beaten upon arrival by policemen, such as Duško Vujičić. Detainees in Room Three were physically mistreated by soldiers in olive-drab camouflage uniforms. As a result of these beatings, one detainee's shoulder was dislocated and his nose was broken. Serb police ordered the detainees to sing Serb songs. A Croat detainee was made to drink a chemical cleaning solution. Some detainees were beaten to death or were executed after their beatings. Detainees in Room Three witnessed the deaths of other detainees as a result of the beatings. The Trial Chamber finds that, while conditions of detention improved somewhat on Slobodan Dubočanin's orders around July 1992, detainees were still held in cramped cells, provided with food that was of an insufficient quantity or inadequate quality, and denied medical attention. Some detainees were never given a reason for their detention and others were told they were being charged with "fundamentalism", but formal charges were never filed.

475. At least 10 Bosnian Croat and Bosnian Muslim men and one woman were detained at the police station in Kotor Varoš. The Trial Chamber finds that detainees at the Kotor Varoš SJB were held in inhumane conditions with insufficient food, water, or sanitation facilities. Savo Tepić was chief of the SJB. Slobodan Dubočanin and other members of the Banja Luka CSB Special Police Detachment were present at the Kotor Varoš SJB. Police wearing blue camouflage uniforms, including "Dule" Vujičić and a police officer named "Sedjo", were also at the SJB. Upon entering the SJB, detainees were forced to run through gauntlets composed of reserves in blue camouflage uniforms and olive-drab uniforms and, on occasion, members of the Banja Luka CSB Special Police Detachment, in the course of which they were punched and kicked and beaten with baseball bats, batons, and rifle butts. Detainees were also beaten during interrogations. On one occasion, a detainee was forced to eat the document containing his statement because he had written it in Latin script. Zdravko Samardžija interrogated some of the detainees. In addition to interrogation, Muslim and Croat male and female detainees were forced by a Bosnian Serb policeman to perform sexual acts in front of a crowd of cheering men in police and Bosnian Serb military uniforms, some of whom were wearing red berets. Two other male detainees were forced to perform fellatio on each other by the Banja Luka CSB Special Police Detachment while being subjected to ethnic slurs.

476. The Trial Chamber finds that there were over 300 Muslim and Croat women, children, and elderly men held at the sawmill, which operated at least between June to August 1992. ST056 was not arrested or charged with any crime before her detention. At the sawmill, the detainees were guarded by Serb soldiers in olive-drab or camouflage uniforms and police wearing navy blue or navy blue camouflage uniforms, including members of the Banja Luka CSB Special Police Detachment. In light of the evidence that members of the Banja Luka CSB Special Police Detachment were based at the sawmill; that members of this Detachment were known to also wear blue camouflage uniforms; ST241's evidence that he was taken to the sawmill by members of the Banja Luka CSB Special Police Detachment; and Predrag Radulović's testimony that he received intelligence that looting, physical mistreatment, killings, and rapes had been committed at the sawmill by the Banja Luka CSB Special Police Detachment, the Trial Chamber finds that the soldiers who raped women at the sawmill included members of this Detachment. The Chamber finds that, in light of the totality of this evidence, ST240's observation that the soldiers' insignia read "special *army* police" does not undermine this finding. Moreover, the Chamber considers that Đekanović's testimony that members of the Banja Luka CSB Special Police Detachment were not guarding the sawmill in an official capacity does nothing to affect the evidence that members of this Detachment were present at the sawmill. There, older men were ordered to drink petrol. Detainees were forced to make the Serb sign of the cross and sing Serb songs. Serb soldiers cursed the detainees' "Ustasha and Balija mothers". Detainees were held in inhumane conditions with

insufficient food, water, or sanitation facilities. The Trial Chamber finds female detainees were taken out during the night and raped by members of the Serb Forces mentioned above.

477. With regard to counts 1, 9, and 10, the Trial Chamber finds that a number of convoys left Kotor Varoš for Travnik and that the Crisis Staff, whose president was Nedeljko Đekanović, made buses available for that purpose. One such convoy, carrying mostly Muslim women and children, left the village of Grabovica in approximately mid- to late October 1992. The convoy first travelled to Vrbanjci, was then joined by 13 other buses transporting mostly Muslim women and children from Večići and the surrounding villages, and finally left for Travnik. The Trial Chamber has considered evidence that Muslims and Croats were subjected to mistreatment, that their homes were looted and burned, and that their religious sites were destroyed. The Trial Chamber has considered evidence on the ethnic composition of Kotor Varoš in 1991 and 1995. Based on all the evidence, the Trial Chamber finds that Muslim and Croat residents were transported out of Kotor Varoš by Serb Forces or left Kotor Varoš as a consequence of the mistreatment, intimidations, looting, and destruction of property and religious buildings carried out by Serb Forces.

478. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber has heard evidence that, in the village of Dabovci, Serb Forces—including the "White Eagles" and local Serbs wearing camouflage uniforms, or police uniforms, with "four S's"—looted Muslim homes. During the attack on Hrvačani, furniture and other valuables were looted by Serb Forces. The Trial Chamber has also heard evidence that detainees at the Kotor Varoš prison were ordered by Serb soldiers and police to surrender their valuables. Persons who wished to leave Kotor Varoš were forced to surrender their immovable property to the municipality and could only take 300 DM with them when leaving Kotor Varoš. On 28 July 1992, the Kotor Varoš War Presidency, formerly known as the Crisis Staff, decided that money confiscated from persons moving out of Kotor Varoš would not be returned but would instead be used to assist the families of fallen Serb soldiers and to cover municipal expenses. The Trial Chamber therefore finds that Serb Forces unlawfully took the private property of Muslims and Croats.

479. The Trial Chamber finds that, during the summer of 1992, Serb Forces attacked Kotor Varoš town and a number of Croat and Muslim villages in the municipality of Kotor Varoš and damaged or destroyed Muslim and Croat cultural monuments. A total of 14 Muslim and Catholic monuments in Kotor Varoš were heavily damaged or completely destroyed in 1992—most of them in July and August—by fire, explosives, shelling, or a combination of the three. The Catholic church in the town of Kotor Varoš was set on fire and heavily damaged. The destroyed mosques included those in Hanifici, Kotor Varoš town, Vrbanjci, Hrvancani, Ravne, Vranić, Donji Varoš, Večići, and Gornji Hadrovci. The Trial Chamber finds that the new mosque in Večići suffered only minor shelling

damage in August 1992. The Trial Chamber also heard evidence that, during the attack on Hrvačani, houses were either shelled or razed to the ground. The villages of Hanifići, Plitska, and Kotor were set on fire by Serb Forces, and the village of Dabovci was destroyed in mid-August 1992.

480. Following the takeover of Kotor Varoš, the Banja Luka CSB Special Police Detachment and police from Kotor Varoš arrested and detained Muslim and Croat individuals at the Kotor Varoš SJB, the Kotor Varoš prison, and the sawmill. ST019 and ST056 were given no official reason for their arrests. On 12 June 1992, the Crisis Staff imposed a curfew in Kotor Varoš, and a decision was taken by the Kotor Varoš Municipal Assembly that "citizens" were allowed freedom of movement between 9:00 a.m. and 11:00 a.m. and that this decision was to be announced through the media. The Trial Chamber accepts ST012's testimony that Radio Banja Luka and Television Banja Luka announced that "Croat and Muslim" residents were only permitted to leave their homes between 9:00 a.m. and 11:00 a.m. each day.

### 4. Legal Findings

481. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Kotor Varoš and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in hostilities.

482. The Trial Chamber finds that the acts of Serb Forces in Kotor Varoš were linked geographically and temporally with the armed conflict. The arrests, thefts, detentions, and destruction of property carried out by Bosnian Serb soldiers, the Banja Luka CSB Special Police Detachment, Kotor Varoš Serb police officers, and the White Eagles constituted an attack against the civilian population. The attack occurred on a large scale: at least 11 Muslims and Croats were detained at the SJB, 145 in the Kotor Varoš prison, and in August 1992 alone 1,000 women, children, and elderly civilians were detained at the sawmill. Approximately 10,000 Muslims and 9,000 Croats left Kotor Varoš following the attacks. The attacks were also well organised. They were therefore widespread and systematic. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing and that their acts were part of the attack.

483. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

484. *Counts 2, 3, and 4*. The Trial Chamber recalls its finding that Esad Muminović, Ševal Đuvelek, Samir Avdić, Mevludin Vilić, and Rešid Vilić were killed by Bosnian Serb soldiers and the Banja Luka CSB Special Police Detachment on the way to the Kotor Varoš medical centre from the village of Kotor. These men were taking no active part in hostilities. The mode of the killing shows that the perpetrators acted with intent to kill.

485. The Trial Chamber recalls its finding that Suljo Mahmutagić and Idriz Fifić were killed by Bosnian Serb Forces. It further recalls that Miralem Avdić was shot by Duško Vujičić, a policeman from Kotor Varoš, in front of the Kotor Varoš medical centre. Ivica Matijević was shot by Serb Forces in front of the medical centre. The Trial Chamber has also found that Ivo Kljajić was killed in front of the medical centre after he was last seen being taken away by Rajko Škorić, a Serb soldier. The Trial Chamber found that on 25 June 1992 Serb Forces—the Banja Luka CSB Special Police Detachment, regular police, or Serb soldiers—killed Muharem Skopljak in front of the medical centre. Sakib Fifić and ST013's brother were killed after being pulled aside by Serb soldiers at the Kotor Varoš medical centre on 25 June 1992. Mujo Zeher, Rudo Matijević, Emir Avdić, Kasim Vilić, Tomo Budimir, Hajro Terzić, Ramiz Bašić, Šerif Đuvelek, Fikret Salčinović, Suljo Zeher, Hidajet Fifić, Sadik Fifić, and Ismet Fifić were killed by Serb Forces in relation to the events at the medical centre in Kotor Varoš on 25 June 1992. These men were taking no active part in hostilities. The mode of the killing shows that the perpetrators acted with intent to kill.

486. The Trial Chamber recalls its findings that "Čuta" Beharić, Mato Bjelobrk, and Smajo Hodžić were killed by Serb Forces at the Kotor Varoš prison. The Trial Chamber also finds that Stipo Marić and Zoran Marunović died from beatings at the prison. Beatings at the prison were perpetrated by Serb soldiers and policemen. The perpetrators of these killings reasonably should have known that the beating of these men might lead to their deaths. These men were detainees and therefore taking no active part in hostilities.

487. Recalling the finding that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that Serb Forces, including Serb soldiers and Kotor Varoš policemen, committed murder, both as a crime against humanity and a violation of the laws or customs of war.

488. The Trial Chamber considers that the killing of 26 men on the way to and in front of the Kotor Varoš medical centre on 25 June 1992 constitutes one killing operation which is separate from the five deaths resulting from beatings at the Kotor Varoš prison. The Trial Chamber does not consider the latter killings to be sufficiently large so as to satisfy the requirements of extermination. With regard to the killings on 25 June 1992, after considering the circumstances in which the killings occurred, the Chamber finds that the killing of 26 persons is sufficiently large so as to satisfy the requirements of extermination. Therefore, and recalling that the general requirements of

Article 5 have been satisfied, the Trial Chamber finds that, through their acts, the perpetrators committed extermination, as a crime against humanity with regard to the events in Kotor Varoš.

489. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that assaults, both sexual and physical, and rapes carried out variously by Serb soldiers, the Banja Luka CSB Special Police Detachment, and Kotor Varoš policemen against Muslim and Croat detainees, both during arrests and in detention centres, caused them severe physical and psychological suffering and that the assaults were carried out as a form of intimidation and discrimination, and in some cases with the aim of obtaining information. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed torture against Muslim and Croat detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

490. *Counts 9 and 10.* The Trial Chamber has found that a large number of Muslim and Croat civilians were forcibly transported out of Kotor Varoš by Serb Forces or left Kotor Varoš as a consequence of the mistreatment, intimidations, looting, and destruction of their property and religious buildings carried out by Serb Forces following the takeover on 11 June 1992. The Trial Chamber therefore finds that Serb Forces removed Muslims and Croats from the municipality of Kotor Varoš, where they were lawfully present, to Travnik by expulsion or other coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure on a large scale from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that, following 11 June 1992, Serb Forces committed other inhumane acts (forcible transfer), as crimes against humanity, against the Muslim and Croat populations of the municipality of Kotor Varoš. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

491. *Count 1.* The Trial Chamber finds that Serb Forces arrested Muslims and Croats in Kotor Varoš without legitimate grounds and on a discriminatory basis. These arrests constituted unlawful detentions. The taking of Muslim and Croat property, including during detention and looting, constituted plunder of property. The destruction of mosques and the Catholic church in Kotor

Varoš, as well as the destruction of homes during and after attacks on villages surrounding Kotor Varoš, constituted wanton destruction. The insufficient food, water, or sanitation facilities at the Kotor Varoš SJB, Kotor Varoš prison, and the sawmill amounted to the establishment of inhumane living conditions. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims and Croats of Kotor Varoš by denying them judicial process and freedom of movement.

492. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, 5, 6, 7, 8, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living conditions; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied Muslims and Croats their fundamental rights laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim or Croatian ethnicity. On the basis of the pattern of conduct and statements made by Serb Forces during the criminal operations—such as forcing detainees to sing Serb nationalist songs and calling detainees "Ustashas" and "Balijas"—the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

493. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Kotor Varoš.

494. *Conclusion.* The Trial Chamber finds that, from June 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 2, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Kotor Varoš.

## E. Prijedor

### 1. Charges in Indictment

495. The Indictment charges Mićo Stanišić and Stojan Župljanin with crimes allegedly committed in the municipality of Prijedor at the times and locations outlined below.

496. Under count 1, the Accused are charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4; (b) torture, cruel treatment, or inhumane acts, as specified below under counts 5, 6, 7, and 8; (c) unlawful detention, as specified below under counts 5, 6, 7, and 8; (d) establishment and perpetuation of inhumane living conditions at the same detention facilities, at least between May

and September 1992; (e) forcible transfer and deportation; (f) the appropriation or plunder of property, at least between May and August 1992; (g) wanton destruction of non-Serb parts of the town of Prijedor, Briševo, Kamičani, Čarakovo, Kozarac, Kozaruša, Biščani, Hambarine, Rizvanovići, Kevljani, and Rakovčani, including the destruction of the Kozaruša mosque, the Stari Grad mosque, the Čarakovo mosque, the Hambarine old mosque, the Čaršijska mosque, the Zagrad mosque, the Biščani mosque, the Gornja/ Donja Puharska mosque, the Rizvanovići mosque, the Brezičani mosque, the Ališići mosque, the Zecovi mosque, the Čejreci mosque, the Gomjenica mosque, the Kevljani mosque, the Kamičani mosque, the Kozarac–Mutnik mosque, the Prijedor town Catholic church, and the Briševo church, at least between May and December 1992; and (h) the imposition and maintenance of discriminatory measures after the takeover of Prijedor on or about 30 April 1992. All the underlying acts of persecution were allegedly committed by Serb Forces against Bosnian Muslims, Bosnian Croats, and other non-Serbs.[1053]

497. Under counts 2, 3, and 4, the Accused are charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, for the killings by Serb Forces of (a) a number of people in Kozarac and the surrounding areas in May and June 1992;[1054] (b) a number of people in the villages of the Brdo area, including Čarakovo and surrounding areas and Biščani, on or about 20 July 1992;[1055] (c) a number of men at the Ljubija football stadium and the surrounding areas on or about 25 July 1992;[1056] (d) a number of men in "Room 3" at Keraterm camp on or about 24 and 25 July 1992;[1057] (e) a number of people at Omarska camp and at various places after they were taken from the camp, between 27 May and 21 August 1992;[1058] and (f) a large number of male detainees from the Trnopolje camp on 21 August 1992 at Korićanske Stijene.[1059]

498. In counts 5, 6, 7, and 8, the Accused are charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment as a violation of the laws or customs of war; and (c) inhumane acts as a crime against humanity. These crimes were allegedly committed by Serb Forces against non-Serb detainees at (a) the SJB building, where, from at least 25 May 1992, detainees were regularly beaten and humiliated during and after interrogations, in course of which some had their bones fractured; (b) Omarska camp, (i) where, between 27 May and 21 August 1992, detainees were humiliated, beaten, and tortured upon arrival, routinely and during interrogation, often in front of other detainees, with electric cables, rifle butts,

[1053] Indictment, paras 24-28, Schedules A n. 3, B n. 4, B n. 6, C n. 5, D n. 5, E n. 4, F n. 4, G n. 4.
[1054] Indictment, paras 29-31, Schedule A n. 3.1.
[1055] Indictment, paras 29-31, Schedule A n. 3.3.
[1056] Indictment, paras 29-31, Schedule A n. 3.4.
[1057] Indictment, paras 29-31, Schedule B n. 4.1.
[1058] Indictment, paras 29-31, Schedule B n. 4.2.

police batons, and wooden clubs, resulting in serious injury, permanent disfigurement, and death in numerous cases, and where (ii) female detainees were raped and men sexually assaulted; (c) Keraterm camp, where detainees were humiliated, beaten, and tortured, often in front of other detainees, upon arrival, during interrogations, and while waiting for food, with wooden clubs, baseball bats, electric cables, police batons, and rifle butts, resulting in serious injury, permanent disfigurement, and death in numerous cases, between 25 May and 5 August 1992; (d) Trnopolje camp, where, at least between 24 May and 30 September 1992, (i) detainees were predominantly women, children, the elderly, and some younger men, who were interrogated and beaten, often in front of other detainees, and (ii) where female detainees were raped; and (e) Ljubija football stadium, where detainees were beaten and numerous men were killed, with the survivors forced to load the dead onto a truck, on or about 25 July 1992.[1060]

499. Under counts 9 and 10, the Accused are charged with deportation and inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Prijedor on or about 30 April 1992, against the Bosnian Muslim and Bosnian Croat population.[1061]

### 2. Analysis of Evidence

#### (a) Background

500. In the post-World War II years until about 1991, in the municipality of Prijedor, particularly in rural areas, the three populations, Serbs, Croats, and Muslims, tended to live separately so that in many villages one or another ethnicity so predominated that they were generally regarded as "Serb" or "Croat" or "Muslim" villages.[1062] As a whole, the municipality of Prijedor was ethnically a relatively mixed area; in 1991 Muslims were the majority—out of a total population of 112,000, 44% were Muslims, 42.5% Serbs, with the remainder made up of 5.6% Croats, 5.7% Yugoslavs, and 2.2% of other or unknown ethnicity.[1063] In 1997, by contrast, 1% of the population in Prijedor was of Muslim ethnicity, and approximately 89% of the population was of Serb ethnicity.[1064]

501. The "Instructions for the Organisation and Activities of the Organs of the Serb People in Bosnia and Herzegovina in a State of Emergency" (the "Variant A and B Instructions" or

[1059] Indictment, paras 29-31, Schedule B n. 6.
[1060] Indictment, paras 32-36, Schedules C n. 5, D n. 5.
[1061] Indictment, paras 37-41, Schedules F n. 4, G n. 4.
[1062] Adjudicated Fact 16.
[1063] Adjudicated Fact 197; Simo Mišković, 1 October 2010, T. 15215-15216; Mensur Islamović, P1525.01, *Prosecution v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 874; Srdjo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 18; P1614, Ethnic Map of Prijedor. *See also* P1627, Tabeau *et al*. Expert Report, pp. 71, 75, 79, 83.
[1064] P1627, Tabeau *et al*. Expert Report, pp. 71, 79.

"Instructions") were adopted by the Main Board of SDS on 19 December 1991.[1065] These Variant A and B Instructions were read out by the President of SDS in Prijedor, Simo Mišković, at a meeting on 27 December 1991 in the Prijedor SDS Municipal Board.[1066] In anticipation of the secession of BiH from Yugoslavia and the creation of a separate Serbian state on ethnic Serbian territories, Simo Mišković subsequently reported during a meeting of the Prijedor SDS Municipal Board on 17 February 1992 that it was time for the SDS to activate "the second stage" of the Variant B of the Instructions.[1067]

502. With its declaration of independence on 6 March 1992, open conflict erupted in Bosnia and Herzegovina and the units of the JNA already present in the territory were actively involved in the fighting that took place. After Bosnia and Herzegovina's independence was recognised by the European Community on 6 April 1992, the conflict grew and intensified, especially in Sarajevo, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Prijedor, and Brčko.[1068] The FRY was concerned with maintaining a supply corridor running from Serbia through northern Bosnia (which included the Prijedor municipality) to the Serbian Krajina in Croatia.[1069] Between March and May 1992, there were several attacks and takeovers by the JNA of areas that constituted main entry points into Bosnia or were situated on major logistics or communications lines such as those in Bijeljina, Zvornik, Višegrad, Bosanski Šamac, Vlasenica, Brčko, and Prijedor.[1070]

503. In certain regions, which included the municipality of Prijedor, the SDS representatives in public office in some cases established parallel municipal governments and separate police forces.[1071] At its fifth session on 16 April 1992, the BSA of the municipality of Prijedor elected the government of this municipality and adopted the decision to merge the SDK of Prijedor with the SDK of the ARK of Banja Luka. Milomir Stakić was elected president of the Assembly of the Serbian People of the municipality of Prijedor. Milan Kovačević was elected chairman of the Executive Committee of the Prijedor Serbian Municipality. The following persons were also elected

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[1065] Adjudicated Fact 200; Simo Mišković, 1 October 2010, T. 15176-15178; P15, Variant A and B Instructions by the SDS Main Committee, 19 December 1991; P435, Abridged Minutes of the Meeting of the Prijedor SDS Municipal Board on 27 December 1991, 30 December 1991, pp. 1-2; P1610, Minutes of Meetings of the Prijedor SDS Municipal Board Meeting 1991 Volume, 27 December 1991, pp. 103-107.

[1066] Adjudicated Fact 200; Simo Mišković, 1 October 2010, T. 15176-15178; P15, Variant A and B Instructions, 19 December 1991; P435, Abridged Minutes of the Meeting of the Prijedor SDS Municipal Board on 27 December 1991, 30 December 1991, pp. 1-2; P1610, Minutes of Meetings of the Prijedor SDS Municipal Board Meeting 1991 Volume, 27 December 1991, pp. 103-107.

[1067] Adjudicated Fact 1001; Simo Mišković, 1 October 2010, T. 15187-15188; P15, Variant A and B Instructions, 19 December 1991, p. 1; P1353.17, Receipt of Payment for SDS Members from the Holiday Inn, 15 February 1992; P1610, Minutes of Meetings of the Prijedor SDS Municipal Board Meeting 1991 Volume, p. 122.

[1068] Adjudicated Fact 157.

[1069] Adjudicated Fact 131.

[1070] Adjudicated Fact 160.

[1071] Adjudicated Fact 95; Simo Mišković, 1 October 2010, T. 15197-15200; Mevludin Sejmenović, 18 November 2010, T. 17510-17513; Nusret Sivac, P1671.08, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 1 August 2002, T. 6781; P1611, Decision on the Proclamation of the Assembly of the Serbian People of Prijedor Municipality, 8 January 1992.

to the first Serb government of this municipality: Boško Mandić, Deputy Chairman of the Executive Committee; Ranko Travar, Secretary for Economic Affairs; Slavko Budimir, Secretary for National Defence; Milovan Dragić, Director of the Public Utilities Company; Simo Drljača, Chief of the Prijedor SJB; and Slobodan Kuruzović, Commander of the TO Municipal Staff.[1072]

(b) Bosnian Serb leadership and forces in Prijedor

504. The ARK Crisis Staff, which had jurisdiction over Prijedor, was established in April or May 1992 as an organ of the ARK in Banja Luka.[1073] General Momir Talić, commander of the 5th Corps of the JNA (which later became the 1st KKof the VRS), was a member of ARK Crisis Staff. Shortly after the takeover of Prijedor on 30 April 1992, the Prijedor Crisis Staff, presided over by Milomir Stakić, took over the role of the President of the Municipal Assembly.[1074] Milan Kovačević became the President of the Prijedor Municipal Assembly Executive Committee.[1075] Simo Drljača, who was appointed as Chief of the Prijedor SJB, was also a member of the Prijedor Crisis Staff.[1076]

505. The police station department of the Prijedor SJB was headed by Dušan Janković and Milutin Čadjo was the commander of the Prijedor police force, both of who were immediate subordinates of Simo Drljača.[1077] There were three sub-stations attached to the Prijedor SJB, at Ljubija, Kozarac, and Omarska. Željko Mejakić was the commander of the Police Station Department situated in Omarska, where Kvočka and Radić were also employed.[1078] During the pre-takeover period, Serbian police personnel covertly formed and armed 13 "shadow" police stations with a staff of over 1,500 Serbs,[1079] in what Simo Drljača later described as "intensive and continuous preparations for a takeover of power by force which was carried out on 29 April".[1080]

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[1072] Adjudicated Fact BK; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6558-6559.
[1073] Adjudicated Fact 99.
[1074] Adjudicated Fact Q; Simo Mišković, 4 October 2010, T. 15235-15236; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6570; Srdo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 20; P179.09, Decision on the Organisation of Work of the Crisis Staff of Prijedor, May 1992, p. 5; P1619, Minutes of the Meeting of the SDS Prijedor Municipal Board, 9 May 1992, p. 2; P1624, Confirmation of the Adoption of the Decision on the Organisation of the Prijedor Crisis Staff by the Prijedor Municipal Assembly, 24 July 1992, p. 11.
[1075] P1901, Letter from Franjo Komarica, Bishop of Banja Luka, Requesting the Release of a Catholic Priest from Omarska, 11 August 1992, p. 1.
[1076] Adjudicated Fact 318.
[1077] Adjudicated Fact 138; ST245, 2 November 2010, T. 16745, 4 November 2010, T. 16896-16897; ST023, P1569.01, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 17 October 2003, T. 21070-21071 (confidential); ST023, P1569.02, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 20 October 2003, T. 21165 (confidential).
[1078] Adjudicated Fact 139; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6615-6617; Miloš Janković, 10 October 2011, T. 24727-24728.
[1079] P508, Christian Nielsen Expert Report entitled The Bosnian Serb Ministry of Internal Affairs: Genesis, Performance and Command and Control, 1990-1992, 29 February 2008 ("Nielsen Expert Report"), para. 73; P689, Report on Activities of the Last Nine Months of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, January 1993, p. 2; P652, Dispatch No. 11-12 from Prijedor SJB Chief Simo Drljača to Banja Luka CSB, 30 April 1992.
[1080] P657, Report on Activities of Early 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, June 1992, p. 2.

506. ST023 testified that, in early June 1992, Captain Jović, the head of the military police in Prijedor, told him that Čadjo was tasked with the establishment of a new unit, namely the PIP, which was intended to be a civilian police unit of the Prijedor SJB. The PIP was established shortly afterwards with Miroslav Paraš as its commander.[1081] It consisted of two squads, one headed by Pero Čivčić and the other by Dragoljub Gligić.[1082] The PIP was a well-disciplined unit that obeyed its commanders.[1083] When required, the PIP was attached to the military and acted in combination with the army and under army command for military purposes.[1084] Every morning, the PIP was lined up and briefed in front of the Prijedor SJB building.[1085] Simo Drljača had the authority to deploy them, as evidenced by the PIP being sent to the Orašje front by him on 25 February 1993.[1086]

507. According to Tomislav Kovač, a Serb who was appointed Assistant Minister of Interior in charge of police in August 1992,[1087] Simo Drljača was among those appointed by the Crisis Staff and the SDS, not because of his competence but in exercise of the political power in the region of Prijedor.[1088] Kovač agreed that Drljača could not have been appointed by Alija Delimustafić.[1089] Simo Drljača's official appointment was made by Stojan Župljanin on 30 July 1992, taking effect retrospectively from 29 April 1992, in accordance with a decision of the RS Minister of Interior dated 25 April 1992.[1090] Kovač considered this appointment to be "illegal".[1091]

508. The JNA increased its presence in Prijedor from January 1992 by strategically deploying units and heavy weaponry around non-Serb parts of the municipality.[1092] Witnesses testified that the 343rd Motorised Brigade of the JNA with over 2,500 men was in Prijedor under the command of

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[1081] ST023, P1569.01, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 17 October 2003, T. 21067-21068, 21071, 21073 (confidential).
[1082] ST023, 30 August 2010, T. 13936 (confidential); ST023, P1569.01, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 17 October 2003, T. 21068, 21071 (confidential); P1565, List of PIP members, signed by Milutin Čadjo.
[1083] ST023, P1569.01, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 17 October 2003, T. 21073 (confidential).
[1084] ST023, P1569.01, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 17 October 2003, T. 21072, 21074 (confidential).
[1085] ST023, P1569.01, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 17 October 2003, T. 21073 (confidential).
[1086] Srboljub Jovičinac, 23 February 2012, T. 26789-26790; P2454, Order by Simo Drljača, 25 February 1993. The Trial Chamber notes that Drljača's order refers to a "Special Police Unit" listing its members. The Trial Chamber notes that 10 names out of 22 listed are the same as P1565, which lists members of the PIP.
[1087] Tomislav Kovač, 7 March 2012, T. 27031, 27033-27034.
[1088] Tomislav Kovač, 8 March 2012, T. 27183-27184. *See also* Slobodan Avlijaš, 8 October 2010, T. 15665; Miloš Janković, 14 October 2011, T. 25080-25081; Srdo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 60.
[1089] Tomislav Kovač, 8 March 2012, T. 27184.
[1090] Tomislav Kovač, 8 March 2012, T. 27184-27186; P2463, Decision Appointing Simo Drljača as from 29 April 1992 as Chief of Prijedor SJB by Stojan Župljanin, 30 July 1992; 1D73, Decision No. 1-25/92 of Mićo Stanišić regarding Distribution of Jobs and Assignments in SJBs, 25 April 1992.
[1091] Tomislav Kovač, 8 March 2012, T. 27186.
[1092] Jusuf Arifagić, P2284, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 28 August 2002, T. 7056-7057; Mevludin Sejmenović, 12 November 2010, T. 17396, 17409-17414.

Major Radmilo Zeljaja, along with the 5th Kozara Brigade of the TO and volunteer units.[1093] The 343rd Motorised Brigade eventually came to be called the 43rd Motorised Brigade under the VRS after 19 May 1992.[1094] Colonel Osman Selak, a Muslim officer in the JNA, added that the 343rd Brigade was one of the strongest brigades in the Banja Luka Corps.[1095]

509. Prijedor was one of the municipalities where, "[i]n accordance with the established commitment to cooperation between Republika Srpska public security services and military security services", the SJB and army carried out joint operations to disarm paramilitary formations and confiscate cars, technical goods, weapons, ammunition and other equipment brought by some conscripts or citizens from war-affected areas.[1096] As of 7 May 1992, the mobilised members of the TO and reserve police force in Prijedor were to have their salaries paid by the army or directly from the budget of the RS.[1097] The goal of these joint operations was clear: "to ethnically cleanse Prijedor and Kozarac of Bosniaks and Croats."[1098] Osman Selak added that the Crisis Staff of Prijedor had organised the removal of the non-Serb population of Kozarac between May and October 1992.[1099]

510. By October 1992, the SDS was in "constant conflicts" internally over the dismissal of top municipal officials and over who should be recommended to the Assembly as new candidates for the municipal leadership, since the then leadership of the municipality was "adamant in thinking that the time is not yet ripe for the change, and that they do not deserve to be replaced after all the work they have done since the beginning of the fighting in Prijedor (May '92)". It was stressed in a memorandum on the security situation in Prijedor from November 1992 that "the citizens of Prijedor have almost no influence on these developments".[1100]

(c) Attack and takeover of Prijedor and surrounding areas

511. On 23 April 1992, the Prijedor Municipal Board of the SDS decided *inter alia* to reinforce the Crisis Staff and to subordinate to the Crisis Staff "all units and staff in managements posts" and

[1093] Ivo Atlija, 18 October 2010, T. 16080; Osman Selak, 6 December 2010, T. 18114-18116, 18126; Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4940-4941; P1803, Brown Expert Report, p. 19.
[1094] ST023, P1569.01, *Prosecutor v. Brdanin,* Case No. IT-36-99-T, 17 October 2003, T. 21070 (confidential). *See also* Robert Donia, 16 September 2009, T. 396.
[1095] Osman Selak, 6 December 2010, T. 18126; P1745.07, Report on Elimination of "Green Berets" in Wider Area of Kozarac Village, 27 May 1992, p. 3.
[1096] P1902, Circular from Banja Luka CSB to Prijedor SJB Commending Successful Joint Action, 20 August 1992.
[1097] P1895, Conclusion of the Prijedor Executive Committee on Salaries of TO and Reserve Police Force, signed by Milan Kovačević, 7 May 1992.
[1098] Osman Selak, 6 December 2010, T. 18127; P1745.08, Combat Report from the 1st KK Command to the RS BiH Army Main Staff, 1 June 1992.
[1099] Osman Selak, 6 December 2010, T. 18118. After the JNA became the VRS, Colonel Selak found the atmosphere uneasy for him as a Muslim and voluntarily retired effective 10 July 1992. Osman Selak, 6 December 2010, T. 18109.
[1100] P1906, Report on Security Situation in Prijedor to SNB in Banja Luka CSB, 16 November 1992, p. 1.

"to immediately start working on the takeover, the co-ordination with JNA notwithstanding".[1101] The pretext for the takeover of the municipality was the transmission on 29 April 1992 by the Belgrade television station of a facsimile to the effect that the leader of the BiH TO had instructed the local TOs to attack and obstruct the JNA during its withdrawal from BiH, although the authorities in Sarajevo immediately declared that the facsimile was false and publicly denounced it.[1102] However, the takeover was secretly planned in advance.[1103] The Prijedor police arrived on the scene later, headed by Slobodan Kuruzović.[1104]

512. In the night of the 29 or 30 April 1992, about 150 employees of the SJB and reserve police gathered in Čirkin Polje, part of the town of Prijedor. Only Serbs were present, and some of them were wearing military uniforms. Simo Drljača and "all the executives" from the SJB drew up the plan of taking over power in the municipality and divided the men broadly into five groups. Each group of about twenty had a leader and each was ordered to gain control of certain buildings. One group was responsible for the Municipal Assembly building, one for the SUP building, one for the courts, one for the bank, and the last for the post office.[1105]

513. In the early morning hours of 30 April 1992, military APCs passed along the street, voices of soldiers could be heard, and the Prijedor radio station was playing "Chetnik songs".[1106] The actual takeover was conducted in the early hours of the morning when armed Serbs took up positions at checkpoints all over Prijedor, with soldiers and snipers on the roofs of the main buildings.[1107] Most of the armed Serbs were wearing the JNA uniform, with various insignia, including the Serbian tricolour, the white eagle, and the "Chetnik" cockades, while a few others in civilian clothes also carried arms. Ivo Atlija, a Croat engineer working at Ljubija mines, testified

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[1101] Adjudicated Fact 202; Simo Mišković, 1 October 2010, T. 15220-15223 and 4 October 2010, T. 15226-15227; P1616, Minutes of the meeting of the SDS Prijedor Municipal Board, 23 April 1992.
[1102] Adjudicated Fact 207; P689, Report on Activities of the Last Nine Months of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, January 1993, p. 2.
[1103] Simo Mišković, 4 October 2010, T. 15227-15229, 15293; Miloš Janković, 11 October 2011, T. 24781-24782, 24792, 24798; P508, Nielsen Expert Report, 15 February 2008, p. 62; P656, Communication No. 11-12 from Prijedor SJB Chief Simo Drljača to Banja Luka CSB, 29 May 1992; P657, Report on Activities of Early 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, June 1992, p. 2; P684, Report on Activities of Third Quarter of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, 29 September 1992, p. 3; P1619, Minutes of the Meeting of the SDS Prijedor Municipal Board, 9 May 1992, pp. 1-2; P689, Report on Activities of the Last Nine Months of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, January 1993, p. 2.
[1104] ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 11004 (confidential).
[1105] Adjudicated Fact 205; Predrag Radulović, 26 May 2010, T. 10839-10840; Miloš Janković, 11 October 2011, T. 24795-24796, 24832; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 874; Simo Mišković, 4 October 2010, T.15227-15228, T.15230-15232, T. 15292-15293; P508, Nielsen Expert Report, 15 February 2008, p. 62; P652, Dispatch No. 11-12 from Prijedor SJB Chief Simo Drljača to Banja Luka CSB, 30 April 1992; P1617, Transcript from a *Radio Prijedor* Interview: "Remembering the Serbian Takeover of Prijedor on 29 April 1992", 29 April 1995, p. 4.
[1106] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 874; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6568; P652, Dispatch No. 11-12 from Prijedor SJB Chief Simo Drljača to Banja Luka CSB, 30 April 1992.
[1107] Adjudicated Fact 206.

that he knew a few of the men belonged to the 5th Kozara Brigade.[1108] Prijedor was taken over on 30 April 1992, and some time during the day, Milomir Stakić was heard speaking on the radio as the new President of the Prijedor Municipal Assembly.[1109]

514. Idriz Merdžanić, a Muslim doctor from Prijedor, saw that the town was occupied by the army, including the town's health centre, and cars and identity cards were being checked at checkpoints.[1110] Ivo Atlija testified that he noticed checkpoints manned by five or six soldiers next to the bridge over the small canal to the stadium in Rudar and especially around the municipal building, as he went to work at the central repair workshop of the Ljubija mines in Prijedor on the morning of 30 April 1992.[1111] At work he was informed by Ekrem Crnkić, the director of the repair shop, that members of the SDS party had taken over Prijedor and that people should return home as the companies were closing down.[1112] Atlija learned that the purpose of the blockades and checkpoints was to prevent non-Serbs from going to work, therefore allowing Serbs to take over all the important positions in the municipality.[1113]

515. After the takeover of Prijedor, other changes occurred in the command structure of the police force in the municipality: police commanders of Muslim ethnicity were replaced right away with commanders of Serb ethnicity.[1114] Lower-ranking Muslim policemen were asked to sign loyalty oaths and wear Serbian insignia on their uniforms, which some declined to do.[1115] Muslim and Croat public officials were prohibited from entering the Municipal Assembly building.[1116]

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[1108] Ivo Atlija, 18 October 2010, T. 16080.
[1109] Simo Mišković, 4 October 2010, T. 15235-15236; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6570; P179.09, Decision on the Organisation of Work of the Crisis Staff of Prijedor, May 1992; P1624, Confirmation of the Adoption of the Decision on the Organisation of the Prijedor Crisis Staff by the Prijedor Municipal Assembly, 24 July 1992; Adjudicated Fact Q.
[1110] Idriz Merdžanić, 9 December 2010, T. 18388.
[1111] Ivo Atlija, 18 October 2010, T. 16079.
[1112] Ivo Atlija, 18 October 2010, T. 16080-16081.
[1113] Ivo Atlija, 18 October 2010, T. 16081. *See also* ST024, 18 October 2010, T. 16117 (confidential); ST244, 1 December 2010, T. 17957-17963, 17972; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 875 and P1525.02, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 26 March 2001, T. 937; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6853 (confidential); P1619, Minutes of the Meeting of the SDS Prijedor Municipal Board, 9 May 1992, p. 1; P1715, Decision of the Executive Committee of Prijedor Dismissing Husnija Kuduzović for Participating in Armed Rebellion, 16 October 1992; P1738, Decision of the Executive Committee of Prijedor Dismissing Esad Mehmedagić, 4 May 1992; P1739, Decision of the Executive Committee of Prijedor Dismissing Vahid Cerić, 5 May 1992; P1740, Decision of the Executive Committee of Prijedor Dismissing Iso Bucan, 5 May 1992; P1741, Decision of the Executive Committee of Prijedor Dismissing Idriz Jakupović, 2 May 1992.
[1114] Adjudicated Fact 212.
[1115] Miloš Janković, 13 October 2011, T. 24993, 24998-24999; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 874; ST065, P1769.02, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 27 August 2002, T. 6964-6965 (confidential); Jusuf Arifagić, P2284, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 28 August 2002, T. 7065-7066; P657, Report on Activities of Early 1992 from CSB Banja Luka to RS MUP, June 1992, p. 2; P790, List of Prijedor SJB Employees Who Signed and Those Who Refused to Sign the Solemn Declaration, 29 May 1992.
[1116] Adjudicated Fact 1069.

516. Soon after the takeover, the municipal People's Defence Council started meeting in a new composition, presided over by Stakić. The People's Defence Council was, according to a law of BiH, to function in the immediate threat of war. The Council operated under this law until 1 June 1992 when the Government of the RS adopted a new law relating to the Serbian army, granting the Council a role of coordinator between the civilian and military authorities. The Municipal Assembly was replaced by the Crisis Staff of Prijedor with a membership almost identical to that of the People's Defence Council. This functional distinction therefore served as nothing more than a formality.[1117]

517. Through 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 on the need to destroy the "Balijas" themselves.[1118] By the spring of 1992 only Serb-controlled television channels and programmes were available in many parts of BiH owing to the takeover of television transmitters throughout the Serb-controlled areas. In consequence, by the spring of 1992 residents in Prijedor and elsewhere in eastern BiH were no longer able to receive television from Sarajevo or Zagreb but only from Belgrade or Novi Sad in Serbia and from Pale or Banja Luka in BiH, all of which broadcast anti-Muslim and anti-Croat propaganda.[1119]

518. On 30 April 1992, Srđo Srdić, a Serb member of the SDS in Prijedor, was warned by friends to leave Prijedor because he was suspected by the SDS of collusion with the Muslims. His apartment was searched by the army, particularly a Serb soldier called Zoran Žigić, who said he was under orders to search the homes of non-Serbs.[1120] Žigić confiscated a hunting rifle and a pistol from his Muslim and Croat neighbours, ordering them to display a white flag on their apartments marking them as non-Serb homes.[1121] The following day, a house Srdić owned in front of the municipal building was set on fire. It was the only Serb owned house to be looted and burned in Prijedor.[1122] However, Srdić also testified that, between 5 to 7 May 1992, he was nominated the president of the Red Cross in Prijedor. He, together with Mladen Zorić, went to the Red Cross camp and Zorić informed the then secretary of the Red Cross, a Muslim by the name Obradović, that the Serbs were taking over the local Red Cross.[1123]

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[1117] Adjudicated Fact BO.
[1118] Adjudicated Fact 213; Ivo Atlija, 18 October 2010, T. 16094-16095; Mevludin Sejmenović, 12 November 2010, T. 17387, 17 November 2010, 17399-17400.
[1119] Adjudicated Fact 37; Nusret Sivac, 16 August 2010, T. 13222; Muamer Jahić, P1098.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 8 April 2002, T. 3877-3881 (confidential); Jusuf Arifagić, P2284, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 28 August 2002, T. 7058.
[1120] Srđo Srdić, 2D194, Witness Interview, 21-22 August 2002, pp. 13-17.
[1121] Srđo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 17.
[1122] Srdjo Srdić, 2D194, Witness Interview, 21-22 August 2002, pp. 12, 18, 57.
[1123] Srdjo Srdić, 2D194, Witness Interview, 21-22 August 2002, pp. 15-16, 19-20.

519. On 12 May 1992, Pravoslav Sekulić and Neso Babić, both Serbs from the security service, took Nusret Sivac, a Muslim who worked at the Prijedor SJB till 1990 and then as a reporter with *Sarajevo Television* in 1992, from his apartment to the Chief of CSB, Ranko Mijić, who informed Sivac that the new Serb authorities and the SDS had ordered the CSB to seise all his news equipment. Sivac was escorted by four men, including Sekulić and Babić, to the Prijedor premises of the Sarajevo TV station where all the video and electronic equipment, including a vehicle, were confiscated.[1124]

520. By 30 May 1992, Slavko Ecimović's house had already been attacked a number of times with hand grenades by Serb police officers since he and a group of people with him had failed to respond to the mobilisation call and had moved to the Kurevo woods to escape being "persecuted".[1125] Slavko Ecimović and his group of Muslim fighters had light infantry weapons, which were no match for the Prijedor SUP and the Serb army led by Zoran Karlica and Radmilo Zeljaja.[1126] Shortly after dawn on 30 May 1992, shooting began when Slavko Ecimović and a group of Muslims tried to "liberate Prijedor" from the Serbs and the radio announced that the "Muslim extremists" had attacked the town of Prijedor, calling upon the local Serbs with arms to defend the town.[1127] *Radio Prijedor* continued to relay reports about Serb Forces defending towns around Prijedor from "fundamentalists" and "Ustashas", referring to Muslims and Croats.[1128] Ivo Atljia and Nusret Sivac testified that they falsely justified the attacks by reporting that the fundamentalist forces had provoked it, which was untrue.[1129] Nusret Sivac witnessed the retreat of Slavko's group towards the Sana river, pursued by APCs and tanks. That was when the ethnic cleansing of the town of Prijedor began.[1130]

521. Non-Serb homes and businesses in Prijedor were heavily looted after the initial attack.[1131] A number of soldiers with red berets and red straps, "wearing all kinds of insignia", searched flats for weapons and valuables, including Nusret Sivac's flat.[1132] On 30 May, a group of soldiers led by one wearing a red beret arrived at the apartment of Nusret Sivac and ordered all Muslim families to

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[1124] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6570-6572.
[1125] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6572-6573.
[1126] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6574.
[1127] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6573. *See also* Ivo Atlija, 18 October 2010, T. 16093.
[1128] Ivo Atlija, 18 October 2010, T. 16093-16094; Mevludin Sejmenović, 17 November 2010, T. 17430-17431; ST023, P1569.02, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 20 October 2003, T. 21122-21124 (confidential).
[1129] Ivo Atlija, 18 October 2010, T. 16094; Nusret Sivac, 16 August 2010, T. 13242-13245; P657, Report on Activities of Early 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, June 1992, p. 2.
[1130] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6574.
[1131] Adjudicated Fact 285. *See also* ST228, 10 January 2011, T. 18574-18575 (confidential); ST244, 1 December 2010, T. 17972-17973; P1005, Dispatch No. 11-12-2038 from the Prijedor SJB to Banja Luka CSB, 2 June 1992.
[1132] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6576.

come out and line up with faces to the wall.[1133] Milorad Vokić, an old policeman from Prijedor, happened to be passing by and got the commander with a red beret to release Sivac, Safet Ramadonović, and their families. Before leaving, Vokić told Sivac that he would not be able to help them anymore if their names "appear on any arrest list".[1134] On several occasions thereafter, the police and various military groups came to the homes of Sivac and Ramadonović, the only two Muslim families left in the apartment building. The Serb families were left undisturbed.[1135]

522. On 31 May 1992, the older brother of Mensur Islamović, a Muslim who worked in the iron ore mines near Prijedor, was taken away from his home by JNA soldiers and sent to Keraterm.[1136] Two weeks later, on 12 June 1992, 10 to 12 soldiers arrived at Islamović's home, among whom he recognised his Serb neighbour wearing a blue camouflage reserve policeman uniform; others were in JNA camouflage uniforms.[1137] Mensur Islamović and his other brother were collected in a yellow van with other Muslim neighbours and brought to the MUP Building.[1138] When first brought in, Mensur Islamović and others were told to kneel down on the pavement, lean their weight against a wall of the building on three fingers spread out, "and to continue to kneel until [they] were told otherwise".[1139] Islamović explained that the Serb soldiers used the three-finger salute with each other.[1140] People were taken away for questioning, while others continued to kneel. When Islamović's brother and neighbour returned, they said they had been beaten and abused.[1141] They were then taken to Keraterm camp by a policeman called Strika, whose main task was to bring Muslims and Croats to Keraterm and Omarska.[1142]

523. Freedom of movement of the non-Serb inhabitants of Prijedor was restricted and a curfew imposed on them after night fall; Muslims and Croats had to display white flags on their windows and wear white bands on their arms.[1143] By 1 June 1992, a large number of Serb soldiers encircled

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[1133] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6577.
[1134] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6577.
[1135] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6603.
[1136] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 879-880; Mensur Islamović, 21 July 2010, T. 13114-13115.
[1137] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 880-881; Mensur Islamović, 21 July 2010, T. 13115-13117.
[1138] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 881-882; P1520, Aerial Photograph of Prijedor marked by Mensur Islamović.
[1139] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica et al.*, Case No. IT-95-8-T, 22 March 2001, T. 882; Mensur Islamović, 21 July 2010, T. 13118.
[1140] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica et al.*, Case No. IT-95-8-T, 22 March 2001, T. 883-883.
[1141] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica et al.*, Case No. IT-95-8-T, 22 March 2001, T. 882.
[1142] Mensur Islamović, 21 July 2010, T. 13121-13122.
[1143] Ivo Atlija, 18 October 2010, T. 16082-16083; Mevludin Sejmenović, 17 November 2010, T. 17406-17408; Idriz Merdžanić, 9 December 2010, T. 18388-18389; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 875 and P1525.02, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 26 March 2001, T. 937-938; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6853 (confidential); Azra Blažević, P2290, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 12 June 1996, T. 2428, 2430-2431, 2433; Simo Mišković, 4 October

the town with artillery, section by section. People with white straps on their arms were brought out in columns, each led by a man carrying a white flag. There were children, the elderly, and the infirm, accompanied by "brutal guards". They were assembled and then packed into buses that took them up to Trnopolje, Omarska, and Keraterm.[1144] People who were released from these camps were maltreated, persecuted, and killed, like Ivica Peretin, a Croat friend of Nusret Sivac, who was killed on the street after she was released from Omarska.[1145]

524. The old town of Prijedor was ablaze since the morning of 30 May 1992, under fire from tanks and grenades. The core part of the town, around which the municipality had developed, had over 200 homes of ancient Bosnian-style architecture and was occupied by Muslims.[1146] First to be struck and destroyed in the initial attack were the mosques in the old town and in Zagrad.[1147] Throughout the municipality of Prijedor, mosques and other religious institutions were targeted for destruction, and the property of Muslims and Croats, worth billions of dinar, was taken.[1148] Within the summer months of 1992, systematic and extensive damage to both Muslim and Catholic institutions dedicated to religion occurred in Prijedor.[1149]

525. In May 1992, the Čaršijska mosque was destroyed. A group of Serbs—including Milenko Milić, a member of Milan Andzić's paramilitary group; Momčilo Radanović; Čigo; and Milorad Vokić, a bodyguard of Simo Drljača—set the main mosque in Prijedor alight on the afternoon of 30 May 1992.[1150] The mosques in the centre of Stari Grad[1151] and Kozarac were also destroyed.[1152] The mosque in the Puharska neighbourhood was destroyed on 28 August 1992 by Serbs.[1153] During the explosion that demolished the Puharska mosque, Nusret Sivac's friend Zijad Kusuran and his wife, who lived close to the mosque, were killed.[1154]

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2010, T. 15236; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6576; ST228, 10 January 2011. T. 18570-18571, 18576 (confidential); ST024, 18 October 2010, T. 16127 (confidential).

[1144] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6574-6575 and P1671.06, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 31 July 2002, T. 6767-6768.

[1145] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6607.

[1146] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 876; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6575.

[1147] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6575; P1402, Riedlmayer Database, pp. 801-803.

[1148] Adjudicated Facts 246, 1109; P1402, Riedlmayer Database, pp. 804-805.

[1149] Adjudicated Fact 1007; Srdo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 56.

[1150] Adjudicated Fact 275; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6575-6576, 6606; P1402, Riedlmayer Database, pp. 807-809.

[1151] Srdjo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 25; P1402, Riedlmayer Database, pp. 810-811.

[1152] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6604; P1402, Riedlmayer Database, pp. 783-785.

[1153] Adjudicated Fact 283; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6606-6607; P1402, Riedlmayer Database, pp. 741-742.

[1154] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6607-6608.

526. In late August 1992, Bosnian Serb soldiers broke into the Catholic church in Prijedor to plant explosives. At 1:00 a.m. the explosives detonated and destroyed the church.[1155] The remains of the church was razed to the ground by Dušan Miljus, a civil engineer who worked in Ljubjia iron ore mine, Veljko Hrgar, an architect, and several other people with a huge crane.[1156] Within the summer months of 1992, the minaret of the mosque in Kozaruša was badly damaged[1157] and the mosque in Gornja Puharska was razed to the ground.[1158] Likewise, the new mosque in Kevljani was completely destroyed, with the minaret and the mosque blown up with explosives.[1159]

527. In late May 1992, following clashes between Serbs and Muslims at a checkpoint in the Muslim village of Hambarine on 22 May, areas to the south-west of the town of Prijedor were attacked by Bosnian Serb Forces.[1160] Between May and July 1992, the predominantly Muslim and Croat inhabited areas and villages in Prijedor, Kozarac, Kozaruša, Kevljani, Rakovčani, Rizvanovići, Hambarine, Kamičani, Biščani, Čarakovo, Briševo, and Ljubija were destroyed by Bosnian Serb Forces. The houses were set on fire and looted by the VRS, who loaded their trucks with goods belonging to Muslims and Croats.[1161] In an interview, Stakić stated that the whole municipality was under their control after the fall of Kozarac, while "the operation of cleaning", as the army called it, was still going on.[1162] A total of 20,000 inhabitants of the municipality of Prijedor, mostly Muslim and Croat, fled using all available means of transport.[1163]

528. According to Mensur Sejmenović, a Muslim engineer from the village of Trnopolje, three men of the SDA leadership survived the events of 1992, while 90 to 95 percent of the municipal and local officials were killed in areas of Prijedor.[1164] Serb authorities detained mostly Croat and Muslim civilians in 58 detention and collection centres in the municipality in 1992.[1165] The three major camps were Keraterm, Omarska, and Trnopolje, while several smaller ones existed where

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[1155] Adjudicated Fact 852; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6606-6607; P1402, Riedlmayer Database, pp. 813-814.
[1156] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6607.
[1157] Adjudicated Fact 1008; ST020, P2141, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 October 2002, T. 11055 (confidential); P1402, Riedlmayer Database, pp. 786-788.
[1158] Adjudicated Fact 1009; P1402, Riedlmayer Database, pp. 750-751.
[1159] Adjudicated Fact 1010; P1402, Riedlmayer Database, pp. 777-778.
[1160] Adjudicated Fact 1073.
[1161] Adjudicated Facts 823, 848; Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12688-12689 (confidential).
[1162] Idriz Merdžanić, 9 December 2010, T. 18441; Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12688-12689 (confidential); P1773, Video Footage of Interview with Milomir Stakić, dated after 30 April 1992, pp. 7-8.
[1163] P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, 16 August 1992, pp. 5-6.
[1164] Mevludin Sejmenović, 17 November 2010, T. 17405.
[1165] Adjudicated Fact 1079; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 879.

persons, having been rounded up, were mistreated before being processed to be sent to the larger camps.[1166]

(i) Killings in Kozarac and surrounding areas

529. After the takeover of Prijedor, tension developed between the new Serb authorities and Kozarac, which contained a large concentration of the Muslim population of the municipality of Prijedor: approximately 27,000 non-Serb individuals lived in the larger Kozarac area and of the 4,000 inhabitants of Kozarac town, 90 percent were Muslim.[1167] Ethnically mixed checkpoints were supplemented with, and eventually replaced by, Serb checkpoints, which were erected in various locations throughout the Kozarac area, as well as unofficial guard posts established by armed Muslim citizens.[1168] Checkpoints, manned by Serbs in military uniforms, were set up between Prijedor and Kozarac.[1169]

530. On 22 May 1992, telephone lines were disconnected and a blockade of Kozarac was instituted, rendering movement into and out of Kozarac extremely difficult.[1170] An ultimatum was addressed to the TO in Kozarac, requiring the Kozarac TO and police to pledge their loyalty and recognise their subordination to the new authorities in Srpska Prijedor, as well as to surrender all weapons.[1171] ST020 testified that the TO withdrew quickly; because of the type of weapons they had at their disposal, they were not able to put up a resistance.[1172] Osman Selak, a Muslim colonel in the JNA until July 1992, added that there were no Green Berets or other military formation present in the area at the time.[1173] Idriz Merdžanić, a Muslim physician and detainee from Trnopolje, was told that Sadiković had attended negotiations between the authorities of Kozarac

[1166] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 876, 879. Mensur Islamović, the president of the Association of Former Detainees of the Municipality of Prijedor, testified that the group had a membership of 7,000 to 10,000 and that the association researches the collection centres and detention camps of Prijedor and issues certificates to survivors.
[1167] Adjudicated Fact 227; Ivo Atlija, 18 October 2010, T. 16090.
[1168] Adjudicated Fact 228.
[1169] Idriz Merdžanić, 9 December 2010, T. 18389.
[1170] Adjudicated Fact 229; Mevludin Sejmenović, 17 November 2010, T. 17408-17409.
[1171] Adjudicated Fact 230; Nusret Sivac, 16 August 2010, T. 13188-13190 and P1671.06, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 31 July 2002, T. 6765; Simo Mišković, 4 October 2010, T. 15241-15242; Mevludin Sejmenović, 17 November 2010, T. 17419-17421, 17444; ST249, 26 November 2010, T. 17873-17874; Idriz Merdžanić, 9 December 2010, T. 18389-18390; Azra Blažević, P2290, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 12 June 1996, T. 2429, 2439-2440; Jusuf Arifagić, P2284, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 28 August 2002, T. 7067; Srdo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 28; P1619, Minutes of the Prijedor Municipal Board of the SDS, 9 May 1992, p. 2; P1717, Report No. 11-12-1-2102/92 of the Prijedor SJB to the Banja Luka CSB on Disarmament, 5 July 1992.
[1172] ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 10997 (confidential). *See also* Ivo Atlija, 18 October 2010, T. 16091; P432.13, Daily Combat Report of the 1st KK Command to the RS Main Staff, Prijedor, 29 May 1992, p. 1 (confidential).
[1173] Osman Selak, 6 December 2010, T. 18167-18168.

and a delegation from Prijedor and Banja Luka. At these negotiations, where Stojan Župljanin was present, ultimatums were issued.[1174]

531. On 24 May 1992, the predominantly Muslim town of Kozarac was attacked soon after noon by Bosnian Serb Forces, with an artillery bombardment that lasted until 26 May 1992 and extended to surrounding Muslim villages.[1175] The alleged reason for the attack was the death of a Serb soldier.[1176] The attack began with heavy shelling, followed by the advance of tanks and infantry.[1177] Units of the Banja Luka Corps took part in the attack on the town of Kozarac; the police, headed by Slobodan Kuruzović, arrived later.[1178] After the shelling, the Serb infantry entered Kozarac and began setting houses on fire one after another.[1179] By 28 May 1992, Kozarac was about 50% destroyed, with the remaining damage being inflicted in the period between June and August 1992.[1180] About a thousand men, women, and children from Kozarac fled and hid in a valley.[1181]

532. As a result of the shelling of Kozarac, many dwellings were destroyed, over 800 inhabitants were killed, and the remainder, including those from surrounding Muslim villages, were expelled. The town and its vicinity were then occupied by Bosnian Serb Forces.[1182] By the end of the summer of 1992, the area of Kozarac was desolate, with many of the buildings that had survived the attack subsequently being looted and destroyed. Serb homes were marked as such and therefore left undisturbed.[1183] The Serbian Orthodox church, unlike the Mutnik mosque, survived the attack and was not destroyed.[1184]

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[1174] Idriz Merdžanić, 9 December 2010, T. 18389.
[1175] Adjudicated Fact 231; Idriz Merdžanić, 9 December 2010, T. 18390-18392; ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 10996-10997 (confidential).
[1176] Radomir Rodić, 13 September 2010, T. 14517; Mevludin Sejmenović, 17 November 2010, T. 17442-17443.
[1177] Adjudicated Fact 232; Idriz Merdžanić, 9 December 2010, T. 18391; ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 10999 (confidential).
[1178] Adjudicated Fact 183; ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 10996-10997, 11004 (confidential).
[1179] Adjudicated Fact 233; Ivo Atlija, 18 October 2010, T. 16091; ST024, P2182, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 12 December 2002, T. 12687-12689 (confidential); P1727.09-P1727.13, Photographs taken by Charles McLeod on 31 August 1992 in the Kozarac area, 31 August 1992.
[1180] Adjudicated Fact 235; P1727.09-P1727.13, Photographs taken by Charles McLeod on 31 August 1992 in the Kozarac area, 31 August 1992.
[1181] ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 11000 (confidential); P432.14, Regular Combat Report No. 44-1/155 of the 1st KK Command to RS Army Main Staff, 31 May 1992, p. 1.
[1182] Adjudicated Fact 238; Ivo Atlija, 18 October 2010, T. 16092; Osman Selak, 6 December 2010, T. 18111-18112; ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 10999-11000 (confidential); P1718, Video Report by ABC Nightline on Kozarac, p. 2; P1745.11, Excerpt from Notes Taken by Colonel Selak, 27 May 1992.
[1183] Adjudicated Facts 237, 243; ST249, 26 November 2010, T. 17861; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2501-2504.
[1184] Adjudicated Fact 237; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2503; P1402, Riedlmayer Database, pp. 780-782.

533. Places in and around Kozaruša were burned down, and the Muslim population of the area fled.[1185] ST020 tried, unsuccessfully, to intervene by contacting Major Zeljaja of the 343rd Brigade over the radio since people were being killed in Kozaruša and Kamičani.[1186]

534. The village of Kamičani was predominantly inhabited by Bosnian Muslims. From 24 to 26 May 1992, the village was attacked by Bosnian Serb military. At least eight Muslims who were hiding in the basement of Mehmed Šahurić's house were shot dead by Bosnian Serb soldiers after their place of refuge was discovered. Their bodies were subsequently retrieved and identified.[1187] After the attack, the village looked "as if an atom bomb had been dropped there".[1188]

535. The Muslim and Croat population was not permitted to return to Kozarac after the attack of 24 May 1992. A large number of people in Kozarac surrendered on 26 May 1992. After a cease fire was put into effect, they were asked by the Serb authorities to form a convoy. When the convoy reached the Banja Luka-Prijedor road, the women and men were separated. The women and elderly were taken to Trnopolje camp, and the men to Omarska and Keraterm camps.[1189] Eventually, the few Serb inhabitants returned, and Serbs displaced from other areas moved into Kozarac.[1190]

536. A Serb army officer called Slobodan Cumba visited the surgery at Trnopolje camp and introduced himself as being in charge of the security situation in "that part" of the municipality of Prijedor. He told Azra Blažević, a Muslim physician at the medical centre, that Kozarac had fared "as it did" because there were extremists there who did not surrender their weapons.[1191] He also said that, although the people of the Brdo area had turned over their weapons, they would fare the same and these areas would be ethnically cleansed.[1192]

537. Kozarac and Hambarine were destroyed by the 343rd Motorised Brigade and paramilitary organisations under the control of the Crisis Staff, "with the approval and support of the police", to implement "the said objective to remove all the Muslim population".[1193] Several formations took part: soldiers in dark blue uniform, soldiers wearing conventional military uniforms, others wearing

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[1185] Mevludin Sejmenović, 17 November 2010, T. 17426, 17435-17436; Azra Blaževic, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2475; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6610-6611.
[1186] ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 10997-10998 (confidential).
[1187] Adjudicated Fact 847.
[1188] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6610-6611.
[1189] Adjudicated Fact 242, 1004; Ivo Atlija, 18 October 2010, T. 16092; ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 11003, 11013-11014 (confidential); P1718, Video Report by ABC Nightline on Kozarac, p. 3.
[1190] Adjudicated Fact 244.
[1191] Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2490-2491.
[1192] Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2491.
[1193] Osman Selak, 6 December 2010, T. 18111, 18119. *See also* Mevludin Sejmenović, 17 November 2010, T. 17426-17428; Srdo Srdić, 2D194, Witness Interview, 21-22 August 2002, pp. 29-32; P1717, Report No. 11-12-1-2102/92 of the Prijedor SJB to the Banja Luka CSB on Disarmament, 5 July 1992.

parts of a uniform. The remainder of the attackers wore civilian clothes with different insignia and were accompanied by a blue APC.[1194]

538. At the time of the attack, Merdžanić was at the outpatient centre in Kozarac.[1195] On the day of the attack, shells landed in the yard of the centre and destroyed all the cars parked there.[1196] Merdžanić and others moved the outpatient centre north to the outskirts of the town, in the direction of Mount Kozara.[1197] When Merdžanić sought assistance from the authorities, possibly the army, to move the injured out to Prijedor, he was told, "Just go ahead and die, Balija. We'd kill you soon enough anyway."[1198] When the police managed to broker the surrender of Kozarac, the wounded were the first to be allowed to leave, followed by other civilians and the Muslim members of police.[1199]

539. The persons attending to the wounded returned to the clinic in Kozarac, where three men arrived, two of whom wore camouflage, one additionally with a red beret, and the third man, called Dragan Skrbić, wore a blue camouflage uniform.[1200] Idriz Merdžanić identified the blue camouflage uniform in video, Exhibit P1393, and added that all three men wore arm bands on the left arm, as all soldiers who came to Kozarac did.[1201] Dragan Skrbić ordered them to gather their things and wait at the Kozarac crossing for the truck that would come to pick them up.[1202] Once there, Merdžanić noticed tanks everywhere and homes riddled with holes.[1203] A military jeep eventually arrived, but as they were getting into the jeep a soldier took away Nihad Bahonjić, the ambulance driver. As they left towards Prijedor, they heard shots. Merdžanić did not know whether they killed Bahonjić or not, "[b]ut no one ever saw him again".[1204] The jeep stopped for a bit at a café with soldiers and high-ranking officers, where they were put onto a bus for Trnopolje.[1205] The group from the health clinic included Idriz Merdžanić and eleven others.[1206]

540. Colonel Osman Selak attended a briefing of the VRS on 27 May 1992, where he was the only Muslim present. At the briefing, Colonel Dragan Marcetić reported, as the corps commander in

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[1194] Mevludin Sejmenović, 17 November 2010, T. 17436-17437.
[1195] Idriz Merdžanić, 9 December 2010, T. 18391.
[1196] Idriz Merdžanić, 9 December 2010, T. 18391-18392; ST020, P2140, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 October 2002, T. 10999 (confidential).
[1197] Idriz Merdžanić, 9 December 2010, T. 18393.
[1198] Idriz Merdžanić, 9 December 2010, T. 18393-18394.
[1199] Idriz Merdžanić, 9 December 2010, T. 18394.
[1200] Idriz Merdžanić, 9 December 2010, T. 18395-18396, 18451-18453; P1033, Photograph of Special Detachment of Banja Luka; P1393, Video of Footage of Security Day Parade in Banja Luka and CSB Banja Luka Meeting.
[1201] Idriz Merdžanić, 9 December 2010, T. 18396; P1393, Video of Footage of Security Day Parade in Banja Luka and CSB Banja Luka Meeting.
[1202] Idriz Merdžanić, 9 December 2010, T. 18396-18397.
[1203] Idriz Merdžanić, 9 December 2010, T. 18397-18398.
[1204] Idriz Merdžanić, 9 December 2010, T. 18399.
[1205] Idriz Merdžanić, 9 December 2010, T. 18399-18400, 18402.
[1206] Idriz Merdžanić, 9 December 2010, T. 18401.

charge of Kozarac, that 800 people were killed and 1,200 captured. General Momir Talić responded, "I guess you're trying to say that 80 people were killed and that is what you should report to the General Staff".[1207] After the briefing, Colonel Selak asked Major Radmilo Zeljaja, the commanding officer of the 343rd Brigade, who had directly participated in the takeover, what he thought about the events of Prijedor and Kozarac. Major Zeljaja just shrugged and walked away.[1208] The Trial Chamber has analysed the forensic evidence adduced in relation to Kozarac. Of the approximately 800 people killed, the Trial Chamber was able to identify 33 out of the 78 persons named in the Prosecution's Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

541. SZ003 testified that according to a report sent by Mirko Đudić, the Duty Operative of CSB Banja Luka, on 26 May 1992 to the RS MUP and all SJB chiefs, 57 extremist Green Berets were disarmed and arrested after attacking soldiers in Prijedor and that weapons were seised during the ongoing armed attack in Kozarac.[1209] SZ003 added that this report was followed up by a subsequent report to Chief of CSB Banja Luka according to routine procedure.[1210]

(ii) Killings in Brdo area, including Čarakovo and Biščani

542. The area of Brdo comprises the villages of Biščani, Rizvanovići, Rakovćani, Hambarine, Čarakovo, and Zecovi, all of which will be addressed in the section below.[1211]

543. Hambarine was ethnically a Muslim village, with no Serbs or Croats residing in it.[1212] On 22 May 1992, a shooting incident at a Muslim checkpoint located at the village of Hambarine provided a pretext for the attack by Serb Forces on the outlying area.[1213] Following the incident, the Prijedor Crisis Staff issued an ultimatum on *Radio Prijedor* for the residents of Hambarine and the surrounding villages to surrender to the Prijedor authorities the men who had manned the

[1207] Osman Selak, 6 December 2010, T. 18111, 18116, 18118-18119, 18150-18155; P1745.07, Report on Elimination of "Green Berets" in Wider Area of Kozarac Village, 27 May 1992, p. 1; P1745.11, Excerpt from Notes taken by Colonel Selak, 27 May 1992.
[1208] Osman Selak, 6 December 2010, T. 18113; P1746, Order on Appointment of Replacement of Personnel Sent by the 5th Corps Command, 15 March 1992, p. 2.
[1209] SZ003, 22 September 2011, T. 24565-24567 (confidential); 2D152, Report from CSB Banja Luka Duty Operative to RSMUP and all SJB Chiefs on Events on 25-26 May 1992, 26 May 1992, p. 2.
[1210] SZ003, 19 September 2011, T. 24396-24398 (confidential).
[1211] Adjudicated Fact 1045; P1659, Map of Prijedor marked by Ivo Atlija.
[1212] ST024, 18 October 2010, T. 16116 (confidential).
[1213] Adjudicated Fact 216; Ivo Atlija, 18 October 2010, T. 16087-16088; Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5206-5207; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6854 (confidential) and P1769.02, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 27 August 2002, T. 6968; ST066, P2182, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 12 December 2002, T. 12686 (confidential); ST024, 18 October 2010, T. 16117-16118 (confidential); P1717, Report No. 11-12-1-2102/92 of the Prijedor SJB to the Banja Luka CSB on Disarmament, 5 July 1992; 1D311, Report by Predrag Radulović on Situation in Hambarine, 24 May 1992; 2D108, Criminal Report Filed Against 39 Individuals by Prijedor Public Prosecutor's Office for Participating in Armed Rebellion, 7 June 1992, p. 4; Predrag Radulović, 26 May 2010, T. 10848-10849.

checkpoint as well as all weapons.[1214] The ultimatum warned that failure to do so by noon the following day would result in an attack on Hambarine.[1215] The Hambarine authorities decided not to comply with the terms of the ultimatum; following the expiration of the ultimatum, Hambarine was attacked on 24 May 1992.[1216]

544. After several hours of shelling by artillery, armed Serb Forces entered the area supported by tanks and other weaponry, and after a brief period of intermittent fighting, local leaders collected and surrendered most of the weapons.[1217] The shells were being fired from Topić Hill, by the Serb army, and destroyed homes, the school, and the mosque in Hambarine.[1218] At least 50 houses along the Hambarine-Prijedor road were damaged or destroyed by Serb Forces.[1219]

545. By this time, many of the inhabitants of Hambarine, mostly women, children, the sick, and the elderly, had already fled to other Muslim or Croat dominated areas, heading north to other villages, such as Ljubija, Briševo, and Čarakovo, or south to a forested area that was also shelled.[1220] They were panic-stricken and reported that "they have torched everything, killed everyone, raped us."[1221] When fleeing with children to the forest, ST024 testified that she saw the killing of a woman named Hasnija, who was beheaded in her house, and the body of an old woman named Mevla.[1222] Muslim homes were plundered by armed Serb soldiers in groups, who set fire to the property afterwards.[1223] The Serb Forces controlled Hambarine after the attack.[1224] Muslims were told over *Radio Prijedor* to hang white sheets over their windows as a sign of surrender, which they did.[1225]

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[1214] Adjudicated Fact 217; Ivo Atlija, 18 October 2010, T. 16088; ST024, 18 October 2010, T. 16118-16120 (confidential); ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6855-6856 (confidential) and P1769.02, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 27 August 2002, T. 6976-6977 (confidential).
[1215] Adjudicated Fact 218; ST024, 18 October 2010, T. 16120 (confidential); ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6856-6857 (confidential).
[1216] Adjudicated Fact 219; Ivo Atlija, 18 October 2010, T. 16088; ST024, 18 October 2010, T. 16118, 16122 (confidential); Nusret Sivac, P1671.10, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 13 January 2003, T. 10261-10264; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6856 (confidential).
[1217] Adjudicated Fact 220; Nusret Sivac, P1671.08, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 1 August 2002, T.6787-6790; ST024, 18 October 2010, T. 16120-16121 (confidential).
[1218] Adjudicated Fact 277; ST024, 18 October 2010, T. 16118-16119, 16123, 16126 (confidential); Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5207; P1402, Riedlmayer Database, pp. 759-764; P1661, Photograph of Destroyed Hambarine Mosque.
[1219] Adjudicated Fact 293; Ivo Atlija, 18 October 2010, T. 16131; P1662, Video Footage of Ljubija Village.
[1220] Adjudicated Fact 221; Ivo Atlija, 18 October 2010, T. 16084-16085; ST024, 18 October 2010, T. 16127 (confidential); ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5726 (confidential); ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6857 (confidential).
[1221] Ivo Atlija, 18 October 2010, T. 16089; ST024, 18 October 2010, T. 16120 (confidential).
[1222] ST024, 18 October 2010, T. 16123 (confidential).
[1223] Ivo Atlija, 18 October 2010, T. 16090; ST024, 18 October 2010, T. 16122-16123, 16126 (confidential).
[1224] Ivo Atlija, 18 October 2010, T. 16090.
[1225] ST024, 18 October 2010, T. 16127 (confidential).

546. Nermin Karagić was at home in Rizvanovići, a Muslim village stretching over two and a half kilometres, when the shelling of Hambarine began.[1226] He testified that by July 1992 Serb Forces entered Rizvanovići with a tank, firing shells "at the village, at the mosque, probably in order to create panic among the population".[1227] The shelling damaged the top of the mosque, and the Rajkovac mosque was also hit.[1228] Serb soldiers passed through the village in a patrol vehicle and looted it.[1229]

547. At some point, Karagić and his family members along with others decided to set out on foot towards Bihać.[1230] Their group was attacked while resting in a village called Kalajevo. The group broke up, and Nermin Karagić's group was arrested by men in JNA and reserve police uniforms.[1231] The group, which consisted of 117 people, were lined up in four columns, searched, and told to wait for a vehicle that would bring them to the Miška Glava dom.[1232] A man called Mustafa Crljenković tried to escape when the column started to move, but was shot in the head.[1233] Two men from the group were then selected to bury Crljenković.[1234]

548. When the group reached Miška Glava, a man called Zoran Petrović took down the names of the people.[1235] While detained there for about three to four days, people were called out, taken to the community centre for questioning, and beaten with fists and rifle butts.[1236] Karagić was taken to the Ljubija stadium, from there to the Kipe mine with others for execution, but managed to escape. However, he was arrested once again by a man in a uniform and another man in a reserve police uniform. He was brought back to the cultural centre at Rizvanovići which at the time served as the "headquarters" of the army.[1237] Karagić was beaten as soon as he arrived at the cultural centre.[1238]

549. After the beatings, Nermin Karagić was tasked with digging graves for the dead and saw two bodies with maggots crawling out of their heads, with six more bodies lying nearby. Some

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[1226] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5276.
[1227] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5206-5207.
[1228] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5207; P1402, Riedlmayer Database, pp. 819-821.
[1229] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5209.
[1230] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5212; Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12689-12690 (confidential).
[1231] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5213-5214; Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12690-12691 (confidential).
[1232] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5214-5215; Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12690-12693 (confidential).
[1233] Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12691 (confidential).
[1234] Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12691-12693 (confidential).
[1235] Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12693-12694 (confidential).
[1236] Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12694-12695 (confidential).
[1237] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5257-5259.

among them were women.[1239] Nermin Karagić once again managed to escape and lived in hiding until he found a group of ten or eleven people, including his brother, and together they joined a Serb-led convoy carrying Muslim women and children on 21 August 1992 at Tukovi, heading towards Travnik.[1240] He hid on the floor of the trailer truck that he boarded, while his brother sat at the back with two other men.[1241] The convoy, carrying people from Trnopolje, made several stops. At one of the stops, Karagić's brother was taken off by the driver and beaten, and people were asked to hand over their money.[1242] They ultimately made it out of the territory of the RS.[1243]

550. The village of Biščani comprises the hamlets of Mrkalji, Hegići, Ravine, Sredići, and Duratovići.[1244] After the takeover of Prijedor, things in Biščani changed; Muslims could not move around town and were told to hand over any weapons they had, which were collected in front of the local community and brought to the barracks.[1245] ST065, a Muslim from Biščani, heard that on 20 July 1992, at around 10:00 a.m., Serb authorities would search houses looking for un-surrendered weapons, especially targeting those with affiliation to the SDA. However, the Serb Forces entered Biščani from the direction of Prijedor, firing on the civilian population in a manner which ensured they could not flee, and were told to go towards Prijedor.[1246]

551. The Muslim population of Biščani was told to gather at various collection points throughout the village. One collection point was a coffee bar. At that location, five unarmed men were shot dead by Bosnian Serb soldiers.[1247] Hamdija Fikić, Mirhad Mrkalj, Ferid Šabanović, Saša Katagić, and Mirsad Medić were the people killed that day at the coffee bar.[1248] Medić, who used to work for the police before the war, was picked out of the line and beaten; his wife found his body behind the coffee bar with his throat slit.[1249] Elvedin Nasić's father was among those killed in Biščani.[1250]

552. An Autotransport Prijedor bus arrived, and half of the people waiting at the coffee shop were asked to get on it. The Trial Chamber has received evidence that Autotransport Prijedor was hired in July 1992 by the army, the Crisis Staff, and the police.[1251] The bus moved towards Prijedor,

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[1238] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5260.
[1239] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5263, 5265.
[1240] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5266-5271.
[1241] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5273.
[1242] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5274.
[1243] Nermin Karagić, P2294, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 June 2002, T. 5275.
[1244] Adjudicated Fact 828.
[1245] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6853, 6857-6858 (confidential).
[1246] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6859 (confidential).
[1247] Adjudicated Fact 829; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6859-6861 (confidential).
[1248] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6861-6863 (confidential).
[1249] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6862 (confidential).
[1250] Elvedin Nasić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12715 (confidential).
[1251] P1677, Letter of Prijedor Municipal Secretariat re: Autotransport's Request for Reimbursement from July 1992, undated; ST245, 2 November 2010, T. 16746.

and dead bodies and burning homes could be seen on the way.[1252] They finally arrived at Trnopolje.[1253] The second group of people from the coffee bar arrived at Trnopolje a little later. During their trip, several people were taken off the bus and shot at the pits in front of the house of someone called Granata.[1254] Among them were Kasim Mrkalj and his brother Emsud Mrkalj, Nurija Kekić, Halid Kekić, Sabahudin Kekić, Asmir Kekić, Muhamed Tedić, Fehid Risvanović, and Elvir Vojniković.[1255]

553. Twelve persons from among those on the second bus were ordered to get back on the bus, which headed back to the village of Biščani; some of their bodies were later found by others who had to walk to Trnopolje in a place called Kratalj.[1256] Two persons, Nenad Kekić and Fikret Šabanović, survived. Kekić survived by falling to the ground before the shooting started and hiding under the bodies of others that piled up on top of them.[1257]

554. Around 20 July 1992 in an orchard in Hegići, 12 persons were lined up and shot dead with rifles by Bosnian Serb Forces,[1258] and around 20 individuals were killed at a bus stop between Alagići and Čemernica also by Serb Forces.[1259]

555. Briševo is a village belonging to the local commune of Ljubija. Prior to the conflict, it was inhabited mainly by Croats.[1260] On 27 May 1992, at 4:30 a.m., Ivo Atlija heard the first explosions coming from the direction of the Serbian villages Rasavći within the area covered by the 5th Kozara Brigade and Ostra Luka in the area controlled by the 6th Krajina Brigade.[1261] Before the shelling, Bosnian Serb authorities in the area had requested that all weapons in the village be surrendered. Weapons were handed over to the Bosnian Serbs in Rasavći, despite the fact that they were legally owned hunting rifles and pistols.[1262] Between May and July 1992, the movement of the inhabitants of Briševo was restricted via checkpoints in areas of Čarakovo, Hambarine, Biščani, Rasavći, and Ljubija, which were occupied by Serb Forces.[1263] In the early morning of 24 July 1992, the Bosnian Serb military launched an attack on Briševo. Mortar shells landed on the houses in Briševo, and the residents hid in cellars. The shelling continued throughout the day and on the next day, infantry fire

[1252] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6865 (confidential).
[1253] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6867 (confidential).
[1254] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6868-6869 (confidential).
[1255] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6869-6870 (confidential).
[1256] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6871-6873 (confidential).
[1257] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6871-6873 (confidential).
[1258] Adjudicated Fact 831.
[1259] Adjudicated Fact 832.
[1260] Adjudicated Fact 839; Ivo Atlija, 18 October 2010, T. 16081; P1526, Map of Prijedor.
[1261] Adjudicated Fact 840; Ivo Atlija, 18 October 2010, T. 16083-16084, 16096.
[1262] Adjudicated Fact 840.
[1263] Ivo Atlija, 18 October 2010, T. 16084; P1659, Map of Prijedor marked by Ivo Atlija.

joined the artillery.[1264] According to Ivo Atlija, 68 homes were looted of all appliances, electrical fittings, furnishings, and even clothes. The houses were then burned.[1265] During the attack on Briševo, at least 68 persons were killed, 14 of whom were women.[1266] The Catholic church of Briševo was destroyed.[1267]

556. Prior to 1992, almost the entire population of the village of Čarakovo was Muslim.[1268]

557. From April 1992, the electricity in Čarakovo was cut off, but people still listened to the radio.[1269] By June, Serb soldiers, including Dragan Tintar and Mićo Jurušić, came to the village for fuel, cars, and cattle.[1270] On 23 July 1992, Bosnian Serb tanks attacked Čarakovo.[1271] People ran into the neighbouring fields and forests.[1272] The houses were burned down, and the soldiers pursued the inhabitants into the woods "as if it were some kind of a hunt". Mujo Hopovac's house was burned and Adem Hopovac's house was completely looted. Women and children were loaded onto vehicles, while the men were killed.[1273] The Čarakovo mosque was destroyed.[1274]

558. ST248 testified about the killing of Rubija Redžić, Fehim Karupović, and Adem Hopovac—all Muslim—in front of their houses.[1275] ST248 and others also saw eight other dead bodies[1276] and identified them as Huse Hopovac and his young son Suad Hopovac; Velid/Mirhad Hopovac and his brother Nijaz Hopovac; Asim and Nijaz Redzić; Fadil Malovčić and his young cousin or nephew.[1277] The witness buried these people in the cemetery in the woods in order to avoid being shot at while digging graves in the fields.[1278] Husein Malovčić, father of Fadil Malovčić, later told ST248 that military men in uniforms, of whom he recognised someone by the name Vasiljević, had taken these eight people to the woods about 300 meters behind Malović's house, where they were beaten and then killed.[1279]

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[1264] Adjudicated Fact 841; Ivo Atlija, 18 October 2010, T. 16095.
[1265] Ivo Atlija, 18 October 2010, T. 16096.
[1266] Adjudicated Fact 842.
[1267] P1402, Riedlmayer Database, pp. 723-724.
[1268] Adjudicated Fact 834; ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5720 (confidential).
[1269] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5723 (confidential).
[1270] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5725 (confidential).
[1271] Adjudicated Fact 835; ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5727 (confidential).
[1272] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5728 (confidential).
[1273] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5729 (confidential).
[1274] P1402, Riedlmayer Database, pp. 726-728.
[1275] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5732-5733 (confidential).
[1276] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5735-5736 (confidential).
[1277] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5735-5737 (confidential).
[1278] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5737-5738 (confidential).
[1279] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5738 (confidential).

559. During the two days after the attack of 24 July 1992, Serbs soldiers came to the village, either on foot or carts or in APCs, and took people away from their houses in the evening to mistreat and kill them. The villagers hid in the woods at night and only went back home in the morning to make food for themselves.[1280] People from Hambarine, Zecovi, and other places took refuge in one of the houses but most slept in the woods to avoid being picked up at night.[1281] Around a hundred of them, mostly women, children and the elderly, decided to surrender on 28 July and left the house for the centre of Čarakovo carrying a white flag. They were detained at the Dom for three hours, mistreated, and refused water and food.[1282] They were then escorted to the Zegar bridge where five buses from Autotransport Prijedor had been organised. One-hundred and fifty people were loaded onto the buses and driven by Serb soldiers to Trnopolje.[1283] Hasib Simbegović was not allowed to board the bus by Dragan Tintar, who took him to the bridge and shot him in the forehead.[1284] Most men of military age had either been taken away or continued to hide in the woods.[1285]

560. Serb soldiers went to the house of ST248's sister and took money, gold, and mechanic tools from the house. They returned in the evening and killed everybody in the house.[1286] Besim Musić was picked up from outside his house, beaten up by Serb soldiers, and then released.[1287] His wife, Badema, was taken away for questioning and then killed in the woods along with Ramiz Rekić. ST248 saw the dead bodies of Nermin Sijačić and Huse Salihović, who had been found disfigured and mutilated in a field.[1288] On 27 July 1992, Nasif Dizdarević was found dead in the kitchen of his house.[1289]

561. The Trial Chamber has analysed the forensic evidence adduced in relation to the Brdo area. Of those killed, the Trial Chamber was able to identify 77 out of the 184 persons named in the Prosecution's Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

[1280] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5739 (confidential).
[1281] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5743 (confidential).
[1282] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5743-5746 (confidential).
[1283] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5746-5749 (confidential).
[1284] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5748 (confidential).
[1285] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5746 (confidential).
[1286] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5739 (confidential).
[1287] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5740-5741 (confidential).
[1288] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T 8 July 2002, T. 5741 (confidential).
[1289] ST248, P2296, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 8 July 2002, T. 5742 (confidential).

(d) Detention facilities

562. After the takeover of Prijedor and the outlying areas, Serb Forces confined thousands of Muslims and Croats in the Omarska, Keraterm, and Trnopolje detention camps.[1290] Some of the Muslims and Croats were arrested for participating in armed rebellion, organising an attack on Prijedor, and committing crimes against Serbs in Prijedor.[1291]

563. Detainees began arriving around 27 May 1992.[1292] The Crisis Staff set up detention camps and determined who should be responsible for the running of those camps. In relation to the Omarska camp, an order of 31 May 1992 from Simo Drljača, chief of the SJB in Prijedor, ordered that "in accordance with the Decision of the Crisis Staff", the industrial compound of the Omarska mine serve as a "provisional collection centre for persons captured in combat or detained on the grounds of the Security Service's operational information".[1293] The Crisis Staff prohibited the release of detainees from the camps and prevented them from returning to Prijedor.[1294]

564. The order by Drljača stated that "[s]ecurity services at the collection centre shall be provided by the Omarska Police Station", and according to paragraph 2 "the persons taken into custody shall be handed over to the chief of security, who is duty-bound in collaboration with the national, public and military security co-ordinators to put them up in any of the five premises allocated for the accommodation of detainees".[1295] Željko Mejakić, a police officer, was the "chief of security" to whom the order referred, and he was responsible for allocating detainees to the different detention sites in the camp.[1296] Security at Omarska and Keraterm centres was provided by the police.[1297]

565. Srdo Srdić, who was the President of the Red Cross in Prijedor, testified that he received reports of ill-treatment at the camps on a daily basis from the Red Cross representatives.[1298] On at least two occasions, Mićo Stanišić issued orders to all MUP employees to treat POWs and refugees in prisons and camps in a manner compliant with the law and international legal standards and to

[1290] Adjudicated Fact 295.
[1291] P1972, List of Persons Criminally Charged for Participation in Armed Revolt in Prijedor, 22 June 1992, pp. 6, 13; P1973, Criminal Report against Bosnian Muslims for Participation in Armed Rebellion, 20 December 1994, pp. 5-6, 11, 14, 20, 22, 42-45; P1560, Order by Simo Drljača for Institution of Omarska and Handling of Detainees, 31 May 1992. The Trial Chamber notes that P1560 was also admitted as exhibit 1D166 and shown to several witnesses as such. The Trial Chamber will refer to both exhibit numbers henceforth in the interest of clarity.
[1292] Adjudicated Fact 317.
[1293] Adjudicated Facts 317, N, S; Srdo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 20; P1560/1D166, Order by Simo Drljača for Institution of Omarska and Handling of Detainees, 31 May 1992.
[1294] Adjudicated Fact BJ.
[1295] Adjudicated Fact 321; P1560/1D166, Order by Simo Drljača for Institution of Omarska and Handling of Detainees, 31 May 1992.
[1296] Adjudicated Fact 322; Nusret Sivac, 16 August 2010, T. 13213.
[1297] P657, Report on Activities of Early 1992 from SJB Prijedor to CSB Banja Luka, June 1992, p. 7.
[1298] Srdjo Srdić, 2D194, Witness Interview, 21-22 August 2002, pp. 34-35.

ensure that illicit camps and behaviour in violation of legal norms was reported immediately to the Ministry.[1299]

(i) SJB building

566. At the Prijedor SJB building (also referred to as the "Prijedor SUP" and "MUP building"), Muslims and Croats were detained, including a woman and an underage boy.[1300] Muharem Murselović, a Muslim, testified that he was first arrested on 23 May 1992 and taken to the Prijedor SJB where he was detained with six or seven other people.[1301]

567. On 26 May 1992, ST245, a reserve police officer who was mobilised, and other SDB officers were tasked with interrogating the non-Serbs arrested by Prijedor policemen at the SJB.[1302] ST020 testified that he was kept in a small room of 2 by 3 metres with more than 30 others, who stood right next to one another, unable to move.[1303] ST020 stayed in that cell the whole day and was taken around 10:00 p.m. to the first floor of the building, given a tin of food for the first time in the day, and informed that he would be talking to a security officer.[1304] Kovačević Kovač came in, introduced himself, and interrogated ST020 on his knowledge of and connection with the TO. He was then brought to be questioned by a police officer and a JNA lieutenant named "Jović", who dictated what the witness had to write, while beating and slapping him. This was the first statement that ST020 signed and provided, out of a total of five.[1305] He was then brought out to the hall, where he was beaten again. He was then dragged to another detention room, where he was provided with some cooked food, but ST020 could not eat due to his injuries.[1306] A "member of the reserves" cursed him for not eating pork.[1307]

568. Muharem Murselović was arrested for a second time on 30 May 1992. Ranko Vujasinović took him from his house, confiscated his revolver, and asked him to assemble with the neighbours at Hotel Balkan, in the very centre of the town of Prijedor. Vujasinović was a reserve police officer and was accompanied by another reserve police officer.[1308] The witness spent a couple of hours at Hotel Balkan with 200 to 300 other people: men, women, children, and the elderly.[1309] A policeman

[1299] P1903, Memo of Prijedor SJB forwarding Dispatch 11-01-64 from Mićo Stanišić to Banja Luka CSB, 21 August 1992.
[1300] Adjudicated Fact 302; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica et al.*, Case No. IT-95-8-T, 22 March 2001, T. 882; ST245, 2 November 2010, T. 16721 (confidential), T. 16727.
[1301] Muharem Murselović, 11 October 2010, T. 15711.
[1302] ST245, 2 November 2010, T. 16726-16727.
[1303] ST020, P2141, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 October 2002, T. 11048-11049 (confidential).
[1304] ST020, P2141, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 October 2002, T. 11051 (confidential).
[1305] ST020, P2141, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 October 2002, T. 11051-11052 (confidential).
[1306] ST020, P2141, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 October 2002, T. 11052 (confidential).
[1307] ST020, P2141, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 October 2002, T. 11052-11053 (confidential).
[1308] Muharem Murselović, 11 October 2010, T. 15711-15712.
[1309] Muharem Murselović, 11 October 2010, T. 15712-15713.

checked their IDs and separated the Muslims and Croats from the Serbs and then further separated the elderly from among the Muslims and Croats.[1310] They were then loaded onto buses and taken to the Prijedor police station, accompanied by a policeman named "Stevo Grahovac".[1311] While waiting in the buses, Muharem Murselović tried inquiring why they were being held and where they were being taken. In response, Grahovac simply shrugged his shoulders.[1312]

569. ST244 was given no reason for his arrest and transfer to the SJB. He was released, but warned not to leave Prijedor.[1313] Nusret Sivac, who was arrested for a second time on 20 June 1992 by Ranko Kovačević (called "Bato"), noticed upon being brought to the SUP Building that Ago Sadiković, Sifeta Susić, Tesma Elezović, Osman Mahmuljin, and Semir Malovčić, a boy about 13-14 years of age, were also detained.[1314] Rade Strika ordered them to go into the yard of the SUP building, line up against the wall, and remove their belts and laces.[1315]

570. When members of the PIP for Prijedor arrived, they beat the detainees in the yard "most savagely" with metal bars and rods.[1316] The detainees were beaten again in the detention room in the basement, this time by Dado Mrđa, Zoran Babić, and other members of the PIP. Mahmuljin was beaten until he fainted and his left arm was fractured in several places.[1317] Ago Sadoković had his temple bone fractured.[1318] Mrđa and Babić kept shouting, "We'll kill you. We'll kill you so you will never get a chance to kill Serb children again."[1319]

571. ST245 testified that due to the number of people arrested on 26 and 27 May 1992, the Serb police moved their interrogation to Keraterm.[1320] All non-Serb men arrested and taken to the SUP were then bused to either the Omarska or Keraterm camp.[1321] Mensur Islamović was among those brought to Keraterm.[1322] Women, children, and the elderly generally were taken to the Trnopolje camp.[1323]

(ii) Ljubija Football Stadium

[1310] Muharem Murselović, 11 October 2010, T. 15713.
[1311] Muharem Murselović, 11 October 2010, T. 15713.
[1312] Muharem Murselović, 11 October 2010, T. 15714.
[1313] ST244, 1 December 2010, T. 17967-17968.
[1314] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6619-6620.
[1315] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6620.
[1316] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6620.
[1317] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6620-6621.
[1318] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6620-6621.
[1319] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6621.
[1320] ST245, 2 November 2010, T. 16727-16728 and 3 November 2010, T. 16801 (confidential).
[1321] Adjudicated Facts 305, 858; Muharem Murselović, 11 October 2010, T. 15715; Mensur Islamović, 21 July 2010, T. 13122; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6621, 6626.
[1322] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica et. al.*, Case No. IT-95-8-T, 22 March 2001, T. 883.
[1323] Adjudicated Fact 306.

572. In July 1992, when the town of Ljubija came under attack, the Muslim inhabitants of this town of mixed ethnicity were instructed through the radio to hang white sheets on the windows of their homes, with which most of them complied.[1324] Tanks, followed by infantry in camouflage uniforms, rolled into town and went door to door, separating the men from the women and children and collecting their valuables.[1325] The men were taken to the Ljubija football stadium, some of whom returned the same day in small groups and others did not.[1326] The women and children remained in the village. The soldiers returned to the village every day to take away more people and plunder from houses.[1327] Muslim houses were damaged as a result of the attack, during which a few shells were also fired.[1328]

573. Around 25 July 1992, Muslim civilians detained in Miška Glava were taken on buses to the football stadium in Ljubija.[1329] Elvedin Našić, a Muslim from the village of Hambarine in the municipality of Prijedor, testified that, during the transfer, the bus stopped in the centre of Gornja Ljubija. "[U]niformed soldiers" wearing dark blue and black camouflage overalls got on the bus and beat and kicked people.[1330] They were from the PIP and were under the command of a person referred to as "Major".[1331] Also present were a man referred to as "Stiven", who was with the police reserve force, and a man from the military with the rank of captain.[1332]

574. On arriving at the stadium around 25 July, people were kicked and beaten with metal rods, baseball bats, and rifle butts by Serb Forces.[1333] Elvedin Našić saw quite a number of civilians already at the stadium when they entered.[1334] Našić was knocked unconscious by a blow to the head with a metal baton.[1335]

575. On July 1992, at a minimum 15 detainees were killed at the Ljubija football stadium.[1336] Elvedin Našić carried two bodies to one of the buses parked there.[1337] He described in detail how

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[1324] ST024, 18 October 2010, T. 16127.
[1325] ST024, 18 October 2010, T. 16128.
[1326] ST024, 18 October 2010, T. 16129.
[1327] ST024, 18 October 2010, T. 16130.
[1328] ST024, 18 October 2010, T. 16130-16131; P1662, Video Footage of Ljubija Village.
[1329] Adjudicated Facts 427, 428.
[1330] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12695-12696 (confidential).
[1331] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12696, 12701 (confidential).
[1332] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12698 (confidential).
[1333] Adjudicated Fact 1032; Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12699 (confidential); Nermin Karagić, P2294, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 June 2002, T. 5233, 5236.
[1334] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12698 (confidential).
[1335] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12701 (confidential).
[1336] Adjudicated Facts 1110, 1032; Nermin Karagić, P2294, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 June 2002, T. 5236-5237.
[1337] Nermin Karagić, P2294, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 June 2002, T. 5237.

Stiven killed his cousin, Irfan Našić, while two other men, one named Muharem Petrovac, were also killed.[1338] One of the Bosnian Serb policemen then severed Irfan Nasić's head from his body. He said: "Look at this. The man even didn't have any brains."[1339] Two men were singled out and taken to the other side of the stadium, where they were killed.[1340] Našić and another man were ordered by an "armed soldier" to move the bodies of these three men.[1341]

576. The remaining detainees were loaded into a bus by soldiers who beat them as they boarded and made to load dead bodies onto the bus.[1342] They were taken to an iron ore mine southwest of Ljubija, locally referred to as "Kipe".[1343] Persons were filed off the bus in the night and executed in groups of three or five by Bosnian Serb soldiers. The bodies were thrown into a depression in the ground.[1344] The soldiers referred to the dead as "fighters" and cursed their Muslim mothers.[1345] When the soldiers chasing after the escapees returned, they used a torch to find the men who had survived from amongst the dead, and shot at the bodies until they had run out of ammunition.[1346] When they were satisfied that everyone was dead, they sang war songs about Serbia and left with the car and the bus.[1347] Elvedin Našić, however, was still alive.

577. Nermin Karagić and several others survived by breaking one of the bus windows and escaping through it.[1348] While being called off the bus along with two others, Elvedin Našić escaped in the midst of the confusion caused by the breaking of the window and hid among the dead bodies in the depression.[1349]

578. Našić identified some of those who were shot that day as people whom he knew: Reuf Fikić from Hambarine, Muhić Abdullah (called "Đule"), Rasid Medić, Suad Mulalić, Islam Hopovac from Čarakovo, and Besim Hegić who was a bus driver.[1350] He also named others he only knew by their surnames: Muhić and Hamulić from Rizvanovići, Jamastagić and Kadirić from Sredice, and

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[1338] Adjudicated Fact 911; Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12699-16700 (confidential).
[1339] Adjudicated Fact 912.
[1340] Adjudicated Fact 913.
[1341] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12701 (confidential).
[1342] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12702 (confidential); Nermin Karagić, P2294, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 June 2002, T. 5237.
[1343] Adjudicated Facts 1033, 1083; Nermin Karagić, P2294, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 June 2002, T. 5245.
[1344] Adjudicated Facts 1033, 1083; Nermin Karagić, P2294, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 June 2002, T. 5245-5246.
[1345] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12705 (confidential).
[1346] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12703-12706 (confidential).
[1347] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12706 (confidential).
[1348] Nermin Karagić, P2294, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 June 2002, T. 5246.
[1349] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12703 (confidential).
[1350] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12706-12707 (confidential).

two boys who were cousins about the age of 17 and 19 by the name "Kekić".[1351] The Trial Chamber finds that 60 persons were killed at the Ljubija football stadium and the Kipe mine nearby. The Trial Chamber has analysed the forensic evidence adduced in relation to Ljubija, and of those killed, was able to identify 22 out of the 49 persons named in the Prosecutions' Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

(iii) Keraterm camp

579. The Keraterm detention camp, located on the eastern outskirts of Prijedor, was previously used as a ceramic tile factory.[1352] It was about 2 km away from the MUP building in Prijedor.[1353] There were four rooms in Keraterm where detainees were held, commonly referred to as Rooms 1, 2, 3, and 4.[1354] There were offices upstairs, which were used for interrogations, and three or four toilets in the entire facility.[1355]

580. Duško Sikirica, a police officer, was the camp commander.[1356] Upon the order of Simo Drljača, Sikirica provided security for Keraterm with other police officers. The army was asked to take over the security tasks of the camp but declined to do so.[1357] Before Sikirica, the commander was a retired policeman called Živko Knezević.[1358] Damir Došen (a.k.a. "Kajin"), Dragan Kolundija (a.k.a. "Kole"), and Damir Dosen (a.k.a. "Fuštar") were the shift commanders. Nenad Banović (a.k.a. "Čupo") and Zoran Žigić were among the 12 guards who were subordinated to the shift commanders.[1359] They worked in three 12-hour shifts, during which the shift commanders rotated with Kole first, followed by Kajin and finally Fuštar.[1360] Teams representing both military and

[1351] Elvedin Našić, P2182, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 12 December 2002, T. 12707 (confidential).
[1352] Adjudicated Fact 377; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 894; P1522, Aerial Photograph marked by Mensur Islamović Indicating the Keraterm Camp; Predrag Radulović, 26 May 2010, T. 10861.
[1353] Mensur Islamović, 21 July 2010, T. 13126-13127; P1521, Aerial Photograph marked by Mensur Islamović indicating the Prijedor MUP Building and the Keraterm camp.
[1354] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 887-888; P1521, Aerial Photograph marked by Mensur Islamović Indicating the Prijedor MUP Building and the Keraterm Camp.
[1355] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 895.
[1356] Adjudicated Fact 885; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 891, 897, 901-902.
[1357] Predrag Radulović, 26 May 2010, T. 10863; Mensur Islamović, 21 July 2010, T. 13122-13124 and P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 897-898, 902-904; ST023, 30 August 2010, T. 13913-13915 (confidential); Radomir Rodić, 13 September 2010, T. 14483-14484; P631, Report of Inspection of CSBs and SJBs within ARK by Department Chief, Sreto Gajić, and Police Inspector, Tomislav Mirosavić, to Banja Luka CSB, 5 August 1992, p. 1; P657, Report on Activities of Early 1992 from CSB Banja Luka to RS MUP, June 1992, p. 7; P662, List of Prijedor Police Employees Given Special Access Passes to Keraterm, 25 June 1992; P668, Report No. 11-12-2169 by Prijedor SJB Chief Simo Drljača to Banja Luka CSB on Reduction of Security at Prijedor Main Camps, 1 August 1992; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 3; P689, Report on Activities of the Last Nine Months of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, January 1993, p. 5.
[1358] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 897.
[1359] Adjudicated Fact 886; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 891, 896-899, 901.
[1360] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 896, 899.

civilian authorities screened detainees in Keraterm in order to determine their role in the conflict.[1361] There were two machine guns at the camp: one in front of Rooms 1 and 2, and the other in front of Rooms 3 and 4. Search lights were installed at the periphery around early July.[1362]

581. The Keraterm camp began operating on 25 May 1992 and held up to 1,500 prisoners crowded into a number of large rooms or halls at a time.[1363] Around 4,000 detainees in total were held in Keraterm camp, mostly Muslim and Croat men. There were also a couple of Albanians, and a Bosnian Serb accused of not being a loyal Serb. Detainees were eventually transferred to Omarska or Trnopolje.[1364] According to a Prijedor SJB report of August 1992 addressed to the CSB in Banja Luka, the great majority of the transferred men were between the ages of 18 and 60.[1365] Keraterm ran at full capacity from 30 May to 5 August 1992.[1366]

582. Keraterm was decreed by the Crisis Staff to be a transit camp, only to be used for the interrogation and categorisation of detainees since that could not be done at the SJB building.[1367] On 27 May 1992 the Prijedor Crisis Staff ordered detainees in Keraterm to be transferred to Omarska.[1368] Some minor and elderly detainees were released in the early days but later brought back to the camp by an order of Drljača.[1369]

583. At about 20 by 20 metres in size, Room 2 was the largest of the rooms and had a tin-plate door, which would plunge the whole room into darkness when closed.[1370] Room 1 was about 8 by 20 metres and also had a metal door in the beginning, but that was later replaced with one with metal bars making it easier to breathe.[1371] The detainees used rows of wooden pallets to sleep on without any bed linens.[1372] Room 3 was about 12 metres square and was isolated from the rest of the prison, with the windows boarded up.[1373]

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[1361] Adjudicated Fact 1084; Goran Sajinović, 17 October 2011, T. 25146-25147.
[1362] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 891.
[1363] Adjudicated Fact 378; Predrag Radulović, 26 May 2010, T. 10861; P657, Report on Activities of Early 1992 from CSB Banja Luka to RS MUP, June 1992, p. 6.
[1364] Adjudicated Fact 887; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 3.
[1365] Adjudicated Facts 1090, 1091; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4.
[1366] Mensur Islamović, 21 July 2010, T. 13154-13155; P657, Report on Activities of Early 1992 from CSB Banja Luka to RS MUP, June 1992, p. 6.
[1367] Radomir Rodić, 13 September 2010, T. 14484-14487; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4.
[1368] P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4.
[1369] Radomir Rodić, 13 September 2010, T. 14489-14491; Mensur Islamović, P1525.02, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 26 March 2001, T. 981.
[1370] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 892.
[1371] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 892-894.
[1372] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 894-895.
[1373] ST019, P34, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 17 June 2003, T. 17711 (confidential).

584. The rooms in Keraterm were unlit, without windows, and intensely hot, with no ventilation.[1374] Prisoners in Keraterm were kept crowded together, locked for days on end in these rooms, the keys to which were with the shift commanders.[1375] There were as many as 570 in one room, with barely space to lie down on the concrete floors.[1376] The conditions of hygiene were inadequate. The detainees were generally allowed to go to the toilet only once per day.[1377] When they did not have access to toilets, the detainees relieved themselves in a barrel or in bags.[1378] Detainees could not bathe or brush their teeth. They were infested with lice.[1379] The quality and quantity of food provided were inadequate, and detainees suffered from malnutrition and starvation.[1380] Dysentery was rife at Keraterm, and there was no medical care for illness or for the injuries inflicted by beatings.[1381]

585. Detainees were searched and beaten on arrival.[1382] Beatings were carried out with wooden clubs, baseball bats, electric cables, and police batons.[1383] Some prisoners were questioned and taken to their homes to search for money, which was taken by the guards if found.[1384] Detainees were ordered to beat each other, and some died as a result.[1385]

586. The beatings were administered by the camp guards, in particular Nenad Banović a.k.a. "Čupo". In addition, beatings were administered by people from outside.[1386] There was much calling-out and beating of prisoners at night and those who returned were bloody and bruised all over; some died of their injuries.[1387] Beatings and humiliation were often administered in front of other detainees.[1388] Two Bosnian Muslim former policemen were beaten with chains and metal

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[1374] Adjudicated Fact 380; Predrag Radulović, 26 May 2010, T. 10861; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 892; P1718, Video Report by ABC Nightline on Kozarac.
[1375] Adjudicated Fact 381; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 896, 898.
[1376] Adjudicated Fact 379; Predrag Radulović, 26 May 2010, T. 10861; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 895.
[1377] Adjudicated Fact 383; Predrag Radulović, 26 May 2010, T. 10861; Radomir Rodić, 13 September 2010, T. 14498-14499; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 895.
[1378] Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 895-896.
[1379] Adjudicated Fact 384.
[1380] Adjudicated Fact 385.
[1381] Adjudicated Fact 392.
[1382] Adjudicated Fact 888; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 887-888, 896.
[1383] Adjudicated Fact 889.
[1384] Adjudicated Fact 394.
[1385] Adjudicated Fact 1088.
[1386] Adjudicated Fact 894; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 908-909 and P1525.02, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 26 March 2001, T. 976-977.
[1387] Adjudicated Facts 390, 391; Predrag Radulović, 26 May 2010, T. 10862; Mensur Islamović, 21 July 2010, T. 13115 and P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 888.
[1388] Adjudicated Fact 892.

rods.[1389] An Albanian, a Serb, and a Croat-Serb detainee died after a few days as a consequence of beatings.[1390]

587. In June or July 1992, a number of guards raped a female inmate on a table in a dark room until she lost consciousness. The next morning, she found herself lying in a pool of blood. Other women in the camp were also raped.[1391]

588. On 20 or 21 July 1992, detainees from Room 3 were relocated to other rooms in the camp. Room 3 was subsequently filled with residents from the Brdo area.[1392] For the first few days, the detainees were denied food as well as being subjected to beatings and abuse.[1393] Approximately 200 persons were crammed into Room 3.[1394]

589. Around 24 to 26 July 1992, Serb police guards ordered detainees to go into their rooms, face the wall, and stay calm. After dark, Bosnian Serb army personnel entered the camp. A machine-gun was placed on a table outside Room 3. At around 11:00 p.m. gun shots from light and heavy weaponry could be heard. There was the sound of breaking metal and shattered glass and human cries.[1395] The next morning, dead bodies were piled outside Room 3, and the entire area was covered with blood. A truck arrived to carry away the bodies. When the truck left, blood could be seen dripping from it. A fire engine cleaned Room 3 and the surrounding area from the traces of the killings.[1396] One of the detainees from Room 1 who volunteered to load the bodies reported that there were around 128 dead bodies on the truck.[1397] Miloš Janković, a Serb, testified that no one was enthusiastic about the event, and the general attitude was to keep silent about it.[1398] The Trial Chamber has analysed the forensic evidence adduced in relation to this incident in Keraterm and, of those killed, was able to identify 29 out of the 182 persons named in the Prosecution's Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

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[1389] Adjudicated Fact 890.
[1390] Adjudicated Fact 891.
[1391] Adjudicated Facts 893, 898.
[1392] Adjudicated Fact 1044; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 919.
[1393] Adjudicated Fact 1045; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 919-920.
[1394] Adjudicated Fact 1046.
[1395] Adjudicated Facts 1046, 1043, 1089; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 920-921, 923-924 and P1525.02, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 26 March 2001, T. 1036; P1718, Video Report by ABC Nightline on Kozarac, pp. 5-6; Radomir Rodić, 13 September 2010, T. 14504-14506; ST023, 30 August 2010, T. 13901-13903; P1803, Brown Expert Report, pp. 106-107; P622, Video Interview of General Major Momir Talić on ABC News, 2 November 1992, p. 1.
[1396] Adjudicated Fact 1047; P1718, Video Report by ABC Nightline on Kozarac, pp. 6-7; Mensur Islamović, P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 924-925.
[1397] Adjudicated Fact 1048; P1718, Video Report by ABC Nightline on Kozarac, p. 6.
[1398] Miloš Janković, 10 October 2011, T. 24714, 14 October 2011, T. 25029.

590. Keraterm was finally disbanded, together with Omarska, on 21 August 1992. According to Simo Drljača, this lessened the burden on the police of Prijedor SJB, relieving 187 police officers.[1399] Detainees were transferred to Trnopolje and Manjača.[1400]

(iv) Omarska camp

591. Omarska was located at the former Ljubija iron-ore mine, situated about 2 km to the south of Omarska village. The camp was in operation from 25 May 1992 until late August 1992 when the prisoners were transferred to Trnopolje and other camps.[1401]

592. The majority of the detainees at Omarska were housed in the "hangar", which was the largest of four buildings on the site of the camp, running north-south.[1402] The western side consisted of two floors of over 40 separate rooms.[1403] There were three other structures on the Omarska camp site: the administration building and two smaller structures, known as the "white house" and the "red house".[1404] The eastern section had two floors: the ground floor where detainees were held and the first floor, containing a series of rooms used for interrogation, administration of the camp, and female inmates' sleeping quarters. There was also a small garage at the far north or outer edge of the building.[1405]

593. The camp was formally set up by an order of Simo Drljača on 31 May 1992 with a "mixed group of national, public and military security investigators". Mirko Ješić, Ranko Mijić, and Lieutenant Colonel Majstorović were in charge. Dušan Janković oversaw the implementation of the order setting up the camp.[1406] The commander of the Omarska camp was Željko Mejakić, a police officer.[1407] Miroslav Kvočka, as duty officer in the Omarska police station, was delegated the authority to activate the reserve police force in order to serve as guards in the camp, although

[1399] P684, Report on Activities of Third Quarter of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, 29 September 1992, pp. 3-4.
[1400] Idriz Merdžanić, 9 December 2010, T. 18433; Mensur Islamović, 21 July 2010, T. 13128-13129; Jusuf Arifagić, P2284, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 28 August 2002, T. 7105; P684, Report on Activities of Third Quarter of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, 29 September 1992, p. 4.
[1401] Adjudicated Facts 308, 1092; Miloš Janković, 11 October 2011, T. 24816; ST245, 4 November 2010, T. 16898 (confidential); P805, Report of the Activities of Prijedor SNB Detachment for 1 January to 31 December 1992, 20 January 1993, p. 3; 1D385, Aerial Photograph of Omarska.
[1402] Adjudicated Facts 354, 359.
[1403] Adjudicated Fact 354.
[1404] Adjudicated Fact 355.
[1405] Adjudicated Fact 357; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4.
[1406] ST023, 30 August 2010, T. 13906-13907 (confidential); ST245, 2 November 2010, T. 16738, 16745 and 4 November 2010, T. 16894-16895; P1560/1D166, Order by Simo Drljača for Institution of Omarska and Handling of Detainees, 31 May 1992.
[1407] Adjudicated Fact 324.

attempts were made to relieve police from this task.[1408] A large number of military men were security guards who manned machine gun nests, but at the gate and the reception desk, there were police officers from the Prijedor SJB in police uniforms.[1409] Mlado Radić took up his duties in Omarska camp around 28 May 1992, and he remained there until the end of August 1992.[1410] Interrogators also consisted of members of the Banja Luka CSB and the Banja Luka Corps of the 1st KK.[1411]

594. Simo Mišković testified that Omarska was used as an interrogation centre on the basis of criminal complaints normally filed by police officers against those who took part in armed operations. While testifying, he was surprised to learn that no criminal complaints had been filed against those detained at the time.[1412]

595. On 27 May 1992, the Prijedor Crisis Staff ordered detainees in Keraterm to be transferred to Omarska.[1413] Around 29 May 1992, detainees from the Benkovac military barracks were transferred to the camp. Upon arrival, around 120 persons were crammed into a garage for several days. Two young men suffocated to death as a result of the conditions inside the garage.[1414]

596. With few exceptions, all the prisoners in Omarska were Muslims or Croats.[1415] The only Serb prisoners held in Omarska were said to have been there because they were "on the side of the Muslims".[1416] Prisoners were categorised into three categories: the first included persons suspected of the most serious crimes and those who took part in direct rebellion; the second included persons suspected of organising, financing, and assisting armed rebellion; and the third category included persons who were not of interest from a security point of view but were captured for being within combat zones and there was no substantial proof that they participated in armed rebellion.[1417] Prominent members of the local Muslim and Croat communities were imprisoned in Omarska camp and categorised as "1st category" detainees, such as Professor Muhamed Čehajić, the mayor of

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[1408] Adjudicated Fact 327; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, pp. 6-7.
[1409] Goran Sajinovic, 17 October 2011, T. 25148.
[1410] Adjudicated Fact 329; Nusret Sivac, 16 August 2010, T. 13200-13201.
[1411] Adjudicated Fact 884; ST245, 2 November 2010, T. 16733-16735; Nusret Sivac, P1671.12, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 13 January 2003, T. 12739-12740; P659, Dispatch No. 11-12/16 from Prijedor SJB to Banja Luka CSB reporting the conduct of the Banja Luka CSB Special Unit Members, 13 June 1992.
[1412] Simo Mišković, 5 October 2010, T. 15321-15322, 15324; P1904, Letter from Simo Drljača to Bishop of Banja Luka Regarding the Detention of Priest from Ljubija Parish, 16 September 1992.
[1413] Adjudicated Facts 1090, 1091; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4.
[1414] Adjudicated Fact 865.
[1415] Adjudicated Fact 311; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4.
[1416] Adjudicated Fact 312.
[1417] P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4. *See also* ST245, 2 November 2010, T. 16760-16761, 16771-16772; P1681, List of 1st Category of Detainees at Omarska, 28 July 1992.

Prijedor prior to the Bosnian Serb takeover, and the Catholic priest of the Ljubija parish.[1418] Detainees suspected of being members of Green Berets and noted members of the communities such as Jusuf Pasić and Mensur Kusran were taken to Omarska from Trnopolje.[1419] Minors and mentally impaired individuals were also detained at the camp.[1420]

597. Omarska held more than 3,000 prisoners at one time, primarily men, but also had at least 36 to 38 women from the area, many of whom were prominent in local affairs. Boys as young as 15 were seen in the early days of the camp, as were some elderly people.[1421] Sometimes 200 persons were held in a room of 40 square metres. Three hundred prisoners were confined in another small room. Some Omarska prisoners spent the time crowded together in the lavatories.[1422] The crowded rooms at Omarska were stifling in the summer heat, and often guards refused to open windows in rooms crowded to overflowing or demanded the handing over of any possessions prisoners had managed to retain as the price of an open window or a plastic jar of water.[1423]

598. Prisoners in Omarska were allowed only a minute or two in which to eat.[1424] Some prisoners lost 20 to 30 kilograms in body weight during their time at Omarska, and others considerably more.[1425] As a rule, food at Omarska amounted to starvation rations. Detainees were fed once per day: a small piece of bread, stew, and some cabbage. The food was usually spoiled. By contrast, the camp personnel enjoyed proper food.[1426] Drinking water at Omarska was often denied to the prisoners for long periods.[1427]

599. There was little in the way of lavatories at Omarska; prisoners had to wait hours before being allowed to use them, and sometimes risked being beaten if they asked. Prisoners at Omarska were often forced to relieve themselves in their rooms.[1428] There were no effective washing facilities at Omarska, and men and their clothes quickly became filthy. Skin diseases were prevalent, as were acute cases of diarrhoea and dysentery.[1429]

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[1418] Adjudicated Fact 862; Nusret Sivac, P1671.02, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 29 July 2002, T. 6629-6630 and P1671.04, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 30 July 2002, T. 6680; P1681, List of 1st Category of Detainees at Omarska, 28 July 1992; P1901, Letter from Franjo Komarica, Bishop of Banja Luka, Requesting the Release of a Catholic Priest from Omarska, 11 August 1992.
[1419] Idriz Merdžanić, 9 December 2010, T. 18400, 18439; P1772, List of General Hospital Employees Detained in Camps prepared by Simo Drljača, Chief of Prijedor SJB, and sent to CSB Banja Luka, 11 July 1992.
[1420] Adjudicated Fact 863.
[1421] Adjudicated Facts 310, 313; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, August 1992, p. 4.
[1422] Adjudicated Fact 332.
[1423] Adjudicated Fact 334.
[1424] Adjudicated Fact 338.
[1425] Adjudicated Fact 342; Nusret Sivac, 16 August 2010, T. 13200-13201; P1529, Photograph of Men in Line at the Restaurant in Omarska.
[1426] Adjudicated Fact 873; Nusret Sivac, 16 August 2010, T. 13200-13201.
[1427] Adjudicated Fact 343.
[1428] Adjudicated Facts 333, 344.
[1429] Adjudicated Fact 345; Muharem Murselović, 11 October 2010, T. 15715.

600. When prisoners arrived by bus at Omarska, they were usually searched, and their belongings taken from them. They were then beaten and kicked as they stood, legs apart, and arms up-stretched, against the eastern wall of the administration building.[1430]

601. It was the general practice at the Omarska camp to return to their rooms prisoners who had been beaten and survived, and to remove from the camp the bodies of those who were dead or appeared to be dead.[1431] Some prisoners were severely beaten during interrogation, a guard standing behind the prisoner, hitting and kicking him and often knocking him off the chair in which he sat; there were instances where prisoners knocked to the floor would be trodden and jumped on by guards and severely injured; all of this while the interrogator looked on.[1432] The calling-out of prisoners was not only for the purposes of interrogation; in the evening, groups from outside the camp called out particular prisoners from their rooms and attacked them with a variety of sticks, iron bars, or lengths of heavy electric cable.[1433]

602. At Omarska camp, beatings were administered by camp guards, such as Milutin Popović a.k.a. "Pop" and Žarko Marmat.[1434] Nusret Sivac witnessed the death of his neighbour Safet Ramadanović, an elderly person, as a result of the beatings.[1435]

603. Approximately 36 of the detainees held at Omarska camp were women. The women detained at Omarska were of different ages; the oldest were in their sixties, and there was one young girl.[1436] At Omarska, there were frequent incidents of female detainees being called out by the camp guards and the camp commander to be raped and sexually assaulted, the worst shift being that of Mlado Radić.[1437] One woman was taken out five times and raped, and after each rape she was beaten.[1438] On an unknown date after May 1992, an armed man entered the Omarska camp restaurant where detainees were eating. He uncovered the breast of a female detainee, took out a

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[1430] Adjudicated Fact 330; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6612, 6614.
[1431] Adjudicated Fact 335. *See also* Nusret Sivac, 16 August 2010, T. 13200-13201 and P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6612, 6614-6615, 6626-6629, 6632-6634 and P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6637-6639, 6679-6687 and P1671.08, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 1 August 2002, T.6790, P1671.10, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 13 January 2003, T. 10279-10280; ST226, 15 October 2010, T. 16050; ST245, 2 November 2010, T. 16765-16769 and 3 November 2010, T. 16793 (confidential); Idriz Merdžanić, 9 December 2010, T. 18438-18440.
[1432] Adjudicated Fact 346.
[1433] Adjudicated Fact 348, 872; Nusret Sivac, P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6680-6682.
[1434] Adjudicated Fact 868.
[1435] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6577.
[1436] Adjudicated Fact 371; Nusret Sivac, P1671.12, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 13 January 2003, T. 12763.
[1437] Adjudicated Facts 372, 867; Nusret Sivac, P1671.12, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 13 January 2003, T. 12778; Mensur Islamović, 21 July 2010, T. 13160.
[1438] Adjudicated Fact 373.

knife, and ran it along her breast for several minutes, while other camp guards laughed. The other detainees held their breath thinking he might cut off the breast any second.[1439]

604. One room in the white house was reserved for brutal assaults on prisoners, who were often stripped, beaten, kicked, and otherwise abused.[1440] Nusret Sivac testified about Smail Duratović, a well-known athlete from Prijedor, who was called out by Serb guards on St. Peter's Day and taken to the white house, where they set fire to a tire on the tarmac outside and threw Duratović into it. He managed to get away and survived the incident.[1441] Many prisoners died as a result of these repeated assaults on them in the white house.[1442] Prisoners who were forced to clean up after these beatings in the white house reported finding blood, teeth, and skin on the floor.[1443] Dead bodies of prisoners, lying in heaps on the grass near the white house, were a frequent sight in Omarska.[1444] Those bodies would be thrown out of the white house and later loaded into trucks and removed from the camp.[1445]

605. The other small building at Omarska, the red house, was also a place to which prisoners were taken for severe beatings and from which most often they did not leave alive.[1446] When prisoners were required to clean the red house, they often found hair, clothes, blood, footwear, and empty pistol cartridges.[1447] These prisoners also loaded onto trucks bodies of prisoners who had been beaten and killed in the red house.[1448]

606. Asmir Crnalić, a mentally ill person, was taken to the white house by a guard when he pretended to spit water at one of the guards. Not long after, two bursts of gunshot were heard. One of the guards posted between the white house and the administration building had shot him.[1449]

607. Esad Mehmedagić was among the first to be killed, after being taken to the white house, on the night they were targeting lawyers. Judge Kerenović and Nedžad Šerić, the former president of the Prijedor court along with Ahmet Atarović, Silvije Šarić, and Ismail Burazović—all lawyers, were killed in Omarska in the course of 1992.[1450] Later, they proceeded to kill people who worked at the mine, including Zivko Paunović. After 25 July 1992, they executed former police officers.

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[1439] Adjudicated Fact 882.
[1440] Adjudicated Fact 363; Nusret Sivac, 16 August 2010, T. 13195.
[1441] Nusret Sivac, P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6682-6683.
[1442] Adjudicated Fact 364.
[1443] Adjudicated Fact 365.
[1444] Adjudicated Fact 366; Predrag Radulović, 26 May 2010, T. 10863-10864; ST245, 2 November 2010, T. 16767 (confidential).
[1445] Adjudicated Fact 367.
[1446] Adjudicated Fact 368; Nusret Sivac, 16 August 2010, T. 13195.
[1447] Adjudicated Fact 369; Nusret Sivac, 16 August 2010, T. 13195.
[1448] Adjudicated Fact 370.
[1449] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6632-6633 and P1671.06, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 31 July 2002, T. 6728-6730, 6733-6734.

Mirzet Lisić, Ago Sadiković, Ismet Araš, Fikret Sarajlić, Stjepan Marić—an engineer, Emir Kodžić, Meho Mahumutović, and another police officer were all killed together. Only four or five police officers left the camp alive.[1451]

608. Mehmed Turšić was an economist who was killed at Omarska.[1452] Burhanudin "Burho" Kapetanović, an audio technician Nusret Sivac personally knew, was killed in Omarska camp on 27 July 1992.[1453] Senad Mujkanović, a construction engineer, also died at Omarska camp.[1454]

609. On 27 July 1992, Professor Muhamed Čehajić was called out from the room in which he was detained and taken out of the camp. Čehajić did not return and was never seen again.[1455] Esad Sadiković, a physician, had previously worked for the UNHCR and was described as a charismatic and deeply humane person. In Omarska, he helped other detainees whenever he could and was regarded as a "moral and spiritual authority". One night, a camp guard appeared and said: "Dr. Eso Sadiković, come out and take your stuff with you." Other detainees stood up and bid him farewell.[1456] Both Muhamed Čehajić and Esad Sadiković were taken out and killed.[1457] Other medical professionals who did not survive the camp were Jusuf Pasić, Osman Mahmuljin, Željko Sikora, Enes Begić, Rufat Suljanović, and Islam Bahonjić.[1458]

610. In June or July 1992, a Bosnian Serb camp guard in camouflage uniform kicked Rizo Hadžalić with his heavy army boots and struck him with his rifle butt. The guard jumped all over Hadžalić's body until he was dead. The incident was witnessed by other camp inmates.[1459]

611. Zlatan Beširević, an engineer and prominent businessman from Prijedor was detained in the same room as Nusret Sivac at Omarska camp. Through the connections of his mother, who was Serb, Zlatan Beširević had his name added to a list of elderly and sick people who were to be transferred from Omarska to the Trnopolje camp. However, when persons were called out to leave the camp, Željko Mejakić ordered Beširević to stay back. While other detainees returned to the detention room, Beširević stayed behind to speak with Mejakić. He learned that his name had been

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[1450] Nusret Sivac, P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6680.
[1451] Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6633-6634 and P1671.08, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 1 August 2002, T. 6777.
[1452] ST244, 1 December 2010, T. 17966.
[1453] Nusret Sivac, P1671.04, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 30 July 2002, T. 6688-6690.
[1454] ST244, 1 December 2010, T. 17965.
[1455] Adjudicated Fact 876; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6629-6630.
[1456] Adjudicated Fact 877; Nusret Sivac, P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6686-6687.
[1457] Adjudicated Fact 878; Nusret Sivac, P1671.02, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 29 July 2002, T. 6629-6630 and P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6687.
[1458] Nusret Sivac, P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6685-6686.
[1459] Adjudicated Fact 880.

removed from the list by the Crisis Staff. The following day, he brutally was taken away to the red house from where he never returned.[1460]

612. The camp commander, Željko Mejakić, reported an incident in July 1992 in which several people were killed who were on a list given by Rade Knežević, one of the SJB inspectors, to a camp guard.[1461] The incident, which involved 18 detainees, was brought to the attention of Simo Drljača.[1462] Knežević continued to work in Omarska for a few days but was not seen there after that.[1463] Ibrahim Paunović was killed in what Nusret Sivac described as "mass executions", which started to take place at the camp from late July.[1464]

613. On 26 June 1992, Omarska camp guards tried to force Mehmedalija Sarajlić, an elderly Bosnian Muslim, to rape a female detainee. He begged them, "Don't make me do it. She could be my daughter. I am a man in advanced age." The guards laughed and said, "Well, try to use the finger." A scream and the sound of beatings could be heard, and then everything was silent. The guards had killed the man.[1465]

614. Crime inspectors visited Omarska but reported nothing of the things happening there, since they went to the offices on the camp for their meetings and left, during which time the camp personnel would have kept order.[1466] Around the beginning of August 1992, Serbian and foreign journalists were allowed into Omarska camp. Detainees were warned not to complain about the conditions of detention.[1467]

615. Of the total number of persons processed at Omarska by mid-August 1992, 1,773 were transferred to facilities in Trnopolje, and 1,331 to Manjača camp, in Banja Luka.[1468] On 5 August 1992 in the Omarska camp at least 120 people—among whom were Anto Gavranović, Juro Matanović, Refik Pelak, Ismet Avdić, Alija Alibegović, Esad Islamović, and Raim Musić—were put on to two buses and transferred to Kozarac.[1469]

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[1460] Nusret Sivac, P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6684-6685.
[1461] ST245, 2 November 2010, T. 16765-16766 (confidential).
[1462] ST245, 2 November 2010, T. 16766-16767 (confidential).
[1463] ST245, 2 November 2010, T. 16768 (confidential).
[1464] Nusret Sivac, P1671.04, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 30 July 2002, T. 6636. *See also* ST245, 2 November 2010, T. 16769 (confidential).
[1465] Adjudicated Fact 881.
[1466] Radomir Rodić, 16 April 2010, T. 8845-8846.
[1467] Adjudicated Fact 1096.
[1468] Adjudicated Fact 1097; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, 16 August 1992, p. 5; P689, Report on Activities of the Last Nine Months of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, January 1993, p. 5.
[1469] Adjudicated Fact 374.

616. On 6 August 1992, some prisoners from the Omarska camp were transferred to Manjača.[1470] Muharem Murselović explained that policemen, including one man who they called "Brki", came into the garage, where 150 to 170 detainees "were all standing like sardines", and conducted a roll-call from a list and identified a "first group" who boarded the first of the approximately 15 buses lined up in the camp.[1471] Upon arrival, the witness learned that, on that day, 1,300 people were transferred in those buses to Manjača.[1472] Three detainees, after having been transported from Omarska camp in Prijedor to Manjača camp in August 1992, died of suffocation when the heat was turned on and the prisoners had to spend the night inside the bus.[1473]

617. The Trial Chamber has analysed the forensic evidence adduced in relation to Omarska and, of those killed, was able to identify 98 out of the 199 in the Prosecution's Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

(v) Trnopolje camp

618. The Trnopolje camp was established in the village of Trnopolje at the same time as the Omarska and Keraterm camps were established.[1474] The Trnopolje camp was based in a variety of buildings in Trnopolje, including a former school, a theatre or cultural centre referred to as the "dom", a gymnasium, and a store.[1475]

619. Slobodan Kuruzović, the commander of the TO in Prijedor, was in charge of the camp at least between 25 May and the end of September 1992. He was referred to as "Major" and wore a military uniform.[1476] The camp guards were all dressed in military, rather than police uniforms and were from Prijedor. Kuruzović stayed in a white house very close to the Trnopolje compound.[1477] Kuruzović was present when new convoys arrived at the camp.[1478] Teams representing both military and civilian authorities screened detainees in Trnopolje in order to determine their role in

[1470] Adjudicated Fact 469; P1904, Letter from Simo Drljača to Bishop of Banja Luka Regarding the Detention of Priest from Ljubija Parish, 16 September 1992.
[1471] Muharem Murselović, 11 October 2010, T. 15717-15718, 15720. *See also* P499, Dispatch No. 11-12/02-2 of Prijedor SJB to Commander of Manjača Camp Forwarding a List of Persons Sent There from Omarska, 17 August 1992.
[1472] Muharem Murselović, 11 October 2010, T. 15720.
[1473] Adjudicated Fact 1062.
[1474] Adjudicated Fact 1013.
[1475] Adjudicated Fact 1014; Idriz Merdžanić, 9 December 2010, T. 18405, 18408; P1770, Aerial Photograph of Trnopolje; P1771, Photograph of Trnopolje; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2481.
[1476] Adjudicated Fact 1016; Idriz Merdžanić, 9 December 2010, T. 18410; Simo Mišković, 4 October 2010, T. 15231; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2477-2478.
[1477] Adjudicated Fact 1016; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6875 (confidential).
[1478] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6875 (confidential).

the conflict.[1479] Azra Blažević testified that the camp guards were Serb soldiers from Prijedor and neighbouring villages, and that he knew most of them.[1480]

620. Following the Bosnian Serb attack on Kozarac at the end of May 1992, residents of that area were brought to the school and community centre in Trnopolje. They were mainly women and children, with only a few military-aged men.[1481] More and more women and children arrived there each day, and no one left. There was no place to fit everyone. The small number of men were placed separately in the school building.[1482] Many people from Prijedor and neighbouring areas, such as Brdo, were taken to Trnopolje after their villages had been attacked by the Bosnian Serb Forces and they were driven out of the area in convoys of buses.[1483]

621. Azra Blažević, a Muslim doctor, testified that he, along with the whole group from Kozarac, slept and worked at the medical centre for the duration of their stay at the camp until mid-August of 1992.[1484] The medical centre was located at the back of the Trnopolje store.[1485]

622. There were several thousand people detained in the camp, the vast majority of whom were Muslim and Croat, although there were some Serbs. Blažević testified that a group of 1,500 to 2,000 people were there at all times, in addition to which women and children were brought in "all the time" and "deported" from there to other places.[1486] Nusret Sivac estimated that when he arrived in Trnopolje on 7 August 1992, there were around 5,000 people detained there. Women and children were detained at the camp as well as men of military age, although the latter were not detained in large numbers. The camp population had a high turnover with many people staying for less than a week in the camp before joining one of the many convoys to another destination.[1487] The age group "varied from 15 or 16 year olds to elderly people", who were brought from surrounding villages by Serb soldiers, after having been ordered to leave their homes at short notice.[1488] The detainees were told that they were brought there to be protected from Muslim extremists. However,

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[1479] Adjudicated Fact 1084.
[1480] Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2477-2488; ST249, 26 November 2010, T. 17857.
[1481] Adjudicated Fact 1015.
[1482] Idriz Merdžanić, 9 December 2010, T. 18408-18409.
[1483] Adjudicated Fact 906; Idriz Merdžanić, 9 December 2010, T. 18409-18410; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6871 (confidential).
[1484] Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2478.
[1485] Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2480.
[1486] Idriz Merdžanić, 9 December 2010, T. 18409, 18423-18424; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2497-2498; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6877 (confidential).
[1487] Adjudicated Fact 1019; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2497; P1992, Mazowiecki October Report, para. 10.
[1488] Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2498-2499.

Idriz Merdžanić testified that this was not true.[1489] Merdžanić testified that the report prepared by the Commission for the Inspection of the Municipalities was incorrect with respect to Trnopolje in so far as people did not come to the camp to seek protection from anyone and were not free to leave at will.[1490]

623. A VRS 1st KK report from January 1993 stated that at the Trnopolje "open reception centre", in addition to women and children, there was a large concentration of Muslim men fit for military service, including persons who had spent some time in Omarska and Keraterm because of their direct or indirect involvement in armed rebellion.[1491]

624. In certain periods some people in Trnopolje were theoretically allowed to leave the camp. However, security conditions outside the camp rendered it, in effect, a place of detention.[1492] Idriz Merdžanić clarified that, while women and the elderly were allowed to leave, able-bodied men of military age were not. The camp had checkpoints and was guarded by armed guards.[1493] Milomir Stakić explained to Charles McLeod that the Serbs insisted on "not calling it a camp" because "the Serbs from here know very well what a concentration camp is".[1494] The Trial Chamber finds that there was a barbed wire fence around the camp, erected immediately before the inmates from Keraterm and Omarska were brought to Trnopolje, around the end of July 1992, but was removed a day later.[1495] Moreover, the Trial Chamber does not consider the absence of a fence as determinative of the nature of a detention camp and concludes that, for the duration of its existence, Trnopolje was a detention camp.

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[1489] Idriz Merdžanić, 9 December 2010, T. 18425; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2498; P1727.03, Report Prepared by Charles McLeod of his Meetings with RS Authorities in August 1992, 31 August 1992, p. 50.

[1490] Idriz Merdžanić, 9 December 2010, T. 18423-18424; P602, Report of the Commission Set Up by the Decision of 14 August 1992 on the Condition of Camps, 8 August 1992, pp. 1-2; P1992, Mazowiecki October Report, para. 11.

[1491] Adjudicated Fact 1098; Ian Traynor, P1356.02, Witness Statement, 8-9 March 2000, p. 12; ST024, 18 October 2010, T. 16138-16139 (confidential); ST249, 26 November 2010, T. 17857-17860, 17865-17867; Idriz Merdžanić, 9 December 2010, T. 18406-18411, 18428-8434, 18434 and P1525.01, *Prosecutor v. Sikirica*, Case No. IT-95-8-T, 22 March 2001, T. 876; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2474-2476; Nusret Sivac, P1671.04, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 30 July 2002, T. 6688 and P1671.06, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 31 July 2002, T. 6750; ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6865-6868, 6870-6873, 6876-6877 (confidential); Jusuf Arifagić, P2284, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 28 August 2002, T. 7074-7075, 7094; P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, 16 August 1992, pp. 2-3; P1770, Aerial Photograph of Trnopolje; P1357, Video Footage of ITN Visit to Omarska and Trnopolje, p. 4; P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, pp. 49-50.

[1492] Adjudicated Fact 1100; Idriz Merdžanić, 9 December 2010, T. 18409-18411.

[1493] Idriz Merdžanić, 9 December 2010, T. 18409, 18411, 18432.

[1494] P1727.03, Report Prepared by Charles McLeod of his Meetings with RS Authorities in August 1992, 31 August 1992, p. 54.

[1495] Idriz Merdžanić, 9 December 2010, T. 18405-18406, 18428-18429; P1357, Video Footage of ITN Visit to Omarska and Trnopolje, p. 8; P1770, Aerial Photograph of Trnopolje; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2479; P1671.06, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 31 July 2002, T. 6750-6751.

625. The armed soldiers, in uniforms, who guarded the camp allowed other Serb soldiers from neighbouring villages to access the camp.[1496] Members of the PIP were particularly feared by the detainees. They wore the police war uniform—blue and yellow camouflage with the insignia of the Serbian flag on one side and the word "Militia" in Cyrillic script on the other.[1497] They drove in a white Ford van with a large picture of a tiger on it.[1498]

626. There were no beds or blankets at Trnopolje camp, and detainees had to sleep on the floor. Some of them had to sleep outside.[1499] Camp authorities in Trnopolje did not distribute food, but detainees could buy bread every day if they had Serbian bank notes to use as money.[1500] Sanitary conditions were poor as there was no running water, toilets, or baths and the majority of detainees developed dysentery and scabies while at the camp.[1501] At a meeting with Charles McLeod and Kovačić, Stakić sought international assistance for medicine and food.[1502]

627. Some medical treatment was provided, but the camp was not sufficiently equipped beyond basic health care. There were no medical supplies available until the arrival of the ICRC.[1503] Azra Blažević testified that a Serb doctor called Duško Ivić, appointed by the Crisis Committee of Prijedor, and his assistant came to the camp every day but provided no services at all.[1504]

628. Although the scale of the abuse at the Trnopolje camp was less than that in the Omarska camp, mistreatment was commonplace. The Serb soldiers punched and kicked the detainees, and used baseball bats, iron bars, rifle butts, or whatever they had at their disposal to beat the detainees. Individuals who were taken out for questioning frequently would not return, and those who did return were often bruised or injured.[1505] According to Idriz Merdžanić, who worked as a doctor in the makeshift medical clinic in the camp, detainees were often taken by uniformed people who

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[1496] Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2488-2489.
[1497] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6881 (confidential). The word militia meant police and was in fact replaced with "policija" with the adoption of the LIA. Vladimir Tutuš, 23 March 2010, T. 7987-7988; Nenad Krejić, 2 September 2010, T. 14105.
[1498] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6882 (confidential).
[1499] Adjudicated Fact 908; Idriz Merdžanić, 9 December 2010, T. 18413.
[1500] Adjudicated Fact 1101; Idriz Merdžanić, 9 December 2010, T. 18412-18413; P1992, Mazowiecki October Report, para. 10.
[1501] Adjudicated Fact 1101; Idriz Merdžanić, 9 December 2010, T. 18413; P1992, Mazowiecki October Report, para. 10.
[1502] P1727.03, Report Prepared by Charles McLeod of his Meetings with RS Authorities in August 1992, 31 August 1992, p. 52.
[1503] Adjudicated Fact 1024; Idriz Merdžanić, 9 December 2010, T. 18414; P1727.03, Report Prepared by Charles McLeod of his Meetings with RS Authorities in August 1992, 31 August 1992, pp. 51-52.
[1504] Idriz Merdžanić, 9 December 2010, T. 18414; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2487-2488.
[1505] Adjudicated Fact 1027; Idriz Merdžanić, 9 December 2010, T. 18414-18417; P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 48.

came to the camp for interrogation. Merdžanić heard the sounds of beatings and verbal abuse. Some of the victims were brought to the clinic to have their wounds dressed.[1506]

629. There were many incidents of rape at the Trnopolje camp between May and October 1992, by camp personnel and outsiders allowed to enter the camp, requiring medical intervention and in some instances medical termination of pregnancy.[1507]

630. In August 1992, Slobodan Kuruzović, commander of the camp, personally arranged for a female inmate to be detained in the house where he had his office, from where she was not allowed to go anywhere and where she was raped nearly every night between 3 August and 4 September 1992.[1508] On two occasions, Kuruzović stabbed her shoulder and leg with a knife because she resisted being raped.[1509]

631. Killings in the Trnopolje camp between 25 May and 30 September 1992 were committed on a smaller scale than those in the Keraterm and Omarska camps.[1510] A number of detainees died as a result of the beatings administered by the guards. Others were killed with rifles by camp guards. At least 20 inmates were taken outside the camp and killed.[1511] A detainee was on several occasions ordered to bury bodies from the camp. Idriz Merdžanić recognised Muela Idrizvić, Sadik Idrizvić, Sakid Idrizvić, Munib Hodzić, Samir Elezović, Ante Mrgolja, and his son Goran or Zoran, and the Forić brothers.[1512] Murgić and his son, ethnic Croats, were taken down the road to the railway station and killed there.[1513]

632. Convoys of women and children left the camp periodically, until the camp mostly had men, including those who had been brought in from Omarska around 5 to 6 August 1992.[1514] Reinforcements arrived a day before a convoy was scheduled to take women and children from the camp. On the day itself, women and children walked two-by-two along the middle of the street and there was a check to ensure that no men were among them.[1515] Men who were good friends with

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[1506] Adjudicated Fact 1027; Idriz Merdžanić, 9 December 2010, T. 18414-18415, 18417, 18430; P1357, Video Footage of ITN Visit to Omarska and Trnopolje; P1718, Video Report by ABC Nightline on Kozarac.
[1507] Adjudicated Fact 902; Idriz Merdžanić, 9 December 2010, T. 18420-18422; Azra Blažević, P2291, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 June 1996, T. 2528; ST024, 18 October 2010, T. 16140-16142 (confidential); Nusret Sivac, P1671.04, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 30 July 2002, T. 6690; P1718, Video Report by ABC Nightline on Kozarac, p. 2.
[1508] Adjudicated Facts 900, 1029; ST024, 18 October 2010, T.16142 (confidential); P1665, Photograph of Trnopolje marked by ST024.
[1509] Adjudicated Facts 901, 1029.
[1510] Adjudicated Fact 1025.
[1511] Adjudicated Fact 909; Idriz Merdžanić, 9 December 2010, T. 18417.
[1512] Adjudicated Fact 1026; Idriz Merdžanić, 9 December 2010, T. 18417.
[1513] Idriz Merdžanić, 9 December 2010, T. 18420.
[1514] ST065, P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6876-6877 (confidential).
[1515] Idriz Merdžanić, 9 December 2010, T. 18411-18412.

some Serbs managed to be included in those convoys. These people were then loaded onto cattle wagons, which had no seating and were stuffed with as many people as possible.[1516]

633. The majority of the detainees from Omarska were brought in after a visit by journalists, and were kept in Prijedor in the meanwhile since Omarska and Keraterm had been closed down by then.[1517] The Trial Chamber finds that the moving of the detainees, between camps and temporarily into Prijedor, was an attempt by the Serb Forces to hide the detainees from the international journalists and monitors. Men were excluded from the earlier convoys on which women and children were boarded.[1518] Soldiers raped girls aged 16 or 17 on the way to Kozarac. In one case, a 13-year-old Muslim girl was raped.[1519]

634. On 21 August 1992, buses started to arrive in the Trnopolje camp and the detainees were told to board them. It was mostly men who boarded the four buses. The camp commander, Slobodan Kuruzović, was present for most of the time. The buses proceeded towards Kozarac, where they were joined by four other buses that had been loaded in Tukovi and eight lorries. The buses had been organised by the Serb authorities to transport people out of Prijedor to Travnik, in Muslim-held territory.[1520] ST065 described the scene at Trnopolje camp that day as chaotic because all the detainees were trying to get on the buses leaving the camp.[1521]

635. The ICRC visited the camp on 24 August 1992 to register the inmates and gave out over 2,000 registration forms in Trnopolje.[1522] Conditions in the camp improved significantly after their arrival, the supply of food was more regular and incidents of rapes and beating reduced.[1523]

636. On 28 August 1992, Simo Drljača, in response to a request from the Ministry of Health, informed the CSB that there were no camps, prisons, or collection centres in Prijedor and that 1,335

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[1516] Idriz Merdžanić, 9 December 2010, T. 18412.
[1517] Idriz Merdžanić, 9 December 2010, T. 18433.
[1518] Idriz Merdžanić, 9 December 2010, T. 18411-18412.
[1519] Adjudicated Facts 903, 1028.
[1520] Adjudicated Facts 433, 437; ST065, 8 December 2010, T. 18352 and P1769.01, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 26 August 2002, T. 6883-6885, 6887, 6896-6898 (confidential); ST023, 30 August 2010, T. 13931-13933 (confidential) and P1569.02, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 20 October 2003, T. 21130-21135 (confidential); Idriz Merdžanić, 9 December 2010, T. 18411-18412; Nusret Sivac, P1671.04, *Prosecutor v. Stakić,* Case No. IT-97-24-T, 30 July 2002, T. 6691.
[1521] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6885-6886 (confidential). ST065 explained that the detainees knew they could not go home because smoke could be seen in the direction of their houses; everything was thought to have been burned or looted. ST065 returned to his house in 1999 finding it without a roof, doors, or windows—its walls blackened by fire.
[1522] Idriz Merdžanić, 9 December 2010, T. 18413, 18436; P1357, Video Footage of ITN Visit to Omarska and Trnopolje, p. 9; P1727.18, Photograph taken by Charles McLeod of Detainees of Trnopolje Accompanied by the ICRC and ECMM between Serb and Croat Frontline at Turnanj, 1 October 1992.
[1523] Idriz Merdžanić, 9 December 2010, T. 18413-18415, 18420-18421; P1357, Video Footage of ITN Visit to Omarska and Trnopolje, pp. 8-9.

"prisoners of war" had been moved to Manjača.[1524] Trnopolje camp was officially closed down at the end of September 1992, but about 2,500 detainees stayed there until November 1992.[1525] Pursuant to an agreement between the RS and the ICRC, a total of 1,561 persons were to depart from Trnopolje for Karlovac, Croatia, on 1 October 1992.[1526]

a. Skender Vakuf

637. During the summer of 1992, the two highest ranking members of the Skender Vakuf Municipal Assembly were Milan Komljenović, president of the Municipal Assembly, and Vladimir Glamocić, president of the Executive Board of the Municipal Assembly.[1527] In March 1992, in military defence terms, Skender Vakuf fell under the responsibility of the 22nd Light Brigade Command of the VRS, formerly known as the 122nd Brigade of the JNA.[1528] Colonel Boško Peulić was commander of this unit.[1529] Members of the Skender Vakuf SJB were "resubordinated" to this military unit.[1530]

638. On 21 August 1992, 154 Muslims from Trnopolje camp and Tukovi—designated as category "C" detainees because they were members of the SDA or Muslims who were believed to have taken part in or financed the Muslim "attack" on Prijedor—were put on buses.[1531] The convoy of four buses headed to Travnik via Kozarac, Banja Luka, and Skender Vakuf along the old Travnik–Kneževo road.[1532] Golf police vehicles[1533] and Prijedor municipality policemen, in particular members of the PIP, who wore blue and yellow camouflage uniforms with insignia containing the Serbian flag and the word "Militia", escorted the convoy.[1534] The convoy passed

[1524] Adjudicated Fact 1102.
[1525] Adjudicated Facts 910, 1087; P1906, Report on Security Situation in Prijedor to SNB in Banja Luka CSB, 16 November 1992, p. 1; P689, Report on Activities of the Last Nine Months of 1992 from Prijedor SJB Chief Simo Drljača to RS MUP, January 1993, p. 5; P508, Nielsen Expert Report, 29 February 2008, para. 288.
[1526] P1905, Dispatch No. 11-1/01 from Banja Luka CSB to Prijedor SJB with Instructions on Arrangements for Transfer of Detainees from Trnopolje to Croatia, 29 September 1992.
[1527] Nenad Krejić, 1 September 2010, T. 14045.
[1528] Nenad Krejić, 2 September 2010, T. 14107-14110; ST197, 7 September 2010, T. 14360-14361; ST197, 8 September 2010, T. 14458-14459 (confidential); P1580, Zone of Responsibility; 1D364, Zone of Responsibility.
[1529] Nenad Krejić, 2 September 2010, T. 14110.
[1530] Nenad Krejić, 2 September 2010, T. 14107.
[1531] Adjudicated Fact 1111.
[1532] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6884, 6887, 6897-6898 (confidential); Nenad Krejić, 1 September 2010, T. 14042-14043; P1569.08, Map of Trnopolje-Vlašić Route.
[1533] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6896 (confidential); ST023, 30 August 2010, T. 13922 (confidential).
[1534] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6881, 6884, 6900, 6915-6916 (confidential); Brane Buhavac, 2D139, Witness Statement, 27 July 2003, pp. 5-6; Goran Mačar, 11 July 2011, T. 23100-23101; Goran Mačar, 7 July 2011, T. 22994; Predrag Radulović, 27 May 2010, T. 10884; Nenad Krejić, 1 September 2010, T. 14043-14044, 14047; ST197, 19 October 2010, T. 16176 (confidential).

through various checkpoints along the way without obstacle because news of the convoy's passing had preceded it.[1535]

639. En route, money, jewellery, and other valuables were taken from the detainees by policemen.[1536] ST065 was told by a "guard" on his bus to collect banknotes and valuables from his fellow detainees. ST065 collected several banknotes and handed them over to the "guard".[1537] The money and valuables collected from the detainees in the various buses and lorries of the convoy, weighing at least 40 kg, were given to the commander and police chiefs of the SJBs.[1538]

640. "[L]ocal soldiers" in olive drab uniforms boarded ST065's bus in Skender Vakuf.[1539] Afterwards, the convoy made a stop at a creek where the detainees on two of the buses from Trnopolje were told to exit the bus.[1540] At the creek, the policemen escorting the convoy conversed in a huddle.[1541] Miroslav Paraš, Commander of the PIP, had a list of category "C" detainees.[1542] Persons designated category "C" detainees were also pulled off the buses and lorries.[1543] All the detainees taken off the buses and lorries were then ordered to re-board two of the buses.[1544] There were approximately 100 people packed onto each re-boarded bus.[1545] One individual in police uniform appeared to be in charge during this re-boarding procedure.[1546] This man was armed with a pistol.[1547]

641. The re-boarded buses then travelled for another 10-15 minutes before coming to a section of the road flanked on one side by a steep cliff and on the other by a deep gorge.[1548] This area is referred to as Korićanske Stijene.[1549] The buses reached Korićanske Stijene in the late afternoon of 21 August 1992.[1550] The men were ordered to get out and walk towards the edge of the gorge where

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[1535] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21136 (confidential). *See also* ST197, 8 September 2010, T. 14454-14455 (confidential).
[1536] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21133-21134, 21136-21138, 21149-21150 (confidential); ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6898, 6903 (confidential).
[1537] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6898 (confidential).
[1538] ST023, P1569.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 October 2003, T. 21221-21224 (confidential); ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21149-21150 (confidential).
[1539] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6899-6900 (confidential).
[1540] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6900-6901 (confidential).
[1541] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6900 (confidential).
[1542] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21138-21139 (confidential).
[1543] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21138-21139 (confidential).
[1544] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6900-6901 (confidential). *See also* ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21139 (confidential).
[1545] Adjudicated Fact 438.
[1546] Adjudicated Fact 439.
[1547] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6902 (confidential).
[1548] Adjudicated Fact 440.
[1549] Adjudicated Fact 441; P1769.23, Photo of Vlašić Area.
[1550] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6908 (confidential); ST197, 8 September 2010, T. 14462 (confidential). *See also* Adjudicated Fact 1111.

they were told to kneel down.[1551] At this point, a person said, "Here we exchange the dead for the dead and the living for the living".[1552] Then the shooting began.[1553] ST065 turned to his father and said, "Father, throw yourself." ST065's father then pushed ST065 into the gorge.[1554]

642. The bodies fell into the gorge or were pushed over the edge.[1555] Grenades were thrown into the gorge to make sure no one survived.[1556] Two soldiers were seen in the gorge shooting possible survivors.[1557] The incident lasted for approximately a half hour.[1558] Fifteen policemen were reported to be involved in the incident.[1559]

643. The bodies of the dead remained in the gorge days after the incident. ST023 testified that the bodies in the gorge were in various stages of decay, suggesting that other persons had been killed there previously.[1560] However, ST197 was not aware of any other murder incidents at Korićanske Stijene.[1561] On the day of the incident, bullet casings and traces of blood were visible at the scene.[1562] When Nenad Krejić inspected the crime scene on about 23 August 1992 he did not see any ammunition shells; however, it was not his priority to look for shells at the time as he was looking for bodies.[1563] Approximately 150–200 dead bodies were seen at Korićanske Stijene after the incident.[1564]

644. On the day of the killings at Korićanske Stijene, a local VRS infantry unit reported the incident to the 1st KK command.[1565] The report stated that Prijedor and Sanski Most police had

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[1551] Adjudicated Fact 442; ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6905 (confidential).
[1552] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6905-6906 (confidential).
[1553] Adjudicated Fact 444; ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6906 (confidential).
[1554] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6906-6907 (confidential).
[1555] Adjudicated Fact 918; ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6906-6907 (confidential); ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21142 (confidential).
[1556] Adjudicated Fact 918; ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21143 (confidential).
[1557] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6907, 6909 (confidential).
[1558] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21143 (confidential).
[1559] ST197, 8 September 2010, T. 14462 (confidential); P675, Special Report of the 22nd Light Brigade Command to the 1st KK Command Concerning the Massacre of Refugees on a Convoy at the Korićanske Stijene, 21 August 1992; Adjudicated Fact 1112.
[1560] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21157-21160, 21162 (confidential). *See also* ST197, 8 September 2010, T. 14456-14457 (confidential).
[1561] ST197, 20 October 2010, T. 16274-16275 (confidential); Nenad Krejić, 1 September 2010, T. 14046.
[1562] ST197, 20 October 2010, T. 16272-16273, 16275-16276 (confidential).
[1563] Nenad Krejić, 1 September 2010, T. 14034-14038.
[1564] Goran Macar, 7 July 2011, T. 22993-22994; Predrag Radulović, 27 May 2010, T. 10883-10884; Nenad Krejić, 1 September 2010, T. 14037-14039; P1572, Photo of Korićani Cliffs Marked by Nenad Krejić to Show Location of Bodies.
[1565] Adjudicated Fact 1112; P675, Special Report of the 22nd Light Brigade Command to the 1st KK Command Concerning the Massacre of Refugees on a Convoy at the Korićanske Stijene, 21 August 1992.

committed "genocide" against 154 Muslim civilians and requested an investigation.[1566] On 22 August 1992, the VRS 1st KK command twice reported the event to the VRS Main Staff, putting civilian casualties at about 100.[1567]

645. On 23 or 24 August 1992, members of the PIP from Prijedor, accompanied by Simo Drljača and Župljanin, returned to Korićanske Stijene and attempted to remove the bodies.[1568] The policemen involved in the incident were told to stay put for one day.[1569] Thereafter, members of the PIP were sent to Han Pijesak on a military mission on the orders of Simo Drljača.[1570]

646. The killings at Korićanske Stijene were mentioned once again in a report of the 1st KK, dated 3 September 1992, to the VRS Main Staff. It is stated in the report that Simo Drljača was responsible for the incident and that "[t]his action caused indignation not only among citizens but also among 1st Krajina Corps soldiers. This dark stain which was created did not have support, but it is [very] fortunate that the international community did not find out about it in more detail."[1571]

647. On 14 September 1992, Simo Drljača, responding to a 31 August 1992 request by Stanišić to Župljanin to start an investigation into the matter, which was forwarded to him on 11 September 1992,[1572] wrote that an investigation could not be carried out because the officers who had participated in the convoy were currently deployed in the battlefield.[1573]

648. None of the policemen involved in the incident were held accountable for their involvement, even though the incident was widely known in the RS.[1574] ST065 identified Dragan Knežević, Saša Zečević, Zoran Babić, who was wearing a uniform with police insignia, Željko Predojević, who was wearing olive drab uniform, Branko Topala, and a man nicknamed "Dado" as among those present at the time of the execution.[1575] ST023 identified Radenko Vulić, "Čedo" Krndija, Miroslav Paraš,

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[1566] Adjudicated Fact 1112; P675, Special Report of the 22nd Light Brigade Command to the 1st KK Command Concerning the Massacre of Refugees on a Convoy at the Korićanske Stijene, 21 August 1992.
[1567] Adjudicated Fact 1113; P676, Combat Report of 1st KK Command Reporting That a Group of Policemen from Prijedor and Sanski Most Pulled 100 Muslims Out of the Column and Killed Them, 22 August 1992, p. 2.
[1568] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21157-21158 (confidential).
[1569] ST023, P1569.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 October 2003, T. 21234-21235 (confidential). *See also* ST023, 31 August 2010, T. 13983-13984 (confidential).
[1570] ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21154-21155 (confidential); ST023, 30 August 2010, T. 13929-13930 (confidential); P682, Dispatch from Prijedor SJB Chief Drljača to Banja Luka CSB Regarding Investigation of Korićanske Stijene Killings, 14 September 1992.
[1571] Adjudicated Fact 1114.
[1572] P812, Dispatch from Banja Luka CSB to the Chief of Prijedor SJB, 11 September 1992; P1380, Dispatch from Župljanin to the Chief of the Prijedor SJB Ordering a Full Investigation of the Killing of 150 Muslims in Area of Skender Vakuf Municipality, 11 September 1992.
[1573] P682, Dispatch from Prijedor SJB Chief Drljača to Banja Luka CSB Regarding Investigation of Korićanske Stijene Killings.
[1574] ST023, P1569.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 October 2003, T. 21233-21234 (confidential); ST023, P1569.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 20 October 2003, T. 21155-21156 (confidential); ST023, 30 August 2010, T. 13924, 13928-13929 (confidential).
[1575] ST065, P1769.01, *Prosecutor v. Stakić*, Case No. IT-97-24-T, 26 August 2002, T. 6915-6916 (confidential).

Zoran Babić, Ljubiša Četić, and Marinko Ljepoja as being at the scene of the killings.[1576] The Trial Chamber has analysed the forensic evidence adduced in relation to this incident and, of those killed, was able to identify 116 out of the 299 persons named in the Prosecution's Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

(e) Removal of population and appropriation of property

649. The unlawful appropriation of immoveable property began after the attack on Prijedor, Kozarac, and Hambarine between May and July 1992. At first, property certificates were issued in order to justify the confiscation. Later on, certificates were no longer issued. In contrast, Bosnian Serb residents did not have their property confiscated.[1577] As of 16 August 1992, 13,180 residents were served notices of termination of residence.[1578] For instance, Ivo Atlija's apartment was occupied by a Serb from Donja Ljubija, named Milan Mutić.[1579] He eventually signed a declaration that he had voluntarily transferred his property, in return for which he was issued a certificate stating he was allowed to move out of the Prijedor area.[1580]

650. On 20 July, thousands of Muslims and Croats from Hambarine and Ljubija were removed from the municipality. Property of Muslims and Croats who had left the area was confiscated and assigned to Serbs.[1581] A security situation report from Prijedor in November 1992 stated that the diminished security in Prijedor was "visibly demonstrated by the uncontrolled taking over of abandoned apartments and houses, and the plundering of property which has become so regular that it has become a normal thing".[1582]

651. Mevludin Sejmenović, a Muslim mining engineer and a former member for SDA of the Prijedor Municipal Assembly, confirmed that events on the ground corresponded to a proposed decision of the Prijedor Municipal Assembly to declare abandoned property and property belonging to those who participated in the "armed uprising" in Prijedor to be owned by the state.[1583] The property—including state, municipal, and residential buildings—seised by the Bosnian Serbs in Prijedor was to be divided among three categories of Serbs in Prijedor: the first being those left without property due to the fighting in the municipality; the second being those left without

[1576] ST023, P1569.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 October 2003, T. 21232-21233 (confidential).
[1577] Adjudicated Fact 1006, 1071; Ivo Atlija, 18 October 2010, T. 16097, 16099-16100.
[1578] P672, Report on Reception Centres in Prijedor by Prijedor SJB Chief Simo Drljača to CSB Banja Luka, 16 August 1992, p. 5.
[1579] Ivo Atlija, 18 October 2010, T. 16096.
[1580] Ivo Atlija, 18 October 2010, T. 10697, 16100.
[1581] Adjudicated Fact 1108.
[1582] P1906, Report on Security Situation in Prijedor to SNB in Banja Luka CSB, 16 November 1992, p. 2.
[1583] Mevludin Sejmenović, 18 November 2010, T. 17520; P1900, Decision of the Prijedor Municipal Assembly Proclaiming Abandoned Property as State Owned, 19 June 1992.

property as a result of refugee status who wished to reside permanently in the municipality; and the third being Serb combatants who had no or insufficient property for the future.[1584]

652. By October, the expulsion of persons from Prijedor, Ključ, and Kotor Varoš was more veiled than Banja Luka, but occurring nonetheless.[1585] In Prijedor, 10,000 Muslims and Croats wanted to leave, of whom 3,000 to 4,000 were already in Trnopolje.[1586] According to a further report from 11 October 1992, seven to twelve buses were leaving daily for Travnik, mostly with women and children.[1587]

653. A report by the Special Rapporteur to the UN noted that 14,000 displaced Muslims lived in Travnik. They had been brought there by local authorities and an emigration agency in Banja Luka and lived in extremely difficult conditions. Some of them had paid 300 DM to leave their homes for a Muslim-controlled territory, and were driven in buses to the front line, and in some instances were beaten, raped, and even killed during transport.[1588]

654. According to the Prijedor SJB's own reporting, about 33,180 residents had moved out of the municipality in the period from the beginning of the conflict to August 1992.[1589] The residents who had moved out of Prijedor comprised 13,180 Muslims who had complied with the required formalities, as well as about 20,000 (mainly, but not exclusively) Muslims and Croats who had left without following the procedures.[1590] Due to the continuing "harassment of Muslim citizens", people had approached the municipal authorities with requests for emigration.[1591] Srđo Srdić stated that people were coming to the Red Cross in hundreds, asking to be released from the centres and to leave the territory of RS in any way possible.[1592] People needed to obtain documentation from the authorities in the MUP building in order to leave the municipality so "that there would be no suspicion of something else having happened".[1593] A 1993 MUP report indicates that 42,000 Muslims and 2,000 Croats moved out of Prijedor in 1992, replaced by about 14,000 Serbs who moved in.[1594]

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[1584] P1897, Decision of the War Presidency of Prijedor on the Allocation of Property in Prijedor Among the Serb Population, 1991, Article 2.
[1585] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20657, 20661 (confidential); P2228, p. 2 (confidential).
[1586] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20657 (confidential).
[1587] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20658 (confidential); P2229, p. 3 (confidential).
[1588] P1992, Mazowiecki October Report, para. 8.
[1589] Adjudicated Fact 1104.
[1590] Adjudicated Fact 1105.
[1591] P1906, Report on Security Situation in Prijedor to SNB in Banja Luka CSB, 16 November 1992, p. 1. *See also* Srđo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 37.
[1592] Srđo Srdić, 2D194, Witness Interview, 21-22 August 2002, p. 35.
[1593] Simo Mišković, 4 October 2010, T. 15260-15261; Srđo Srdić, 2D194, Witness Interview, 21-22 August 2002, pp. 22, 38.
[1594] Adjudicated Fact 1106.

3. Factual Findings

655. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber has heard evidence that Bosnian Serb Forces in Prijedor, including soldiers of the 43rd Motorised Brigade, 5th Kozara Brigade, the Banja Luka Corps, PIP, and active and reserve policemen from the SJB, acted jointly in taking valuables and common household items, such as electrical appliances and furniture, from the homes of Muslims and Croats during and after the attacks on the towns and villages in the municipality of Prijedor. The Trial Chamber has also received evidence of Bosnian Serb Forces confiscating vehicles, fuel, money, and other valuables from non-Serbs during their arrest and transportation to detention centres. The Bosnian Serb police, under Simo Drljača as the chief of Prijedor SJB, organised the transfer of ownership of immoveable property, such as homes and apartments, of Muslims and Croats, in the course of removing them from detention centres within Bosnian Serb territories to territories outside RS, by issuing certificates of ownership to Serbs who were resettled in Prijedor after the takeover. The Trial Chamber finds that the appropriation and plunder of property was carried out on the basis of ethnicity, considering the evidence that homes marked as Serb were left untouched. Therefore, the Trial Chamber finds that Serb Forces unlawfully took the private property of Muslims and Croats on the basis of their ethnicity.

656. The Trial Chamber has considered evidence of the destruction of the old town of Prijedor, Briševo, Kamičani, Čarakovo, Kozarac, Kozaruša, Biščani, Hambarine, Rizvanovići, and Rakovčani, all predominantly inhabited by Muslims. The Trial Chamber has also considered evidence on the destruction of the Kozaruša mosque, the Stari Grad mosque, the Hambarine old mosque, the Čaršijska mosque, the Zagrad mosque, the Gornja/Donja Puharska mosque, the Rizvanovići mosque, the Kevljani mosque, the Kamičani mosque, the Mutnik mosque, and the Prijedor town Catholic church and finds that these were destroyed in the course of the attacks on the towns and villages within the municipality of Prijedor in 1992. These parts and structures of the towns and villages in Prijedor were targeted as belonging to the "Balijas", as announced on the radio. However, the Trial Chamber has insufficient evidence to conclude that the Biščani mosque, Brezičani mosque, Ališići mosque, Zecovi mosque, Čejreci mosque, Gomjenica mosque, and the Briševo church were also destroyed during the attacks in and around Prijedor. Based on this evidence, in conclusion, the Trial Chamber finds that Serb Forces unlawfully destroyed Muslim and Croat cultural and religious buildings and residential property belonging to Muslims and Croats.

657. The Trial Chamber has heard evidence that, before the takeover of Prijedor and the neighbouring towns and villages, the local radio station, *Radio Prijedor*, played Serb nationalist songs and made inflammatory announcements referring to Muslims and Croats as "Balijas" and

"Ustashas". Only Serb-controlled television and programmes were available after the spring of 1992, which broadcast anti-Muslim and anti-Croat propaganda. Milomir Stakić was heard speaking on the radio after he was appointed President of the Municipal Assembly. Electricity and telephone lines in Muslim parts of towns and villages were disconnected. Checkpoints were set up in and around the towns, manned by the Bosnian Serb Forces, where the identity of people was checked and Muslims and Croats were asked to return home and not move around. The Trial Chamber has considered evidence that after the takeover, Muslim employees were declined entry into their places of employment and replaced by Serbs in important positions in the municipality, including at the municipal office, local Red Cross, and the SJB. Muslim policemen were asked to sign solemn declarations and wear Serbian insignia on their uniform. Those who declined were removed from service.

658. Immediately preceding the attacks and takeover of towns and villages in Prijedor, Muslims were called upon to surrender their weapons and identify themselves, by wearing a white band on their arms and by displaying a white sheet as a flag of surrender on the windows of their homes. A largely successful drive at confiscating arms from the Muslim and Croat population, including legally owned hunting rifles and pistols, resulted in an essentially unopposed takeover, with the exception of the abortive attempt at resistance put up by the Muslim TO in Kozarac. The towns and villages were indiscriminately shelled, causing panic in the population. Schools, hospitals, clinics, homes, and religious and cultural sites such as a library, mosques, and churches were targeted and destroyed in the shelling by Bosnian Serb Forces. When doctor Idriz Merdžanić sought assistance from the Serb police to move out the injured from the outpatient centre in Kozarac, he was told, "Just go ahead and die, Balija. We'd kill you soon enough anyway." Muslims and Croats fled from their homes, which were looted and set on fire, to hide in the basements of homes in nearby towns, forests, and valleys, where they were hunted down and arrested.

659. Following the takeover, members of the Bosnian Serb Forces rounded up, arrested, and detained Muslim and Croat individuals, including women, children, the elderly, and the infirm, at various places used as temporary collection points: the Prijedor SJB Building, the cultural centre or dom at Rizvanović, Čarakovo, Miška Glava, Ljubija football stadium, Benkovac military barracks, and the coffee bar in Biščani. They were transported from these locations in buses to three main detentions centres set up in the municipality: Keraterm, Omarska, and Trnopolje. Prominent members of the Muslim community of Prijedor, such as doctors, lawyers, policemen, and SDA officials were particularly targeted and identified by their names appearing on lists. No criminal charges were filed against those detained, and people were given no reason for their arrest, except the Serb propaganda that Muslims were planning to take control of Prijedor, which had to be

"liberated". Once at the camp, detainees were told that they had been brought there for their own protection from the "Muslim extremists".

660. The Trial Chamber therefore finds, on the basis of the evidence of Azra Blažević, Nusret Sivac, Idriz Merdžanić, and others, that Bosnian Serb Forces imposed discriminatory and restrictive measures on the Muslims and Croats who, on the basis of their ethnicity, had their freedom of movement restricted and were denied employment, arrested, and denied judicial process.

661. With regard to counts 1, 2, 3, and 4, the Trial Chamber finds, on the basis of the evidence of Ivo Atlija and Nusret Sivac, that eight Bosnian Muslims hiding in the basement of Mehmed Šahiruć's house were shot by Bosnian Serb soldiers during the attack on Kamičani. On the basis of the testimony of Idriz Merdžanić, the Trial Chamber finds that the ambulance driver, Nihad Bahonjić, was taken out of the van in which he and others were being transported to Trnopolje and killed by Serb soldiers. The Trial Chamber finds, on the basis of the evidence of Osman Selak, that approximately 800 people were killed during the attack on Kozarac from 24 to 26 May 1992 by Bosnian Serb Forces. Of those killed, the Trial Chamber was able to identify 33 out of the 78 persons named in the Prosecution's Final Victims List.

662. In relation to the events in the village of Biščani, Rizvanovići, Hambarine, Čarakovo, and Briševo, which are part of the Brdo area, the Trial Chamber finds that two women—named Hasnija and Mevla—were killed in Hambarine during the attack on the village on 24 May 1992. Based on the evidence of Elvedin Nasić, it further finds that Mustafa Crljenković was killed when he was shot in the head when trying to escape from Miška Glava by men in JNA and reserve police uniforms sometime in July 1992. Nermin Karagić testified that he was asked to dig a grave to bury the bodies of eight persons in Rizvanovići, some of whom were women and another two were in advanced stages of decomposition, sometime between early and 21 July 1992. Considering the evidence of Nermin Karagić that he was tasked with burying these eight bodies by a soldier at Rizvanovići, the Trial Chamber concludes that the only reasonable inference is that these eight persons were killed in the course of the attack on Rizvanovići by Serb soldiers.

663. The Trial Chamber also finds, on the basis of adjudicated fact 842, that 68 persons were killed, 14 of whom were women, during the attack on Briševo by Bosnian Serb soldiers of the 5th Kozara brigade on 27 May 1992.

664. The Trial Chamber finds that on 20 July 1992 Hamdija Fikić, Mirhad Mrkalj, Ferid Šabanović, Saša Katagić, and Mirsad Medić—all of whom were unarmed—were shot and killed by Bosnian Serb soldiers at the coffee bar in Biščani. Elvedin Nasić's father was also among those killed in Biščani. Several people, including Kasim Mrkalj and his brother Emsud Mrkalj, Nurija

Kekić, Halid Kekić, Sabahudin Kekić, Asmir Kekić, Muhamed Tedić, Fehid Risvanović, and Elvir Vojniković, who were among the second group of people being transferred by the Autotransport Prijedor bus from Biščani coffee bar to Trnopolje on the same day, were shot and killed in the pits in front of the house of someone called Granata by Serb Forces escorting the bus. A further 12 persons from the second group of people transferred from Biščani were ordered back onto a bus once at Trnopolje. Ten of them were killed and their bodies were discovered in a place called Kratalj, near Prijedor. On the basis of adjudicated facts 831 and 832, respectively, the Trial Chamber finds that 12 persons were shot and killed by Bosnian Serb Forces in an orchard in Hegići, a hamlet of Biščani, and a further 20 were killed at a bus stop between Alagići and Čemernica. The Trial Chamber finds that a total of 57 persons were killed in Biščani by Bosnian Serb soldiers on 20 July 1992.

665. The Trial Chamber, having considered the evidence on the attack of Čarakovo on 23 July 1992, finds that Rubija Redžić, a woman; Fehim Karupović, a Muslim villager; and Adem Hopovac were shot dead in front of their houses by Bosnian Serb soldiers. The Trial Chamber finds that Huse Hopovac and his young son, Suad Hopovac; Velid/Mirhad Hopovac; his brother, Nijaz Hopovac; Asim and Nijaz Redzić; Fadil Malovčić and his young cousin or nephew were beaten and killed by Serb soldiers, including a man named Vasiljević. Their bodies were dumped in the swamp near Čarakovo. Hasib Simbegović was not allowed to board the bus from the dom in Čarakovo by Dragan Tintar, a Serb soldier, who took him to a bridge and shot and killed him. The entire family of ST248 was killed in their house by Serb soldiers. Nermin Sijačić's son and Huse Salihović were both killed by Serb soldiers in the course of the attack. Similarly, the Trial Chamber finds that Badema Musić and Ramiz Rekić were taken to the woods and killed by Serb soldiers, while Nasif Dizdarević was killed in the kitchen of his own house on 27 July 1992 by Serb Forces in the course of the attack. The Trial Chamber finds that a total of 17 persons and the family of ST248 were killed in Čarakovo by Bosnian Serb soldiers on 23 July 1992, and one person on 27 July 1992.

666. Of those killed in the Brdo area, including Hambarine, Rizvanovići, Biščani, Čarakovo, and Briševo, the Trial Chamber was able to identify 77 out of the 184 persons named in the Prosecution's Final Victims List.

667. The Trial Chamber finds that a minimum of 15 persons were killed at the Ljubija football stadium in July 1992 by Bosnian Serb soldiers. Elvedin Našić identified Irfan Našić and Muharem Petrovac as among those killed. Detainees who survived loaded the bodies of the dead onto the bus. The surviving detainees and the bodies were driven to the Kipe iron ore mine, where the survivors were called out of the bus in groups of three and executed by the Bosnian Serb soldiers, while only five managed to escape. The bodies of these 45 men were then thrown into a depression in the

ground. Reuf Fikić from Hambarine; Muhić Abdullah (called "Dule"); Rasid Medić; Suad Mulalić; Islam Hopovac from Čarakovo; Besim Hegić, a bus driver; Muhić and Hamulić from Rizvanovići; Jamastagić and Kadirić from Sredice; and two boys who were cousins about the age of 17 and 19 by the name "Kekić" were identified by Elvedin Našić as among those who were killed near the Kipe mine on that day. Of the 60 killed in total, the Trial Chamber was able to identify 22 out of the 49 persons named in the Prosecution's Final Victims List.

668. Having considered the evidence on Keraterm, a camp established, guarded, and run by Serb policemen, the Trial Chamber finds that, around 24 to 26 July 1992, Bosnian Serb army personnel came to the camp and set up a machine gun outside Room 3 after dark, and around 11:00 p.m. gun shots were heard, followed by human screams. The next morning, dead bodies piled outside Room 3 were taken away in a truck, leaving a trail of dripping blood. Room 3 was later cleaned by a fire engine. Although the exact number of those dead cannot be established, the Trial Chamber finds that at least 128 people were killed in Room 3 at Keraterm by Bosnian Serb army personnel. Of those killed in this incident, the Trial Chamber was able to identify 29 out of the 182 persons named in the Prosecution's Final Victims List.

669. The Trial Chamber finds that several prisoners at the Omarska camp, particularly those taken to the white and red house, were beaten by Serb guards so severely that they died. Omarska was under a "mixed group consisting of national, public and military security investigators" and Mirko Ješić, Ranko Mijić, and Lieutenant Colonel Majstorović were in-charge with Željko Mejakić, a police officer, as camp commander and Miroslav Kvočka, also a police officer, authorised to activate the reserve police force as guards in the camp. Asmir Crnalić, a mentally ill prisoner, was shot and killed by a prison guard between the white house and administration building. In the presence of other inmates, a Bosnian Serb camp guard kicked Rizo Hadžalić with his heavy army boots, struck him with his rifle butt, and jumped all over his body until he died. In an incident on 26 June 1992, camp guards shot and killed Mehmedalija Sarajlić, a man of advanced age, after he refused to rape a female detainee.

670. The Trial Chamber finds that the following prisoners, categorised as prominent members of the Muslim community, were identified by profession and executed in Omarska by Serb camp guards: Esad Mehmedagić; Ahmet Atarović; Silvije Šarić; and Ismail Burazović, all lawyers; Nedžad Šerić, the former president of the Prijedor court; Kerenović, a judge; Mehmed Turšić, an economist; Mirzet Lisić; Ago Sadiković; Ismet Araš; Fikret Sarajlić; Stjepan Marić; Emir Kordić; Meho Mahumutović; and one other unnamed police officer. People who worked at the mine, including Živko Paunović, were also killed. Both Muhamed Čehajić, a professor, and Dr. Esad Sadiković, a physician who had previously worked for the UNHCR and helped other detainees in

Omarska, were killed. Other medical professionals who were killed included Jusuf Pasić, Osman Mahmuljin, Željko Sikora, Enes Begić, Rufat Suljanović, and Islam Bahonjić. Burhanudin "Burho" Kapetanović, an audio-visual technician, was killed on 27 July 1992. Senad Mujkanović, a construction engineer, was also killed at Omarska. Zlatan Beširević, an engineer and prominent businessman from Prijedor, was taken away to the red house and killed.

671. The Trial Chamber finds that in an incident in July 1992, 18 persons were executed at night by camp guards based on a list provided by Rade Knežević, one of the Prijedor SJB inspectors who visited the camp. The incident was reported to Simo Drljača by the Omarska camp commander, Željko Mejakić. As the camp came to be closed down, 150 to 170 detainees were packed into buses leaving the camp, causing the death by suffocation of at least three of them.

672. In addition to the 48 persons killed, as found above, on the basis of the documentary evidence analysed in Annex II of the Judgement, the Trial Chamber finds that additional 50 persons were killed in Omarska. Therefore, in total, the Trial Chamber was able to identify 98 out of the 199 persons named in the Prosecution's Final Victims List.

673. Since the Prosecution has not charged killings at the Trnopolje detention camp, the Trial Chamber shall not enter findings on the evidence it has received on the death of detainees resulting from beatings or being shot at the camp.

674. The Trial Chamber finds that on 21 August 1992, a convoy of buses and lorries, comprised of male detainees, set off from Trnopolje camp towards Travnik escorted by Prijedor police, in particular members of the PIP. In Skender Vakuf, men designated category "C" detainees were taken off various buses and lorries in the convoy and told to re-board two buses. There were approximately 100 men on each of the two re-boarded buses. Upon reaching Korićanske Stijene, the men were told to exit the buses and kneel along the edge of the gorge. These men were then killed by Prijedor policemen, including members of the PIP. They died as result of being shot or from grenades being thrown into the gorge. Approximately 150-200 men died at Korićanske Stijene. Of those killed in this incident, the Trial Chamber was able to identify 116 out of the 299 persons named in the Prosecution's Final Victims List.

675. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered evidence on the treatment of detainees during their arrest and detention at the Prijedor SJB Building, Ljubija football stadium, Keraterm, Omarska, and Trnopolje, along with the evidence on temporary collection centres, including Miška Glava. However, while including evidence on it in the narrative of events, the Trial Chamber will not make findings in relation to Miška Glava Dom since it was not specifically charged in the Indictment.

676. Muslim and Croat detainees at the SJB Building were made to kneel and lean on a wall of the building in a stressful position with their weight on three fingers spread out, mimicking a Serb salute, until they were allowed to move by the police officers. The Trial Chamber accepts the evidence of Mensur Islamović that he, along with other detainees, were beaten and abused when taken away for interrogation by Serb police officers and one member of the JNA called "Jović". The Trial Chamber finds that Osman Mahmuljin was beaten so severely by Serb police officers that he suffered multiple fractures, rendering him unable to stand or walk. The conditions of detention were cramped, and the detainees were not provided with sufficient food. One Muslim detainee was forced to eat pork by a reserve police officer.

677. The PIP and Bosnian Serb soldiers brought the male Muslim inhabitants of Ljubija and those detained at Miška Glava to Ljubija football stadium. During transport and upon arrival at the stadium, the detainees were beaten with metal rods, baseball bats, and rifle butts.

678. At Keraterm, a camp established, guarded, and run by Serb policemen, around 4,000 Muslim and Croat inmates were interrogated and detained in four rooms without windows. Detainees, more than 550 in rooms smaller than 20 by 20 meters in size, were shut into these rooms for days on end, slept on wooden pallets in rows, and had no access to basic sanitary amenities. They were forced to relieve themselves in their rooms, leading to appalling health and hygiene conditions. They were provided inadequate food and water, resulting in malnutrition. There was no medical care available at Keraterm for treating either the health conditions or the injuries from beatings by clubs, bats, cables, and batons that they were subjected to by camp guards. The Trial Chamber accepts, on the basis of adjudicated facts 893 and 898, that women at the camp were raped by the guards.

679. The Trial Chamber finds that Omarska camp was operated jointly by Bosnian Serb police and military personnel, including members of CSB Banja Luka and the Banja Luka Corps as interrogators. Hundreds of Muslim and Croat detainees were crammed into crowded rooms, such as the garage, for several days in the summer heat, with no windows, and deprived of water and access to sanitary facilities for prolonged periods of time. Inmates were served food in a cafeteria, where they were given no more than a few minutes to eat the meagre rations. Detainees lost a substantial amount of body weight, and their condition further worsened due to disease and injuries from beatings. The 36 female detainees at Omarska were repeatedly raped. The white house was particularly notorious, reserved for brutal assaults of prisoners, often leading to death.

680. With respect to Trnopolje, the Trial Chamber finds that it was a detention camp under the charge of the TO and guarded by Serb soldiers. While there is evidence to suggest that the camp was perhaps not fenced all around its periphery and that the Bosnian Serb Forces referred to the

camp as an "open reception centre" and other similar terms, the Trial Chamber finds that the Muslim and Croat inmates were not at liberty to leave the compound either because they were not allowed to leave or because the security situation was such that they could not leave, that they had not come to the camp of their own volition, and that they were detained there against their will. It housed mainly women and children, along with a few men, who were brought there in transit before being placed on convoys leaving RS territory.

681. Although the conditions at Trnopolje were better than in the other camps, the Trial Chamber finds that there was inadequate space, food, water, and medical supplies. Detainees slept on the floor and even outside due to lack of space. The sanitary conditions were very poor, with no access to water or toilets. Duško Ivić, a Serb physician appointed by the Crisis Committee of Prijedor, provided no medical services, while Idriz Merdžanić and other doctors detained at the camp treated detainees, both for diseases and injuries from beatings, with the very limited supplies at their disposal. Bosnian Serb soldiers from within and outside the camp, including the PIP and the members of a group that wore police war uniforms, beat the inmates during interrogation in a room near the makeshift clinic at the camp.

682. The Trial Chamber finds that there were many instances of rape at Trnopolje by camp guards and Serb soldiers who were permitted into the camp at night. They took women and young girls away and brought them back in the morning, usually bleeding and in need of medical assistance. The Trial Chamber finds that the camp commander, Slobodan Kurzunović, personally held a female detainee, whom he raped nearly every night for the course of her detention lasting more than a month. These rapes were perpetrated in the house where Kurzunović stayed at the camp. Soldiers escorting the detainees out of the camp in convoys to Kozarac, towards Muslim-held territory, raped young girls on a truck during the journey.

683. The Trial Chamber finds that detainees at the Prijedor SJB Building, Ljubija football Stadium, Keraterm, Omarska, and Trnopolje were held in inhumane conditions with insufficient food, water, or sanitation facilities, and were subjected to mistreatment, beatings, and, in the case of female detainees, rape. These acts were meted out by Bosnian Serb police officers, including the PIP, along with members of the JNA and TO, on the basis of the ethnicity of those detained.

684. Turning to counts 1, 9, and 10, the Trial Chamber has considered evidence of witnesses and supporting exhibits that approximately 20,000 women and children were transferred out of the municipality of Prijedor to Travnik and other places outside the territory of RS. By August 1992, 33,180 residents had already left the municipality or filed successful requests with the local authorities to do so. Muslims, Croats, and other non-Serbs were not permitted to return to their homes after the attacks on their villages, even after surrendering their weapons. Residents were

forcibly evicted from their homes, rounded up, and transferred to detention camps at Trnopolje, Omarska, and Keraterm, where they were held in sub-human conditions and ill-treated, in some cases resulting in death. Women detainees were routinely called out at night and raped at these detention centres. The homes of Muslims, Croats, and other non-Serbs were taken over by way of termination of residence notices and by coerced signing of transfer documents, in order to be allowed to leave the territory of RS. Some of these homes were then allocated to Serbs. The 42,000 Muslims and 2,000 Croats who moved out of Prijedor in 1992 were replaced by 14,000 Serbs who moved in. Finally, the Trial Chamber has considered evidence on the ethnic composition of Prijedor in 1991 and 1997. Based on all the evidence, the Trial Chamber finds that Muslim and Croat residents were transported out of Prijedor by Bosnian Serb Forces or left Prijedor as a consequence of harassment, mistreatment, intimidation, looting, confiscation of their homes, and destruction of their personal property and religious buildings carried out by Serb Forces.

### 4. Legal Findings

685. *General requirements of Articles 3 and 5 of the Statute.* The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Prijedor and Skender Vakuf and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

686. The Trial Chamber finds that the acts of the Serb Forces in Prijedor were linked geographically and temporally with the armed conflict. The arbitrary arrests, detention, theft, destruction of property, and killings, including those at Korićanske Stijene, carried out by members of the 343rd, which later became the 43rd, Motorised Brigade, the 5th Kozara Brigade, and the Bosnian Serb police in Prijedor, as well as the imposition of discriminatory measures, constituted an attack against the civilian population, identified predominantly as the Muslims and Croats of the municipality of Prijedor. The attack occurred on a large scale: approximately 800 people were killed in Kozarac and its neighbouring areas and approximately 150–200 were killed at Korićanske Stijene. At least 11,000 individuals were detained at various detention centres in Prijedor. The attacks on towns and villages of Prijedor resulted in a massive exodus of Muslims and Croats from Prijedor and the neighbouring areas: approximately 42,000 individuals of Muslim ethnicity and 2,000 of Croat ethnicity moved out of Prijedor in 1992. In light of these factors, the Trial Chamber finds that the attacks against the civilian population were both widespread and systematic. The acts of Bosnian Serbian Forces against the Muslims and Croats were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing, and that their acts were part of it.

687. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

688. *Counts 2, 3, and 4.* The Trial Chamber recalls its finding that Bosnian Serb Forces, acting jointly, killed approximately 800 people who were taking no active part in hostilities during and after the attack on Kozarac and its neighbouring towns and villages between 24 and 26 May 1992. The Trial Chamber further recalls its finding that the general requirements of Articles 3 and 5 have been satisfied. The mode of killings shows that the Serb Forces acted with the intent to kill and thereby committed murder, both as a crime against humanity and a violation of the laws or customs of war. The Trial Chamber further finds that the killing of approximately 800 people during the attack on Kozarac is sufficiently large so as to satisfy the requirements of extermination.

689. With regard to the Brdo area, the Trial Chamber recalls its findings that two women were killed in Hambarine on 24 May 1992; Mustafa Crljenković was killed in Miška Glava by men in JNA and reserve police uniforms sometime in July 1992; eight persons were killed by Serb soldiers in Rizvanovići between early and 21 July 1992; 68 persons were killed in Briševo by Bosnian Serb soldiers of the 5th Kozara brigade on 27 May 1992; 57 persons were killed in Biščani by Bosnian Serb soldiers on 20 July 1992; a total of 17 persons and the family of ST248 were killed in Čarakovo by Bosnian Serb soldiers on 23 July 1992, and one person on 27 July 1992. The Trial Chamber further recalls its finding that the general requirements of Articles 3 and 5 have been satisfied. As such, the Trial Chamber finds that the perpetrators of these killings acted with the intent to kill and thereby committed murder, both as a crime against humanity and a violation of the laws or customs of war.

690. The Trial Chamber finds that the killing of 68 persons in Briševo by Bosnian Serb soldiers of the 5th Kozara brigade on 27 May 1992 is sufficiently large so as to satisfy the requirements of extermination. Considering the geographical proximity of Biščani and Čarakovo, the fact that the killings in the two villages were carried out in a relatively short time period by Bosnian Serb soldiers, and the manner of the killings, the Trial Chamber finds that the killings in the two villages formed part of the same ongoing operation. The number of victims in both killings, amounting to over 74 victims, is sufficiently large so as to satisfy the requirements of extermination. The Trial Chamber further finds that the remaining murders in Brdo area were independent incidents and by themselves do not satisfy the requirements of extermination.

691. The Trial Chamber recalls its finding that a minimum of 15 persons were killed at the Ljubija football stadium and a further 45 were killed at the Kipe mine near the stadium by Bosnian Serb soldiers around 25 July 1992. The Trial Chamber further recalls its finding that the general requirements of Articles 3 and 5 have been satisfied. As such, the Trial Chamber finds that the

Bosnian Serb soldiers acted with the intent to kill at least 60 persons and thereby committed murder, both as a crime against humanity and a violation of the laws or customs of war.

692. The Trial Chamber finds that the killing of a minimum of 15 persons at the Ljubija football stadium and the killing of 45 men at the Kipe mine were carried out on the same day, in a similar manner, and involved men who had originally been detained at Miška Glava and all transported to the Ljubija football stadium by the same perpetrators. The Trial Chamber therefore finds that the two killing incidents were part of the same operation. The number of victims in both killings, amounting to at least 60 victims, is sufficiently large so as to satisfy the requirements of extermination.

693. The Trial Chamber recalls its finding that approximately 128 persons were killed by Bosnian Serb army personnel in Room 3 at Keraterm camp around 24 to 26 July 1992. The Trial Chamber further recalls its finding that the general requirements of Articles 3 and 5 have been satisfied. As such, the Trial Chamber finds that the Bosnian Serb army personnel acted with the intent to kill the 128 persons and thereby committed murder, both as a crime against humanity and a violation of the laws or customs of war. The Trial Chamber further finds that this killing at Room 3 in Keraterm is sufficiently large so as to satisfy the requirements of extermination.

694. With regard to Omarska, the Trial Chamber recalls its finding that Asmir Crnalić was killed by a prison guard; Rizo Hadžalić was beaten to death by a Bosnian Serb camp guard; Mehmedalija Sarajlić was killed by camp guards on 26 June 1992; and three detainees suffocated to death in transport when the camp was being closed down. The Trial Chamber further recalls its finding that approximately 28 prominent members of the Prijedor Muslim community detained at Omarska, including lawyers, doctors, and police officers, were killed in an organised manner between 25 and 27 July 1992; 18 persons were killed by camp guards based on a list provided by Rade Knežević in July 1992; and 50 persons were killed, as found on the basis of evidence in the Proof of Death Database. The Trial Chamber recalls that the general requirements of Articles 3 and 5 have been satisfied. As such, the Trial Chamber finds that in respect of all these killings, the Bosnian Serb guards acted with the intent to kill and thereby committed murder, both as a crime against humanity and a violation of the laws or customs of war.

695. The Trial Chamber finds that the killing, of approximately 27 prominent persons from Prijedor and 18 persons based on a list provided by Rade Knežević, was conducted in a similar manner and by the same perpetrators. In addition, 50 others were also killed at Omarska camp. The Trial Chamber therefore finds that these killings were part of the same operation. The total number of victims in these killings, amounting to approximately 95 victims, is sufficiently large so as to satisfy the requirements of extermination. The Trial Chamber further finds that the killing of Asmir

Crnalić, Rizo Hadžalić, Mehmedalija Sarajlić, and the three detainees who suffocated to death were independent incidents that were not related to the organised killings and by themselves do not satisfy the requirements of extermination.

696. Further, Trial Chamber recalls its finding that Prijedor policemen, including members of the PIP, killed approximately 150–200 Muslim men from Trnopolje camp, who were taking no active part in hostilities, at Korićanske Stijene on 21 August 1992. The modality of the killing shows that the Prijedor policemen acted with the intent to kill the detainees from the re-boarded buses. Recalling that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that the PIP committed murder, both as a crime against humanity and a violation of the laws or customs of war. The Trial Chamber further finds that the killing of approximately 150–200 Muslim men at Korićanske Stijene by members of the PIP is sufficiently large so as to satisfy the requirements of extermination.

697. Recalling that the general requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, Serb Forces committed extermination as a crime against humanity in respect of each of these incidents: the killing of 60 men in Ljubija; approximately 128 persons in Room 3 at Keraterm; approximately 95 persons at Omarska; and approximately 150–200 persons at Korićanske Stijene.

698. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that the assaults, including rape, carried out by Bosnian Serb Forces against the predominantly Muslim detainees, during arrests and transportation and in the detention centres and camps, caused them severe physical and psychological suffering and that the assaults were intentionally carried out as a form of intimidation and discrimination, and in some cases with the aim of obtaining information. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed torture against the detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees. However, there is insufficient evidence to find that men were sexually assaulted in the course of detention.

699. *Counts 9 and 10.* The Trial Chamber has found that at least 42,000 Muslims and 2,000 Croats left Prijedor as a consequence of the attacks on towns and villages, arrests, theft, destruction of property, and arbitrary killings carried out by Bosnian Serb Forces between April 1992 and December 1992. The Trial Chamber finds that Serb Forces removed non-Serbs, predominantly Muslims, from the municipality of Prijedor, where they were lawfully present, by expulsion or other

coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Croat and Muslim population of Prijedor. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

700. *Count 1*. The Trial Chamber finds that Serb Forces arrested Muslims and Croats in Prijedor without legitimate grounds and on a discriminatory basis. Muslims and Croats were unlawfully held in detention facilities under what the Trial Chamber has found to be inhumane living conditions. The taking of Muslim and Croat property, including during detention, attacks on villages, and removal of the population, constituted appropriation, plunder, and looting of property. The destruction of the mosques and churches in the towns and villages in the municipality of Prijedor and the destruction of homes, schools, and hospitals during attacks on villages constituted wanton destruction. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the non-Serb, predominantly Muslim, population of the towns and villages of Prijedor, including the Kozarac and Brdo areas, by restricting their freedom of movement, by denying them employment, by denying them judicial process, and by denying them equal access to public services.

701. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, 5, 6, 7, 8, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living conditions; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and in treaty law. These acts were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim and Croat ethnicity. On the basis of the pattern of conduct and statements made by Serb Forces during the criminal operations—such as cursing detainees' "Balija mothers", calling detainees "Ustashas", forcing detainees to sing Serb nationalist songs, and requiring Muslims to wear white armbands and display white flags on their homes—, the Trial Chamber finds that Bosnian Serb Forces carried out these actions with the intent to discriminate against Muslims on the basis of their ethnicity.

702. For the foregoing reasons, the Trial Chamber finds that Bosnian Serb Forces committed persecution as a crime against humanity against Muslims and Croats in the municipality of Prijedor.

703. *Conclusion.* The Trial Chamber finds that, from on or about 29 April 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 2, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Prijedor. The Trial Chamber further finds that, on 21 August 1992, Prijedor policemen committed the crimes charged under counts 1, 2, 3, and 4 of the Indictment in the municipality of Skender Vakuf.

## F. Sanski Most

### 1. Charges in Indictment

704. The Indictment charges Mićo Stanišić and Stojan Župljanin with the following crimes allegedly committed in the municipality of Sanski Most at the times and locations specified below.

705. In count 1, the Accused are charged with persecution, as a crime against humanity, through the commission of the following acts: (a) unlawful detentions in the SJB building and prison in Sanski Most between 26 May and August 1992, in Betonirka between June and July 1992, and in the Hasan Kikić School sports hall between 26 May and July 1992; (b) torture, cruel treatment, and inhumane acts committed against detainees in the SJB building, Betonirka, and Hasan Kikić School sports hall; (c) the establishment and perpetuation of inhumane living conditions in the SJB building, Betonirka, and Hasan Kikić School sports hall; (d) forcible transfer and deportation; (e) the appropriation or plunder of property; (g) wanton destruction, including the destruction of the following religious buildings between May and December 1992: the town mosque in Sanski Most, the Probrikežje mosque, the Hrustovo-Lukavice mosque, the Hrustovo Keranovići mosque, the Vrhpolje mosque, the Šehovići mosque, the Trnova mosque, the Stari Majdan mosque in Palanka, the Stari Majdan mosque in Utriška, the Dževar mosque, the Husimovći mosque, the Donji Kamengrad mosque, the Skucani Vakuf mosque, the Lukavice mosque, the Tomina mosque, the Čaplje mosque, and the Sanski Most Catholic church; and (h) the imposition of discriminatory measures after the takeover of Sanski Most in mid-April 1992. All the underlying acts of persecution were allegedly committed by Serb Forces against Bosnian Muslims and Bosnian Croats.[1595]

706. In counts 5, 6, 7, and 8, the Accused are charged with the following: torture, both as a crime against humanity and as a violation of the laws or customs of war; cruel treatment, as a violation of the laws or customs of war; and inhumane acts, as a crime against humanity, committed by Serb

Forces against the non-Serb population (a) between 26 May 1992 and August 1992 in the SJB building and prison in Sanski Most, where detainees were allegedly beaten severely, resulting in some cases, in permanent disfigurement and death; (b) between May and June 1992 in Betonirka, where numerous detainees were allegedly kept in harsh and unsanitary conditions, beaten, and forced to beat each other; and (c) between May and July 1992 in the Hasan Kikić School sports hall, where detainees were allegedly beaten on a regular basis.[1596]

707. In counts 9 and 10, the Accused are charged with the following: deportation and forcible transfer (other inhumane acts), as crimes against humanity, committed by Serb Forces following the takeover of Sanski Most in mid-April 1992 against the Bosnian Muslim and Bosnian Croat population.[1597]

## 2. Analysis of Evidence

### (a) Introduction

708. The Trial Chamber has reviewed the evidence of the following witnesses in relation to the above allegations: Enis Šabanović, a Muslim, who until April 1992 was the head of the internal medicine department at the health centre in Sanski Most;[1598] Mirzet Karabeg, a Muslim and member of the SDA, president of the municipality's Executive Board until 17 April 1992;[1599] Adil Draganović, a Muslim, who was the President of the Municipal Court in Sanski Most until May 1992;[1600] Milenko Delić, a Serb, who was appointed as public prosecutor in Sanski Most towards the end of May 1992;[1601] Dragan Majkić, a Serb, who was a member of the SDS and the Chief of the SJB until 30 April 1992;[1602] and Branko Basara, the commander of the 6th Krajina Brigade.[1603] The Trial Chamber has also considered the evidence of a number of protected witnesses, namely ST140, ST161, ST217, ST251, and SZ007.

709. The municipality of Sanski Most is located in the north-western part of BiH. It is bordered to the north with the municipalities of Bosanski Novi and Prijedor, to the east with the municipality of Banja Luka, to the south with the municipality of Ključ, and to the west with the municipalities

[1595] Indictment, paras 24-28, Schedules C n. 6.1-6.3, D n. 6.1-6.3, E n. 5, F n. 5, G n. 5.
[1596] Indictment, paras 32-36, Schedule D n. 6.1-6.3.
[1597] Indictment, paras 37- 41, Schedules F n. 5, G n. 5.
[1598] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6460-6461; Enis Šabanović, 6 October 2009, T. 898-899.
[1599] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6066, 6070; Branko Basara, 12 October 2009, T. 1244.
[1600] Adil Draganović, P411.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4843-4847.
[1601] Milenko Delić, 15 October 2009, T. 1513-1514.
[1602] Dragan Majkić, 16 November 2009, T. 3170-3171, 3185; P360, Job Specification and Employment Overview in the Sanski Most SJB on 13 May 1992, p. 10.

of Bosanski Petrovac and Bosanska Krupa.[1604] According to the 1991 census in BiH, the ethnic composition of the municipality of Sanski Most was 28,136 (47%) Muslims, 25,363 (42%) Serbs, 4,322 (7%) Croats, 1,247 Yugoslavs, and 1,239 persons of other or unknown ethnicity.[1605] After the 1995 Dayton Peace Accords, the municipality of Sanski Most was split into two parts, with one part belonging to the Federation of BiH and the other to the RS.[1606] In 1997, the percentage of Muslims and Croats was respectively 95.4% and 1.7% in the Federation, and 0.2% and 2.6% in RS.[1607] Approximately 10,300 individuals of Muslim ethnicity and 2,500 of Croatian ethnicity who resided in the municipality of Sanski Most in 1991 were internally displaced persons or refugees in 1997.[1608]

710. The president of the municipality was Nedeljko Rašula, a member of the SDS, while Mirzet Karabeg, a Muslim and member of the SDA, was president of the municipality's Executive Board.[1609] Vlado Vrkeš was the president of the SDS.[1610] Dragan Majkić, also a member of the SDS, was the chief of the SJB until 30 April 1992; on 4 May 1992 he was replaced by Mirko Vručinić, who was also a Serb.[1611] The police commander was Enver Burnić, a Muslim and SDA member who was arrested after the takeover of Sanski Most at the end of May 1992.[1612]

(b) Rise of inter-ethnic tensions and arming of population

711. Adil Draganović and ST140 testified that there were no inter-ethnic tensions in Sanski Most before the multi-party elections took place in November 1990, and that there was a high number of mixed marriages.[1613] After the elections, the most important positions in the municipal assembly were divided between the SDS, the SDA, and the HDZ on the basis of the electoral results.[1614] The

[1603] Adil Draganović, P411.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4872; Branko Basara, 12 October 2009, T. 1227, 1234-1236.
[1604] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[1605] Adjudicated Fact 1116; P364, Map Displaying the Ethnic Composition of the Sanski Most Municipality in 1991.
[1606] P1628, Addendum to the Expert Report on Ethnic Composition, Internally Displaced Persons and Refugees from 47 Municipalities of Bosnia and Herzegovina, 1991 to 1997-98, p. 4.
[1607] P1627, Tabeau *et al*. Expert Report, pp. 71, 75.
[1608] P1627, Tabeau *et al*. Expert Report, pp. 103, 107.
[1609] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6066, 6070; Branko Basara, 12 October 2009, T. 1244; Dragan Majkić, 13 November 2009, T. 3066.
[1610] Adil Draganović, P411.05, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 13 May 2002, T. 5505.
[1611] Dragan Majkić, 16 November 2009, T. 3168-3171, 3185; Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4870; P360, Job Specification and Employment Overview in the Sanski Most SJB on 13 May 1992, pp. 1, 10.
[1612] Adil Draganović, P411.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4870; ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3771 (confidential); Petko Panić, 13 November 2009, T. 3075 (confidential).
[1613] Adil Draganović, P411.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4857, 4868 and P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5766-5767; ST140, P432.05, Witness Statement, 13 March 2002, p. 4 (confidential).
[1614] Adil Draganović, P411.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4869-4870; Mirzet Karabeg, 5 October 2009, T. 874-876.

political system functioned so that, if the president of a certain political body, military or police unit, school, or factory was a Muslim, the vice-president would be a Serb and vice-versa.[1615]

712. After the start of the war in Croatia towards the end of 1991, inter-ethnic tensions started emerging in Sanski Most. As a result of mutual propaganda, Serbs, Muslims, and Croats began arming themselves.[1616]

713. One of the first signals of these tensions manifested on 28 February 1992.[1617] On this date, Vrkeš—with the assistance of members of the Serbian Defence Forces, a paramilitary group also known as the "SOS", and of the Serb police—forcibly took over the payments service in Sanski Most, known as the "SDK", by removing its Croatian director, Ankica Dobrijević, from the premises and appointing a Serb woman in her place.[1618] The SDK was a key body, which collected tax revenues and re-distributed them to the central government.[1619] After the takeover, the payments of the SDK were redirected to Banja Luka and Belgrade, rather than to the authorities of BiH in Sarajevo.[1620]

714. Acting upon an order of General Momir Talić given on 1 April 1992, the 6th Krajina Brigade, led by Colonel Basara, deployed to Sanski Most between 3 and 4 April 1992.[1621] Talić had tasked the brigade with, amongst other things, the prevention of inter-ethnic conflicts.[1622] Basara also commanded three military police battalions, out of a total of 13 battalions deployed in Sanski Most.[1623] By that time, the 6th Krajina Brigade was comprised exclusively of soldiers of Serb ethnicity.[1624] It had its headquarters in Lušci Palanka, located about 20 to 25 km west of the town of

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[1615] ST140, P432.05, Witness Statement, 13 March 2002, p. 4 (confidential).
[1616] ST140, 7 December 2009, T. 4294-4295 (confidential).
[1617] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 30 May 2002, T. 6285.
[1618] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 30 May 2002, T. 6285-6286; Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4901, 4922; ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3711-3712 (confidential); ST140, P432.05, Witness Statement, 13 March 2002, p. 23 (confidential); P411.31, Report on the Activities of the Serbian Defence Forces Intervention Platoon Between 1 May 1991 and 16 September 1992, p. 4.
[1619] ST140, P432.05, Witness Statement, 13 March 2002, p. 19 (confidential).
[1620] ST140, P432.05, Witness Statement, 13 March 2002, p. 19 (confidential); Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4922.
[1621] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6464-6465, 5 June 1992, T. 6680-6681; Enis Šabanović, 6 October 2009, T. 923; Adil Draganović, P411.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4872; Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5818-5819; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6098-6100; Branko Basara, 12 October 2009, T. 1234-1236; P112, Wartime Newsletter of the 6th Krajina Brigade, 15 December 1992, p. 3; P60.03, Order of the Command of the 5th Corps, 1 April 1992, pp. 1-2.
[1622] Branko Basara, 13 October 2009, T. 1303; 1D18, Regular Combat Report of the 5th Corps, 2 April 1992, p. 2.
[1623] ST140, 7 December 2009, T. 4358 (confidential).
[1624] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6464-6465; Enis Šabanović, 6 October 2009, T. 923; Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4917; Branko Basara, 12 October 2009, T. 1243; Dragan Majkić, 16 November 2009, T. 3125; ST140, 4 December 2009, T. 4271 (confidential).

Sanski Most, and was deployed in a number of other locations in the municipality.[1625] At some point between May and July 1992, the 6th Krajina Brigade incorporated under its command the Sanski Most TO, headed by former JNA officer Nedeljko Aničić, and conducted joint operations with it.[1626] The staff of the TO in Sanski Most was headquartered in a building adjacent to the police station.[1627] The TO was made up of Serbs of Sanski Most who had been mobilised. Both Basara and Aničić later became members of the Crisis Staff in Sanski Most.[1628]

715. The 6th Krajina Brigade was originally under the command of the 10th Partisan Division which was part of the 5th Krajina Corps.[1629] After the creation of the VRS in May 1992, the 5th Krajina Corps was renamed 1st KK, and by this time it was under the command of General Momir Talić.[1630] As part of Basara's retirement ceremony in December 1992, Vlado Vrkeš stated that "[t]hanks to commander Basara and [the] 6th Krajina Brigade, the Serbs have been saved from the genocide in Sanski Most that was being prepared against them".[1631]

716. The SDS, the 6th Krajina Brigade, and the SOS all took part in the distribution of weapons to the Serb population, with Colonel Aničić as one of the architects of the operation.[1632] The SOS was a paramilitary formation of about 30 to 50 men formed at the end of 1991.[1633] The group wore camouflage uniforms, a combination of hats, bandanas, and occasionally a cockade or the insignia of a tri-coloured star. According to Draganović, they also wore civilian clothes. The SOS had a three-barrelled anti-aircraft gun that it carried around Sanski Most on a truck.[1634] The Crisis Staff had provided the group with the truck, and the 6th Krajina Brigade had provided it with the anti-aircraft gun.[1635] The leader of the SOS was Dušan (or Duško) Šaović, nicknamed "Njunja".[1636] In

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[1625] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4884-4887; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6107, 6116; Branko Basara, 12 October 2009, T. 1237, 13 October 1992, T. 1338; Dragan Majkić, 16 November 2009, T. 3128; P364, Map Displaying the Ethnic Composition of Sanski Most in 1991.
[1626] Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5813-5818; Branko Basara, 13 October 2009, T. 1352-1353; ST161, 18 November 2009, T. 3357, 20 November 2009, T. 3516-3517, 3531, 3548-3549 (confidential); P112, Wartime Newsletter of the 6th Krajina Brigade, 12 December 1992, p. 3.
[1627] Adil Draganović, 26 November 2009, T. 3886; P379, Photo of Sanski Most Police Station.
[1628] Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5818-5819; P109, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 30 May 1992, p. 1.
[1629] Branko Basara, 12 October 2009, T. 1227.
[1630] Branko Basara, 12 October 2009, T. 1228-1229.
[1631] P112, Wartime Newsletter of the 6th Krajina Brigade, 12 December 1992, p. 4.
[1632] ST140, P432.05, Witness Statement, 13 March 2002, pp. 20-21 (confidential); ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3670, P432.04, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 22 June 2004, T. 4105 (confidential); Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4917; Branko Basara, 12 October 2009, T. 1291; P113, War Record of the 6th Krajina Brigade, p. 2.
[1633] ST140, P432.05, Witness Statement, 13 March 2002, pp. 23, 26 (confidential); Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4901; Dragan Majkić, 13 November 2009, T. 3092; ST161, 18 November 2009, T. 3314 (confidential).
[1634] ST140, P432.05, Witness Statement, 13 March 2002, p. 24 (confidential); Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4901; ST161, 17 November 2009, T. 3212-3213 (confidential); Branko Basara, 13 October 2009, T. 1346-1347.
[1635] ST140, P432.04, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 22 June 2004, T. 4102, 4120 (confidential).

the spring of 1992, the group was incorporated into the 6th Krajina Brigade as a special unit.[1637] Notwithstanding this subordination, the SOS continued to perform tasks for the SDS and maintained at least some degree of independence.[1638]

717. The SDS, both directly and through the Crisis Staff, gave directions to and used the SOS, which had its own representative in the Crisis Staff: Vinko Nikolić.[1639] By planting explosives, breaking up HDZ and SDA rallies, arresting their politicians, and performing other acts of violence, the SOS helped the SDS take over Sanski Most.[1640] The takeover of the SDK on 28 February 1992, discussed above, and the forcible removal of Judge Draganović from his job, discussed below, exemplified the nature of the relationship between the political party and the paramilitary group.

718. Weapons were distributed not only to Serbs, but also to Croats and Muslims.[1641] According to ST161 and SZ007, the SDA was in charge of the distribution of arms to the Muslims.[1642] Croats and Muslims also possessed weapons bought privately from Serbs, as well as JNA ordinance weapons and military equipment received when they had initially responded to the call for mobilisation.[1643]

(c) Political developments

719. On 25 March 1992, a proclamation signed by Vlado Vrkeš, president of the local SDS, Nedeljko Rašula, president of the Sanski Most Municipal Assembly, and Borislav Savanović, also an SDS member, announced that all Serb territories in the municipality were declared to be part of the RS and were to be known as the "Unified Serb Municipality of Sanski Most."[1644] According to Draganović, some of the villages listed in the decision as part of the new entity had a Muslim

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[1636] ST140, P432.05, Witness Statement, 13 March 2002, p. 23 (confidential); Branko Basara, 12 October 2009, T. 1277; Branko Basara, 13 October 2009, T. 1346-1347; Dragan Majkić, 16 November 2009, T. 3138; ST161, 17 November 2009, T. 3273 (confidential).

[1637] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4913 and P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5656; Branko Basara, 13 October 2009, T. 1347-1348; ST161, 18 November 2009, T. 3315, 3325-3326; ST140, 7 December 2009, T. 4317 (confidential); P411.31, Report on the Work of the Serbian Defence Forces Between 1 May 1991 and 16 September 1992, p. 1.

[1638] ST161, 18 November 2009, T. 3315, 3325-3326 (confidential); Branko Basara, 13 October 2009, T. 1347-1348; P390, Letter from Mirko Vručinić to the Banja Luka CSB, 5 August 1992, p. 1; P411.31, Report on the Work of the Serbian Defence Forces Between 1 May 1991 and 16 September 1992, p. 5.

[1639] ST140, P432.05, Witness Statement, 13 March 2002, p. 24 (confidential); ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3708-3709, 3713-3714 (confidential); ST161, 18 November 2009, T. 3315-3317, 20 November 2009, T. 3555 (confidential); Dragan Majkić, 17 November 2009, T. 3214.

[1640] Adil Draganović, P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5721-5722; ST140, 4 December 2009, T. 4266-4267 (confidential); P411.31, Report on the Work of the Serbian Defence Forces Between 1 May 1991 and 16 September 1992, 16 September 1992, p. 2.

[1641] ST161, 19 November 2009, T. 3482 (confidential).

[1642] ST161, 19 November 2009, T. 3485-3486 (confidential); SZ007, 7 December 2011, T. 26304-26305 (confidential).

[1643] ST140, P432.05, Witness Statement, 13 March 2002, p. 22 (confidential); ST140, 7 December 2009, T. 4297-4298 (confidential).

[1644] Adjudicated Fact 1118; P411.49, Decision on the Inclusion of Sanski Most in the Serbian Republic of BiH, 25 March 1992, p. 1.

majority.[1645] This was the case, for instance, with regard to the settlement of Čaplje.[1646] On 3 April 1992, municipal deputies of Serb ethnicity issued a decision declaring that the Serbian municipality of Sanski Most was part of the Autonomous Region of Krajina.[1647] The legally constituted municipal assembly of Sanski Most gathered for the last time on 6 or 7 April 1992.[1648]

720. Around this time, the 6th Krajina Brigade established checkpoints in the town of Sanski Most and in the neighbouring villages, which were manned by the brigade's military police.[1649] According to Karabeg, this was when "all evil began in Sanski Most."[1650] At the beginning, all citizens were stopped at the checkpoints and asked to show their IDs, but after a few days, members of the brigade started behaving in an unruly manner and were drunk on the streets. The checks and searches started targeting only people of Muslim and Croatian ethnicity, and soldiers were intimidating people by shooting into the air and uttering ethnic slurs such as "Balija" and "Ustasha".[1651]

721. On 14 April 1992, during a meeting attended by Majkić, members of the SDS executive committee, three members of the SOS, and an intelligence officer of the 6th Krajina Brigade, the Crisis Staff of Sanski Most was established.[1652] Rašula became the Crisis Staff's president.[1653] The other members were Colonel Aničić, SDS member Nemanja Tripković, SDS member Boro Savanović, Mirko Vručinić, Dragan Majkić, SDS member Mladen Lukić, Vlado Vrkeš, and SOS member Zvonko (or Vinko) Nikolić.[1654] By 30 May 1992, three new members had joined the Crisis Staff, including Milenko Stojinović, commander of the municipal civilian protection staff.[1655] By this date, Vlado Vrkeš had become the Crisis Staff's deputy president and was in charge of "political problems and the implementation of the ideas of the SDS leadership at the level of the

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[1645] Adil Draganović, P411.06, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 14 May 2002, T. 5618-5619; P411.34, Map showing the ethnic composition of Sanski Most.
[1646] P411.34, Map Showing the Ethnic Composition of Sanski Most; P411.49, Decision on the Inclusion of Sanski Most in the Serbian Republic of BiH, 25 March 1992, p. 1.
[1647] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6102-6103; P60.04, Decision on the Inclusion of Sanski Most in the Autonomous Region of Krajina, 3 April 1992; Adjudicated Fact 1119.
[1648] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6098, 6102.
[1649] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4886, 4916-4917; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6098-6100; Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6465; P60.03, Order for Replacement and Redeployment of Units Issued by the Command of the 5th Corps to the Command of the 10th Partisan Division, p. 1; Adjudicated Fact 1128.
[1650] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6099.
[1651] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6099-6100.
[1652] Dragan Majkić, 16 November 2009, T. 3136-3138; P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 14.
[1653] P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 14.
[1654] ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3734; ST161, 19 November 2009, T. 3406 (confidential); P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 14.
[1655] P109, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 30 May 1992, p. 1.

Republic, region, and municipality."[1656] After its creation, the Crisis Staff exercised authority and took key decisions in relation to Sanski Most, including decisions related to the detention of people arrested after the beginning of military operations.[1657] On 19 June 1992, the Crisis Staff delegated the exercise of power over Sanski Most to the SDS subcommittees.[1658]

722. Once the Crisis Staff was set up, the executive board of the SDS decided to start negotiations with the SDA and the HDZ about a peaceful split of the municipality, including the resources of the police station.[1659] Around 12:00 p.m. on 17 April 1992, all police officers—Serbs, Muslims, and Croats—had gathered in the police station's hall and had requested a meeting.[1660] At 3:00 p.m. Nedeljko Rašula arrived. He commented that the separation was supposed to have happened by 12:00 p.m., that all those who wanted to remain in the building had to sign a solemn declaration of loyalty to RS and the Serb people, and that those who did not intend to sign had to leave.[1661] Only persons of Serb ethnicity, with the exception of two Croats, signed the solemn declaration and remained, while all the others left; after that, Majkić distributed to the ones who had remained new berets displaying the Serbian flag, which Župljanin had given to him on 6 April 1992 in Banja Luka, together with the loyalty oaths.[1662]

723. Around 1:00 a.m. on 18 April 1992, the Croatian and Muslim police officers who had left the police building took over the Sanski Most municipality building, together with members of the SDA and HDZ.[1663] Around 10:00 p.m. on 19 April 1992, the SOS launched an attack against the building and took it over. Shortly before this attack, the occupants had escaped with their weapons,

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[1656] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3792-3793 (confidential); P109, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 30 May 1992, p. 1.

[1657] SZ007, 7 December 2011, T. 26329-26331 (confidential); P60.06, Conclusions of the Meeting of the Crisis Staff of the Serbian Municipality of Sanski Most, 28 April 1992; P109, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 30 May 1992, pp. 1-2; P371, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most Reached at a Meeting on 12 May 1992; 2D24, Order of the Crisis Staff of the Serbian Municipality of Sanski Most for Paramilitaries to be Disarmed, 20 May 1992; P372, Conclusions of the Meeting of the Crisis Staff of the Serbian Municipality of Sanski Most, 22 May 1992, pp. 1-2; P411.17, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most Reached at a Meeting on 20 April 1992, 21 April 1992.

[1658] Dorothea Hanson, 11 December 2009, T. 4670-4671; P453, Decision of the Crisis Staff of the Serbian Municipality of Sanski Most, 19 June 1992.

[1659] Dragan Majkić, 16 November 2009, T. 3138, 3144; P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, pp. 13-18; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6108-6109.

[1660] Dragan Majkić, 16 November 2009, T. 3145-3146, 3153; P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 15.

[1661] ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3717 (confidential); Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4923-4924; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6106-6107; Dragan Majkić, 13 November 2009, T. 3103-3104, 3109 and 16 November 2009, T. 3153-3154; P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, pp. 13, 15; Adjudicated Fact 1124.

[1662] Dragan Majkić, 13 November 2009, T. 3103-3108, 16 November 2009, T. 3155-3156.

[1663] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6107; Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4924; Dragan Majkić, 16 November 2009, T. 3157; Adjudicated Fact 1124.

with some going to Šehovići and others to Mahala.[1664] From Šehovići, which is located 2 to 3 km away from Sanski Most, Karabeg could hear shelling and explosions in Sanski Most, as well as shooting and vulgar songs about "Bosniaks" and Croats coming from the nearby village of Podlug.[1665] After this episode, police patrols in Sanski Most were made up exclusively of Serb police officers and military police.[1666]

724. On 20 April 1992, the Crisis Staff held a meeting in which it reached a number of conclusions in relation to the events that had unfolded in Sanski Most in the previous days.[1667] It instructed Rašula and Aničić to visit the ARK leadership, explain in detail the situation in Sanski Most, and try to obtain guidelines or suggestions for further action.[1668] The Serbian Crisis Staff also stated that the Serbian municipality of Sanski Most did not recognise the former municipal assembly and that it only recognised the legitimacy of the Serbian municipality of Sanski Most and its organs, namely the Serbian TO, the Serbian SJB, and the JNA. In addition, it assigned Vručinić to the intelligence service at the Crisis Staff, with the task of coordinating the work of the Serbian SJB and TO. Finally, any other armed force in Sanski Most was deemed paramilitary and would be disarmed.[1669] On 24 April 1992, the Crisis Staff established a curfew in the territory of the municipality of Sanski Most, prohibiting movement from 9:00 p.m. to 5:00 a.m. in order to prevent disturbances to law and order.[1670] Muslims and Croats also set up armed watches in their villages and in the parts of Sanski Most where they lived to watch over their homes at night.[1671]

725. On 28 April 1992, the Crisis Staff broadcast (via the radio) an order to all citizens in the municipality to hand over their weapons by 3 May 1992.[1672] This deadline was extended on several occasions.[1673] On 20 May 1992, the Crisis Staff ordered the TO to prepare an operation to disarm

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[1664] ST140, P432.05, Witness Statement, 13 March 2002, pp. 30-31 (confidential); Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6118, 30 May 2002, T. 6291-6292; Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4924-4926; P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5637-5640; Dragan Majkić, 16 November 2009, T. 3158-3159; ST161, 18 November 2009, T. 3312-3313, 3317, 3322 (confidential); P365, Regular Operations Report of the 5th Corps Command, 20 April 1992, p. 1.
[1665] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6118.
[1666] Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5632-5633.
[1667] P411.17, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most Reached at a Meeting on 20 April 1992.
[1668] P411.17, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most Reached at a Meeting on 20 April 1992, n. 3.
[1669] P411.17, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most Reached at a Meeting on 20 April 1992, n. 4.
[1670] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4917; P361, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 24 April 1992, p. 1; Adjudicated Fact 1128.
[1671] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6465, 5 June 2002, T. 6667, 6683-6684.
[1672] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case no. IT-99-36-T, 28 May 2002, T. 6133-6134; ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3735-3736 (confidential); P60.06, Conclusions of the Meeting of the Crisis Staff of the Serbian Municipality of Sanski Most, 28 April 1992.
[1673] ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3735-3736 (confidential).

"paramilitary formations" in Sanski Most.[1674] While Basara testified that illegally-owned weapons were seised regardless of the ethnicity of their owner, according to both Karabeg and ST140 only non-Serbs were actually disarmed, and this was a fact of common knowledge.[1675] The disarming was conducted jointly by the JNA and the TO, under the responsibility of Colonel Basara and Colonel Aničić.[1676]

(d) Eruption of violence

726. During April and May 1992, with a peak between 20 and 25 May 1992, there were about 44 explosions in Sanski Most, as well as shootings and killings.[1677] These actions were mainly carried out against Croatian and Muslim persons and property.[1678]

727. According to ST140, whose testimony in this regard is corroborated by a document issued by the SOS's commander in September 1992, members of the SOS were responsible for the explosions and for other acts of violence occurring in Sanski Most.[1679] The SOS provoked fear in the population, and every night blew up a building belonging to a Muslim.[1680] On 5 August 1992, Mirko Vručinić wrote a letter to the Banja Luka CSB stating that the SOS had "broken free" from the command of the army and was engaged in planting explosives, torching houses, killing, looting, and other crimes against Muslims and Croats, which were aimed at putting pressure on them to move out. Vručinić informed the CSB that problems of crime prevention and detection of the perpetrators were "more than evident". He attributed these problems to the fact that 90% of the perpetrators were either soldiers or paramilitaries, and stated that, in this regard, the issue of the authority of military and civilian organs came into play.[1681] At the end of his letter, Vručinić proposed "that military courts be urgently established to take over the work that is assigned to them

[1674] ST140, P432.05, Witness Statement, 13 March 2002, p. 32 (confidential); 2D24, Order of the Crisis Staff of the Serbian Municipality of Sanski Most, 20 May 1992, p. 2.
[1675] ST140, P432.05, Witness Statement, 13 March 2002, p. 32 (confidential); Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6133-6134; ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3736 (confidential); Branko Basara, 13 October 2009, T. 1364; ST140, 4 December 2009, T. 4268-4269 (confidential).
[1676] ST161, 20 November 2009, T. 3514 (confidential); P372, Conclusions of the Meeting of the Crisis Staff of the Serbian Municipality of Sanski Most, 22 May 1992, p. 2.
[1677] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4897-4898; Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5792; Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5630-5631; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6076-6077; Milenko Delić, 15 October 2009, T. 1538-1539; Adjudicated Fact 1126.
[1678] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 27 May 2002, T. 6076-6077; Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5630-5631; ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3764-3765 (confidential); Milenko Delić, 15 October 2009, T. 1538-1539.
[1679] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3765 (confidential); P411.31, Report on the Activities of the Serbian Defence Forces Between 1 May 1991 and 16 September 1992, p. 2.
[1680] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4901-4903, 4915-4916; Branko Basara, 12 October 2009, T. 1278 and 13 October 2009, T. 1347.

by the Constitution."[1682] While the police suspected the SOS and carried out investigations on the group, it never managed to prove the group's involvement in the commission of the crimes.[1683]

728. The JNA, too, was aware of the wave of violence that affected Sanski Most in April and May 1992. On 1 June 1992, Colonel Basara issued an order, which was read out to his troops, that soldiers "prone to committing genocide" against people "unable to conduct an armed struggle," and soldiers prone to burning and destroying buildings not used by the enemy for military purposes, had to be immediately discharged.[1684] According to Basara, this order helped to improve the discipline in the brigade.[1685]

(e) Dismissals from work

729. In mid-April 1992, the SDS and the Crisis Staff started ordering the dismissal of Muslims and Croats from important posts in the municipality.[1686] On 20 April 1992, the Crisis Staff recommended to all citizens of Sanski Most who had displayed "extremism in working against the Serbian people to refrain from coming to work in the following days, for their own safety."[1687] According to ST161, the recommendation referred to Muslims and Croats who "in some particular way had expressed their sentiments in relation to the Serbs and to authorities in power."[1688] On 29 April 1992, the Crisis Staff issued a further decision replacing non-Serb officials holding key public positions with officials of Serb ethnicity.[1689] Muslims and Croats were removed from their jobs as directors of radio stations, banks, schools, companies, and other important positions. According to Draganović, by 20 to 25 May 1992, all Muslims had been dismissed.[1690]

730. With regard to these dismissals, the Trial Chamber has reviewed evidence from some of the people who were fired during that period and will analyse it below.

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[1681] P390, Letter from Mirko Vručinić to the Banja Luka CSB, 5 August 1992, p. 1.
[1682] P390, Letter from Mirko Vručinić to the Banja Luka CSB, 5 August 1992, p. 2.
[1683] Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5791-5792; Dragan Majkić, 13 November 2009, T. 3093-3094.
[1684] 2D16, Order of the 6th Krajina Brigade Concerning Discipline During Combat Operations, 1 June 1992, p. 1.
[1685] Branko Basara, 13 October 2009, T. 1362-1363.
[1686] ST140, P432.05, Witness Statement, 13 March 2002, p. 31-32 (confidential); Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4914; Adil Draganović, 25 November 2009, T. 3850-3851.
[1687] ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3723 (confidential); P411.17, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most Reached at a Meeting on 20 April 1992, n. 9.
[1688] ST161, 18 November 2009, T. 3324 (confidential).
[1689] ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3737-3738 (confidential); Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5650-5651; ST140, P432.05, Witness Statement, 13 March 2002, pp. 31-32 (confidential); P358, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most Reached at a Meeting on 29 April 1992.
[1690] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4914, 4919, 4922, 4946; Adil Draganović, P411.11, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 May 2002, T. 5961; ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3726-3727 (confidential).

731. Enis Šabanović, a Muslim, was the head of the internal medicine department at the health centre in Sanski Most in April 1992.[1691] On 27 April 1992, Mladen Lukić, along with other members of the SDS, informed him that, based on a decision of the Crisis Staff, he had been removed from his job.[1692] Šabanović stayed at his post for a few more days, after which he was no longer allowed to go to work.[1693]

732. Adil Draganović, who in April 1992 was the president of the Sanski Most Municipal Court, was frightened by a letter received on 11 April 1992, which was signed by "the White Eagles". The letter called him "Ustasha", accused him of being against the Serb people, and gave him until 15 May 1992 to leave the municipality.[1694] On 11 April 1992, his daughter told him that a male voice had called their home saying that the house had been mined and that they should flee.[1695] Draganović sent his family to Germany the following day.[1696] Sometime in May, there was a meeting at the courthouse where all the judges and prosecutors were present. Vlado Vrkeš attended the meeting accompanied by three heavily armed men in camouflage, who had arrived in a combat vehicle equipped with a three-barrelled gun.[1697] Considering the presence of this particular kind of truck, the fact that Vrkeš was helped by SOS members in the takeover of the SDK in February 1992, and the relationship between the SOS and the SDS examined above, the only reasonable inference is that the three armed men were members of the SOS. Vrkeš stated that Muslims and Croats had to go on mandatory annual leave. He then read the names from the Crisis Staff order, including those of Draganović, the prosecutor Suad Šabić, and the deputy prosecutor Slobodan Milašinović, who were all Muslims; then he announced the appointment of Radovan Stanić as president of the court, Milenko Delić as public prosecutor, and Rajko Indjić as his deputy, who were all Serbs.[1698] According to Delić, Vrkeš simply stated that persons of Muslim and Croatian ethnicity could not work there anymore.[1699] After a few days, Delić received a letter in which Radovan Karadžić formally appointed him as basic prosecutor in Sanski Most.[1700]

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[1691] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6460, 6461; Enis Šabanović, 6 October 2009, T. 898-899.
[1692] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6465-6468; Enis Šabanović, 6 October 2009, T. 902-903; 1D11, Conclusions of the Crisis Staff Meeting in Sanski Most, 24 April 1992, p. 1.
[1693] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6468.
[1694] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4927; Adjudicated Fact 1122.
[1695] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4928.
[1696] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4927-4928.
[1697] Milenko Delić, 15 October 2009, T. 1528.
[1698] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4948; Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5824-5825; Milenko Delić, 15 October 2009, T. 1528, 1529.
[1699] Milenko Delić, 15 October 2009, T. 1528.
[1700] Milenko Delić, 15 October 2009, T. 1530.

(f) Presence of organised Muslim armed formations

733. The Trial Chamber has also received evidence on the number and location of organised Muslim forces in Sanski Most. According to information found in Nedeljko Rašula's diary, on 6 May 1992, Muslim forces were present in several villages in Sanski Most, including Hrustovo and Lukavice, with a total of 1,860 men.[1701] In another report, it was assessed that there were about 3,000 armed Muslims in the municipality, but according to ST140 this assessment was "arbitrary".[1702] In a report, Colonel Aničić indicated that the Croatian Defence Forces and the Green Berets, together with local Muslims and Croats, had formed eight detachments, five independent companies, and a number of independent platoons in Mahala, Kamengradska valley, Hrustovo, Vrhpolje, Trnovo (or Trnova), Šehovći, Sasina, and Poljak. While the report is undated, the Trial Chamber deduces that it was written shortly before 26 May 1992 because it contains a detailed plan for the attack on Sanski Most which occurred on that date.[1703] Karabeg and ST140, however, testified that organised Muslim armed formations were only present in Hrustovo and Vrhpolje.[1704] According to ST161 and Basara, Muslim forces in the area of these two villages numbered 400 armed men. According to ST140 Muslim forces numbered 180 men, were well trained, and were commanded by a JNA officer named Amir Abdić.[1705]

734. The Trial Chamber has reviewed further evidence relevant to the issue of the presence of organised Muslim forces in the municipality of Sanski Most. The wartime newsletter of the 6th Krajina Brigade, listing a number of activities that the unit carried out after its deployment in Sanski Most on 3 April 1992, speaks about the "military defeat of the Muslim extremists in Vrhpolje and Hrustovo". The document, while mentioning a number of other activities carried out by the brigade, does not specifically mention combat activities in other villages of Sanski Most, aside from sweep operations.[1706] In a report sent by the Sanski Most SJB to the Banja Luka CSB on 15 June 1992, Vručinić reported that a Muslim force of 800 men had been defeated militarily in a synchronised operation against Hrustovo and Vrhpolje.[1707] Witnesses have confirmed that there was fighting in

[1701] Mirzet Karabeg, 6 October 2009, T. 886-887; P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, pp. 24-25.
[1702] ST140, 7 December 2009, T. 4349-4351 (confidential); 2D21, Miloš Group Report About the Arming and Incitement of Muslim Citizens, 7 March 1992.
[1703] P60.07, Order Number 1/92 signed by Nedeljko Aničić, p. 1.
[1704] Mirzet Karabeg, 6 October 2009, T. 886-887; ST140, 4 December 2009, T. 4279, 4280 (confidential).
[1705] ST140, 4 December 2009, T. 4279 (confidential); ST161, 19 November 2009, T. 3485 (confidential); Branko Basara, 13 October 2009, T. 1376.
[1706] P112, Wartime newsletter of the 6th Krajina Brigade, 12 December 1992, p. 3
[1707] P411.20, Report from the Sanski Most SJB to the Banja Luka CSB on the Disarming of Paramilitary Formations, 15 June 1992, p. 1.

Vrhpolje and Hrustovo, and Draganović testified that these were the only places in Sanski Most to put up armed resistance.[1708]

(g) Military operations against Muslim areas of town of Sanski Most

735. Serb Forces initiated military operations in Sanski Most on 26 May 1992. Around 6:00 a.m. Serb Forces shelled the village of Trnova, located approximately 2 to 3 km north of the town of Sanski Most.[1709] ST140 testified that on this date a "real inferno began for non-Serbs" in Sanski Most.[1710]

736. Around 9:00 p.m. on 26 May 1992, the 6th Krajina Brigade launched an artillery and infantry attack against Mahala, the Muslim neighbourhood in the town of Sanski Most.[1711] The SOS also took part in the attack.[1712] According to ST140, the propaganda had been effective in creating the false impression that thousands of fighters were located in Mahala.[1713] The brigade and the SOS did not encounter resistance and caused casualties and damage to buildings; there were only two casualties among the Serb Forces which carried out the attack and were the result of friendly fire.[1714] Draganović counted approximately 400 shells, but more were fired.[1715] According to Basara and ST161, the mortar attack was carried out to support units moving towards the centre of Mahala and to disarm those possessing illegal weapons.[1716] Before commencing the attack, Basara gave those who did not wish to fight three hours to leave.[1717] A large number of people left the area, and the brigade escorted them to other areas of Sanski Most. Those who did not leave were considered by Basara as enemy forces.[1718] A number of houses were torched in the evening, but Basara testified that this happened after his brigade had moved out.[1719]

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[1708] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 May 2002, T. 6251; Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5690-5691. Draganović only referred to Vrhpolje. However, Vrhpolje and Hrustovo are two villages located in front of each other, at a distance of less than 1 km. Based on this circumstance, the Trial Chamber is satisfied that Draganović's testimony also applies to Hrustovo.
[1709] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3765-3766 (confidential); P364, Map Displaying the Ethnic Composition of the Sanski Most Municipality in 1991.
[1710] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3766 (confidential).
[1711] ST140, P432.05, Witness Statement, 13 March 2002, p. 34 (confidential); Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4986-4987; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6145, 6149 and 30 May 2002, T. 6318; Branko Basara, 12 October 2009, T. 1270, 1272 and 13 October 2009, T. 1365; ST161, 18 November 2009, T. 3361, 3364-3365 (confidential); ST140, 7 December 2009, T. 4320 (confidential); P60.07, Order Number 1/92 signed by Nedeljko Aničić, p. 2; Adjudicated Fact 931.
[1712] ST140, 4 December 2009, T. 4282 (confidential).
[1713] ST140, 4 December 2009, T. 4281-4282 (confidential).
[1714] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 5 June 2002, T. 6693-6694; Branko Basara, 12 October 2009, T. 1272-1273; ST161, 18 November 2009, T. 3361, 3364-3365 (confidential); ST140, 4 December 2009, T. 4281-4282 (confidential).
[1715] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4986-4987.
[1716] Branko Basara, 12 October 2009, T. 1272, 13 October 2009, T. 1354, 1365; ST161, 18 November 2009, T. 3363 (confidential).
[1717] Branko Basara, 12 October 2009, T. 1272-1273 and 13 October 2009, T. 1354-1355.
[1718] Branko Basara, 13 October 2009, T. 1354-1355.
[1719] Branko Basara, 12 October 2009, T. 1273.

737. On 26 May 1992, the 6th Krajina Brigade attacked the Muslim settlements of Muhići and Otoka, located next to Mahala, on the left bank of the Sana river.[1720] After removing the population from these settlements, soldiers looted and burned houses, including houses of prominent SDA leaders. They prevented fire-fighters from extinguishing the fires.[1721]

738. On 30 May 1992, the Crisis Staff decided that a long-term solution had to be found in relation to the refugees from the Mahala area, as well as the Muslims and Croats who were "not loyal to the Constitution and laws of the Serbian Republic of BH". Pursuant to this decision, all those who had not taken up arms and wanted to change their municipality were allowed to move away. The Crisis Staff concluded that contact should be made with the leadership of the ARK "regarding implementation of the idea on resettlement of the population."[1722] The Crisis Staff tasked one of its members, Nemanja Tripković, with making a list of refugees from Mahala detained in the sports hall who were fit for military service.[1723] On 15 June 1992, Vručinić reported that 2,000 civilians had been captured in Mahala, but that no significant amount of weapons had been found.[1724]

(h) Attacks against other villages in Sanski Most

739. ST140, a Serb soldier who took part in combat operations in Sanski Most, testified that, when the conflict broke out on 26 May 1992 in the Muslim village of Pobriježje, there was a bed sheet hanging outside every house as a sign of surrender and that situation was the same in all the other villages surrounding the Serb village of Podlug.[1725]

740. On 27 May 1992, members of the 6th Krajina Brigade, commanded by Captain Ranko Brajić, and a paramilitary unit, commanded by Mićo Praštalo, shelled Kljevci, a village of mixed ethnicity.[1726] Serb Forces attacked the Muslim villages of Lukavice and Hrustovo.[1727] On 30 May 1992, the Muslims of Hrustovo decided to hand in their weapons, but the shelling continued.[1728] After the military operations against Hrustovo and Vrhpolje on 30 and 31 May 1992,

[1720] ST140, P432.05, Witness Statement, 13 March 2002, p. 34; ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3775-3776 (confidential); P411.37, Map of the Town of Sanski Most, with pictures; P411.38, Map of the Town of Sanski Most.
[1721] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3775-3776 (confidential).
[1722] P109, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 30 May 1992, p. 1.
[1723] P109, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 30 May 1992, p. 2.
[1724] P411.20, Report from the Sanski Most SJB to the Banja Luka CSB, 15 June 1992, p. 1.
[1725] ST140, 7 December 2009, T. 4329 (confidential); ST140, 4 December 2009, T. 4281 (confidential).
[1726] ST140, P432.05, Witness Statement, 13 March 2002, p. 34 (confidential); Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4882-4883.
[1727] Adjudicated Facts 1132, 1134.
[1728] Adjudicated Fact 1134.

people left the area, and the villages were raided and looted.[1729] On 27 June 1992, ST251 passed through Hrustovo and there were no inhabitants left there.[1730]

741. At the end of May, Serb Forces shelled the village of Begići, which was inhabited by a majority of Muslims.[1731] On 31 May 1992, soldiers took property and set houses and barns on fire in that village.[1732]

742. On 31 May 1992, as people from 21 households were forced to leave Jelečevići, a Muslim hamlet in the area of Hrustovo, about 30 women and children and one man took refuge inside a garage. Eight to ten Serb soldiers in camouflage uniforms came to the garage and ordered the Muslims out. A man who tried to mediate was shot, and the soldiers killed 16 women and children when they tried to run away.[1733] Between 50 and 100 Serb soldiers escorted the survivors, along with around 200 inhabitants of neighbouring villages, to the hamlet of Kljevci, where their valuables were confiscated. Serb soldiers detained the villagers at various locations before transporting them by bus and train to Doboj, where they were ordered to find their way to Muslim-held territory.[1734]

743. On or around 27 June 1992, local Serb reservists in olive-grey uniforms arrived in the Muslim hamlet of Kenjari. In a nearby house, 20 Muslim men were arrested, interrogated, and brought before Vlado Vrkeš, who assured them they had nothing to fear. They were led by Serb soldiers to a house in the hamlet of Blaževići. The soldiers threw explosives into the house, and then opened fire on those trying to escape. The bodies of the dead were taken back into the house, and the house was set on fire.[1735]

744. In the night between 27 to 28 July 1992, Serb members of the SDS of the village of Podlug raided the neighbouring village of Pobriježje, which had a Muslim majority.[1736] They fired shots and took property before going back to Podlug to divide the booty.[1737] According to ST140, the police arrived only after everything was over, despite the police station being only about 1.5 km away. The officers compiled a report and told the Muslim villagers they could not protect them. The

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[1729] ST140, P432.05, Witness Statement, 13 March 2002, p. 35 (confidential); Dragan Majkić, 16 November 2009, T. 3201-3202.
[1730] ST251, 8 October 2010, T. 15677-15678.
[1731] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 30 May 2002, T. 6331-6332; Adjudicated Fact 932.
[1732] Adjudicated Fact 932.
[1733] Adjudicated Fact 1134.
[1734] Adjudicated Fact 1135.
[1735] Adjudicated Fact 1138.
[1736] Adil Draganović, P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5725-5726; ST140, P432.03, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 June 2004, T. 4019-4020 (confidential).
[1737] ST140, P432.03, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 June 2004, T. 4019-4020 (confidential).

next day, Vlado Vrkeš reiterated that Muslims in Pobriježje could not be protected and that it would be best for them to leave.[1738]

745. On 1 August 1992, a group of soldiers in olive-coloured uniforms with a red stripe pinned to their epaulettes came to Lukavice and broke into several houses. They led away 14 civilian men aged 22 to 60 years old. The following day, the villagers found the bodies of 13 of the men with bullet holes and other severe wounds. Only one of the men survived.[1739]

746. On 27 July 1992, Mirko Vručinić reported that a lot of looting of Muslim villages was being committed by both soldiers and civilians. Houses and business premises were blown up at night, and Vručinić stated it was necessary to uncover who was responsible for that.[1740] ST140 also testified about the involvement of civilians in looting. Sometimes individuals, or even a whole Serb community from a particular village, looted Muslim villages that had been abandoned by the population, such as Trnovo.[1741]

747. As shown by reports compiled by both the military and civilian authorities, the commission of acts of violence against Muslims and their property in Sanski Most was still occurring towards the end of 1992. On 10 November 1992, Mirko Vručinić reported to the Banja Luka CSB, and specifically to Župljanin, that violence against Muslims and Croats in Sanski Most had escalated.[1742] Vručinić reported the following: on 23 October 1992 the Muslim village of Trnovo had been attacked with artillery and infantry weapons, that 50 houses and a farm had been burned, that a woman was killed, and that the population fled to the Muslim village of Šehovići;[1743] on 1 November 1992 Šehovići was attacked, and the mosque there had been previously destroyed.[1744] Draganović testified that the attack against Trnovo and Šehovići was carried out by members of the 6th Krajina Brigade and the police.[1745] On 1 November 1992, nine Croats from the village of Škrljevito, who were neither armed nor members of any "enemy formation", were killed, and one was heavily wounded; on 6 November 1992, two Muslim women were killed by automatic gunfire in the village of Nijevo; and on 8 November 1992, two Muslims were killed in the village of Stari Majdan. Vručinić also reported many incidents in which bombs and explosives were thrown against Muslim or Croatian houses, wounding people and causing material damage, and that the

[1738] ST140, P432.03, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 June 2004, T. 4020 (confidential).
[1739] Adjudicated Fact 1133.
[1740] P387, Minutes of the 9th Session of the Executive Committee of the Sanski Most Municipal Assembly of 27 July 1992, p. 3.
[1741] ST140, P432.04, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 22 June 2004, T. 4106.
[1742] P123, Report from the Sanski Most SJB to the Banja Luka CSB, 10 November 1992, p. 1.
[1743] The date of this incident is recorded as "23/20/1992". The Trial Chamber considers this to be a clerical error, and from the rest of the document it is clear that the date is in fact "23/10/1992".
[1744] P123, Report from the Sanski Most SJB to the Banja Luka CSB, 10 November 1992, p. 1.
[1745] Adil Draganović, P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5730.

perpetrators were mainly members of the army and of paramilitary formations.[1746] On 6 December 1992, Colonel Basara reported to his superiors that groups of armed Serbs were terrorising Muslims and Croats, looting and killing, and that some persons had been arrested in relation to the latter. He also reported a lot of random shooting by Serb members of military units who were returning home from the front.[1747] Basara testified that he did what was in his power to stop these things, but succeeded only in part.[1748]

(i) Destruction of religious buildings

748. The evidence shows that a number of religious buildings were destroyed in Sanski Most in 1992. According to Draganović, on 27 May 1992, the 6th Krajina Brigade planted explosives at the mosque in Mahala, which was eventually completely destroyed.[1749] Basara suspected that his Chief of Staff, Veljko Brajić, had destroyed this mosque, but did not investigate the matter since he lacked the manpower.[1750] Basara testified that religious buildings were destroyed at night by disguised men; he however did not reject the possibility that they were members of his brigade.[1751]

749. The mosque in Stari Majdan, a settlement inhabited by a Muslim majority, was destroyed on 17 September 1992.[1752] The mosque in Šehovići, a Muslim settlement, was shelled from the Serbian settlement of Podlug, and explosives were planted by engineers who arrived on a military vehicle.[1753] Based on the investigations he carried out, Draganović testified that the attack against Šehovići was carried out by the 6th Krajina Brigade and the police.[1754] The Catholic church in the town of Sanski Most was destroyed, but the police did not file a report with the public prosecutor in relation to this incident.[1755] According to Riedlmayer's Database, the church was vandalised and damaged by machine gun fire in July 1992, and destroyed in 1995.[1756]

750. Serb Forces in the course of 1992 destroyed mosques in the villages of Čapalj, Hrustovo, Lukavice, Kamengrad, and Tomina.[1757] According to information available to ST140, the SDS had

[1746] P123, Report from the Sanski Most SJB to the Banja Luka CSB, 10 November 1992, p. 1.
[1747] P111, Report on the Situation of the 6th Krajina Brigade, 6 December 1992, p. 2.
[1748] Branko Basara, 12 October 2009, T. 1284-1285; P111, Report on the Situation of the 6th Krajina Brigade, 6 December 1992, p. 2.
[1749] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4997; Adil Draganović, P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5725; Milenko Delić, 20 October 2009, T. 1746.
[1750] Branko Basara, 12 October 2009, T. 1279 and 13 October 2009, T. 1358-1359.
[1751] Branko Basara, 12 October 2009, T. 1278-1279.
[1752] Adil Draganović, P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5726-5727; P1402, Riedlmayer Database, p. 921.
[1753] Adil Draganović, P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5728-5729; P123, Report from the Sanski Most SJB to the Banja Luka CSB, 10 November 1992, p. 1.
[1754] Adil Draganović, P411.08, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 16 May 2002, T. 5730.
[1755] Milenko Delić, 20 October 2009, T. 1758.
[1756] P1402, Riedlmayer Database, p. 906.
[1757] Adjudicated Fact 933.

ordered the destruction of the mosque in Kamengrad, and the operation had been carried out by Dragan Majkić following an order of TO Colonel Aničić.[1758] At the time, the TO was controlled by the Crisis Staff.[1759] Majkić told ST140 that he had personally destroyed 14 mosques in Sanski Most and that he had been ordered to do so.[1760] ST140 testified that this was part of the Serb plan to erase all traces of Muslim influence in the area and to intimidate the remaining Muslims into leaving.[1761]

(j) Arrests in Sanski Most

(i) Arrests of prominent Muslim and Croat citizens of Sanski Most

751. The Trial Chamber received evidence that on 25 and 26 May 1992, a number of prominent Muslim citizens of Sanski Most were arrested, detained in the remand facility attached to the police station, and interrogated.[1762] They were mainly leading members of the SDA and the HDZ, as well as some policemen.[1763] According to SZ007, the detainees at the police station were persons who had led the operation for the arming of the Muslims.[1764] Enver Burnić, the Muslim police commander, was arrested and detained in Betonirka.[1765] The prison warden at the remand facility was Drago Vujanić, a policeman who replaced Miladin Paprić pursuant to a decision issued by the Crisis Staff on 4 June 1992.[1766] However, former detainees also saw members of the army in the facilities.[1767] The policemen wore uniforms made of blue cloth, but as of July they started wearing camouflage uniforms of either blue, green, or green and yellow colour. The soldiers wore either JNA camouflage uniforms or newer types of camouflage.[1768] The investigation teams who conducted the interrogations were composed of inspectors from state security, public security, the

[1758] ST140, P432.05, Witness Statement, 13 March 2002, p. 39 (confidential); ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3780; ST140, 7 December 2009, T. 4318-4319 (confidential).
[1759] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3780-3781 (confidential).
[1760] ST140, P432.05, Witness Statement, 13 March 2002, p. 39 (confidential); ST140, P432.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 June 2004, T. 3665-3666 (confidential).
[1761] ST140, P432.05, Witness Statement, 13 March 2002, p. 39 (confidential); ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3781-3782 (confidential).
[1762] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4951-4952; Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4984-4986; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6139, 30 May 2002, T. 6249, 6300-6301; Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6470, 4 June 2002, T. 6606; Enis Šabanović, 6 October 2009, T. 903-904, 929-930; Dragan Majkić, 16 November 2009, T. 3174-3175; ST217, 17 September 2010, T. 14763, 14769 (confidential); SZ007, 5 December 2011, T. 26129 (confidential); P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 38; Adjudicated Fact 1143.
[1763] Dragan Majkić, 16 November 2009, T. 3174; ST161, 19 November 2009, T. 3402-3403 (confidential).
[1764] SZ007, 5 December 2011, T. 26128-26129 (confidential).
[1765] Adil Draganović, P411.01, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 April 2002, T. 4870-4871.
[1766] Adil Draganović, 26 November 2009, T. 3896-3897; SZ007, 5 December 2011, T. 26117-26118, 26147-26148 (confidential); P60.10, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 4 June 1992, p. 1; 1D816, Decision of the Crisis Staff of the Serbian Municipality of Sanski Most to Appoint Drago Vujanić as Prison Warden, 4 June 1992.
[1767] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6154; Adil Draganović, 26 November 2009, T. 3897-3898.
[1768] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6155.

military police, and other members of the army.[1769] When the detainees were taken out of the cells for interrogation, they came back with signs of beatings.[1770] The police carried out arrests based on information gathered during interrogations.[1771]

752. There were between 10 and 20 people in the police station's remand facility.[1772] The detainees were all non-Serbs, mainly of Muslim ethnicity.[1773] There were four cells of about 2 by 3-4 metres in size.[1774] The cells had a metal door and a window of approximately 50 cm by 50 cm, covered with a metal sheet with very tiny holes.[1775] The cells were dark, and there was not enough air.[1776] The airflow improved when the metal sheet covering the window was removed.[1777] The evidence also indicates that the detainees were allowed to spend some time outdoors.[1778] A medical team was provided by the newly appointed warden to treat a number of detainees.[1779] When the remand facility became full, Betonirka, the sports hall at the Hasan Kikić School, and a facility known as "Krings Hall" started being used as prisons.[1780]

(ii) Arrests of Muslims and Croats in aftermath of military operations

753. Many non-Serbs were arrested after Serb Forces conducted military operations against their settlements. Starting on 27 May 1992, after conducting military operations in Muslim and Croatian villages, the military police began to arrest the able-bodied men and hand them over to the civilian authorities.[1781] ST140 and ST251 testified that Serb Forces gathered people who had left their villages after they had been attacked in a field on the Sanski Most-Ključ road.[1782] Some of the able-

[1769] Dragan Majkić, 16 November 2009, T. 3175-3176; ST161, 18 November 2009, T. 3377 (confidential); ST161, 20 November 2009, T. 3499-3500 (confidential).
[1770] Adil Draganović, 26 November 2009, T. 3889; ST217, 17 September 2010, T. 14769.
[1771] P411.20, Report of the Sanski Most SJB to the Banja Luka CSB on the Disarming of Paramilitary Formations, 15 June 1992, p. 1; P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, p. 1.
[1772] SZ007, 5 December 2011, T. 26132 (confidential); P124, Letter from the Sanski Most SJB to the Banja Luka CSB, 10 August 1992.
[1773] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4984-4986; Adil Draganović, P411.06, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 14 May 2002, T. 5544; Mirzet Karabeg, 5 October 2009, T. 858-860; ST217, 17 September 2010, T. 14769 (confidential); P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 38.
[1774] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 29 May 2002, T. 6300-6301; SZ007, 5 December 2011, T. 26132 and 6 December 2011, T. 26240-26241 (confidential); ST217, 17 September 2010, T. 14764 (confidential); P380, Picture of Sanski Most Prison Cell.
[1775] ST217, 17 September 2010, T. 14764 (confidential); SZ007, 6 December 2011, T. 26240-26241 (confidential); P380, Picture of Sanski Most Prison Cell.
[1776] ST217, 17 September 2010, T. 14765-14766 (confidential).
[1777] ST217, 17 September 2010, T. 14766 (confidential).
[1778] SZ007, 6 December 2011, T. 26244-26245 (confidential); ST217, 17 September 2010, T. 14765-14766 (confidential).
[1779] SZ007, 5 December 2011, T. 26121-26122 (confidential).
[1780] Dragan Majkić, 16 November 2009, T. 3176-3177.
[1781] ST140, P432.05, Witness Statement, 13 March 2002, p. 33 (confidential); ST161, 18 November 2009, T. 3377, and 19 November 2009, T. 3386, 3453 (confidential); P117, Report from the Sanski Most SJB to the Banja Luka CSB, 2 July 1992, p. 1; P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, p. 1.
[1782] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3775-3776 (confidential); ST251, 8 October 2010, T. 15678-15679, 15681.

bodied men from these villages were taken to Krings Hall, where they were detained for up to a month.[1783] Others were brought to the sports hall next to the Hasan Kikić School, and a large number of these prisoners were later moved to Manjača in Banja Luka.[1784] Women, children, and the elderly were first briefly detained and then transported to Muslim-controlled territory.[1785]

754. The military police took a major part in this operation, which was conducted upon a request of the Crisis Staff.[1786] The Crisis Staff ordered the set up of investigation and detention centres, and decided where to detain the prisoners.[1787] The police, TO members, and members of the army took part in securing the detention facilities.[1788]

755. In 1992, the army handed over to the civilian authorities more than 1,600 prisoners.[1789] The majority were men between 16 and 65 years old. About 93% of them were Muslims, and the remainder Croats.[1790] Typically, the captured men were charged with armed rebellion.[1791] Pursuant to Article 196 of the SFRY Code of Criminal Procedure, pre-trial custody could exceptionally be ordered by a law enforcement agency. However, such custody could not last longer than three days and the law enforcement agency was bound to immediately inform the public prosecutor and, in some instances, the investigative judge.[1792] The police, however, did not file any report with the public prosecutor's office in relation to these people, and according to a report signed by Vručinić, this was because the courts were not functioning at the time.[1793] Vručinić's explanation, at least in part, is contradicted by the evidence of Milenko Delić, a public prosecutor in Sanski Most from the end of May 1992. According to Delić, reports could be filed, although the functioning of the courts was made difficult by the situation in Sanski Most.[1794] The Trial Chamber has also reviewed a letter sent by Vručinić to the Banja Luka CSB on 10 August 1992, which shows there was some

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[1783] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3776-3777, 3779-3780 (confidential); Dragan Majkić, 17 November 2009, T. 3263-3264; ST251, 8 October 2010, T. 15678-15679, 15681-15682; Milenko Delić, 19 October 2009, T. 1570-1572.
[1784] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3779 (confidential); P117, Report from the Sanski Most SJB to the Banja Luka CSB, 2 July 1992, p. 1; Adjudicated Fact 1139.
[1785] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3779-3780 (confidential); Dragan Majkić, 17 November 2009, T. 3263-3264; ST251, 8 October 2010, T. 15681-15682.
[1786] Dragan Majkić, 16 November 2009, T. 3176; ST161, 18 November 2009, T. 3376-3378 (confidential); P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, p. 1; Adjudicated Fact 1139.
[1787] ST161, 19 November 2009, T. 3399-3400, 3453 (confidential); P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, p. 1; P602, Report of the Banja Luka Security Services Centre, 18 August 1992, p. 10; Adjudicated Fact 1139.
[1788] ST161, 19 November 2009, T. 3399-3400, 3453, 3496 (confidential); 2D22, Order of the Crisis Staff of the Sanski Most municipality to Colonel Aničić for the Release of Some Prisoners from the Hasan Kikić Sports Hall after Their Screening, 24 June 1992; P602, Report of the Banja Luka Security Services Centre, 18 August 1992, p. 10.
[1789] ST161, 19 November 2009, T. 3391-3392 (confidential); Adjudicated Fact 1139.
[1790] Adjudicated Fact 1139.
[1791] ST161, 20 November 2009, T. 3500 (confidential); P117, Report from the Sanski Most SJB to the Banja Luka CSB, 2 July 1992, p. 1.
[1792] Milenko Delić, 19 October 2009, T. 1572; P120, SFRY Law on Criminal Procedure, p. 58, Article 196.
[1793] Milenko Delić, 19 October 2009, T. 1570; SZ007, 6 December 2011, T. 26202-26203 (confidential); P117, Report from the Sanski Most SJB to the Banja Luka CSB, 2 July 1992, p. 1.

uncertainty at the time as to which office of the prosecutor had jurisdiction in relation to people held at the remand facility and Krings Hall in Sanski Most.[1795]

756. Both the Crisis Staff and the Sanski Most SJB issued a number of decisions and reports in relation to these arrests. On 4 June 1992, the Crisis Staff envisaged three categories of prisoners, namely "politicians", "national extremists", and "people unwelcome in the Sanski Most municipality".[1796] While the order does not provide any further indication with regard to who fell under these three categories, the Trial Chamber has received evidence that "politicians" were the leaders of the SDA and HDZ and were detained at the prison facility attached to the police station.[1797] The second category, national extremists, were non-Serbs who had been labelled as potentially dangerous by the SDS during the propaganda that preceded the conflict in Sanski Most. According to ST140, a practicing Muslim would fall under this category.[1798] "National extremists" were sent to Betonirka.[1799] The third category, "people unwelcome in the Sanski Most municipality", was the most widespread, and according to ST140 everyone who was not a Serb fell under this category.[1800] Most of the people falling under this category were placed in the sports hall at the Hasan Kikić School.[1801] Milenko Delić testified that he was not aware of the existence of any law that justified the arrest and detention of people based on the categories envisaged by the Crisis Staff on 4 June 1992.[1802]

757. On 2 July 1992, when the arrest operation was still ongoing, Mirko Vručinić reported to the Banja Luka CSB that 391 people had been brought in, 332 had already been processed, 82 had been released, and 250 had been sent to Manjača.[1803] By 27 July 1992, 1,245 prisoners had been questioned at the police station, while some remained to be questioned at Krings Hall.[1804] By 18 August 1992, 1,655 persons had been brought to the detention centres; 1,528 of them were Muslims and 122 were Croats.[1805]

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[1794] Milenko Delić, 15 October 2009, T. 1532.
[1795] P124, Letter from the Sanski Most SJB to the Banja Luka CSB, 10 August 1992.
[1796] P60.10, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 4 June 1992, p. 1.
[1797] Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5683; ST140, 7 December 2009, T. 4290 (confidential).
[1798] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3801-3802 (confidential); ST140, 7 December 2009, T. 4290-4291 (confidential).
[1799] ST140, 7 December 2009, T. 4291.
[1800] ST140, P432.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 16 June 2004, T. 3802-3803 (confidential).
[1801] ST140, 7 December 2009, T. 4291 (confidential).
[1802] Milenko Delić, 19 October 2009, T. 1574.
[1803] P117, Report from the Sanski Most SJB to the Banja Luka CSB, 2 July 1992, p. 1.
[1804] P387, Minutes of the 9th Session of the Executive Committee of the Sanski Most Municipal Assembly of 27 July 1992, 30 July 1992, p. 3.
[1805] P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, p. 1.

758. On 18 August 1992, Mirko Vručinić reported again the situation in Sanski Most to the Banja Luka CSB.[1806] The report stated that the detention centres were "aired and lit", that the prisoners had beds and blankets, that water and food were provided, and that the detainees received adequate medical care.[1807] Based on the large body of consistent evidence to the contrary given by persons who were detained in these centres, which is analysed below, the Trial Chamber does not consider Vručinić's assessment to be a reliable one.

(k) Individual arrests and detention conditions

a. Arrest and initial detention of Mirzet Karabeg at remand facility

759. Around 5:50 p.m. on 25 May 1992, eight armed persons, about whose affiliation the evidence is unclear, in two vehicles arrested Mirzet Karabeg and took him to the remand facility next to the police station in Sanski Most.[1808] Others arrested on the same day included Redžo Kurbegović, the president of the SDA in Sanski Most; Stipo Catić, a Croat; Ismet Jakupović; Nedžad Muhić, the president of the misdemeanours court; and Hase Osmančević, a non-Serb entrepreneur.[1809] These arrests were carried out upon orders of the Crisis Staff.[1810] In relation to Karabeg's arrest, the Trial Chamber has considered the exchange between Karabeg and Counsel for Župljanin about a prior statement in which Karabeg had stated that on 25 May 1992 he had fled Sanski Most.[1811] However, based on the testimony of Adil Draganović, who was detained in the same facility as Karabeg, it is satisfied that Karabeg was detained in the remand facility starting on 25 May 1992.[1812]

760. Karabeg was held in cell number two with three other persons, one of whom was released on the following day.[1813] Another four persons were brought in later and detained in Karabeg's cell. One of them was Redžo Kurbegović, the head of the SDA.[1814] According to Karabeg, none of them

[1806] P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, pp. 1-3.
[1807] P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, p. 2; ST161, 20 November 2009, T. 3542-3543 (confidential).
[1808] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6139 and 30 May 2002, T. 6249, 6300-6301; P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 38; Adjudicated Fact 1143.
[1809] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4985-4986; Adil Draganović, P411.06, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 14 May 2002, T. 5544; Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6120; Mirzet Karabeg, 5 October 2009, T. 858-860; P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 38.
[1810] P60.13, Hand-written Diary of Nedeljko Rašula Covering the Period from 28 December 1991 to 30 May 1992, p. 38.
[1811] Mirzet Karabeg, 5 October 2009, T. 869-870.
[1812] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4985.
[1813] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6140-6141; ST217, 17 September 2010, T. 14781 (confidential).
[1814] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6144.

were armed when arrested.[1815] On 26 May 1992, a delegation of the SDS composed of Boro Savanović, Miladin Paprić, and Nemanja Tripković visited Karabeg.[1816]

761. Karabeg testified that, by 6 June 1992, the number of detainees at the police station had increased to 14 or 15 and that until 9 June 1992 he and the other prisoners were neither beaten nor treated badly.[1817]

762. On 9 June 1992, Rajko Stanić, the newly appointed president of the Sanski Most court, together with a policeman and a man in a military uniform with Serb insignia, interrogated Karabeg.[1818] During the interrogation, he was beaten repeatedly on his head, shoulders, back, and the soles of his feet.[1819] After the interrogation, he was beaten again by a crowd of people on the facility's ground floor. After the beating, he was in a terrible condition.[1820] He was transferred to the Betonirka factory where he remained until around 11:00 a.m. on 7 July 1992 when Betonirka was vacated and he was transferred back to the remand facility attached to the police station.[1821] On 22 August 1992, a policeman beat Karabeg and one of his cell mates after having asked them for their names.[1822] One of the prison wardens put Osman Talić's hand under hot water, and his hand "was scorched to the bone." Two or three men, one of whom was a policeman and the other a military officer, took Karabeg from his cell to the yard, made him kneel down, and beat him for about 40 minutes, kicking him in the face and head, hitting him with a wooden table leg, and uttering ethnic slurs, such as "Get up. Your balija's mother. Bend again, kneel again, you balija." Karabeg testified that for about 20 days he could not sleep on his sides. He felt pain for about half a year, and even in 2002 he still woke up in pain when he slept on his left side. The kicks to his face knocked out all of his teeth, which had to be replaced with prostheses. On 28 August 1992, Karabeg was transferred to Manjača.[1823]

763. According to SZ007, Karabeg had been arrested and interrogated a few times because he was a politician who had taken part in the armed rebellion and in the arming of non-Serbs, but SZ007 never saw evidence of this alleged involvement.[1824]

b. Arrest and initial detention of Adil Draganović at remand facility

[1815] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6153-6154.
[1816] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6140-6141, 6143.
[1817] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6162-6163, 29 May 2002, T. 6251-6252.
[1818] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6166-6167.
[1819] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6166.
[1820] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6167-6168.
[1821] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6167, 6171-6173, 6175-6176.
[1822] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6177.
[1823] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6180-6182.
[1824] SZ007, 6 December 2011, T. 26247-26248.

764. On 25 May 1992, four persons wearing camouflage uniforms with the insignia of the Serbian army and driving a yellow Mercedes stopped Adil Draganović, took him from his car, tied him up, and brought him to the police station in Sanski Most where he was detained until 17 June 1992, the date of his transfer to Manjača.[1825] These persons were Dane Kajtez, also called "Danilusko", who was a member of the SOS, and another three men whose identity is unclear.[1826]

765. In front of the police station there was a large crowd of soldiers and an anti-aircraft gun. The soldiers started beating and spitting at Draganović, telling him he was an "Ustasha".[1827] Draganović was searched, but his money was not taken from him at the time.[1828] Draganović was detained in one of the cells of the remand facility, which he had to share with eight others.[1829] They were not able to lie down, because the conditions were so cramped, and there was insufficient air.[1830] They were however allowed to leave the cell twice per day, for periods of five to twenty minutes, to get food.[1831] Members of the crime department of the police and other members of the security apparatus interrogated Draganović about the referendum and about possession of weapons, and they accused him of subversive activities.[1832] Draganović testified that these accusations were all false and that he was never charged in relation to them.[1833] He also stated that he had been arrested without any investigation and without any written order.[1834] While detained at the police station, Draganović and the other detainees were beaten.[1835] On one occasion, a person in a camouflage uniform sporting a beard and black leather gloves hit Draganović in the ribs with a baseball bat.[1836]

c. Arrest and initial detention of ST217 at remand facility

766. ST217, a Muslim, lived in Sanski Most in 1992.[1837] He was first arrested on the morning of 25 May 1992, questioned at the police station, and released at 9:00 p.m. on the same day.[1838] ST217

[1825] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4951-4952; Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4984.
[1826] Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5827; Adil Draganović, 26 November 2009, T. 3922-3923.
[1827] Adil Draganović, P411.02, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 24 April 2002, T. 4952.
[1828] Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 2002, T. 5828.
[1829] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4973; Adil Draganović, 26 November 2009, T. 3887-3888; P380, Photo of Cell Number 2 in the Sanski Most SJB.
[1830] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4973; Adil Draganović, 26 November 2009, T. 3888-3889.
[1831] Adil Draganović, P411.11, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 23 May 1992, T. 5971-5972; Adil Draganović, 26 November 2009, T. 3898.
[1832] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4974-4976; Adil Draganović, 26 November 2009, T. 3898.
[1833] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4976-4977.
[1834] Adil Draganović, 26 November 2009, T. 3927-3928.
[1835] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4978.
[1836] Adil Draganović, P411.03, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 25 April 2002, T. 4978; Adil Draganović, P411.09, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 21 May 1992, T. 5828-5830.
[1837] ST217, 17 September 2010, T. 14762 (confidential).
[1838] ST217, 17 September 2010, T. 14763 (confidential).

was arrested again on 27 May 1992 and detained at the police station until August, when he was transferred to Manjača.[1839] When ST217 arrived, there were six or seven people in his cell, but the number later reached 10 or 12.[1840] ST217 testified that he lost a significant amount of weight in the first eight days, and that he only occasionally had access to drinking water.[1841]

767. The Serb police and army beat ST217 and the other detainees, breaking two of ST217's ribs, and gave him no medical assistance.[1842] An inspector of the crime service interrogated ST217 on 25 August 1992.[1843] ST217 signed a statement confessing involvement in the smuggling of weapons to Sanski Most, but only because he did not have any other choice.[1844] Immediately after giving the statement, ST217 was transferred to Manjača, where he stayed until 14 November 1992. Between the date of his arrest and his release from Manjača, ST217 was never brought before a court of law.[1845] A few days after his release, ST217 was charged with armed rebellion together with other Muslims who were detained at the Sanski Most police station, and a criminal report was filed with the military prosecutor on 28 December 1992.[1846]

d. Arrest and initial detention of Enis Šabanović at remand facility

768. Shortly after 8:30 p.m. on 26 May 1992, four persons described as military policemen in camouflage uniforms asked Enis Šabanović to follow them to the Sanski Most police station for an interview.[1847] Before going to the police station, the policemen searched his house, took his ID card, driving licence, and other items and burned them. They also searched for weapons but did not find any.[1848] His wife and children were in the house, but were not arrested because, according to Šabanović, Serbs were not arrested at the time.[1849] On the way to the police station, the soldiers pushed him to the floor of the police jeep and trampled on him.[1850] Once they arrived, Šabanović was locked in a bathroom in the remand facility, handcuffed, and left without any food.[1851]

[1839] ST217, 17 September 2010, T. 14764 (confidential).
[1840] ST217, 17 September 2010, T. 14764-14765 (confidential).
[1841] ST217, 17 September 2010, T. 14766-14767 (confidential).
[1842] ST217, 17 September 2010, T. 14769 (confidential).
[1843] ST217, 17 September 2010, T. 14770, 14772.
[1844] ST217, 17 September 2010, T. 14775-14776, 14816 (confidential).
[1845] ST217, 17 September 2010, T. 14776-14777 (confidential).
[1846] ST217, 17 September 2010, T. 14778-14782 (confidential); P1284.12, Logbook of the Banja Luka Military Prosecutor for the Period Between 1992 and 1995, pp. 716, 720.
[1847] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6470, 4 June 2002, T. 6606; Enis Šabanović, 6 October 2009, T. 903-904, 929-930.
[1848] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6472; Enis Šabanović, 6 October 2009, T. 903.
[1849] Enis Šabanović, 6 October 2009, T. 904.
[1850] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6471, 6476-6477; Enis Šabanović, 6 October 2009, T. 904.
[1851] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6472-6473; Enis Šabanović, 6 October 2009, T. 905.

Šabanović was on a list of alleged radical Muslims, but he did not know why.[1852] Adil Draganović testified that the people on the list were all Muslims or Croats and respectable citizens of Sanski Most.[1853] After almost two days, four or five young men, wearing white ribbons that read "Serbian Youth" and "multicoloured blue uniforms", took Šabanović to a garage in the Betonirka factory, a building located about 100 to 200 metres away from the SUP building.[1854] They swore at and beat Šabanović. He had bruises all over his head, and his eye was swollen.[1855] In 2008, Šabanović had to have surgery on that eye because of a traumatic cataract.[1856]

(l) Detention at Betonirka prison camp

769. The Betonirka prison camp was established in May 1992 pursuant to orders of the Crisis Staff, and was located 60 to 80 metres away from the police station in the town of Sanski Most.[1857] The camp held between 120 to 150 civilian Muslim and Croatian detainees in three garages of approximately 3 by 6 metres in size.[1858] Up to 50 detainees were detained in one garage.[1859] The prisoners were detained for periods of time ranging from three days to over a month and were mainly people brought in from the area of Hrustovo and Vrhpolje.[1860] The warden in charge of Betonirka was Drago Vujanić, a policeman, and his deputy was Mićo Krunić.[1861] Vujanić was appointed on 4 June 1992 by the Crisis Staff to replace the former warden, Paprić.[1862] Sometimes detainees were obliged to stand from 7:00 p.m. to 7:00 a.m. and were not allowed to sleep.[1863] Witnesses have described the sanitary conditions as "really bad" or "dreadful" and testified that the inmates had to relieve themselves in the garage. The exception was when they were allowed to go outside for about five to ten minutes in the morning and in the evening.[1864] There was insufficient

[1852] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6474-6475; P60.12, List of Alleged Radical Extremists in Sanski Most, p. 1, n. 4.
[1853] Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5684.
[1854] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6476; Enis Šabanović, 6 October 2009, T. 905; Adil Draganović, 26 November 2009, T. 3891-3892; P422, Picture Showing the Police Building and the Betonirka Garages in Sanski Most.
[1855] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6477; Enis Šabanović, 6 October 2009, T. 905.
[1856] Enis Šabanović, 6 October 2009, T. 905-906.
[1857] ST140, P432.05, Witness Statement, 13 March 2002, p. 37 (confidential); Adil Draganović, 26 November 2009, T. 3882.
[1858] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6168-6169; SZ007, 5 December 2011, T. 26130 (confidential); P59, Picture of Garages at the Betonirka Camp; P412, Picture of Garages at the Betonirka Camp, 17 March 2001; P2424, Picture Showing the Inside of the Garages in Betonirka Facing the Wall; P2425, Picture Showing the Inside of the Garages in Betonirka Facing the Door; Adjudicated Fact 486.
[1859] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6478 and 4 June 2002, T. 6619-6620.
[1860] SZ007, 5 December 2011, T. 26121 (confidential); Adjudicated Fact 487.
[1861] ST140, P432.05, Witness Statement, 13 March 2002, p. 37 (confidential); Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6171, 29 May 2002, T. 6254.
[1862] SZ007, 5 December 2011, T. 26112 (confidential); P60.10, Conclusions of the Crisis Staff of the Serbian Municipality of Sanski Most, 4 June 1992, p. 1.
[1863] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6171.
[1864] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6170; Adjudicated Fact 491.

air, they slept on the floor, and they received food, mostly leftovers, twice a day.[1865] It was very hot in the garages, and there were no medical facilities.[1866]

770. Karabeg was detained in one of the garages from 9 June to 7 July 1992.[1867] Šabanović arrived at Betonirka around 28 May 1992 and remained there for about three days before being transferred to the Hasan Kikić School sports hall.[1868] The detainees, including Karabeg, were beaten on a regular basis in the garages with cables, table legs, spades, and feet which caused them serious injury.[1869] People were also allowed by the guards to come and beat the inmates.[1870] On 28 June 1992, the shift commander at Betonrika, who was named Martić and was of Serb ethnicity, took Enver Burnić, a Muslim and former policeman, outside of the Betonirka garages.[1871] Martić was drunk and, together with two policemen, beat Enver Burnić, telling him that a bullet was too costly a way for him to die.[1872]

771. ST140 testified that, in June 1992, he went to visit Nijaz Smajlović, a friend of his, who was detained in Betonirka. According to ST140, Smajlović was not an extremist, did not possess weapons, and was imprisoned in Betonirka because he was a wealthy man and a Muslim.[1873]

772. Betonirka operated at least until the end of June or beginning of July 1992.[1874]

(m) Detention at Hasan Kikić School sports hall

773. The Hasan Kikić School was located next to the Orthodox church in Sanski Most, less than 1 km away from the police station.[1875] The detainees were held in the school's gymnasium, which was right next to the school, and commonly referred to as the "sports hall".[1876] Enis Šabanović

[1865] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6169-6170.
[1866] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6170; SZ007, 6 December 2011, T. 26239 (confidential).
[1867] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6168-6169, 6171, 6173; Mirzet Karabeg, 5 October 2009, T. 856.
[1868] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6476, 6479; Enis Šabanović, 6 October 2009, T. 905.
[1869] ST140, P432.05, Witness Statement, 13 March 2002, p. 37 (confidential); Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6173-6175; Adjudicated Facts 493, 494; Agreed Fact 928.
[1870] ST140, P432.05, Witness Statement, 13 March 2002, p. 37 (confidential); Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6174-6175, 29 May 2002, T. 6256.
[1871] Agreed Fact 928.
[1872] Agreed Fact 928.
[1873] ST140, P432.05, Witness Statement, 13 March 2002, p. 37 (confidential).
[1874] Mirzet Karabeg, P60, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 May 2002, T. 6169; SZ007, 5 December 2011, T. 26130 (confidential).
[1875] Adil Draganović, 26 November 2009, T. 3885-3886; SZ007, 6 December 2011, T. 26236 (confidential); P411.37, Map of the Town of Sanski Most With Pictures; P416, Picture of the Hasan Kikić School in Sanski Most, 18 March 2001.
[1876] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6479, 6480, 6482; Adil Draganović, 26 November 2009, T. 3885, 3890; SZ007, 6 December 2001, T. 26258-26259 (confidential); P416, Picture of the Hasan Kikić School; P418, Picture of the Hasan Kikić's School Gymnasium.

testified that when he arrived at the end of May there were between 300 to 400 people. About two days after his arrival, another 200 people were brought in from Ključ.[1877]

774. According to Šabanović, who was held in the school until about 3 or 6 June 1992, the guards were armed military policemen, with some wearing camouflage uniforms and others wearing police uniforms.[1878] There were no beds, and the prisoners were rarely fed. They had to be escorted by a policeman to the toilet, but did not dare go because they would be beaten.[1879] Prisoners urinated in the room where they were kept, and the stench was unbearable. They were given some food, but had to eat it from the same cups used to relieve themselves; nobody dared to ask for the possibility to wash because they were too afraid.[1880]

775. Šabanović testified that prisoners were beaten constantly, especially at night. In the gymnasium where he was kept, there were four or five men who lay unconscious, but he was not allowed to examine or treat them.[1881] On one occasion, the shift commander and three young men armed with rifles took Šabanović to the kitchen and made him mop the floor for two hours with a rag while they beat him with rifle butts on the spine and neck, punched him, and kicked him.[1882] Šabanović was close to hanging himself.[1883]

776. On 6 June 1992, the day after the beating, Šabanović was taken to Manjača by truck. Prisoners were beaten as they boarded and left the trucks.[1884]

777. The school's gymnasium was also used as a temporary accommodation for people, including women, children, and the elderly, who had fled Mahala and other neighbourhoods or villages in order to avoid combat operations. They were kept there for periods of one to sixteen days before being transferred to Muslim-controlled territory.[1885] In this regard, the Trial Chamber has received evidence that, on at least one occasion, the guards forced detainees onto a bus at gunpoint.[1886] On 2 July 1992, Mirko Vručinić reported to the Banja Luka CSB that people who had fled from combat operations and were held at the sports hall were being treated as "civilian

[1877] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6479-6480.
[1878] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6479 and 4 June 2002, T. 6623-6625, 6481; Enis Šabanović, 6 October 2009, T. 906, 907, 931, 964-965.
[1879] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6480-6481.
[1880] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6483.
[1881] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6481-6482.
[1882] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6484-6485.
[1883] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6485.
[1884] Enis Šabanović, P61, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 3 June 2002, T. 6486, 6489-6490.
[1885] Milenko Delić, 19 October 2009, T. 1571-1572; P2257, UN Civilian Affairs Report on Meeting in Velika Kladusa with the Representatives of 850 Displaced Persons from Sanski Most, 20 June 1992, p. 1; 1D662, Mladen Bajagić Expert Report on the RS MUP for the Period between 1990 and 1993, 1 January 2011, p. 117, para. 318.
[1886] P2257, UN Civilian Affairs Report on Meeting in Velika Kladuša with the Representatives of 850 Displaced Persons from Sanski Most, 20 June 1992, p. 1.

prisoners".[1887] In the second half of June 1992, the Crisis Staff ordered the TO and at least one SOS member to screen and release some people held in this facility.[1888]

(n) Other evidence on departure of Muslims and Croats from Sanski Most

778. As a result of the attacks and other acts of intimidation carried out by the SOS and other Serb Forces in Sanski Most in 1992, the non-Serb population became extremely frightened and decided to leave Sanski Most. Entire neighbourhoods requested to be collectively moved elsewhere.[1889] Between June and August 1992, Muslim representatives met with Serb municipal authorities and representatives of the SDS on several occasions to request the Serb municipal authorities to organise convoys so Muslims could safely leave the area.[1890]

779. During a session of the executive committee of the Sanski Most municipal assembly held on 27 July 1992, Vlado Vrkeš stated that the most humane thing was to let the Croats and the Muslims leave peacefully and that the authorities were working together with UNPROFOR to resettle people. He then stressed the necessity to persist in this work "because this is what the soldiers and the people of Sanski Most require of us, because this has to be a Serbian town."[1891] At the same meeting, it was concluded that there were 18,000 Muslims and Croats in Sanski Most and that, in order to avoid danger to the Serb people, it was necessary to organise their voluntary resettlement.[1892] According to reports reviewed by the Trial Chamber, at least between 3,000 and 4,500 non-Serbs had left Sanski Most by mid-August 1992. By 18 August 1992, 12,000 people had applied to move out.[1893] Many of them were transported to Muslim-controlled territory in convoys organised by the Sanski Most authorities.[1894] The ICRC did not provide assistance in order to avoid participating in ethnic cleansing.[1895] According to ST161, the civilian authorities were in charge of the resettlement of non-Serbs, and convoys were escorted by the police.[1896]

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[1887] P117, Report from the Sanski Most SJB to the Banja Luka CSB, 2 July 1992, p. 1.
[1888] ST161, 19 November 2009, T. 3495-3496 (confidential); 2D22, Crisis Staff Order for the Release of Some Detainees in the Sports Hall, 18 or 24 June 1992; 2D23, Order for the Screening and Release of Some Detainees in the Sports Hall, 18 June 1992.
[1889] Milenko Delić, 19 October 2009, T. 1565 and 20 October 2009, T. 1728; ST161, 19 November 2009, T. 3414-3415 (confidential); Adjudicated Fact 1127.
[1890] Adjudicated Fact 929.
[1891] P387, Minutes of the 9th Session of the Executive Committee of the Sanski Most Municipal Assembly of 27 July 1992, pp. 3-4.
[1892] P388, Conclusion of the Executive Committee of the Municipal Assembly of Sanski Most Reached at the Meeting of 27 July 1992, 30 July 1992, p. 1.
[1893] P387, Minutes of the 9th Session of the Executive Committee of the Sanski Most Municipal Assembly of 27 July 1992, p. 3; P391, Report from the Sanski Most SJB to the Banja Luka SNB, 18 August 1992, pp. 2-3.
[1894] P1993, Report on the Situation of Human Rights in the Territory of the former Yugoslavia submitted by Tadeusz Mazowiecki, 28 August 1992 ("Mazowiecki August Report"), p. 3; Adjudicated Fact 929.
[1895] P1993, Mazowiecki August Report, p. 3.
[1896] ST161, 19 November 2009, T. 3414 (confidential).

780. The exodus continued into September 1992. Convoys of thousands of Muslims left the municipality. Pursuant to decisions of the Crisis Staff, they were forced to surrender their property to the municipality.[1897] In an internal report dated 19 October 1992, Predrag Radulović and other officers of the Banja Luka SNB wrote that around 20,000 Muslims had moved out and that the remaining 10,000 wished to leave. The reason for this exodus was, according to the drafters of the report, uncertainty in the future and lack of safety, "due to the wilful behaviour of individuals and groups who abuse citizens of Muslim background and exert pressure on them."[1898] By the end of 1992, almost all Muslims had left the municipality of Sanski Most.[1899]

781. In a document prepared in May 1993 by the Banja Luka SNB, it was reported that 24,000 Muslims and 3,000 Croats had moved out of the municipality of Sanski Most and that 5,000 Serbs had moved in.[1900]

### 3. Factual Findings

782. The Trial Chamber will first make findings with regard to specific underlying acts of persecution charged only under count 1.

783. The evidence shows the existence of a close relationship between the SDS and the Crisis Staff in Sanski Most. The Crisis Staff counted several SDS members among its staff, in addition to a member of the SOS, the Chief of the TO, and the commander of the 6th Krajina Brigade, Branko Basara, who was subordinated to General Momir Talić, Commander of the 1st KK. The Crisis Staff was presided over by Rašula, a prominent SDS member. Vrkeš, who was the president of the SDS in Sanski Most, became the Crisis Staff's deputy president. Notably, his task was to implement the ideas of the SDS leadership at the level of the Republic, region, and municipality. The Trial Chamber has considered that, on 19 June 1992, the Crisis Staff delegated the exercise of power over the territory of Sanski Most to the SDS subcommittees. On this basis, the Trial Chamber finds that the SDS exercised *de facto* control over the Crisis Staff in Sanski Most.

784. The Trial Chamber further finds that the SDS in Sanski Most directed and used the SOS to carry out criminal actions against Muslim and Croats and that this continued even after the SOS's subordination to the 6th Krajina Brigade.

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[1897] Adil Draganović, P411.07, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 15 May 2002, T. 5694; ST140, 7 December 2009, T. 4292-4293 (confidential); P411.23, Decision of the Crisis Staff of the Serbian Municipality of Sanski Most on the Conditions for Leaving the Sanski Most Municipality, 2 July 1992, p. 1; P411.56, Decision of the Serb Municipality of Sanski Most on the Confiscation of Property, 29 June 1992; Adjudicated Fact 1148.
[1898] P693, Banja Luka CSB Official Note, 19 October 1992, pp. 1-2.
[1899] ST140, 7 December 2009, T. 4292 (confidential); Adjudicated Fact 1148.
[1900] P425, List prepared by the Banja Luka National Security Service, May 1993, p. 2; ST140, P432.03, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 June 2004, T. 4025-4026 (confidential).

785. The Trial Chamber finds that, starting on 25 May 1992, upon orders of the Crisis Staff, the police, the 6th Krajina Brigade, the TO, and the SOS began arresting hundreds of Muslims and Croats. The earliest arrests targeted Muslim and Croat citizens of Sanski Most who were members of the SDA or HDZ or who occupied a prominent position in their communities. Based on exhibit P60.13, Nedeljko Rašula's diary, the Trial Chamber finds that the Crisis Staff, on 25 May 1992, had prepared a list of people to be taken into custody and that this list included Adil Draganović, Mirzet Karabeg, and Redžo Kurbegović. After 20 May 1992, upon orders of the Crisis Staff, the JNA and the TO carried out an operation to confiscate illegal weapons which only targeted citizens of Muslim and Croatian ethnicity. Starting on 26 or 27 May 1992 and continuing throughout 1992, after conducting military operations against non-Serb villages and settlements, members of the 6th Krajina Brigade, including its military police, arrested about 1,600 able-bodied Muslims and Croats. These people were detained in the remand facility attached to the Sanski Most SJB, in the three garages of the Betonirka factory, and in the gym of the Hasan Kikić School, also known as the "sports hall". Members of the police, the TO, and the 6th Krajina Brigade took part in guarding these facilities. The evidence indicates that prisoners were also kept in other locations, but none of these other locations is charged in the Indictment, and the Trial Chamber will not make findings thereon.

786. Serb Forces also detained, for short periods of time, Muslim and Croat women and children who left their homes following the attacks and before the civilian authorities organised convoys to move them to Muslim-controlled territory.

787. With regard to the destruction of Muslim and Croat property, the Trial Chamber finds that, starting in April 1992, the SOS planted explosives and destroyed shops and other businesses owned by non-Serbs in Sanski Most. In April and May, the SOS destroyed about 44 buildings. After 26 May 1992, the SOS and members of the 6th Krajina Brigade set on fire and destroyed non-Serb houses in Mahala, Bagići, and other non-Serb villages after conducting military operations against them. Members of the 6th Krajina Brigade prevented the fire-fighters from extinguishing the fires in Mahala, Muhići, and Otoka. On 23 October 1992, members of the 6th Krajina Brigade and members of the police destroyed 50 houses in the Muslim village of Trnovo.

788. In light of the ethnic composition of these villages, the Trial Chamber finds that the vast majority of destroyed property belonged to or was used by Muslims. On or around 27 June 1992, Serb Forces set a house on fire in the hamlet of Blaževići. However, the Trial Chamber has not received evidence whether the house at the time was owned or used by non-Serbs.

789. The Trial Chamber finds that, during the military operations carried out starting on 26 May 1992, Serb Forces only encountered organised armed resistance in the villages of Vrhpolje

and Hrustovo, which were garrisoned by an organised force numbering between 180 and a few hundred Muslim fighters.

790. With regard to the destruction of religious buildings, the Trial Chamber finds that Serb Forces destroyed the Sanski Most town mosque, located at the entrance of Mahala, and the mosques in Šehovići, Hrustovo-Vrhpolje, Lukavićе, Kamengrad, and Tomina.

791. The Trial Chamber has received evidence that a number of other mosques in the municipality and the Catholic church in the town of Sanski Most were destroyed in 1992. There are indications that Dragan Majkić, acting upon orders of Colonel Aničić, personally destroyed 14 mosques. However, the Trial Chamber considers this hearsay evidence to be of too general a nature to conclude that Colonel Aničić was responsible for the destruction of the church and the other mosques in the municipality and has received no evidence to show that these other mosques were also destroyed by Serb Forces.

792. With regard to the plunder of property, the Trial Chamber finds that, on 31 May 1992, Serb Forces took valuables from about 200 inhabitants of the Hrustovo area. Based on the fact that Hrustovo was a Muslim area and on the fact that these 200 people were ordered to find their way into Muslim-controlled territory, the Trial Chamber finds that they were of Muslim ethnicity. The Trial Chamber further finds that Muslims and Croats who wanted to leave the municipality were forced to leave their property behind.

793. The evidence shows that on 26 May 1992 Serb military and paramilitary forces took property from the Muslim areas of Muhići and Otoka. On 31 May 1992, Serb Forces removed property from Begići, another village with a Muslim majority. The looting, by 27 July 1992, was being conducted on a massive scale. The Trial Chamber finds that civilians from Serb settlements took part in the looting of the Muslim village of Trnovo and of other unspecified villages.

794. With regard to the imposition of discriminatory measures, the Trial Chamber finds that, starting around mid-April 1992, the Crisis Staff, with the help of the SOS, dismissed Muslims and Croats from their jobs. Amongst the people who were removed was the head of the internal medicine department at the Sanski Most hospital, the president of the municipal court, the prosecutor and deputy prosecutor, and the directors of radio stations, banks, schools, and companies. Serbs were appointed to the positions that had opened. On 16 April 1992, Nedeljko Rašula fired all the policemen of Muslim and Croat ethnicity who refused to sign a declaration of loyalty to RS and the Serb people.

795. The evidence shows that, upon the set-up of checkpoints in Sanski Most by the 6th Krajina Brigade in mid-April 1992, soldiers and members of the police began searching only Muslims and Croats, shooting in the air, and using ethnic slurs such as "Balija" and "Ustasha". The Trial Chamber finds that, through these selective searches and acts of intimidation at checkpoints, members of the 6th Krajina Brigade and of the police restricted the movement of these ethnic groups.

796. Finally, the Trial Chamber finds that Muslims and Croats in Sanski Most were detained without being brought before judicial authorities.

797. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber will examine separately the conditions of detention in the SJB building, Betonirka, and Hasan Kikić School sports hall.

798. The Trial Chamber finds that the warden of the remand facility next to the police station was Drago Vujanić, a policeman. The detainees were Muslims and Croats and were mainly SDA or HDZ politicians or persons occupying prominent positions in Sanski Most. The cells were crowded, dark, hot, and there was insufficient air flow. Although there were no toilets in the cells, detainees were allowed to leave the cells twice per day. Based on the testimony of Šabanović and ST251, the Trial Chamber finds that the detainees were provided with insufficient food and water.

799. The Trial Chamber finds that both policemen and uniformed men regularly beat detainees using fists, sticks, and baseball bats; scalded one of them with hot water; and uttered ethnic slurs against them. At least on one occasion, Rajko Stanić, the newly appointed Serb president of the Sanski Most court, was present during the beating of a detainee. The Trial Chamber finds that, as a consequence of the beatings received, some detainees in the remand facility next to the Sanski Most SJB suffered serious and long-term consequences to their health.

800. The Trial Chamber finds that, from the end of May or beginning of June 1992 until approximately the end of June 1992, between 120 and 150 Muslims and Croats were detained in the three garages of the Betonirka factory. The three garages were very crowded, the sanitary conditions extremely bad, and detainees often had to relieve themselves on the floor, where they also had to sleep. Because of the summer season and the small windows, it was extremely hot. No medical facility was available in the prison.

801. The Trial Chamber finds that the warden in charge of Betonirka was Drago Vujanić, a policeman, and that the guards, both policemen and members of the TO, beat the detainees on a regular basis with cables, table legs, and spades, causing them serious injury.

802. The Trial Chamber finds that, starting from the end of May 1992, hundreds of people were detained in the sports hall of the Hasan Kikić School. The detainees were kept in unsanitary conditions and were given insufficient food. The guards constantly beat detainees. With regard to the affiliation of these guards, the Trial Chamber has considered the evidence of Šabanović and the circumstance that the Crisis Staff issued orders to Colonel Aničić, a military officer, for the screening and release of some of the detainees in the sports hall. On this basis, the Trial Chamber finds that the guards were military policemen.

803. With regard to counts 1, 9, and 10, the Trial Chamber finds that, starting in April 1992, with an increase after the beginning of military operations on 26 May 1992, and continuing through the summer and autumn of the same year, thousands of Muslims and Croats left the municipality of Sanski Most and moved to other areas of BiH. In one instance, the displacement was to Germany. The municipal authorities in Sanski Most organised special convoys for their transport, while others left by their own means. By 18 August 1992, between 3,000 and 4,500 non-Serbs had left Sanski Most, and 12,000 had applied to the municipality to leave. By the end of 1992, almost all of the Muslims of Sanski Most had left the municipality.

804. The Trial Chamber has considered the evidence that, starting in mid-April 1992, Serb Forces set up checkpoints in Sanski Most and that, according Karabeg, after a while only Muslims and Croats were stopped and searched. Starting in April and May 1992, the SOS destroyed with explosives Muslim and Croatian houses and businesses during the night, broke up political gatherings of the SDA and the HDZ, and attacked Muslim and Croat individuals in Sanski Most. Several witnesses have confirmed that, as a result of these actions, Muslims and Croats became frightened and wanted to leave. Upon orders of the Crisis Staff, Muslims and Croats were fired from their jobs. Once military operations began on 26 May 1992, Serb Forces used artillery projectiles against several Muslim and Croat settlements, including but not limited to, Mahala, Trnovo, Begići, and Šehovići, forcing the population to leave. In addition, they destroyed a number of mosques and burned houses in Muslim and Croatian villages where they had conducted military operations. The Trial Chamber has further considered the massive arrest campaign that targeted Muslims and Croats starting in May 1992, the conditions in which detainees were held, and the treatment that they received while detained. Finally, the Trial Chamber has considered the evidence that persons detained in the Hasan Kikić School sports hall were forced to board buses at gunpoint, before being transferred to Muslim-held territory. On this basis, the Trial Chamber finds that the Muslim and Croatian populations of Sanski Most were either forced out of the municipality or left it because they were frightened by the crimes committed by Serb Forces against them and their property and by the lack of any protection by the authorities.

4. Legal Findings

805. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Sanski Most and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

806. The Trial Chamber finds that the acts of the Serb Forces in Sanski Most were linked geographically and temporally with the armed conflict. The Trial Chamber has considered the campaign of violence that the SOS began carrying out in April and May 1992, which included the destruction of more than 40 buildings hosting businesses owned by non-Serbs, the breaking up of political rallies of the HDZ and SDA, and attacks against non-Serb individuals. The Trial Chamber has further considered the dismissal of non-Serbs from their posts, which was orchestrated by the Crisis Staff and which was carried out with the use of threats and with the help of armed SOS members. It has also considered the large-scale arrest operation of Croats and Muslims that began on 25 May 1992, the attacks against Croatian and Muslim villages and the subsequent round-up of the civilian population, and the destruction of Croatian and Muslim homes and the removal of property, that continued until the end of 1992. On this basis, the Trial Chamber finds that, starting from April 1992 and continuing throughout 1992, there was an attack against the civilian population, identified as the Muslims and Croats of Sanski Most. Based on the large number of buildings destroyed, the more than 1,600 arrests, the massive scale of the looting, and the fact that the Crisis Staff ordered the arrests, set up detention centres, and gave several instructions on where to detain and transport the detainees, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. Finally, the Trial Chamber finds that the acts of Serb Forces were part of, and in fact constituted, this attack, and that the perpetrators of the actions discussed below knew that there was an attack, and that their actions were part of it.

807. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

808. *Counts 5, 6, 7, and 8.* The Trial Chamber has already found that detainees were kept in harsh and unsanitary conditions at the remand facility, the Betonirka garages, and the Hasan Kikić School sports hall; that members of the Serb police, army, TO, and paramilitary formations beat the detainees on a regular basis, causing some of them great psychological and physical suffering; and that some of the detainees suffered long term consequences to their health. The Trial Chamber further finds that, based on the ethnicity of the prisoners and the ethnic slurs often uttered against them by the perpetrators of the beatings, the violence was aimed both at intimidating and

discriminating against the Croat and Muslim detainees. Having found that the general requirements of Articles 3 and 5 are satisfied, the Trial Chamber finds that, starting on 25 May 1992, Serb Forces committed torture, both as a crime against humanity and as a violation of the laws or customs of war, against Croat and Muslim detainees in the remand facility next to the police station, at Betonirka, and in the Hasan Kikić School sports hall.

809. Having found that the general requirements of Articles 3 and 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws and customs of war, against Muslims and Croats of Sanski Most in the remand facility, at the Betonirka garages, and in the Hasan Kikić School sports hall.

810. *Counts 9 and 10.* The Trial Chamber finds that, starting in April 1992, Serb Forces removed Muslims and Croats from Sanski Most, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. In this regard, the Trial Chamber has considered the words of the SDS President, Vlado Vrkeš, who on 27 July 1992 told the Muslims in Pobrijezje that they could not be protected and that it was best for them to leave. It has also considered Vrkeš's statement that the most humane thing was to let the Croats and the Muslims move away peacefully and that the authorities were working together with UNPROFOR to resettle people who wanted to leave, because Sanski Most had to be a Serb town; the actions of Serb Forces during the arrest campaign and after the attacks against Muslim and Croatian villages, when houses were burned and property taken; and the fact that, before leaving Sanski Most, Muslims and Croats had to relinquish their property to the municipal authorities. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. In one instance, the victims were removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber therefore finds that, between April and December 1992, Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim and Croatian population of Sanski Most.

811. *Count 1.* With regard to the arrests and detentions that Serb Forces carried out starting on 25 May 1992, the Trial Chamber has considered the evidence of a number of witnesses that arrested

persons were generally detained on suspicion of armed rebellion or smuggling of weapons. It has also considered that, pursuant to article 196 of the SFRY Code of Criminal Procedure, persons could be detained in pre-trial custody for a maximum of three days and the authority carrying out the arrest had to immediately inform the public prosecutor. According to Draganović and Delić, however, no official investigations were initiated and no reports were filed with the prosecutor's office in relation to the arrests, with the exception of one report for armed rebellion filed in December 1992 concerning ST251. The Trial Chamber has also considered the circumstances surrounding the arrests of the witnesses who gave evidence in this case. The four men in camouflage uniforms who arrested Šabanović on 26 May 1992 burned his ID and driver's licence before taking him to the police station. This shows that Šabanović was not meant to be properly processed at the police station. ST140 testified that his friend Smajlović was detained in Betonirka simply because he was a wealthy Muslim. SZ007 testified that, while Karabeg had been arrested because of his involvement in the armed rebellion and in the arming of Muslims, he never saw evidence of this involvement. Draganović was accused of subversive activities during his interrogation, but was never charged in relation thereto. ST251 testified that he had not taken part in weapons smuggling, but had to sign a statement admitting his involvement therein for lack of another choice. ST251, Karabeg, Šabanović, and Draganović were not brought before the judicial authorities during their detention. Finally, the Trial Chamber has considered the decision issued on 4 June 1992 by the Crisis Staff in which prisoners were divided between "politicians", "national extremists", and "people unwelcome in the Sanski Most municipality". On this basis, the Trial Chamber finds that, starting on 25 May 1992 and continuing throughout 1992, Serb Forces acting upon orders of the Crisis Staff unlawfully imprisoned about 1,600 Muslims and Croats on the basis of their ethnicity, and denied them due process of law. Further, in light of the detention conditions at the police remand facility, at the Betonirka garages, and at the Hasan Kikić School sports hall, the Trial Chamber finds that Serb Forces, including members of the Sanski Most police, established and perpetuated inhumane living conditions for the Muslim and Croat prisoners.

812. The Trial Chamber further finds that the large scale destruction of Muslim and Croatian property and religious buildings carried out by Serb Forces from April 1992 constituted destruction of towns and villages, including the destruction or wilful damage to institutions dedicated to religion and other cultural buildings.

813. The Trial Chamber finds that the taking of valuables by Serb Forces from 200 residents of Hrustovo on 31 May 1992 constituted plunder of property. It further finds that the taking of property by Serb forces on 26 May 1992 from Muhići and Otoka and on 31 May 1992 in Begići constituted plunder of property. Although the Trial Chamber has not received evidence on the kind of goods taken from these settlements, considering that the looting affected entire villages, it is

satisfied that at least some of the removed property was of sufficiently significant monetary value to the victims. In addition, the Trial Chamber has already found that thousands of Muslims and Croats wanted to leave, and indeed left the municipality because they were frightened by the wave of crimes and violence to which they fell victim. It has also found that, to be allowed to leave, Muslims and Croats had to relinquish their property to the municipal authorities. Under these circumstances, the Trial Chamber finds that this, too, constituted plunder of property.

814. The Trial Chamber finds that the dismissal of non-Serbs from their jobs, the restriction on the freedom of movement of women and children before they were moved outside of the municipality, and the denial of judicial process amounted to the imposition of discriminatory measures against the Muslims and Croats of Sanski Most.

815. The Trial Chamber finds that the acts discussed above under counts 5, 6, 7, 8, 9, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living conditions in detention centres; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings;, and the imposition and maintenance of discriminatory measures—infringed upon and denied the Muslims and Croats their fundamental rights laid down in customary international law and treaty law. They were also discriminatory in fact, as they selectively and systematically targeted Muslims and Croats. The Trial Chamber has also considered two additional factors: the fact that people who were dismissed or arrested were almost exclusively of Muslim and Croat ethnicity; and the treatment received by Muslims and Croats while in detention, including but not limited to, the use of ethnic slurs against them. On this basis, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity and religion.

816. On the basis of the above, the Trial Chamber finds that, starting in April 1992 and continuing throughout 1992, Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of Sanski Most.

817. *Conclusion.* The Trial Chamber finds that, from 10 June 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 5, 6, 7, 8, 9, and 10 of the Indictment in the municipality of Sanski Most.

## G. Teslić

### 1. Charges in Indictment

818. The Indictment charges Mićo Stanišić and Stojan Župljanin with crimes allegedly committed in the municipality of Teslić at the times and locations outlined below.

819. Count 1 charges both Accused with persecution, as a crime against humanity, through the commission of the following crimes: (a) the killing of a number of men who died as a result of beatings in the Territorial Defence warehouse between June and July 1992; (b) torture, cruel treatment, and inhumane acts committed at the SJB building in Teslić at least between May and October 1992 and at the Territorial Defence warehouse in Teslić where detainees were beaten and witnessed the beatings and deaths of other detainees at least between May and July 1992; (c) the unlawful detention of Bosnian Muslims and Bosnian Croats in detention facilities at the SJB building and at the Territorial Defence warehouse and the subjection of these persons to inhumane living conditions in those facilities; (d) the establishment and perpetuation of inhumane living conditions in detention facilities; (e) the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats; (f) the appropriation or plunder of property and the wanton destruction of non-Serb property in Teslić at least between June and September 1992; and (g) the imposition and maintenance of restrictive and discriminatory measures against Bosnian Muslims and Bosnian Croats beginning in June 1992 and continuing throughout the year.[1901]

820. Counts 2, 3, and 4 charge both Accused with extermination and murder as crimes against humanity as well as murder as a violation of the laws or customs of war where a number of men died as a result of beatings in the TO warehouse between June and July 1992.[1902]

821. Counts 5, 6, 7, and 8 charge the Accused with torture both as a crime against humanity and a violation of the laws or customs of war; cruel treatment as a violation of the laws or customs of war; and inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population of Teslić after the takeover of Teslić at the beginning of June 1992 where detainees were beaten with electric cables, baseball bats, a meat axe, fists, and batons.[1903]

822. In counts 9 and 10, the Accused are charged with the deportation and forcible transfer (other inhumane acts) as crimes against humanity committed by Serb Forces against Bosnian Muslims and Bosnian Croats after the takeover of Teslić at the beginning of June 1992.[1904]

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[1901] Indictment, paras 26-27, Schedules B n. 7, C n. 7.1-7.2, D n. 7.1-7.2, E n. 6, F n. 6, G n. 6.
[1902] Indictment, paras 29-31, Schedule B n. 7.1.
[1903] Indictment, paras 32-36, Schedules C n. 7.1-7.2, D n. 7.1-7.2, G n. 6.
[1904] Indictment, paras 37-41, Schedules F n. 6, G n. 6.

2. Analysis of Evidence

823. According to the 1991 census in BiH, the ethnic composition of Teslić was 32,962 Serbs (56.7%), 12,802 Muslims (25.8%), 9,525 Croats (9.9%), and 1,100 persons of unknown ethnicity.[1905] By 1997, the number of Muslims living in Teslić had fallen to 3,726 (2.2%)[1906] and the number of Croats to 347 (0.9%).[1907]

(a) Takeover and arbitrary arrests

824. According to a report prepared by the Teslić SJB, as early as September 1991 reserve police were mobilised in Teslić and Serb officials and police helped remove weapons and equipment from military depots and stored them at designated areas in surrounding villages. This was a way to help the SDS in their work and prepare for the defence of the Serb people.[1908] On 6 April 1992, the Teslić Municipal Assembly adopted a decision declaring the municipality to be a constituent part of the RS. All public institutions were to function through the organs of the ARK, and the Teslić SJB became part of the Banja Luka CSB. Nikola Perišić, in his capacity as the President of the Teslić Municipal Assembly and Crisis Staff, called upon the citizens of Teslić to accept this decision peacefully and specifically asked "Muslim and Croatian fellow citizens to continue to live with the Serbian people"; however, he stated that, should they decide to separate themselves, the Serbs would respect their will.[1909] Following this decision, Muslim and Croat employees of the Teslić SJB left the station.[1910]

825. At the 15th Regular Session of the Teslić Municipal Assembly held on 2 April 1992, the President of the Municipal Assembly, Nikola Perišić, insisted that Teslić must be a part of the Serbian canton because of its ethnic composition.[1911] According to Perišić, the reality that Serbs were in the majority in the municipality and that the Serb people did not wish to remain without Yugoslavia must be accepted.[1912]

826. ST253, a Croat police officer in Teslić in 1992, testified that he was asked by his superiors to leave the reserve police. At a meeting organised in early April in front of the police station, all the policemen were addressed by persons in civilian clothes as well as by a high-ranking military

[1905] ST191, 14 May 2010, T. 10285; P1348, Map Showing the Ethnic Composition of Teslić; Adjudicated Fact 1213. *See also* P836, Report by the Teslić SJB for period 20 September 1992 to 20 September 1993, 25 September 1993, p. 1.
[1906] P1627, Tabeau *et al*. Expert Report, p. 120.
[1907] P1627, Tabeau *et al*. Expert Report, p. 124.
[1908] P836, Report by the Teslić SJB for period 20 September 1992 to 20 September 1993, p. 1.
[1909] P1353.04, Decision of the Teslić Municipal Assembly to Proclaim the Territory of the Teslić Municipality a Part of the RS, 6 April 1992; P836, Report by the Teslić SJB for period 20 September 1992 to 20 September 1993, 25 September 1993, p. 1.
[1910] P836, Report by the Teslić SJB for period 20 September 1992 to 20 September 1993, 25 September 1993, p. 2.
[1911] P1354, 15th Regular Session of the Teslić Municipal Assembly held on 2 April 1992, 2 April 1992, pp. 14-15.

officer, who told them that Muslim and Croat employees could not remain in the force. They had to hand in their weapons and go home.[1913] Employees were asked to sign solemn declarations pledging loyalty to the RS, and those who did not do so were removed from their positions, including the station commander Sabahudin Mehmedović.[1914]

827. In May 1992, many paramilitary groups, such as Arkan's Men, the White Eagles, and the Red Berets arrived in the town of Teslić. They beat and killed people around the town and destroyed or damaged Muslim and Croat property, including five or six mosques and several Catholic churches in Teslić town and surrounding villages.[1915] The Miće Group, also called the "Red Berets", were led by Captain Ljubiša Petričević of the VRS and Milan Savić, the Deputy Chief of CSB Doboj.[1916] The Miće Group consisted of active-duty state security officers, reserve members of state security, and a number of members of the VRS.[1917] The arrival of this group was engineered by the Crisis Staff to solve mobilisation problems, despite the fact that some members of the group had a bad reputation and some members were known criminals.[1918] The Trial Chamber notes that, despite knowledge of the criminal background of some of these persons, Serb authorities continued to allow them to operate freely in the municipality.

828. In early May 1992, the Crisis Staff decided that the mobilisation of Serbs should continue, including Serbs who owned hunting weapons. The SJB and the TO were responsible for mobilisation related work, particularly for the recruitment of 250–300 reserve men to immediately staff TO units. Businesses and public institutions were ordered to start on "wartime work regime as of 7 May 1992", including by introducing work obligation for all citizens. Paramilitaries and individuals illegally possessing arms and ammunition were called upon to surrender them to the Municipal TO Staff by 11 May 1992.[1919] Branko Perić testified that the order for surrender of weapons applied primarily to Muslims and Croats.[1920]

829. ST191, an ethnic Serb who was working in Teslić in 1992, was aware that non-Serbs were removed from certain jobs in Teslić, that these removals were directly related to signing a declaration of loyalty to the RS, and that the declaration was a result of the decision of the

[1912] P1354, 15th Regular Session of the Teslić Municipal Assembly held on 2 April 1992, 2 April 1992, p. 15.
[1913] Adjudicated Fact 1214; ST253, 1 November 2010, T. 16638 (confidential).
[1914] P839, Official Note by Predrag Markočević of Teslić SJB, 3 July 1992, p. 1.
[1915] Adjudicated Fact 1215.
[1916] Adjudicated Fact 1215; P838, Criminal Report Against Specific Individuals by the Teslić SJB to the Prosecutor's Office, 9 July 1992; P1361.02, Conclusion of Audio-Taped Interview with Branko Perić, former Teslić Prosecutor, 10 January 2002; Predrag Radulović, 27 May 2010, T. 10921.
[1917] Predrag Radulović, 27 May 2010, T. 10920.
[1918] P1353.27, Report of the Teslić Municipality War Staff to the Assembly and Government of the ARK, the Command of the 1st KK, 4 July 1992; Predrag Radulović, 27 May 2010, T. 10920.
[1919] P1353.06, Record of Teslić Crisis Staff Meeting Held on 6 May 1992, pp. 1-2.
[1920] Branko Perić, 19 May 2010, T. 10482-10484.

Municipal Assembly of 6 April 1992, by which Teslić became a part of the ARK.[1921] Although ST191 could not say whether it was done systematically or because of the decisions of individuals, he knew of the ethnic cleansing and the detention of persons in camps without proper due process.[1922] Although ST191 was not able to testify as to why specific individuals were taken into custody, the Trial Chamber notes that his evidence provides a general overview of the circumstances as they existed in Teslić from April 1992 onwards.

830. In early April 1992, before any combat activity took place, the names of streets and text of the street signs in Teslić were changed from Latin script to Cyrillic by order of the authorities in Teslić.[1923] The Teslić Executive Committee imposed a curfew on 5 May 1992 that required non-Serb civilians to be inside their homes between 11:00 p.m. in the evening and 5:00 a.m. the following morning, forbidding movement on foot or by vehicle within these hours; and the SJB was authorised to set up checkpoints to enforce the curfews throughout the municipality in cooperation with organised night watches in local communes.[1924] People began to feel insecure and asked around about what was happening. Some local Serbs received uniforms and weapons.[1925]

831. Predrag Radulović, a senior SNB inspector of Serb ethnicity working at the Banja Luka CSB in 1992, testified that the Banja Luka CSB Special Police Detachment conducted searches of homes in several municipalities, including Teslić. Radulović noted that, during these searches, valuables were taken from residents including TV sets, VCRs, and motor vehicles. He testified that in Teslić 147 cars were taken by special police units and that shops and warehouses were looted. He was aware of some people who had nothing before the conflict becoming rich overnight.[1926]

832. Predrag Radulović also gave evidence about changes that occurred within the police force in March and April 1992. From as early as 21 March 1992, plans were made within the CSB to split it up along ethnic lines.[1927] In April 1992 officers of the SJB in Teslić were asked to sign a solemn declaration. The Trial Chamber notes that this solemn declaration was to be a declaration of loyalty to the Bosnian Serb Government. Those who did not sign the declaration left their jobs. Those who signed remained in their jobs.[1928] In addition, Radulović testified that the non-Serb members of the

[1921] ST191, 14 May 2010, T. 10277 (confidential).
[1922] ST191, 14 May 2010, T. 10283-10284 (confidential).
[1923] Adjudicated Fact 1214; ST253, 1 November 2010, T. 16641.
[1924] ST253, 1 November 2010, T. 16642, 16705; Branko Perić, 19 May 2010, T. 10480; P1362, Conclusions of the Teslić Executive Committee Regarding the Imposition of a Curfew from 5 May 1992 to be Controlled by the SJB, 5 May 1992.
[1925] ST253, 1 November 2010, T. 16639-16640 (confidential).
[1926] Predrag Radulović, 26 May 2010, T. 10811-10812.
[1927] Predrag Radulović, 25 May 2010, T. 10744; P1367, Report of Miloš Group Regarding Ethnic Division Resulting from the Establishment of the RSMUP, 2 April 1992, p. 1.
[1928] Predrag Radulović, 25 May 2010, T. 10755; P1367, Report of Miloš Group Regarding Ethnic Division Resulting from the Establishment of the RSMUP, 2 April 1992, p. 1.

police were facing threats and harassment. He was also aware of specific cases of killings and beatings by unidentified armed units.[1929]

833. In June 1992, Dušan Kuzmanović and Predrag Markočević were respectively the Chief and the commander of the Teslić SJB.[1930] On the morning of 2 June 1992, tanks rolled into the town heading towards the JNA barracks.[1931] After the army blocked all the roads leading out of Teslić, the Bosnian Muslim village of Stenjak was shelled on 4 June 1992, following the expiration of a deadline issued to the inhabitants to surrender their weapons.[1932] The indiscriminate shelling of Teslić started after the attack of Stenjak and intensified over time. Barring a few days of lull, the town was shelled incessantly for days in a row, during the day and night. About 10–15 people were killed as a result of the shelling.[1933] There was no resistance from the non-Serb population.[1934]

834. ST207, who was a Serb police officer, testified that, at the beginning of July 1992, Predrag Radulović came with men from Banja Luka and took over the Teslić SJB.[1935] ST207 and his colleagues did their best to work with Predrag Radulović and the men who came during what he described as a "difficult situation" in Teslić.[1936]

835. On or about 4 July 1992, ST191 wrote a report about the arrest of a group of soldiers and policemen from Doboj who had committed crimes in Teslić in June.[1937] This report was sent to the Assembly and Government of ARK, the Banja Luka CSB, the command of the 1st KK, Radovan Karadžić, the Prime Minister, the Main Staff of the army, and the Minister of the Interior.[1938] ST191 testified that he "didn't receive any assistance" in relation to the report and that the report was only discussed when Ratko Mladić came to Teslić.[1939]

836. ST191 testified that Ratko Mladić had only one meeting in Teslić and that at that meeting there was no mention of ethnic cleansing and no insistence on the killing of Muslims and Croats on the next day by Bilanović and Nedić.[1940] However, having heard the evidence of Predrag Radulović,

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[1929] Predrag Radulović, 25 May 2010, T. 10756-10757.
[1930] Adjudicated Fact 1035; P839, Official Note by Predrag Markočević of Teslić SJB, 3 July 1992, p. 1.
[1931] ST008, 24 January 2011, T. 19199-19200.
[1932] Adjudicated Fact 500; ST191, 14 May 2010, T. 10245-10246 (confidential).
[1933] ST191, 14 May 2010, T. 10247-10248.
[1934] Adjudicated Fact 503.
[1935] ST207, 13 May 2010, T. 10077 (confidential).
[1936] ST207, 13 May 2010, T. 10078 (confidential).
[1937] ST191, 14 May 2010, T. 10202-10206 (confidential); P1353.27, Report of the Teslić Municipality War Staff, 4 July 1992.
[1938] ST191, 14 May 2010, T. 10202-10203 (confidential).
[1939] ST191, 14 May 2010, T. 10205-10206 (confidential).
[1940] ST191, 10 January 2011, T. 18546-18550 (confidential).

who testified about the author of the report and its sources,[1941] the Chamber does not find the evidence of ST191 on this point to be credible and will rely on the report.

837. ST191 was aware that Muslim and Croat civilians, including well-known and respected members of the community, were being arrested and detained at various locations in Teslić.[1942] ST191 was told that non-Serbs were taken into custody for one of two reasons: either on the suspicion that they possessed weapons or that they were being active in enemy forces. He also learned that some persons who were wealthy and able to pay a ransom were not detained, but those who were not able to pay were detained until they were able to pay for their release.[1943]

(b) Detention centres

(i) SJB building

838. Predrag Markočević prepared an official note for the RS MUP on 3 July 1992 about events that took place in Teslić in June 1992.[1944] According to this note, on 1 or 2 June 1992, Radoljub Šljivić, a military security officer linked to the Miće Group,[1945] arrived at the Teslić SJB and informed police officers that, following an agreement among the leaders of Teslić, he would return to Teslić the following day with a team from Doboj who would be in charge of "bringing some order" to Teslić.[1946] Šljivić insisted on inspecting the detention room at the SJB. He told the officers to remove the mattresses from the beds because it was too comfortable.[1947] The official note outlines reports that were received from Marinko Đurić that certain groups, as well as the Red Berets, had previously established Serb rule in Doboj amid various atrocities, that many people had been killed, and that "anyone among the townspeople or organs of authority who stood up to them was liquidated."[1948]

839. On 3 June 1992, a group known as the Miće Group or "Red Berets", arrived at the Teslić SJB and took over command, indicating to the officers there that they were now in charge. While one of the Red Berets addressed a group of assembled police officers in front of the SJB, the President of the municipality, the Secretary of Defence, Dušan Kuzmanović, Teslić SJB Chief, and

[1941] Predrag Radulović, 27 May 2010, T. 10948-10950 (confidential).
[1942] ST191, 14 May 2010, T. 10226 (confidential).
[1943] ST191, 14 May 2010, T. 10227 (confidential).
[1944] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 1.
[1945] ST191, 13 May 2010, T. 10141-10142, 10150-10151; Predrag Radulović, 31 May 2010, T. 11094-10095; 2D27, Miće Criminal File, 9 July 1992, p. 2; P1313, Register of Data Regarding Detention of Detainees for the period 1989-1994 for Doboj, p. 30.
[1946] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 1.
[1947] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, pp. 1-2.
[1948] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 2.

other municipal officials were present.[1949] On this same day, the official note reports that members of the military police were bringing persons who were arrested in Teslić to the detention room. The document goes on to explain that by the evening of 3 June 1992 the prison was almost full and there were about 30 persons there. Policemen at the SJB indicated that the persons who were arrested were mostly well-respected Croatian and Muslim citizens of Teslić.[1950]

840. The SJB building in Teslić contained the offices of the duty officers, the crime department, and other offices pertaining to the work of the police station.[1951] Detainees, all of whom were Muslims and Croats, were kept in the room used for weapons and ammunition within the SJB building and in the basement of a building adjacent to the SJB building, where they were locked up behind metal doors. The SJB building and the building with the detention unit were guarded by about a dozen policemen at the entrance, who walked "to and fro between the two buildings".[1952] The cells, one of which was about six-by-six meters in size and the other a restroom, were in a "disastrous" condition and so full that many detainees had to stand. Only the injured detainees were allowed to lie down.[1953]

841. The beatings and mistreatment of the detainees became common place, and the military police from Doboj kept bringing persons in without any authority or documentation. Reports also reached officers at the police station stating that the military personnel from Doboj were searching houses and seising any valuables they found. These men from Doboj were also seen driving around the town in new cars.[1954]

842. Serbs detained Muslims and Croats in several detention centres under cramped conditions in the municipality of Teslić in 1992. Detainees were severely beaten, and some died as a result. Former detainees were obliged to work and dig trenches.[1955] After 3 June 1992, Bosnian Muslim men, almost all of whom were prominent citizens, detained at the SUP building in Teslić were beaten with batons, bats, and other items. Detainees witnessed the beatings of other detainees.[1956] From the SUP building in Teslić, they were eventually transferred to the TO warehouse in Teslić and a detention camp at Pribinić, until about the beginning of October 1992.[1957]

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[1949] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 2; ST207, 13 May 2010, T. 10083 (confidential); P1350, Photograph of the SJB Building in Teslić, 21 April 2002.
[1950] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 3.
[1951] ST253, 1 November 2010, T. 16645, 16649-16650; P1350, Photograph of the SJB Building in Teslić, 21 April 2002.
[1952] ST253, 1 November 2010, T. 16644-16645, 16650-16651, 16659.
[1953] ST253, 1 November 2010, T. 16644, 16651.
[1954] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 4.
[1955] Adjudicated Fact 1220.
[1956] Adjudicated Facts 508-509, 934. The Trial Chamber notes that the evidence refers to the police stations as the SUP building or the SJB building interchangeably.
[1957] Adjudicated Fact 505.

843. ST008, a Muslim from Teslić, testified that he was arrested on 3 June 1992.[1958] He was sitting in front of his store with a member of his family and a Serbian friend of his from Gornji Teslić when they saw two cars moving quickly towards the house.[1959] One of the cars was a police car, and the other was a red Golf. Three men got out of the red Golf, and four men out of the blue police car. They were all wearing uniforms and red berets. They approached ST008 and asked for him by name. ST008 was told that he should accompany them. When he asked them where he was being taken, he was told that he would be taken to the police station.[1960]

844. After 12 days in detention at the Teslić jail, ST008 was moved to the TO warehouse in Teslić,[1961] where he was detained from 15 June to 23 July 1992. During that time, he was released for two days but was unable to have access to his home or business. ST008 testified that his house was confiscated by someone he did not know. When he arrived at his house in July 1992 and tried to unlock the door, he could not get in. He then saw a man appear at his front door saying that his name was Miso. ST008 asked him where he was from, and he responded that he was a refugee from Darovar and had been given a document by the civilian protection saying he had a right to occupy the property.[1962] ST008 was prevented from entering the house by the man he found there, and thus was unable to recover his belongings. After asking Serb friends of his to enquire on his behalf why this was happening, ST008 was told by his Serb friends that for his own security it would not be a good idea for him to try to go back to his home.[1963]

845. ST253, a Croat and a former member of the reserve police, testified that he was arrested at his home on 5 June 1992 by a group of men wearing camouflage uniforms and white belts. He thought they were military policemen because of the kind of uniform they wore. He was told that this group of men had been looking for him. They arrived at his house, called him out by name, and immediately started beating him.[1964] He was put into the back of a red van. Two or three of the men searched his house and confiscated his semi-automatic rifle. ST253 was informed that if his firearm was found to have been fired, he would be killed. The soldiers took ST253 to the SJB where a policeman put him in the detention unit, which was already full. There, he recognised many of his former colleagues.[1965]

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[1958] ST008, 24 January 2011, T. 19200.
[1959] ST008, 24 January 2011, T. 19201-19202.
[1960] ST008, 24 January 2011, T. 19202.
[1961] ST008, 24 January 2011, T. 19206, 19210.
[1962] ST008, 24 January 2011, T. 19228.
[1963] ST008, 24 January 2011, T. 19228-19229.
[1964] ST253, 1 November 2010, T. 16642.
[1965] ST253, 1 November 2010, T. 16642-16643, 16650.

846. ST253 was in the first cell in the detention unit, where he stood by one of the windows. He would sometimes hold on to the bars in the window and squat down. He could not sit or lie down because the room was full of urine, which filled the room with a stench. As he was by the window, ST253 saw people being brought in to the SJB building and heard them groaning. He could see when they beat detainees outside.[1966] ST253's brother was held at the SJB building for about five or six days.[1967]

847. ST253 witnessed the beating at the SJB building of Mujo Zukanović, former crime inspector at the SJB; Hasan Irišić, a former police officer; Remzija Jašarević; and Kopić, a.k.a. "Rambo", all of Muslim ethnicity. Detainees were beaten by the guards, including by Miroslav Pijunović, a.k.a. "Piko", by reserve police officers, and by members of the Miće Group or "Red Berets". Kopić was taken behind the committee building and was never seen again. ST253 later learned that he was killed.[1968] Predrag Markočević, Marinko Đukić, and Dušan Kuzmanović, the Chief of the SJB, watched and laughed as Kopić was beaten.[1969] ST253 testified that a young boy, known as Almir, was badly beaten and killed at the SJB building.[1970] On the night of 12 June 1992, a group of approximately 30 non-Serb detainees were taken out of the SJB on the orders of Lieutenant Colonel Bilanović and Ljubiša Petričević, and were executed at Mount Borja by the Miće Group.[1971] On another occasion in June 1992, Piko, a member of the Miće Group who personally beat detainees on several occasions, executed Fadil Isić, the former SDA president in Teslić, in the medical centre.[1972] The Trial Chamber will not make any finding in relation to these killing incidents because they are not charged in the Indictment.

848. The report describes the beating on the evening of 8 June 1992 of several detainees outside the Teslić SJB building. One guard beat detainees with what was described as a heavy tool rack, and other police officers were forced to beat detainees as well. This incident was reported to the deputy chief of the Doboj CSB, Milan Savić, who was informed that there was a possibility that

[1966] ST253, 1 November 2010, T. 16653.
[1967] ST253, 1 November 2010, T. 16644.
[1968] ST253, 1 November 2010, T. 16653-16656; P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 3.
[1969] ST253, 1 November 2010, T. 16655-16657.
[1970] ST253, 1 November 2010, T. 16680.
[1971] Predrag Radulović, 27 May 2010, T. 10938-10939; P838, Criminal Report Against Specific Individuals by the Teslić SJB to the Prosecutor's Office, 9 July 1992, p. 10; P1353.11, Report from the Public Prosecutor's Office in Teslić to the Government, MUP, and Ministry of Justice on Initiating Criminal Proceedings Against Members of the Military Police and the CSB in Doboj, 28 July 1992, p. 7.
[1972] ST253, 1 November 2010, T. 16655-16656; ST008, 24 January 2011, T. 19220-19221; P1353.11, Report from the Public Prosecutor's Office in Teslić to the Government, MUP, and Ministry of Justice on Initiating Criminal Proceedings Against Members of the Military Police and the CSB in Doboj, 28 July 1992, p. 7.

some persons may have died. His response was that this was not a problem; he instructed officers to bury the bodies secretly and told them that this incident should not be mentioned to anyone.[1973]

849. The report describes the conditions that existed in the detention rooms as "unbearable", including a stench emanating from the detention room in the SJB building by 9 June 1992.[1974] In mid-June 1992, Stojan Župljanin was informed of the conditions of detention and beatings that had taken place in Teslić and was also told that there had been a number of casualties among non-Serb detainees. Župljanin's response, according to this report, was that "war was going on, and that similar things were happening in a number of other places". The Chief of the Doboj CSB Andrija Bjelošević was also informed of the situation. Although Bjelošević was not given information about specific crimes, he said that he would speak to Milan Savić about it and take further measures.[1975]

850. ST253 testified that he was detained at the SJB building for five days, after which he was brought to the TO warehouse. On the fifth day, the detainees boarded a bus with two military policemen, which was parked at the entrance. They were brought to the TO warehouse, which is about 500–600 metres away from the SJB building.[1976]

(ii) TO warehouse

851. ST207 identified the TO warehouse as the place where the Miće Group kept their prisoners while they were operating in Teslić.[1977] The TO warehouse was mainly guarded by members of the police, but there were also guards in military fatigues, paramilitary members, including Arkan's Men, and persons with criminal records who had access to the prison.[1978]

852. There were between 100 and 130 Bosnian Muslim and Bosnian Croat civilian men detained at the TO warehouse.[1979] At some point, the TO warehouse had more than 200 people detained but as it was a big space, there was enough room for everyone.[1980] Some detainees remained at the TO building between 30 and 40 days.[1981] Detainees had to urinate in a canister or else they would risk being beaten on the way to the toilet. They were not able to wash or change clothes.[1982] Detainees were beaten with fists, feet, batons, chains, baseball bats, and cables. They were beaten daily. They witnessed beatings of other inmates and sometimes deaths resulting from such beatings. They were

[1973] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 5.
[1974] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, pp. 6-7.
[1975] P839, Official Note to the CSB Banja Luka from the Teslić SJB, 3 July 1992, p. 7.
[1976] ST253, 1 November 2010, T. 16659-16660, 16680.
[1977] ST207, 13 May 2010, T. 10082 (confidential); P1349, Photograph of the Territorial Defence Building in Teslić, 21 April 2002.
[1978] ST253, 1 November 2010, T. 16662-16664, 16674-16675; ST008, 24 January 2011, T. 19216-19218.
[1979] Adjudicated Fact 510.
[1980] ST253, 1 November 2010, T. 16660-16661.
[1981] Adjudicated Fact 511.

subjected to ethnic slurs.[1983] Many of the detainees were called out and subsequently killed at the TO warehouse.[1984]

853. During his time there, ST253 recognised Jozo Martinović, a.k.a. "Rupa", who was a carpenter; Hidayet Hausić, a former reserve officer; Seho Topcagić; two brothers by the names Faruk and Fadil; and Hasan Irišić. All of these persons and others detained at the TO warehouse were Muslims and Croats. Most of them were either policemen or wealthy and prominent persons.[1985]

854. During his detention, Tomo Mihajlović called ST253 out by name along with Hasanović, Blagojević, and another reserve policeman. Mihajlović hit ST253 over the head about 15 times with his police baton.[1986] ST253 was taken to the police station and left to wait in the corridor on the first floor. A short while later, about seven young men approached him wearing camouflage uniforms with an eagle coat of arms on their left shoulder, which was a Serbian coat of arms.[1987] These men started to beat and kick him repeatedly, while he tried to protect himself.[1988] They stopped beating him when Milan Etić, the Chief of the Crime Department, showed up. Later, he was questioned by Marinko Đukić, a.k.a. "Milan", and told that he should start talking about the weapons or he would be killed.[1989] He was then taken back to the TO warehouse.[1990]

855. ST253 was detained at the TO warehouse until August.[1991] After ST253 was released, his own mother could not recognise him. During his stay in detention, his hair—which was previously black—had turned grey, and he had a serious spinal injury. ST253 further testified that he was taken to a room one night and was beaten with one-inch thick pipes, and one of the guards beat him until he lost all feeling in his legs. He was immobile for 15 days as a result of this beating and he required help to use the toilet.[1992]

856. ST253 also testified that Piko, Mihaljović, Kostić, and Nebojša, an active duty police officer, all administered beatings. Mirsad Gilić, a Montenegrin, and Saba Masinović, a taxi driver, were among those whom ST253 witnessed being beaten. Gilić was eventually killed by Piko who

[1982] Adjudicated Fact 513.
[1983] Adjudicated Fact 516; ST253, 1 November 2010, T. 16663.
[1984] Adjudicated Fact 937.
[1985] ST253, 1 November 2010, T. 16661-16662.
[1986] ST253, 1 November 2010, T. 16666-16667.
[1987] ST253, 1 November 2010, T. 16667.
[1988] ST253, 1 November 2010, T. 16667-16668.
[1989] ST253, 1 November 2010, T. 16668.
[1990] ST253, 1 November 2010, T. 16669.
[1991] ST253, 1 November 2010, T. 16660.
[1992] ST253, 1 November 2010, T. 16680-16681.

struck him with a hammer so hard that it almost went through his skull.[1993] ST008 testified that Himzo Jašarević was beaten and killed at the TO warehouse by Brane Miličić.[1994] ST008 also saw a Croat, whose name he did not know, being verbally abused, beaten, and taken out in the way Gilić had been.[1995]

857. While in custody at the TO warehouse, ST008 saw that persons were regularly moved in and out of the detention facility.[1996] He gave evidence about beatings, saying that those who were taken out of the detention facility were beaten and that he could hear their screams.[1997] There were about 350 or 400 persons at the TO warehouse, and at some point they all had to stand because there was not enough room to sit.[1998] The TO warehouse was about 6 to 8 metres wide and approximately 20 metres long.[1999] ST008 said that there was very little air and the smell was unbearable.[2000] Detainees were forced to sing Serbian national songs in the detention camp, and those who refused were beaten by the guards.[2001] Prior to being moved to the TO warehouse, ST008 was hit once during his detention at the police station. When he was moved to the TO warehouse, he witnessed beatings often and noted that those persons who were closest to the door would be hit most often. He therefore tried to stand away from the door.[2002]

858. ST008 said that there were times when three, four, or five guards would enter at once and start hitting persons randomly.[2003] When they got tired of the beatings, they would start shouting, "All you Balijas and Ustashas should be killed", and then they would leave.[2004] ST008 was able to identify some of the men who were beating the detainees. He was able to identify Tomo Mihajlović, Predrag Markočević, and Mirko Djukić as persons who beat detainees at the TO warehouse. He further testified that these men wore a "Chetnik" insignia on their uniforms.[2005] ST008 witnessed Tomo Mihajlović beating several persons with a stick and a chain.[2006]

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[1993] ST253, 1 November 2010, T. 16670-16672.
[1994] ST008, 24 January 2011, T. 19215-19216.
[1995] ST008, 24 January 2011, T. 19214-19215.
[1996] ST008, 24 January 2011, T. 19206.
[1997] ST008, 24 January 2011, T. 19206-19207.
[1998] ST008, 24 January 2011, T. 19206.
[1999] ST253, 1 November 2010, T. 16665.
[2000] ST008, 24 January 2011, T. 19206.
[2001] ST008, 24 January 2011, T. 19208.
[2002] ST008, 24 January 2011, T. 19208-19209.
[2003] ST008, 24 January 2011, T. 19211-19212.
[2004] ST008, 24 January 2011, T. 19212.
[2005] ST008, 24 January 2011, T. 19213.
[2006] ST008, 24 January 2011, T. 19214.

(c) Removal of civilian population

859. A Miloš Group report from 20 May 1992 recorded that in the area of Teslić, "[a]s in most other places", a "mass exile from the town and the villages was observed of the children and women of Muslim and Croat ethnicity".[2007]

860. According to a Miloš Group report of July 1992, the SDS in Doboj and the broader area of the ARK had two trends—one was more moderate with a humane and rational stand on the issue of ethnic minorities living the areas with Serbs in a majority, while the other was developing the idea of "an ethnically pure BiH" and willing to resort to "whatever means to attain its goal". Branko Perić agreed with the report to the extent that there were extremists within the SDS and that the SDS policy in Teslić "essentially boiled down to ethnic cleansing".[2008]

861. Another Miloš Group report detailed a meeting in Teslić sometime in 1992, where Ratko Mladić indicated that both his opinion and that of Nikola Perišić was that ethnic cleansing should be carried out in Teslić by members of the SJB as soon and efficiently as possible. Mladić also said that he would issue a written guarantee that they could not be held responsible for any such action. The same report indicates that, on the following day, Colonel Bilanović and Major Nedić insisted that the police kill citizens of Muslim and Croatian ethnicity wherever they could—in public places and houses—in order to cause fear among the Muslims and Croats and thus force them to leave.[2009] The report may have been written on the day of the meeting or on the next day in July or early August 1992.[2010]

862. A *BBC* report of 28 July 1992 relayed the information from *Radio BiH* that at least 10,000 residents of the Teslić area, mainly Muslims and Croats, had been "driven out of the region" and the villages of Crnjak and Rankovići were now "completely deserted."[2011] ST191 clarified that, around that date, the war was under way, the majority of the population had left the Teslić area, and Serbs who had been driven out by the HVO from other parts of BiH had started arriving in Teslić.[2012] It was Branko Perić's view that the Miće Group had been brought into Teslić "to create an atmosphere of fear and, thus, exert pressure to bring about voluntary departures and removal" of

[2007] 1D306, Miloš Group Report, 20 May 1992.
[2008] Branko Perić, 19 May 2010, T. 10513-10514; P1388, Report of Miloš Group Regarding Ethnic Cleansing Activities of SDS Extremists in Doboj and the ARK, 11 July 1992.
[2009] P1385, Report of Miloš Group Regarding Meeting Between Teslić Political Leadership and Ratko Mladić and Other VRS Representatives, p. 1 (confidential).
[2010] Predrag Radulović, 27 May 2010, T. 10948-10950 (confidential).
[2011] P1353.10, *BBC* Summary of *Radio BiH* report, 28 July 1992; ST191, P1353.02, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 16 July 2003, T. 19598-19599.
[2012] ST191, P1353.02, *Prosecutor v. Brdanin,* Case No. IT-99-36-T, 16 July 2003, T. 19598-19599.

Bosnian Muslims and Croats. The Miće Group "started terrorising the Muslim and the Croat population, forcing them to leave."[2013]

863. According to a decision of the Teslić Municipal Assembly in July 1992, citizens who left the municipality prior to 1 July 1992 were banned from returning. The Teslić Municipal Assembly also requested Muslims and Croats who wished to leave Teslić "voluntarily" to report to the Red Cross. According to Perić, this was only "voluntary" in as much as it was a way for the Muslims and Croats to avoid being killed by the Miće Group at some later stage.[2014]

864. Branko Perić believed that the removal of the Muslims and Croats was the "ultimate goal that everything was going towards". After the takeover in June 1992, "there were several organised crossings" in convoys mostly by the army, the police, and the civil protection. Perić did not think these were voluntary departures. According to him, SDS commissioners, who were an arm of the Crisis Staff, would come to the villages and inform the people that they were leaving that night.[2015] In August 1992, after the attacks on the villages of Slatina, Komušina, and Studenći, the Croat inhabitants left overnight—either out of fear of the ongoing combat activities "or they were taken away in an organised fashion".[2016]

865. Following their departure, the property of Muslims and Croats was looted, including cars and heavy machinery. Thereafter, Serb refugees from other areas were moved into their homes. Forced evictions were organised to allow the Serbs to move in.[2017]

(d) Destruction of religious and cultural property

866. The evidence before the Trial Chamber clearly outlines that there was destruction of several religious and cultural buildings. ST207 testified that, during the time the Miće Group operated in Teslić, the mosques in Stenjak, Barići, and Ružević were destroyed by Serb forces.[2018] The destruction of the mosque in Ruzević was confirmed by the testimony of András Riedlmayer, an expert in religious art, architecture, and archaeology. According to Riedlmayer, the mosque was built in 1987 and was almost completely destroyed after the war.[2019] Only a stump of the minaret of

[2013] Branko Perić, 19 May 2010, T. 10505-10506; P1361.02, Conclusion of Audio-Taped Interview with Branko Perić, 10 January 2002, p. 32.
[2014] P1316.02, Conclusion of Audio-Taped Interview with Branko Perić, 10 January 2002, p. 32; P1353.07, Decisions of the Teslić Municipal Assembly reached at its 16th Regular Session held on 6 July 1992, p. 3.
[2015] P1316.02, Conclusion of Audio-Taped Interview with Branko Perić, 10 January 2002, pp. 68-69.
[2016] ST191, 14 May 2010, T. 10239-10240.
[2017] P1316.02, Conclusion of Audio-Taped Interview with Branko Perić, 10 January 2002, p. 70; ST008, 24 January 2011, T. 19229.
[2018] Adjudicated Fact 1036; ST207, 13 May 2010, T. 10140 (confidential).
[2019] András Riedlmayer, 2 June 2010, T. 11255-11256.

the mosque was left, which is consistent with there being some kind of internal blast.[2020] The Catholic Parish Church of St. Joseph in Teslić was also completely destroyed by Serb forces in mid-1992.[2021] The Trial Chamber is satisfied that religious buildings were damaged and destroyed. However, there is no indication from the evidence heard by the Trial Chamber how exactly the damage was caused to these buildings.

### 3. Factual Findings

867. The Trial Chamber finds that, in early April 1992, Teslić, a Serb-majority municipality, was declared a constituent part of the RS with Nikola Perišić as the President of the Teslić Municipal Assembly and Crisis Staff. Following this decision, Muslim and Croat employees who would not sign a declaration of loyalty to the RS MUP were dismissed. The evidence does not allow the Trial Chamber to determine the amount of non-Serbs, if any, who signed the declaration and remained in the RS MUP.

868. The Trial Chamber finds that, from June 1992 onwards, non-Serbs in Teslić were being arrested, detained, and questioned. Street signs in Teslić were changed from Latin script to Cyrillic, a curfew was imposed, and checkpoints manned by SJB personnel were established to enforce the curfew. The Trial Chamber finds that the leadership of the Municipal Assembly in Teslić, including Nikola Perišić, deliberately created an atmosphere of fear and intimidation in order to force Muslims and Croats to leave the municipality.

869. The Trial Chamber finds that, in June 1992, Dušan Kuzmanović and Predrag Markočević were respectively the Chief and the commander of the Teslić SJB. The takeover of Teslić commenced in early June 1992 with the indiscriminate shelling of the Muslim village of Stenjak and Teslić by the army following the expiration of a deadline issued to the inhabitants to surrender their weapons. There was no resistance from the non-Serb population. On or about 3 or 4 June 1992, paramilitaries calling themselves the "Miće Group", Bosnian-Serb police from the Doboj CSB, and members of the VRS arrived in Teslić. Houses were searched and looted by these forces, and cars and heavy machinery were seised. The Trial Chamber further finds that members of the Banja Luka CSB Special Police Detachment searched and looted houses belonging to the non-Serb population in Teslić. The Trial Chamber finds that the Catholic church in the town of Teslić and the mosques in Barići and Ružević were demolished during hostilities in mid-1992 by Bosnian Serb Forces.

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[2020] András Riedlmayer, 2 June 2010, T. 11255. *See also* P1404, András Riedlmayer's Database of Material Related to Bileća, Gračko, Teslić and Vlasenica, p. 31 (showing pictures of the mosque in Rusević before and after the war).

870. The Trial Chamber is satisfied that hundreds of Bosnian Muslim and Bosnian Croat civilians were arrested and held in the SJB building and the TO warehouse. Policemen and other Serb Forces severely beat detainees. Non-Serbs were taken into custody if they were suspected by Serb authorities to have weapons in their possession. The Chamber finds that the arrest and detention of Croats and Muslims in Teslić was carried out in an organised manner on the basis of ethnicity. The conditions were deplorable, including serious overcrowding and a lack of sanitation facilities. Detainees were beaten daily and witnessed the beatings of other inmates. Detainees were subject to ethnic slurs and forced to sing Serbian nationalistic songs. The Chamber finds that the TO warehouse and the SJB building were run by Bosnian Serb Forces, including the Miće Group or "Red Berets", military police, SJB personnel under Predrag Marković and Marinko Đukić, and the army.

871. The Trial Chamber finds that Mirsad Gilić, Himzo Jašarević, and a Croat man were killed at the TO warehouse by Miroslav Pijunović; reserve police officers; Tomo Mihajlović, a reserve police officer; Brane Miličić, who wore a camouflage military uniform; and others who belonged to the Miće Group or "Red Berets". Having considered all evidence adduced in the Proof of Death Database, the Trial Chamber was able to identify two persons out of the 30 persons named in the Prosecution's Final Victims List. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

872. Having considered the documentary evidence along with the testimony of Branko Perić, ST191, and ST008, the Trial Chamber finds that the Muslim and Croat civilian population of Teslić and its neighbouring villages involuntarily left the region because of the atmosphere of fear created by the Miće Group in consonance with the policy of the SDS and other municipal authorities, including the Municipal Assembly and the Crisis Staff. Further, several convoys of Muslims and Croats were organised by the army and the police for "crossings", which the Chamber understands to mean their expulsion to non-Serb territory. The Chamber finds that thousands of Muslims and Croats were displaced by the end of July 1992. The Chamber also finds that the Bosnian Serb authorities ensured that the non-Serb population of Teslić could not return to their homes by allocating their property to Serb refugees arriving from different parts of BiH.

### 4. Legal Findings

873. The Trial Chamber recalls its finding that an armed conflict existed in Bosnia and Herzegovina during the time period relevant to the Indictment. The Trial Chamber finds that a

[2021] Adjudicated Fact 939; András Riedlmayer, 2 June 2010, T. 11255. *See also* P1404, András Riedlmayer's Database of Material Related to Bileća, Gračko, Teslić and Vlasenica, p. 37 (showing pictures of the mosque in Rusević before

nexus existed between the acts of the Serb Forces and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

874. The Trial Chamber finds that the acts of the Serb Forces were linked geographically and temporally with the armed conflict. The Trial Chamber is satisfied that there was an attack by Serb Forces directed at the civilian population in Teslić. The arbitrary arrests between 3 and 4 June 1992, the detention of Muslim and Croat civilians, and the appropriation of property in Teslić demonstrate that these attacks were highly organised. The Trial Chamber therefore finds that the attack against the civilian population was systematic. The acts of Serbian police and paramilitary forces, including the Miće Group and the Red Berets, against the Muslim and Croat civilian population, were part of this attack; and, given the high degree of organisation of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing and that their acts were part of it.

875. The Trial Chamber therefore finds that the general requirements of Articles 3 and 5 have been satisfied.

876. *Counts 2, 3, and 4.* The Trial Chamber finds that the killings of Mirsad Gilić, Himzo Jašarević, and a Croat man at the TO warehouse were the result of beatings they received while in detention and constitute murder because the perpetrators should have known that beating them might have led to death. None of the men were taking an active part in hostilities. Recalling its finding that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that Serb Forces committed murder, both as a crime against humanity and a violation of the laws or customs of war.

877. In order to prove the offence of extermination, the Prosecution must present evidence of killings of a large number of persons. Based upon the fact that the Prosecution has only proved that three persons were killed in Teslić, the Trial Chamber finds that count 2 (extermination) has not been proved.

878. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that the detainees at the SJB building and the TO warehouse were subjected to inhumane living conditions and witnessed the beatings of other inmates. There were also regular beatings aimed at punishing and intimidating detainees. Accordingly, the Trial Chamber, recalling that the general requirements of Article 3 and 5 have been satisfied, finds that torture, as a crime against humanity and as a violation of the laws or customs of war, was committed by the Serb Forces against the Muslim and Croat population of Teslić and individuals not taking an active part in hostilities. Having found that the general

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and after the war).

requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

879. *Counts 9 and 10.* The Trial Chamber has found that thousands of Muslims and Croats left Teslić as a consequence of the attacks and takeover of Teslić, arbitrary arrests, destruction and appropriation of property, and the creation of an oppressive environment through the use of abusive forces, such as the Mićе Group, between April 1992 and December 1992. The Trial Chamber finds that Serb Forces removed Muslims and Croats from the municipality of Teslić, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Muslim and Croat population of Teslić. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

880. *Count 1.* The Trial Chamber finds that Serb Forces unlawfully detained Bosnian Muslims and Bosnian Croats in the SJB building and the TO warehouse. The established and perpetuated conditions of their detention were inhumane. The Chamber further finds that Serb Forces committed the plunder of non-Serb property and wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings, in Teslić. The Serb Forces also imposed and maintained restrictive and discriminatory measures on Bosnian Muslims and Bosnian Croats beginning in June 1992 by denying them freedom of movement, removing them from positions of authority and dismissing them from employment, conducting arbitrary searches of their homes, and denying them the right to judicial process.

881. The Trial Chamber finds that the acts in the foregoing paragraph—as well as the acts discussed above under counts 3, 4, 5, 6, 7, 8, and 10—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of a particular ethnicity. On the basis of the pattern of selective arrests and use of ethnic slurs by Serb Forces

against the detainees while in detention, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against the Muslims and Croats because of their ethnicity.

882. On the basis of the above, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Teslić.

883. The Trial Chamber finds that from 3 June 1992 until September 1992 Serb Forces committed the crimes charged under counts 1, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Teslić.

## H. Bijeljina

### 1. Charges in Indictment

884. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Bijeljina at the times and locations specified below.

885. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) unlawful detention at the Batković detention facility, Bijeljina municipality; (b) the establishment and perpetuation of inhumane living conditions at the Batković detention facility, including the failure to provide adequate accommodation and shelter, food or water, medical care, and hygienic sanitation facilities from at least between June and December 1992; (c) forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Bijeljina municipality from April 1992 and continuing throughout that year.[2022] All underlying acts of persecution were allegedly committed by Serb Forces against Bosnian Muslims and Bosnian Croats.[2023]

886. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces against the Bosnian Muslim and Bosnian Croat population of the municipality of Bijeljina.[2024]

### 2. Analysis of Evidence

#### (a) Background

887. Bijeljina is located in north-eastern BiH, bordering the Republic of Serbia to the north and east.[2025] According to the 1991 census in BiH, the ethnic composition of the municipality of

[2022] Indictment, paras 26(e), 26(f), 26(g), Schedule C n. 19.
[2023] Indictment, paras 9, 24.
[2024] Indictment, paras 11, 37, 38.

Bijeljina was 24,314 Muslims (29.8%), 448 Croats (0.5%), 49,654 Serbs (60.8%), and 7,234 others (8.9%).[2026] In 1997, the ethnic composition of Bijeljina municipality consisted of approximately 1,429 Muslims (2.6%), 375 Croats (0.7%), 50,843 Serbs (91.1%), and 3,160 others (5.6%).[2027] The Prosecution's Demographic Unit further estimated that the number of internally displaced persons and refugees from the municipality included approximately 12,725 Muslims and 31 Croats in the year 1997.[2028]

888. Fighting in Bijeljina town started on 31 March 1992. Members of the paramilitary group led by Željko Ražnatović, a.k.a. "Arkan" ("Arkan's Men" or "Arkan's Tigers"), came to Bijeljina and, in cooperation with the Serb Volunteer Guard under the command of Mirko Blagojević, took control of important town structures.[2029] Despite some resistance, Serb Forces took control of Bijeljina by 4 April 1992.[2030] Around 3 April 1992, a total of 48 bodies, including those of women and children, were collected from the town's streets and houses; 45 of these victims were non-Serbs and none wore uniforms. Most of the dead had been shot in the chest, mouth, temple, or back of the head, some at close range.[2031] At least 52 persons of mainly Muslim ethnicity were killed by Serb Forces in Bijeljina municipality between April and September 1992.[2032]

889. During the official visit to Bijeljina that day, Biljana Plavšić asked Arkan to hand over control of Bijeljina to the JNA, to which he replied that he had not yet finished his "business" there. Instead of persisting with her request, Plavšić publicly praised Arkan for the good job he had done in saving the local Serb population from the threat of the Muslims.[2033]

(b) Deportation and forcible displacement

890. In the months following the takeover of Bijeljina, paramilitary groups such as Arkan's Men, the White Eagles, and members of the Serb National Guard, together with members of the local MUP, engaged in criminal activities on a massive scale. Muslim residents of Bijeljina, as well as some Serbs who were considered "disloyal", were terrorised by these groups through killings, rapes, searches of their houses, and looting.[2034] ST105 testified that as early as April 1992 a process

[2025] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[2026] P1627, Tabeau *et al*. Expert Report, pp. 69, 73, 77.
[2027] P1627, Tabeau *et al*. Expert Report, pp. 69, 73, 77.
[2028] P1627, Tabeau *et al*. Expert Report, pp. 85, 89. The Chamber also notes Milorad Davidović's evidence in which he stated that prior to the war there were around 17,000 Muslims in Bijeljina, but that by the time the Dayton Accord was signed only 500 to 1,000 of them remained. *See* Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 164.
[2029] Dragomir Andan, 27 May 2011, T. 21437 and 1 June 2011, T. 21652; Adjudicated Fact 1420.
[2030] Adjudicated Fact 1422; P1989, RTS News Program of 5 April 1992 on the Battle of Bijeljina, pp. 4-5.
[2031] Adjudicated Facts 1423, 1424.
[2032] Adjudicated Fact 1441.
[2033] Adjudicated Facts 1428, 1429.
[2034] Adjudicated Facts 1419, 1420, 1435, 1436.

of threats, selective attacks and killings, and propaganda following the intervention of the paramilitary formations was taking place in Bijeljina, which forced Muslims to leave their homes.[2035]

891. Ljubiša Savić, a.k.a. "Mauzer", was a leading SDS figure in Bijeljina and commander of the Serb National Guard paramilitary group, which was an SDS unit also known as the "Panthers", numbering approximately 1,000 men trained by Arkan and Vojkan Đurković.[2036] In June 1992, Ratko Mladić noted in his diary that Mauzer and his unit were accommodated in the Bijeljina barracks.[2037] That same month, Mauzer became the president of the Bijeljina Crisis Staff.[2038] According to Colonel Zdravko Tolimir, the Serb National Guard was formed by the Bijeljina municipal assembly to be the "army" of Bijeljina and operated on behalf of the Bijeljina Crisis Staff.[2039] Whereas the Bijeljina municipal assembly prohibited the movement of unauthorised armed formations by 11 June 1992, Mauzer's unit continued to operate within the municipality with the backing of Colonel Denčić, who had appointed Mauzer to the position of Assistant Chief of Security Intelligence Affairs within the Eastern Bosnian Corps.[2040]

892. On 15 June 1992, Mauzer stated that the Presidency of the SAO Semberija-Majevica had decided to replace Muslims in managerial positions in Bijeljina and that, should "the genocide against the Serbian people" in BiH continue, all Muslims would be fired from their jobs and expelled from the territory. Mauzer also stated that the 2,500 Muslims aged between 18 and 35 who had fled Bijeljina in the aftermath of the takeover by Serb Forces would lose their jobs and that their apartments would be seised and sealed. He advised them not to return.[2041]

893. At a meeting of the Bosnian Serb leadership at Mount Jahorina on 31 May 1992, Radovan Karadžić proclaimed that Mauzer had grown arrogant and that "he could not work the way he intended."[2042] At a subsequent meeting with the Bosnian Serb leadership held on 23 June 1992, Karadžić stated that two paramilitary forces, namely Mauzer's and Blagojević's units, were carrying out operations in Semberija and that all units should be placed under the command of the

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[2035] ST105, P2205, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 6 October 2004, T. 6754 (confidential).
[2036] Milorad Davidović, P1557.04, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 10 June 2005, T. 14263, 14270-14271, 14274, 14319; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 79; Dragomir Andan, 1 June 2011, T. 21655; Dragomir Andan, 27 May 2011, T. 21437; Adjudicated Fact 1435.
[2037] P1755, Mladić Diary, 27 May 1992-31 July 1992, p. 151.
[2038] Milorad Davidović, P1557.04, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 10 June 2005, T. 14274; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 121; P1755, Mladić Diary, 27 May 1992–31 July 1992, p. 151.
[2039] P591, Report by Zdravko Tolimir on Paramilitary Formations Operating in RS, 28 July 1992, pp. 5-6.
[2040] P858, VRS Report Submitted to the Command of the VRS Eastern Bosnian Corps, 22 June 1992; P1755, Mladić Diary, 27 May 1992-31 July 1992, p. 151. The Chamber also notes that Mauzer stated on 2 July 1992 that his unit had become a special brigade of the Eastern Bosnian Corps. *See also* P1884, Transcript of Srpska Televisija Interview with Lubiša Savić, 2 July 1992, p. 2.
[2041] Adjudicated Fact 1437.

army or the police.[2043] The region of Semberija included, among others, the municipalities of Bijeljina, Ugljieik, Lopare, and Zvornik and was located in north-eastern BiH, bordering the Republic of Serbia to the north and east, together with the mountain range of Majevica to its south. Semberija was declared the Serbian Autonomous Region (SAO) of North-Eastern Bosnia on 19 September 1991.[2044]

894. In August 1992, Milorad Davidović, a former chief inspector of the federal Yugoslav MUP,[2045] attended a Crisis Staff meeting held at Bijeljina town hall. The meeting was attended by, among others, Moćo Stanković, the local SDS president, Mauzer, and Drago Vuković, who was the chief of the SNB of the RS.[2046] Also present was Predrag Ješurić, who had been appointed chief of Bijeljina CSB by Stanišić on 1 April 1992 and instructed to prepare the CSB for the transfer of the MUP headquarters.[2047] His appointment was confirmed on 15 May 1992.[2048] Ješurić stayed in this position until 2 July 1992 when he was appointed to a different position within the RS MUP.[2049] Davidović testified that at this meeting a "three-stage plan" for the removal of Muslims from Bijeljina was adopted. The local SDS and Crisis Staff compiled a list of the names of Muslims with

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[2042] P1755, Mladić Diary, 27 May 1992–31 July 1992, pp. 38, 41.
[2043] P1755, Mladić Diary, 27 May 1992–31 July 1992, pp. 219-220.
[2044] Slobodan Skipina, 31 March 2010, T. 8373; P772, Article on the Formation of SAO North-Eastern Bosnia, 28 September 1991.
[2045] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14172.
[2046] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 149.
[2047] Momčilo Mandić, P1318.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 24 November 2004, T. 8706; Milomir Orašanin, 10 June 2011, T. 22167-22168, 22171; P1409, Temporary Appointment of Predrag Ješurić as Chief Security Services Centre Bijeljina, 1 April 1992. Predrag Ješurić, in a statement he gave in relation to the investigation into the murders of members of the Saraljić, Sejmenović, and Malagić family members in the year 2005, states that in April 1992, he was appointed head of Bijeljina SJB, rather than CSB. He also states that he was appointed head of RS MUP Personnel Department on 18 April 1992 and claims to have been absent from Bijeljina and based at the Sarajevo MUP from July to September 1992, only returning to Bijeljina in the beginning of October 1992. *See* P1543, Criminal File from the Bijeljina District Prosecution Office Relating to the Murder of Members of Sarajlić, Sejmenović, and Malagić Families on 25 September 1992, 4 November 2004, pp. 30-31. The Chamber notes that the RS MUP headquarters were set up in Bijeljina around July. *See* Milan Trbojević, 4 December 2009, T. 4215-4216. The Chamber also notes the evidence it has received indicating that other persons were temporarily appointed to the position of CSB chief in Bijeljina during the period between May and July 1992, namely Aco Pantić, Dragan Devedlaka, who appears to have acted as CSB chief for a short period in May 1992, followed by Danilo Vuković and Petko Budiša. *See* Milomir Orašanin, 10 June 2011, T. 22172-22173; Dragomir Andan, 27 May 2011, T. 21435 and 3 June 2011, T. 21829; Slobodan Škipina, 31 March 2010, T. 8366-8367, 8370, 8372-8373, 8376; P1543, Criminal File from the Bijeljina District Prosecution Office Relating to the Murder of Members of Sarajlić, Sejmenović, and Malagić Families on 25 September 1992, 4 November 2004, p. 31. Moreover, the Chamber notes that it appears from the abovementioned evidence that the terms "chief of the SJB" and "chief of the CSB" have been used interchangeably, suggesting that there may not have been a clear distinction between these positions. *See* Milomir Orašanin, 8 June 2011, T. 22059; Dragomir Andan, 1 June 2011, T. 21708; Dobrislav Planojević, 28 October 2010, T. 16556 and 29 October 2010, T. 16577. In the absence of unequivocal evidence that Aco Pantić, Dragan Devedlaka, Danilo Vuković, and Petko Budiša were formally appointed as CSB chiefs rather than informal arrangements to act as heads of the SJB, as in the case of Dragomir Andan, the Chamber considers that Predrag Ješurić remained in the position of chief of CSB Bijeljina until July 1992. The Chamber further considers that Predrag Ješurić remained in Bijeljina throughout the indictment period, as he was transferred to the RS MUP, which was located in Bijeljina, from at least July 1992 onwards.
[2048] P456, Appointment of Predrag Ješurić as Chief Security Services Center Bijeljina, 15 May 1992.
[2049] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14184; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 149; P456, Appointment of Predrag Ješurić as Chief Security Services Centre Bijeljina, 15 May 1992; P1543, Criminal File from the Bijeljina District Prosecution Office

a certain "rating" ascribed to every Muslim, according to which they would be arrested and detained.[2050] Stanković kept these lists for Mauzer and the Security Services.[2051] Dragomir Andan, a RS MUP police inspector who informally acted as chief of SJB Bijeljina in July and August 1992,[2052] testified that Mauzer held all power in the municipality and that even Ješurić affirmed that he, as chief of the centre, was under Mauzer.[2053] In a diary entry dated 11 June 1992, Ratko Mladić, however, noted that, while Mauzer controlled the SDS Presidency in Bijeljina and the municipality "chose him to be their security organ", Ješurić was "the brain" behind Mauzer and his men.[2054]

895. According to Davidović, the first phase of the plan consisted of spreading of terror among the Muslim population, so that it would be easy to convince the Muslims to leave and hand over their property in exchange for safe passage across the border to Serbia. Drago Vuković and Predrag Ješurić were in charge of the first phase which began in September and October 1992. They divided the city into three sectors. In one sector, a Muslim family of 18 was killed. In the opposite sector, a Muslim family of three was killed.[2055] The killings were committed by Duško Malović's unit, a.k.a. the "Snowflakes", a special unit of 20 to 30 people from Sokolac that had arrived in Bijeljina with the RS MUP in May or June 1992 and formally reported to Čedo Kljajić.[2056] At the time, Malović's men were accommodated in the Bijeljina SJB building, which was shared with the CSB.[2057] Malović personally told Davidović that it was Vuković's idea to commit the killings in order to create an atmosphere of fear and confusion and thus force the Muslims to flee.[2058] The killings were never investigated.[2059] Pursuant to the second phase of the plan, which was also overseen by Vuković and Ješurić, the Municipal Assembly passed a decision whereby Muslims who refused to join the army were to be dismissed, their water and electricity supplies were to be cut off, and they would either be sent to Batković camp or expelled.[2060] The third phase of the plan, according to

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Relating to the Murder of Members of Sarajlić, Sejmenović and Malagić Families on 25 September 1992, 4 November 2004, pp. 30-31.

[2050] Milorad Davidović, P1557.04, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 10 June 2005, T. 14316; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 150.

[2051] Milorad Davidović, P1557.04, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 10 June 2005, T. 14316.

[2052] Dragomir Andan, 26 May 2011, T. 21344, 21402-21403 and 27 May 2011, T. 21406, 21432 and 31 May 2011, T. 21627-21629 and 1 June 2011, T. 21708.

[2053] Dragomir Andan, 1 June 2011, T. 21687, 21704 and 2 June 2011, T. 21719-21720.

[2054] P1755, Mladić Diary, 27 May 1992–31 July 1992, p. 151.

[2055] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 151.

[2056] Milorad Davidović, 24 August 2010, T. 13605-13606; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, paras 47, 68, 152; ST121, 24 November 2009, T. 3751 (confidential); Dragomir Andan, 1 June 2011, T. 21671 and 2 June 2011, T. 21760, 21762; P984, Payroll for the RS MUP Special Unit from Sokolac, 27 November 1992; P1418, Payroll for the RS MUP Special Unit from Sokolac, May 1992; P2346, Identified Photographs of Members of the Special Unit from Sokolac, 2 June 2011.

[2057] Dragomir Andan, 1 June 2011, T. 21677-21678.

[2058] Milorad Davidović, 24 August 2010, T. 13605-13606; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 152.

[2059] Biljana Simeunović, 18 August 2010, T. 13409-13410.

[2060] Milorad Davidović, P1557.04, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 10 June 2005, T. 14315; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, paras 96, 153.

Davidović, consisted of the public humiliation of wealthy and intellectual Muslims, such as making them sweep the streets. This was done to Davidović's former deputy chief, who was a Muslim.[2061]According to Davidović, the three stages of the plan were implemented simultaneously.[2062]

896. The Chamber has received evidence indicating that Vojkan Đurković, a field operative of the local SDS, was in charge of moving Muslims out of Bijeljina.[2063] Davidović testified that he saw Muslim neighbours being removed from their homes by Vojkan Đurković and his men in the middle of the night.[2064] Their property was looted and they were taken to "collection centres".[2065] There, they were searched and their valuables were taken from them before they were made to board buses or trucks that would take them to the demarcation line once 100 to 150 people had been gathered. Oftentimes, they were left in no-man's land between the Muslim-held and the Serb-held territory.[2066] By this time, Ješurić had been appointed head of the RS MUP Department for Foreigners and Travel Documents.[2067] Davidović stated that Ješurić and his counterpart in the MUP of Serbia, Puzović, also organised the transport of Muslims through Serbia to third countries, such as Hungary, by issuing the wealthier Muslims, for whom Đurković and Puzović would organise the transport, with passports in Belgrade in exchange for exorbitant fees.[2068] On one occasion, Đurković told Davidović that he collected 150,000 to 200,000 DM from the 100–150 Muslims he expelled.[2069] Davidović testified that local policemen, whom he knew personally, told him that they were involved in the removal of Muslims from their homes.[2070]

897. According to Davidović, the expulsion of Muslims from their homes was organised hand in hand with the large scale looting of their property. Real estate or technical equipment taken from the Muslims who were removed from their houses was sold to refugees arriving in the Bijeljina area.[2071] The proceeds of these sales were divided between Đurković, Arkan, and those high-ranking SDS officials who authorised Đurković's actions, namely Momčilo Krajišnik, Radovan

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[2061] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para 154.
[2062] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para 160.
[2063] P140, Video of *BBC* Correspondent's Interview with Vojkan Đurković, 10 December 1994; Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14235-14236; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, paras 159, 163-165.
[2064] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14233-14234.
[2065] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14233-14234.
[2066] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14234-14235; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 164.
[2067] Milomir Orašanin, 8 June 2011, T. 22000; Dragan Kezunović, 10 June 2010, T. 11582; P1543, Criminal File from the Bijeljina District Prosecution Office Relating to the Murder of Members of Sarajlić, Sejmenović and Malagić Families on 25 September 1992, 4 November 2004, pp. 30-31. According to Ješurić's own statement, he remained in this position until 1 March 1994.
[2068] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14235; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, paras 162-163.
[2069] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, para. 165.
[2070] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14232.

Karadžić, and Momčilo Mandić.[2072] Davidović testified that Đurković publicly spoke about personally taking the proceeds to Pale and handing them to Karadžić and Krajišnik.[2073]

(c) Batković camp

898. Batković camp was established by the Eastern Bosnian Corps as a detention facility towards the end of June 1992 and was situated in the complex of the so-called Agrosemberija, approximately 12 km to the north of Bijeljina town.[2074] Colonel Dragutin Ilić, the corps commander of the Eastern Bosnian Corps at the time, appointed Lieutenant-Colonel Momčilo Despot as the first commander of the camp.[2075] Documentary evidence presented to the Chamber suggests that the camp was under military jurisdiction.[2076] This is corroborated by the testimony of Biljana Simeunović, investigative judge at Bijeljina lower court at the time, who testified that the civilian court in Bijeljina would not issue any remand orders or conduct any criminal investigations with regard to prisoners held at Batković camp in 1992.[2077]

899. The Chamber, however, notes the evidence it received indicating that the local police and the Eastern Bosnian Corps cooperated in a number of operations and attended joint meetings.[2078] Petko Panić, a retired policeman, testified that the military operation to transfer prisoners from the various detention facilities in Zvornik to Batković was carried out with the assistance of the police who had been guarding the detention facilities in Zvornik.[2079] At the time, the police wore green and white camouflage uniforms, as well as blue camouflage uniforms.[2080] The police received orders as to how many people should be handed over to the army and how the soldiers who came to transport the detainees should be assisted. No documentation indicating the prisoners' names and

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[2071] Milorad Davidović, P1557.04, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 10 June 2005, T. 14233-14234.
[2072] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14228.
[2073] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14231, 14237.
[2074] 1D157, Eastern Bosnian Corps Order on the Establishment and Work Organisation of the Military Camp No. 11/2-879, 2 July 1992, p. 1; Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5240. The Chamber notes a discrepancy in the description of the location in relation to the distance between Bijeljina town and Batković camp between the accounts given by Ibro Osmanović and ST121 (at ST121, 24 November 2009, T. 3762 (confidential)). On the basis of P2429, Croatian Statistics Agency Ethnic Composition Data Map of Bijeljina, and P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 40, it is, however, satisfied that Batković camp at Batković settlement was situated at approximately 12 km from Bijeljina town.
[2075] 1D766, Eastern Bosnian Corps Order on Treatment of Prisoners of War Pursuant to the Order of the Main Staff of the VRS, 17 June 1992, pp. 1-2.
[2076] 1D798, Eastern Bosnian Corps, Order on the Treatment of Prisoners of War, 22 August 1992, p. 1; 1D157, Eastern Bosnian Corps Order Regarding Establishment and Work Organisation of the Military Camp, Ref. 11/2-879, 2 July 1992, p. 2.
[2077] Biljana Simeunović, 17 August 2010, T. 13319.
[2078] Dragomir Andan, 27 May 2011, T. 21470; Milorad Davidović, P1557.04, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 10 June 2005, T. 14260; Milorad Davidović, P1557.07, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 27 June 2005, T. 15283; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, paras 84-87; 1D97, Dispatch No. 18-3-84 of the Security Services Centre Bijeljina of 29 July 1992, p. 4-5; Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994, p. 13.
[2079] Petko Panić, 12 November 2009, T. 3020 and 13 November 2009, T. 3039, 3051.

supporting the prisoners' detention was handed over on these occasions, as no such documentation had ever been issued.[2081] The Chamber has also received documentary evidence suggesting that SJB Bosanski Šamac chief Todorović arranged for detainees held in his municipality to be transferred to Batković pursuant to an agreement reached with the VRS.[2082]

900. During a joint meeting of the police and the Eastern Bosnian Corps, Dragomir Andan, made a request to Colonel Ilić that a Croat friend of his be released from Batković camp. This request was granted.[2083] Davidović testified that, during another joint meeting, he saw a military officer complaining about being insulted by Husein Apaka, a Muslim resident of Bijeljina. The officer demanded that Apaka be immediately taken away to Batković camp. According to Davidović, Apaka was taken there and never returned.[2084] Moreover, in an order of 17 June 1992, Ilić instructed the Corps to agree with the municipal authorities of Bijeljina that security for the camp be provided by the police of Bijeljina municipality.[2085]

901. The guards and other officials at Batković camp were of Serb ethnicity and wore military or military reserve uniforms.[2086] According to the report of the CSCE mission tasked with inspecting detention facilities in BiH, the camp was highly organised along military lines and had "prisoner representatives".[2087] The Chamber has received other evidence indicating that three Muslim inmates of the camp enjoyed special privileges and acted as so-called "detainee guards" with the active encouragement or acquiescence of the regular Serb guards.[2088] Two of these detainee guards were wearing uniforms.[2089] They severely beat the other detainees, sometimes in the presence of the regular guards, who did not interfere but rather watched and laughed.[2090]

902. Many of the detainees held at Batković camp had been transferred from other detention facilities, such as Sušica camp in Vlasenica, Manjača camp in Banja Luka, Čelopek Dom Kulture, and other detention facilities in the municipality of Zvornik, Ugljevik, and other places. These

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[2080] Petko Panić, 11 November 2009, T. 2917 and 13 November 2009, T. 3062.
[2081] Petko Panic, 12 November 2009, T. 3020 and 13 November 2009, T. 3051.
[2082] P1882, Dispatch 13-3-03/92 from Todorović, Chief of Public Security Station Bosanski Šamac, Informing the MUP About the Hand Over of Prisoners to Batković camp, 28 November 1992.
[2083] Dragomir Andan, 27 May 2011, T. 21470.
[2084] Milorad Davidović, P1557.05, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 13 June 2005, T. 14405.
[2085] 1D766, Eastern Bosnian Corps Order on Treatment of Prisoners of War Pursuant to the Order of the Main Staff of the Army of the Serbian Republic of BiH, 17 June 1992, p. 1.
[2086] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5247; ST080, 9 March 2010, T. 7381.
[2087] P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 41.
[2088] Ibro Osmanović, 8 March 2010, T. 7338; Ibro Osmanović, P1041.04, Witness Statement, 11 October 1995, p. 2; Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994, p. 14; ST088, P2189, Public Redacted Witness Statement, 1 July 1996, p. 11; ST153, P2279, Public Redacted Witness Statement, 1 October 1994, p. 12.
[2089] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5272; Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994, p. 14.
[2090] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5275; Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994, p. 14.

transfers were accomplished, with the assistance of the Serb municipal authorities, from late June 1992 onwards.[2091]

903. According to Ibro Osmanović, who was bused from Sušica camp to Batković camp on 30 June 1992, around 400 people were transferred from Sušica to Batković over the time span of three days in late June 1992 alone.[2092] During their transfer from Sušica, the detainees were escorted by Serbs in camouflage uniforms armed with automatic rifles, who beat them and forced them to sing Serbian nationalist songs.[2093] Osmanović recognised some of these soldiers as men who were civilians before the war; when the war broke out, they were mobilised to the army.[2094] At one point, the bus in which Osmanović was transferred stopped at a police station. He was taken off the bus and asked questions regarding his identity. The police then returned him to the bus. Upon arrival at Batković camp, the detainees were told to get off the bus with their hands behind their heads. They were beaten with police batons and metal pipes.[2095] They were searched and valuables were taken from them.[2096] Osmanović remained at Batković camp until the day of his exchange on 21 July 1993.[2097]

904. The Chamber has received evidence that—by August 1992, at which time Velibor Stojanović, a.k.a. "Veljo", was the commander of Batković camp—the camp held approximately 1,600 detainees,[2098] including two female detainees from Rogatica and some children aged 16.[2099] The Chamber, however, also notes the adjudicated fact and other evidence it received indicating that, in August 1992, 1,280 Muslim men were held at Batković camp.[2100] All detainees were either Bosnian Muslims or Croats. At a later stage during his detention, Osmanović saw the arrival of four Albanian detainees.[2101] During their visit of the facility on 2 September 1992, the CSCE mission representatives were told that two-thirds of the detainees were caught fighting while the remainder

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[2091] ST121, 24 November 2009, T. 3761 (confidential); Petko Panić, 13 November 2009, T. 3039 and T. 3051; Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5240; Adjudicated Facts 1065, 1415, 1430; P1792, Order of General Momir Talić for the closing of the Manjača camp, 15 December 1992, p. 1.
[2092] Ibro Osmanović, P1041.04, Witness Statement, 11 October 1995, p. 2; P1048, List of Persons Detained at Batković Camp, p. 138; Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5240.
[2093] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5267; Ibro Osmanović, P1041.03, Witness Statement, 7 June 2001, p. 3; ST153, P2279, Public Redacted Witness Statement, 1 October 1994, p. 9.
[2094] Ibro Osmanović, P1041.03, Witness Statement, 7 June 2001, p. 3.
[2095] Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994. p. 13.
[2096] Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994. p. 14.
[2097] Ibro Osmanović, P1041.04, Witness Statement, 11 October 1995, p. 3; Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994, p. 14.
[2098] ST080, 9 March 2010, T. 7381; ST088, P2189, Public Redacted Witness Statement, 1 July 1996, p. 10; ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 11; Adjudicated Fact 1431.
[2099] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5241.
[2100] P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 42; Adjudicated Fact 1431.
[2101] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5241; P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, pp. 9-10, 42.

were rounded up in the war zone, an assertion the mission itself questioned in its report.[2102] According to Ibro Osmanović none of the people detained at the camp with whom he arrived from Sušica, and whom he knew personally, had been engaged in military activities prior to their detention. Later on during his detention, he saw two persons being brought to the camp who may have been engaged in military activity.[2103] Petko Panić testified that most of the Zvornik detainees transferred to Batković camp were civilians.[2104]

905. Upon arrival at Batković camp, detainees were beaten and their hair was shaved off. They were kept in the sunshine in the camp, which was closed off with five or six rows of barbed wired fences, sentry boxes, and observation points with machine guns.[2105] The detainees were held in two hangars of the complex.[2106] ST088, however, stated that the group in which he arrived at the camp was put into a military tent measuring 30 by 5 metres, which was shared by 240 people.[2107] Detainees were regularly kicked and beaten with, among other things, batons, military belts, guns, and stones.[2108] In early July 1992, ST153 saw Idriz Topić and another man named "Zulfo" being beaten by guards. The men were beaten so severely that they were unable to walk. They had to be carried back into the hangar by some of their fellow detainees, who later on the same day told Veljo that the two men were sick and needed to be brought out of the hangar into the fresh air. ST153 stated that they were too frightened to tell Veljo that the men had been beaten. Veljo did not do anything when he was told that the two men were sick. The men died within the next 48 hours.[2109]

906. The camp's sanitary and sleeping conditions were poor.[2110] There were five to six water pipes with clean, cold water to which the detainees had access throughout the day.[2111] According to the CSCE report, the camp site had two makeshift showers that could be used by the detainees.[2112] There was a makeshift pit latrine, which detainees were allowed to use during the day but not during the night.[2113] Osmanović testified that, in the beginning, detainees were given thin military mattresses to be shared between two people. Later, the guards took away these mattresses, and the

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[2102] P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, pp. 9-10, 42.
[2103] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5241.
[2104] Petko Panić, 13 November 2009, T. 3050.
[2105] ST088, P2189, Public Redacted Witness Statement, 1 July 1996, pp. 10-11; ST082, P2315, pp. 491-492 (confidential).
[2106] ST153, P2279, Public Redacted Witness Statement, 1 October 1994, p. 10.
[2107] ST088, P2189, Public Redacted Witness Statement, 1 July 1996, p. 11.
[2108] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 11; Ibro Osmanović, P1041.02, Witness Statement, 10 October 1994. p. 15.
[2109] ST153, P2279, Public Redacted Witness Statement, 1 October 1994, p. 11.
[2110] Adjudicated Facts 683, 1431.
[2111] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5242.
[2112] P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 41.
[2113] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5242; P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 41.

detainees had to sleep on straw and hay.[2114] The report of the United Nations Commission on Human Rights of 17 October 1992 corroborates that detainees slept on straw bedding covering an unheated stable floor.[2115] ST080 testified that the detainees had nothing to cover themselves with until the ICRC provided them with blankets when its representatives visited the camp in mid-July or mid-August 1992.[2116]

907. Detainees received between two and three cooked meals per day, consisting of basic staple foods and vegetables, which were brought to the camp by the army from Bijeljina. However, about a dozen detainees singled out for especially harsh treatment were frequently denied food and water, and the guards would purposely spill their meals.[2117] The CSCE report states that detainees seen during the hurried visit of the detention facility appeared to be thin, although not necessarily malnourished.[2118] The Chamber further notes the adjudicated fact that the food and water provided were insufficient.[2119]

908. Detainees at Batković camp were forced to perform manual labour on a daily basis, including digging trenches and carrying munitions at the front line, burying bodies, working in fields and factories, felling trees, and assisting in the construction of an airport near Bijeljina.[2120] Both Osmanović and ST082 stated that, during labour duty at the front lines, they were guarded by soldiers in olive-drab uniforms.[2121]

909. The conditions under which detainees had to work were such that on two occasions detainees taken to work on the front lines were killed in crossfire near Lopari.[2122] Other detainees had to fell trees in freezing conditions. Detainees could not refuse to go to work, and only the physically disabled would be left at the camp, while the other detainees were taken out on daily labour duty.[2123] Members of the civilian police from Bijeljina, as well as members of Mauzer's

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[2114] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5242.
[2115] P1992, Mazowiecki October Report, para. 15.
[2116] ST080, 9 March 2010, T. 7386, 7391. ST088, P2189, Public Redacted Witness Statement, 1 July 1996, p. 11; ST002, P2149, *Prosecutor v. Jelišić,* Case No. IT-95-10-T, 1 December 1998, T. 86-87, 119; 1D770, Eastern Bosnian Corps Order on the Adaptation of the Camp, 4 August 1992, p. 1.
[2117] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5241-5242; Ibro Osmanović, 8 March 2010, T. 7337; Ibro Osmanović, P1041.04, Witness Statement, 11 October 1995, p. 2; ST080, 9 March 2010, T. 7383; P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 41.
[2118] P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, pp. 41-42.
[2119] Adjudicated Facts 683, 1431.
[2120] ST088, P2188, Public Redacted Witness Statement, 1 July 1996, p. 11; ST082, P2315, p. 495 (confidential); Adjudicated Fact 1432.
[2121] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5267; ST082, P2315, p. 495 (confidential).
[2122] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5243.
[2123] ST080, 9 March 2010, T. 7382; Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 1 September 2004, T. 5243; ST088, P2189, Public Redacted Witness Statement, 1 July 1996, p. 11.

Panther unit, including Mauzer himself, came to the camp and took out prisoners for labour duty.[2124]

910. According to the CSCE report, the camp had an on-site medical unit staffed with a military physician and two nurses, as well as access to an ambulance that took the more serious cases to the local hospital.[2125]

911. The conditions of the camp were specifically "adapted" for the visits of ICRC representatives visiting Batković camp in late August and September 1992.[2126] This included the temporary removal of the youngest and oldest, as well as the most severely beaten detainees.[2127]

912. ST088 testified that detainees would convey messages about the camp's conditions in either English or German, as those who spoke through the intermediaries of the Serbian interpreters were beaten once the ICRC representatives had left the camp.[2128]

913. After the ICRC visits to the camp, the conditions became better in that detainees were allowed to leave the camp, accompanied, in order to harvest crops for Serbian farmers.[2129]

914. According to the detention register of Batković camp, the camp continued operating until at least 4 January 1996, with prisoners being exchanged or released and new prisoners arriving during this period. Most prisoners would be exchanged, while only a few would be released.[2130]

### 3. Factual Findings

915. The fighting in Bijeljina started on 31 March 1992 when Arkan's Men arrived in Bijeljina. By 3 April 1992, 48 bodies, including those of women and children, were collected from the streets and houses of Bijeljina. None of these victims wore uniforms, and 45 of them were Muslim or Croat. Most of them had been shot, some of them at close range. Bijeljina was brought under Serb control by 4 April 1992.

916. In the months following the takeover, there was a significant surge in criminal activity committed within the municipality. Paramilitary groups, such as Arkan's Men, the White Eagles, and Mauzer's Panthers—alongside members of the local MUP and Duško Malović's Special

[2124] Ibro Osmanović, 8 March 2010, T. 7322-7323; ST153, P2279, Public Redacted Witness Statement, 1 October 1994, p. 13.
[2125] P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 42.
[2126] 1D770, Eastern Bosnian Corps Order on the Adaptation of the Camp, 4 August 1992, p.1.
[2127] ST088, P2189, Public Redacted Witness Statement, 1 July 1996, p. 11; ST153, P2279, Public Redacted Witness Statement, 1 October 1994, pp. 11-12; Adjudicated Fact 1433.
[2128] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15785 (confidential).
[2129] ST082, P2315, p. 492 (confidential).
[2130] P1048, List of Persons Detained at Batković Camp, pp. 4, 25.

Unit—perpetrated these crimes and terrorised the local Muslim population, as well as some Serbs whom they considered disloyal to their cause. They committed killings and rape, searched houses, and looted property.

917. The evidence shows that there existed a close relationship between the SDS, the Crisis Staff, and one of the most prominent paramilitary groups—Mauzer's Panthers—in Bijeljina. In June 1992, Mauzer became president of the Crisis Staff, which also included the local SDS president Moćo Stanković, the RS SNB chief Drago Vuković, and CSB chief Predrag Ješurić. While presiding over the Bijeljina Crisis Staff, Mauzer remained commander of the Panthers. Already upon assuming the Crisis Staff Presidency in June 1992, Mauzer publicly announced that it had been decided by the Presidency of SAO Semberija Majevica that all Muslims in managerial positions would be replaced and that Muslims would be removed from their positions and expelled from the territory. The property of those who left would be seised and sealed.

918. The Chamber finds that in August 1992 the Bijeljina Crisis Staff formulated and implemented a three-stage plan for the removal of Muslims from the municipality. The Chamber accepts the evidence of Milorad Davidović that in particular the killing of two prominent Muslim families carried out by members of Duško Malović's unit was committed at the behest of Drago Vuković. Vuković was charged with the implementation of the Crisis Staff's plan of creating a climate of fear among the local Muslim population that would induce it to leave the municipality.

919. The Chamber finds that the Bijeljina SDS Crisis Staff compiled lists of Muslims to be removed from the municipality, pursuant to which men led by Vojkan Đurković, at times including local policemen, removed Muslims from their homes in the middle of the night, looting and seising their property. While some of the Muslims were taken to Batković camp, large numbers of local Muslims were transported to the Muslim-held territory, where they were left to their own devices or transported across the border with Serbia in exchange for payment.

920. On the basis of Davidović's evidence, the Chamber finds that there existed a policy adopted by the local Crisis Staff pursuant to which Vojkan Đurković, jointly with Ješurić and Puzović, organised the systematic expulsion of the wealthier local Muslim residents by arranging for their transport to Serbia or third countries in exchange for excessive payments. The Chamber is satisfied that the removal of Muslims from the municipality was carried out in an organised manner and that those being removed from their homes were targeted on the grounds of their ethnicity.

921. The Chamber finds that Batković camp was set up by the VRS Eastern Bosnian Corps on 17 June 1992. The camp's first commander was Lieutenant-Colonel Momčilo Despot. At a later stage, Commander Velibor Stojanović, a.k.a. "Veljo", personally oversaw the daily administration

of the camp. The camp's guards were of Serb ethnicity and members of the VRS Eastern Bosnian Corps. Although the Chamber accepts the evidence of Osmanović that local police as well as Mauzer's Panthers had access to the camp and, on occasion, removed detainees for labour duty, the Chamber finds that Batković camp was operated by and under the jurisdiction of the VRS.

922. Detainees were transferred to the camp from detention facilities in other municipalities, such as Zvornik (including the Novi Izvor building and Čelopek Dom Kulture), Sušica camp in Vlasenica, Manjača in Banja Luka, and Ugljevik. On the basis of the testimony of Panić, the Chamber finds that police handed over detainees held at Novi Izvor building to the members of the VRS who would transport them to Batković camp. Based on this evidence and the testimony of Osmanović, the Chamber finds that the police assisted in the transfer of detainees from Sušica to Batković camp.

923. On the basis of Davidović's evidence, the Trial Chamber finds that, pursuant to the decisions of the Crisis Staff in Bijeljina, a number of Muslim residents from Bijeljina were sent to Batković camp. Among other units, men led by Vojkan Đurković removed Muslim residents of Bijeljina from their homes, some of whom were taken to Batković camp.

924. Notwithstanding the evidence that there were around 1,280 detainees in Batković camp, the Chamber finds—on the basis of the evidence of ST080, ST088, ST153, and Osmanović—that the number of detainees had risen to approximately 1,600 persons by August 1992. The Chamber is satisfied that, although most inmates were Muslim men, there were also Croat and Albanian men, two female detainees, and some children.

925. The Chamber received evidence that only two of the detainees held at Batković camp were captured in combat. Based on the evidence of Osmanović, Davidović, Andan, and Panić, the Chamber finds that persons detained at the camp were neither formally charged, nor were they told about the reasons for their detention. Based on the evidence of Osmanović, ST002, ST080, and ST088, as well as a copy of the camp's detention register, the Chamber is satisfied that most detainees were held at Batković camp for periods exceeding six months. The Trial Chamber therefore finds that Serb Forces arbitrarily detained Muslims and Croat civilians from at least 30 June 1992 until at least December 1992 at Batković camp.

926. With regard to the conditions in the camp, the Chamber considers the abundant evidence it has received from Osmanović, ST002, ST080, ST088, and ST153 on violent and frequent beatings of detainees, as well as daily labour duty in dangerous and life-threatening conditions. The Chamber finds that detainees were beaten on a regular basis, beginning with their arrival at the camp, and that the beatings were so severe that at least two detainees—Idriz Topić and a man

named "Zulfo"—died of the injuries they sustained. Accepting the evidence of Osmanović, the Chamber also finds that the camp's guards gave free reign to three Muslim inmates to supervise and occasionally beat and otherwise mistreat the detainees. The Chamber accepts the evidence of ST153 that detainees would not dare to report beatings of their fellow detainees and only covertly spoke about the actual conditions prevailing in the camp to representatives of the ICRC out of fear of reprisals in the form of further beatings.

927. The Chamber accepts the evidence of ST002 and ST088 that prisoners who showed signs of physical abuse were temporarily removed from the camp when representatives of the ICRC came to visit the camp, with the intention to conceal evidence of mistreatment. The Chamber thus finds that the persistent pattern of physical abuse established a climate of constant fear among the detainees.

928. As regards shelter and sanitation facilities of the camp, the Chamber finds, on the basis of the evidence of Osmanović, as corroborated by the reports of the CSCE and United Nations Commission on Human Rights, that detainees slept on straw bedding and shared insufficient sanitation facilities. The shelter and sanitation facilities provided were entirely inadequate, given the number of detainees held at the camp. The army was fully aware of the inadequacy of the shelter and other conditions prevailing in the camp. In this regard, the Chamber relies on the order issued by Colonel Ilić on 4 August 1992, in which he ordered some of the detainees to be placed into the second hangar in preparation for the visit of the ICRC.

929. Noting the adjudicated fact that food and water provided were inadequate, the Chamber, relying on the evidence of Osmanović, ST088, and the CSCE report, however, finds that detainees were provided with two to three cooked meals per day and had access to clean water. The Chamber is therefore unable to find that food and water provided to the detainees were in fact inadequate.

930. Furthermore, the Chamber has received sufficient evidence for it to conclude that medical care provided at the camp—with only one doctor and two nurses for a population of more than 1,000 detainees, many of whom had suffered severe injuries and several of whom had died from their injuries in the camp—was inadequate.

### 4. Legal Findings

931. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Bijeljina and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

932. The Trial Chamber finds that the acts of the Serb Forces were linked geographically and temporally with the armed conflict. The Trial Chamber is satisfied that there was an attack by Serb Forces directed at the civilian population in Bijeljina. The takeover of Bijeljina, during which, among other things, Muslim and Croat civilians were killed, displaced, arbitrarily arrested, and detained, while their property was appropriated, demonstrates that the attack was highly organised and carried out in a systematic way. The Trial Chamber therefore finds that the attack was widespread and systematic. The acts of the Serbian police, the VRS, Duško Malović's Special Unit, and paramilitary forces, including Arkan's Men, Mauzer's Panthers, and White Eagles, against the Muslim and Croat civilian population were part of this attack. Given the high degree of organisation of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing and that their acts were part of it.

933. The Chamber therefore finds that the general requirements of Articles 3 and 5 have been satisfied.

934. *Counts 9 and 10.* The Trial Chamber finds that Serb Forces removed Muslim inhabitants of Bijeljina, where they were lawfully present, by expulsion or other coercive or intimidating acts without grounds permitted under international law. Muslims were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to other instances of deportation, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, with the victims suffering serious mental harm. Victims were also removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber therefore finds that Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim population of Bijeljina.

935. *Count 1.* Based on the factual findings above, the Trial Chamber finds that Muslims and Croats who were unlawfully detained at detention facilities outside of Bijeljina were transferred to Batković camp by the VRS with the assistance of the police, where they continued to be unlawfully detained. The Trial Chamber further finds that the conditions prevailing at Batković camp constituted the establishment and perpetuation of inhumane living conditions that were maintained throughout the indictment period.

936. The Trial Chamber finds that the acts discussed above under counts 9 and 10—as well as the unlawful detentions and the establishment and perpetuation of inhumane living conditions—

infringed upon and denied Muslims and Croats their fundamental rights laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of particular ethnicities. On the basis of the pattern of targeted forced removal of Muslims from the municipality of Bijeljina, as well as the pattern of the mistreatment of detainees at Batković camp, the Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

937. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslim residents of the municipality of Bijeljina and Muslims and Croats detained at Batković camp in the municipality of Bijeljina.

938. *Conclusion.* The Trial Chamber finds that, from April 1992 and continuing throughout 1992, Serb Forces committed the crimes charged under counts 1, 9, and 10 of the Indictment in the municipality of Bijeljina.

## I. Bileća

### 1. Charges in Indictment

939. The Indictment charges Mićo Stanišić with the following crimes, allegedly committed in the municipality of Bileća at the times and locations specified below.

940. In count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4; (b) unlawful detention; (c) the establishment of inhumane living conditions in the SJB building and in the prison behind the SJB building from 10 July 1992 to 17 December 1992, and in the Đački Dom from 25 June 1992 to December 1992; (d) torture, inhumane acts, and cruel treatment perpetrated in the same periods of time in the SJB building and the prison behind the SJB building, and in the Dački Dom; (e) forcible transfer and deportation; (f) the appropriation or plunder of property; (g) wanton destruction; and (h) the imposition of discriminatory measures after the takeover of Bileća on 10 June 1992. All the underlying acts of persecution were allegedly committed by Serb Forces against Bosnian Muslims and Bosnian Croats.[2131]

941. In counts 2, 3, and 4, Stanišić is charged with the following: (a) murder, both as a crime against humanity and as a violation of the laws or customs of war and (b) extermination, as a crime

[2131] Indictment, paras 24, 26, 28, Schedules B n. 8, C n. 8.1-8.2, D n. 8.1-8.2, F n. 7, G n. 7.

against humanity, committed in October 1992 in the SJB building and in a building behind it, where Ferhat Avdić and Ismet Avdić allegedly died as a result of beatings carried out by Serb forces.[2132]

942. In counts 5, 6, 7, and 8, Stanišić is charged with the following: (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population from 10 July 1992 to 17 December 1992 in the Bileća SJB and in the prison behind the SJB building, where detainees were allegedly beaten during and after interrogations with fists, feet, and batons and subjected to other inhumane acts.[2133] Stanišić is further charged with the same crimes committed in the Đački Dom from 25 June 1992 until December 1992, where Serb Forces allegedly beat detainees on a regular basis and used electric shocks against at least three of them.[2134]

943. In counts 9 and 10, Stanišić is charged with: deportation and forcible transfer (other inhumane acts), as crimes against humanity, committed by Serb Forces following the takeover of Bileća on 10 June 1992 against the Bosnian Muslim and Bosnian Croat population.[2135]

### 2. Analysis of Evidence

944. The municipality of Bileća is located in the southern part of Bosnia and Herzegovina. It shares a border to the east with Montenegro; to the west with the municipalities of Trebinje, Ljubinje, and Stolac; and to the north with Nevesinje and Gacko.[2136] In 1991, 10,867 people lived in Bileća, and the ethnic composition was 8,789 (80.9%) Serbs, 1,535 (14.1%) Muslims, 34 Croats (0.3%), and 509 (4.7%) of other ethnicities.[2137] In 1997, the percentage of Muslims had decreased to about 0.1%.[2138] Approximately 1,522 individuals of Muslim ethnicity and 7 of Croat ethnicity who resided in Bileća in 1991 were internally displaced persons or refugees in 1997.[2139]

945. At the times relevant to the Indictment, the president of the Municipal Assembly was Milorad Vujović, the Chief of the SJB was Goran Vujović, and the head of the police station was Miroslav Duka.[2140] All senior positions in the Municipal Assembly were held by the SDS.[2141] The police officers in Bileća were mainly Serbs, although there were also some of Muslim ethnicity.[2142]

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[2132] Indictment, paras 29, 31, Schedule B n. 8; Prosecution's Final Victims List, p. 28.
[2133] Indictment, paras 32, 34, 36, Schedules C n. 8.1, D n. 8.1.
[2134] Indictment, paras 32, 34, 36, Schedules C n. 8.2, D n. 8.2.
[2135] Indictment, paras 37, 38, 41, Schedules F n. 7, G n. 7.
[2136] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[2137] P1627, Tabeau *et al*. Expert Report, pp. 69, 73, 77, 81.
[2138] P1627, Tabeau *et al*. Expert Report, p. 69.
[2139] P1627, Tabeau *et al*. Expert Report, pp. 101-105.
[2140] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 3; ST145, P2275, Witness Statement, 17 September 1998, p. 2 (confidential); ST028, P304, Witness Statement, 18-19 September 1998, p. 8 (confidential); Aleksandar

946. Serbs, Croats, and Muslims had co-existed peacefully in Bileća until the end of 1991.[2143] After the war in Croatia erupted in October 1991, the SDS began distributing weapons to persons of Serb ethnicity.[2144] At the beginning of 1992, people started separating along ethnic lines, with Serbs and Muslims frequenting separate cafés.[2145] Between the beginning of 1992 and June 1992, Montenegrin and local soldiers were passing through Muslim areas and shooting randomly at Muslim houses.[2146] During the same period of time, restrictions on the movement of Muslim residents were imposed.[2147] In this regard, ST028 testified that, as a Muslim, he was not allowed to drive or to leave Bileća without special permission.[2148]

947. Šaćir Avdić was still driving his car on 10 June 1992, but he needed a valid pass in order to be allowed through checkpoints to get to his workplace. At the first checkpoint, despite being told that his pass was no longer valid, Avdić was allowed to proceed to work on the condition that he go to the police station to obtain a new permit.[2149] However, at the police station he was refused a pass and told that "as of 5 p.m. that evening [he] would not be needing a pass."[2150] The evidence further shows that in January 1992, policemen of Serb ethnicity stopped wearing the standard police uniform that included a cap featuring a five-pointed star emblem.[2151] At the beginning of March 1992, during a meeting at the Plana police station, the deputy police commander Miomir Milošević announced that, following a decision of the leadership of Republika Srpska, police of Bosnia and Herzegovina would be separated from Republika Srpska police and the uniforms and markings of the Serb police would be worn.[2152] Caps with the five-pointed stars were replaced by black berets adorned with the flag of Republika Srpska and a two headed eagle on top, an emblem which was also worn on the sleeve.[2153] Muslim police officers refused to wear these insignia and stopped going to work, although it is unclear from the evidence whether they resigned or were dismissed.[2154] In a

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Krulj, 28 October 2009, T. 2192; P165, Report of the Ministry of Justice to the Government of the Serb Republic, 22 August 1992, p. 1; P308, List of Employees for the Payment of Salary for May 1992, CSB Trebinje, n. 1, 6.

[2141] ST145, P2275, Witness Statement, 17 September 1998, p. 2 (confidential).

[2142] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 3.

[2143] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 2; ST145, P2275, Witness Statement, 17 September 1998, p. 2 (confidential); ST028, P304, Witness Statement, 19 September 1998, p. 2 (confidential).

[2144] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 3; ST145, P2275, Witness Statement, 17 September 1998, p. 5 (confidential); ST028, P304, Witness Statement, 18-19 September 1998, p. 4 (confidential); ST028, 5 November 2009, T. 2697.

[2145] ST145, P2275, Witness Statement, 17 September 1998, p. 5 (confidential).

[2146] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 5.

[2147] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 4; Adjudicated Fact 1225.

[2148] ST028, P304, Witness Statement, 18-19 September 1998, pp. 6-7 (confidential).

[2149] Šaćir Avdić, P2124, Witness Statement, 27 January 1999, p. 6.

[2150] Šaćir Avdić, P2124, Witness Statement, 27 January 1999, pp. 6-7.

[2151] ST028, 5 November 2009, T. 2698-2699.

[2152] ST028, 5 November 2009, T. 2699-2700.

[2153] ST028, P304, Witness Statement, 18-19 September 1998, pp. 4-5 (confidential); ST028, 5 November 2009, T. 2699-2700.

[2154] ST028, P304, Witness Statement, 18-19 September 1998, p. 5 (confidential); ST145, P2275, Witness Statement, 17 September 1998, p. 5 (confidential); Adjudicated Fact 1223.

document dated 4 May 1992, the Acting Head of the Trebinje CSB noted that employees of Muslim nationality from the Bileća SJB were not offered the option of expressing loyalty to the Ministry of Internal Affairs of Republika Srpska.[2155]

948. In the spring of 1992, a special police unit was formed in Bileća to "cleanse the terrain" in cooperation with the JNA.[2156] Aside from blue police uniforms, the members of this unit also wore green camouflage uniforms.[2157] The members of the unit were all of Serb ethnicity.[2158] The unit's commander was Miroslav Duka.[2159]

949. In the course of 1992, many Muslims were dismissed from their jobs in Bileća.[2160] The Trial Chamber received specific evidence in this regard from witnesses ST028 and Junuz Murguz. ST028, a Muslim, testified that at the beginning of May 1992 he went to work, but an armed guard stopped him and showed him a list of names of people who were no longer permitted to work there.[2161] The list contained only Muslim names. ST028 protested to the general manager, Rajko Rogan, who replied that he could no longer help anyone because it was an "order from above".[2162]

950. Junuz Murguz, a Muslim from the Prijevor village located about 5 km from Bileća, worked at the Energoinvest TMO-Bileća factory from 1975 until 18 February 1992.[2163] He testified that, when the war in Croatia erupted, he received an order from the Secretary of National Defence for his mobilisation in the Reserve Army. However, Alija Izetbegović had appeared on television announcing that Muslims did not have to comply with that order, so Murguz did not obey the mobilisation call. As a consequence, he was interviewed by his superior at the factory, Mirko Miličević, who told Murguz that he would be fired. On 18 February 1992, he was suspended from work for not having responded to the call.[2164] Murguz stated that, while elderly Muslim men who had not received mobilisation orders were not immediately suspended, all his other Muslim colleagues were. Murguz stopped receiving his salary, but never received an official document stating he had been fired from employment.[2165]

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[2155] P863, Payroll for the Employees of the Nevesinje CSB, 4 May 1992, p. 3.
[2156] ST028, P304, Witness Statement, 18-19 September 1998, p. 3 (confidential); ST028, 5 November 2009, T. 2700-2701.
[2157] ST028, 5 November 2009, T. 2701.
[2158] ST028, 5 November 2009, T. 2702-2703; P305, Bileća SJB Special Unit Payroll, April 1992, p.1.
[2159] ST028, 5 November 2009, T. 2700-2701; P1160, Intercepted Telephone Communication Between Momčilo Mandić and Zorica Sarenac, 23 April 1992, p. 3.
[2160] Adjudicated Facts 754, 1224.
[2161] ST028, P304, Witness Statement, 18-19 September 1998, pp. 1, 6 (confidential); ST028, 5 November 2009, T. 2694.
[2162] ST028, P304, Witness Statement, 18-19 September 1998, p. 6 (confidential).
[2163] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 2.
[2164] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 4.
[2165] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 5.

(a) Arrest campaign on 10 June 1992

951. According to ST028, Junuz Murguz, and Šaćir Avdić—also a Muslim who worked in a factory in Bileća—Radovan Karadžić, Ratko Mladić, and Biljana Plavšić arrived at Bileća a few days prior to 10 June 1992 for an open doors meeting at the new Army Club.[2166] They were greeted at the meeting by local SDS members.[2167] A member of the Municipal Assembly told ST028 that, during the meeting, Karadžić said all Muslims who met the "Serbian criteria" for being a risk to "security" were to be arrested.[2168]

952. On 10 June 1992, Serb paramilitary groups entered Bileća from Gacko. The paramilitary groups included the White Eagles, who wore camouflage uniforms; Arkan's Men, who wore black uniforms; and the Yellow Wasps, who, according to Šaćir Avdić, were comprised of Serbs from Serbia and Russians with partially shaved heads.[2169] According to Avdić, shooting started in Bileća at around 10:00 a.m. On the same day, Serb civilians were demonstrating in front of the police station and yelling: "Kill the Muslims." There was a large amount of weapons in the police station hallway and soldiers in uniform everywhere. Šaćir Avdić saw Miroslav Duka, the head of the police station, talking to a man named Jorgić, who was a JNA officer in charge of one of the paramilitary groups which had entered Bileća that morning.[2170] Regular and reserve police from Bileća and Gacko and members of the White Eagles started arresting people of Muslim ethnicity.[2171] On 11 June 1992 Colonel Grubac, Commander of the Herzegovina Corps, reported to the VRS Main Staff that the arrests had been carried out during an operation to seise illegal weapons.[2172] Colonel Grubac characterised the arrests as "improper", exhorted the authorities to investigate the reasons that led to the arrests of these people, and stressed the negative effects of the operation on inter-ethnic relations in Bileća.[2173] On 22 August 1992, however, the Chief of the Bileća SJB, Goran Vujović, reported to two inspectors of the Ministry of Justice of the Government of the Serb Republic that Muslims had been isolated for their own safety to prevent possible retribution by paramilitary forces. The inspectors then relayed this information to the Government of the Serb Republic. The inspectors also relayed that they had suggested to the SJB chief, Vujović, that about 10 men over 60 years of age should be released. Vujović replied that "the ministry in charge had

[2166] ST028, P304, Witness Statement, 18-19 September 1998, p. 6 (confidential); Šaćir Avdić, P2124, Witness Statement, 27 January 1999, p. 5; Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 5.
[2167] Šaćir Avdić, P2124, Witness Statement, 27 January 1999, p. 5.
[2168] ST028, P304, Witness Statement, 18-19 September 1998, p. 6 (confidential).
[2169] Adjudicated Fact 1226; Šaćir Avdić, P2124, Witness Statement, 27 January 1999, p. 7.
[2170] Šaćir Avdić, P2124, Witness Statement, 27 January 1999, p. 6.
[2171] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential); ST145, P2275, Witness Statement, 17 September 1998, p. 6 (confidential); Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 5; P1478, Regular Combat Report to the VRS Main Staff, 11 June 1992, p. 5; Adjudicated Facts 1226, 1227.
[2172] P1478, Regular Combat Report to the VRS Main Staff, 11 June 1992, p. 5.
[2173] P1478, Regular Combat Report to the VRS Main Staff, 11 June 1992, p. 6.

informed him about this".[2174] One hundred and forty Muslims were arrested in the course of the operation.[2175] They were all from Bileća and were accommodated in two main detention centres.[2176] One centre was located at the old student's dormitory, known as the Đački Dom, situated about 1.5 to 2 km away from the Bileća SJB.[2177] The other centre was located at a coal depot just 30 metres behind the Bileća SJB.[2178]

953. Once the arrests started, Serb Forces began looting Muslim property throughout Bileća.[2179] Houses in Muslim villages, with the exception of Prijevor, were burned down.[2180] Other Muslim homes were occupied by Serbs from Stolac, Čapljina, and Mostar.[2181] Furthermore, Serb Forces destroyed at least two mosques, one in Bileća town and one in Plavno, using explosives and heavy machinery.[2182] According to ST028, on 10 and 11 June 1992 many Muslims tried to escape, mainly to Montenegro, and women and children who could board a bus and had permission to leave managed to do so.[2183] Lazar Draško, a VRS member who operated in Bileća starting in early June 1992, testified that in early July he saw buses with Muslims being taken away. According to him, the transport had been organised by the Bileća civilian authorities and police.[2184] According to an assessment of the CSB Trebinje dated 19 August 1992, ongoing activities of disarmament of "extreme Muslims" caused a "massive moving out" of Muslims from Bileća.[2185]

(b) Junuz Murguz's and ST028's arrest and transfer to Old Student's Dormitory (Đački Dom)

954. On 10 June 1992, two armed men in camouflage uniforms stopped and searched Junuz Murguz and his neighbour, Omer Bajramović, nearby the hamlet of Rebići, in Bileća. Junuz Murguz stated they did not find anything during the search. The armed men made Murguz and Bajramović walk to Rebići, where Murguz saw other soldiers going through houses looking for weapons. Murguz and Bajramović were then arrested together with four other Muslims. Murguz testified that the soldiers beat Ćamo Ćamil, an old man from Bileća of non-Serb ethnicity, with their

[2174] Slobodan Avlijaš, 8 October 2010, T. 15619-15621; P165, Report from the Ministry of Justice to the Government of the Serb Republic, 22 August 1992, p. 1.
[2175] P163, Summary of the MUP Managing Working Group's Meeting in Trebinje, 20 August 1992, p. 5; P165, Report from the Ministry of Justice to the Government of the Serb Republic, 22 August 1992, p. 1.
[2176] P165, Report from the Ministry of Justice to the Government of the Serb Republic, 22 August 1992, p. 1.
[2177] P310, Picture of the Đački Dom; ST028, 5 November 2009, T. 2709.
[2178] ST028, 5 November 2009, T. 2704, 2723, 2725; P165, Report from the Ministry of Justice to the Government of the Serb Republic, 22 August 1992, p. 1.
[2179] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential).
[2180] Adjudicated Fact 1231; ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential).
[2181] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential).
[2182] P1396, Riedlmayer 2009 Report, para. 32; P1404, András Riedlmayer's Database of Material Related to Bileća, Gračko, Teslić, and Vlasenica, pp. 1-6; Adjudicated Fact 1232. The Trial Chamber notes that, while according to Adjudicated Fact 1232 three mosques were destroyed, P1396 only lists two mosques as having been destroyed.
[2183] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential).
[2184] Lazar Draško, 28 June 2010, T. 12262-12264, 12273-12274.
[2185] P162, Assessment of the Political and Security Situation in the Territory of the Trebinje CSB, 19 August 1992, p. 2.

hands, feet, and pistol barrels. Ćamil bled as a result of the beatings.[2186] The six prisoners were then transferred to the Bileća police station where there were 10 to 15 other Muslim prisoners; they all had bruises and one of them had been cut on his shoulder and was bleeding.[2187] They were kept at the police station for seven days in two rooms containing 30 to 40 men in total.[2188] They were not fed, although their wives were sometimes allowed to bring them food. Murguz believed that Miroslav Duka was in charge of the detainees. He stated that prisoners were beaten regularly.[2189] Nedeljko Kuljić, a policeman, beat Murguz several times and threatened him with his knife.[2190] After seven days, Murguz and some other detainees were taken to the Đački Dom.[2191]

955. On 10 June 1992, five policemen from Gacko arrived at the door of ST028's house.[2192] The policemen searched him, took his personal pistol and ammunition, and asked him whether he had any other automatic weapons or whether any other Muslims lived in the building. The policemen showed him a list of Muslims who were to be arrested, but ST028 was not on it. There was another list of Muslim individuals who had firearm licences, and ST028 was on that list. On 4 July 1992, ST028 arranged for two Serb friends to drive him and his family to Montenegro. At the checkpoint at the customs crossing at Deleuša, the customs officer with whom they had made the arrangements was not on duty. The on-duty customs officer phoned the police station. Fifteen minutes later, three policemen arrived and arrested ST028 and his Serb friends. Their families were returned home.[2193] The three policemen were Mišo Ilić, Radoje Vojnović, and Ratko Vujović.[2194] ST028 was kept at the police station from 8:00 a.m. to about 1:00 p.m., when he was taken to Đački Dom.[2195]

(c) Detention conditions at Old Student's Dormitory (Đački Dom)

956. The Đački Dom contained about 70 to 80 prisoners almost exclusively of Muslim ethnicity.[2196] The building comprised five rooms, one corridor, and one toilet that had to be shared by all the prisoners.[2197] There was insufficient room for everybody and some of the prisoners had to sleep sitting up. Sometimes there was no water or food. Prisoners received only what their families

[2186] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 5.
[2187] Junuz Murguz, P2277, Witness Statement, 2 April 1998, pp. 5-6.
[2188] Junuz Murguz, P2277, Witness Statement, 2 April 1998, pp. 6-7.
[2189] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 6.
[2190] Junuz Murguz, P2277, Witness Statement, 2 April 1998, pp. 6-7; P308, List of Employees for the Payment of Salary for May 1992, CSB Trebinje, no. 8.
[2191] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 7; P309, Aerial picture of Bileća; P310, Picture of the Đački Dom, Bileća.
[2192] ST028, P304, Witness Statement, 18-19 September 1998, pp. 6-7 (confidential).
[2193] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential).
[2194] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential); ST028, 5 November 2009, T. 2708.
[2195] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential).
[2196] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential); P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, 2 September 1992, p. 59.
[2197] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential); Junuz Murguz, P2277, Witness Statement, 2 April 1998, pp. 7- 8.

brought them, which at the beginning happened twice per day, but was then reduced to once per day.[2198] For about a month to a month and a half, starting from 10 June 1992, the prison guards were mostly reserve police officers.[2199] However, the reserve police officers were slowly replaced by the regular police from Bileća and by mid-July 1992 only regular policemen served as prison guards.[2200]

957. According to ST028 and Junuz Murguz, guards beat prisoners regularly and severely during their stay in the prison.[2201] These beatings elicited screams from the victims and caused broken bones and mobility problems.[2202] The guards mainly responsible for the beatings were policemen Neđo Delić, Neđo Kuljić, Radomir Bojović, Željko Ilić, Mišo Ilić, Dragiša Ivković, Rade Nosović, Novak Radovanović, and Branko Rogan.[2203] Around 10 August 1992, approximately nine people were brought to the Đački Dom from the police station. ST028 knew them all, but they had been beaten so badly that they were unrecognisable. The new prisoners said that Miroslav Duka had beaten them after the Serbs had lost men in the battle at Stolac. On 18 August 1992, when the "Red Cross" visited the Đački Dom, these prisoners were put in the hospital so they were not there to be seen. Many of the assaults occurred on a daily basis after the visit from the "Red Cross". On average, five prisoners were taken out every day to be beaten.[2204]

958. Junuz Murguz was not beaten while at the Đački Dom.[2205] However, his health deteriorated due to malnutrition and the fear of not knowing if he would see his family again. Murguz became dizzy and his body would shake. He started fainting almost every day and could not control his legs. On 6 August 1992 he was transported to the hospital in Bileća for treatment and then brought back to the Đački Dom. However, since his health had not improved, he was re-hospitalised on 10 August 1992. At the hospital, Murguz received a document issued by the Bileća SJB and signed by the Chief of the police station, Vujović, which authorised him to leave the municipality. Murguz stated that he left Bileća for Plav with his wife and children, followed by his parents in September

[2198] ST028, P304, Witness Statement, 18-19 September 1998, p. 7 (confidential); P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 59.
[2199] ST028, 5 November 2009, T. 2712.
[2200] ST028, P304, Witness Statement, 18-19 September 1998, p. 8 (confidential); ST028, 5 November 2009, T. 2711-2712; P308, List of Employees for the Payment of Salary for May 1992, CSB Trebinje.
[2201] ST028, P304, Witness Statement, 18-19 September 1998, p. 8 (confidential); Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 7.
[2202] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 7; ST028, P304, Witness Statement, 18-19 September 1998, p. 8 (confidential).
[2203] ST028, P304, Witness Statement, 18-19 September 1998, p. 8 (confidential); Junuz Murguz, P2277, Witness Statement, 2 April 1998, pp. 7-8; P308, List of Employees for the Payment of Salary for May 1992, CSB Trebinje, p. 1.
[2204] ST028, P304, Witness Statement, 18-19 September 1998, p. 8 (confidential).
[2205] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 7.

1992 after they were held at gunpoint and told to leave.[2206] Murguz also recalled that he later found out his house had been occupied by Serbs.[2207]

959. On 1 September 1992, the guards caught ST028 smuggling pages of his diary out of the Đački Dom through his wife.[2208] The next day, the policeman named Nedo Kuljić took him to the restaurant in the Đački Dom and administered electric shocks using a field telephone rigged with two cables attached to his extremities.[2209] Kuljić threatened to cut ST028's throat if he closed his hands together to break the electric circuit. ST028 received an "incredible shock" and was thrown backwards onto the ground. He lost consciousness, Kuljić revived him, and then shocked him twice more. Each time ST028 collapsed, Kuljić used water to revive him. Kuljić told ST028 that the next time he would "strip the skin off [him]" and that he wanted to "slaughter" him, but was ordered not to do so. ST028 had severe muscle pain, cramps, and painful kidney attacks after the shocks. In addition to Kuljić, Mišo Ilić and Radomir Denda were responsible for administering electric shocks to at least 10 other prisoners. ST028 testified that, on one occasion, Arif Avdić and Salko Avdić were taken out and tortured with electric shocks. ST028 could hear them screaming. After about one and a half hours, ST028 was taken by Kuljić and Ilić to a room where he saw Arif and Salko Avdić lying unconscious on the floor with a lot of water around them. After the electric shocks, Arif and Salko Avdić were taken to the isolation cell at the SUP building where they stayed for two weeks. When they were brought back to the Đački Dom, they recalled that they had received electric shocks. Salko said that the wires had been attached to his genitals, earlobes, and nipples. They had also been assaulted in the isolation cell where they had been put after receiving the electric shocks. The same day Salko Avdić returned, he was assaulted by Ilić, who hit him with a rifle butt. Avdić was threatened and had a pistol put into his mouth for having spoken to a delegation from the OSCE.[2210]

960. One night at around 11:00 p.m., ST028 was sleeping when he heard a door open and a hissing noise. One of the prisoners started yelling, "Poison." ST028 heard shots and people screaming that it was the White Eagles.[2211] Sabir Bajramović later told ST028 that he had opened a window and seen Miroslav Duka outside, who in turn ordered him to shut the window and fired a shot above his head.[2212] There were other policemen with Duka, namely Mišo Ilić, Željko Ilić, and

[2206] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 8.
[2207] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 9.
[2208] ST028, P304, Witness Statement, 18-19 September 1998, p. 9 (confidential).
[2209] ST028, P304, Witness Statement, 18-19 September 1998, p. 9 (confidential); ST028, 5 November 2009, T. 2712-2713; P308, List of Employees for the Payment of Salary for May 1992, CSB Trebinje, n. 8.
[2210] ST028, P304, Witness Statement, 18-19 September 1998, p. 9 (confidential).
[2211] ST028, P304, Witness Statement, 18-19 September 1998, p. 9 (confidential).
[2212] ST028, P304, Witness Statement, 18-19 September 1998, pp. 9-10 (confidential).

Radomir Denda.[2213] According to Junuz Murguz, members of Duka's unit, Bilečki Dobrovoljci (the Bileća Volunteers), were the ones who came most often to the Dački Dom.[2214] In this regard, the Trial Chamber understands this unit to be the special police unit formed by Duka in the spring of 1992. Some canisters of gas were thrown into the corridors and three of the rooms, but not the room ST028 was in. ST028 heard people yelling, "Damn Turks, we will slaughter you." He also heard shots fired into the air. The gas was causing everyone to gasp, choke, vomit, and have severely irritated eyes. The next day, a detainee named Sajto Bajramović was urinating blood and having fits.[2215]

961. A few days before ST028's release, he and other detainees received a questionnaire prepared by the Bileća police. The document to be signed said "I voluntarily leave Bileća" and gave them the option of saying whether they wanted to go to "Serbia, Montenegro or some other country" or whether they "wished to stay in Bileća."[2216] Exhibit P313 lists the Muslims over 50 years of age from Bileća who "exchanged" their apartments.[2217] According to ST028, this was one of the conditions to be released.[2218] A person on the list, whom ST028 knew, had exchanged his apartment and received only the keys of another apartment in Mostar, without any paperwork. This kind of deal was proclaimed null and void after the war.[2219] Only two detainees elected on the form to stay in Bileća, and they were beaten that night until they changed their minds.[2220]

962. On 5 October 1992, ST028 and a number of other inmates were released from the Đački Dom, which thereafter was no longer used as a prison.[2221] However, 38 of ST028's fellow inmates were not released and were transferred to the prison behind the SJB.[2222] No reason was given as to why some were released and others were not.[2223]

(d) Detention centre behind Bileća SJB

963. On 10 June 1992, five or six uniformed and armed men came to ST145's house. They arrested him, hit him with a rifle butt, and led him to believe that they were about to kill him. The uniformed men, members of the White Eagles according to ST145, took him to the Bileća police

[2213] ST028, P304, Witness Statement, 18-19 September 1998, p. 10 (confidential).
[2214] Junuz Murguz, P2277, Witness Statement, 2 April 1998, p. 9.
[2215] ST028, P304, Witness Statement, 18-19 September 1998, p. 10 (confidential).
[2216] ST028, P304, Witness Statement, 18-19 September 1998, p. 10 (confidential).
[2217] P313, List of Muslims Who Exchanged Apartment and Houses by Agreement, pp. 1-2 (confidential); ST028, 5 November 2009, T. 2713-2714.
[2218] ST028, 5 November 2009, T. 2713-2714.
[2219] ST028, 5 November 2009, T. 2713-2714; P313, List of Muslims Who Exchanged Apartment and Houses by Agreement, pp. 1-2 (confidential).
[2220] ST028, P304, Witness Statement, 18-19 September 1998, p. 10 (confidential).
[2221] ST028, P304, Witness Statement, 18-19 September 1998, p. 10 (confidential).
[2222] ST028, P304, Witness Statement, 18-19 September 1998, p. 10 (confidential); ST028, 5 November 2009, T. 2722-2723.

station where he was severely beaten again, this time by a person he described as the White Eagles commander. At least 50 other men had been brought to the police station. Around 4:00 p.m., ST145 and the other men were taken to the Moša Piljade barracks where they remained for seven days and were treated fairly well. Nikola Segrt, an officer whom ST145 knew, told him that he had been arrested because he was a Muslim. The prisoners were guarded by both Serbs from Bileća and the White Eagles, who had a permanent presence at the barracks.[2224] After those seven days, the prisoners were transferred to a building behind the Bileća SJB.[2225] The commander of this prison was Željko Ilić, a regular policeman.[2226] The guards were a combination of regular Serbian police, reserve police, and the occasional civilian police station employee or army personnel not involved at the battlefield. According to ST145, the number of detainees in the building reached 90, and he was kept in a cell of approximately 3.5 by 3.5 meters in size with another 14 to 20 detainees. The detainees all shared one toilet and sink, slept on wooden planks, and were not given any food. As a consequence, ST145 lost 25 kg during his detention.[2227] The detainees, including ST145, were severely beaten in the police station next to the prison.[2228] ST145 stated that he suffered fainting spells for years and required medical treatment because of the beating he received.[2229] On one occasion Miroslav Duka, the police commander, similarly to what he had already done to the detainees at the Đački Dom, threw gas canisters into the cells, started a fire in the hallway, and fired shots at the cell windows, lightly wounding ST145's leg.[2230] According to ST145, it was mainly Miroslav Duka who organised the beatings, and policemen Neđo Kuljić, Neđo Delić, Milorad Ilić, Rade Nosović, Dragiša Ivković, and Radomir Denda who carried them out under his supervision.[2231]

964. At around 1:00 a.m. on 12 October 1992, a prisoner named Asim Ćustović was called out of the cell.[2232] Ferhat Avdić was called out about half an hour later and brought to the duty operation room at the police station.[2233] Miroslav Duka, Nedeljko Kuljić, and other policemen were there.[2234]

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[2223] ST028, P304, Witness Statement, 18-19 September 1998, p. 10 (confidential).
[2224] ST145, P2275, Witness Statement, 17 September 1998, p. 6 (confidential).
[2225] ST145, P2275, Witness Statement, 17 September 1998, p. 7 (confidential).
[2226] ST145, P2275, Witness Statement, 17 September 1998, p. 7 (confidential); P308, List of Employees for the Payment of Salary for May 1992, CSB Trebinje, n. 15.
[2227] ST145, P2275, Witness Statement, 17 September 1998, p. 7 (confidential).
[2228] ST145, P2275, Witness Statement, 17 September 1998, pp. 7-9 (confidential).
[2229] ST145, P2275, Witness Statement, 17 September 1998, p. 9 (confidential).
[2230] ST145, P2275, Witness Statement, 17 September 1998, p. 8-9 (confidential).
[2231] ST145, P2275, Witness Statement, 17 September 1998, p. 8 (confidential); P308, List of Employees for the Payment of Salary for May 1992, CSB Trebinje.
[2232] ST145, P2275, Witness Statement, 17 September 1998, p. 8 (confidential); ST028, 5 November 2009, T. 2723.
[2233] ST145, P2275, Witness Statement, 17 September 1998, p. 8 (confidential); ST028, 5 November 2009, T. 2721-2725. The Trial Chamber notes that while in the Indictment Avdić's first name is spelled "Ferhat", in the transcript and in P2275 it is spelled "Fehrat". In light of the evidence, however, the Trial Chamber is satisfied that the names "Fehrat Avdić" and "Ferhat Avdić" refer to the same person.
[2234] ST145, P2275, Witness Statement, 17 September 1998, p. 8 (confidential); ST028, 5 November 2009, T. 2723-2725.

Asim Ćustović returned about an hour later with "one of his eyes blue." He said Duka hit Avdić twice, once in the chest and once in the throat, and that Avdić had remained motionless in the armchair. Two policemen carried Avdić back and dumped him in front of the doors. Two or three men brought him back into the prison.[2235] Avdić remained unconscious and died shortly after.[2236] In the morning, an ambulance brought Avdić's body to the Bileća hospital where it was determined he had died of natural causes. According to ST028, the doctor "had" to write that.[2237] However, ST028 knew the persons who bathed his body before the burial, and thus he learned that the body was completely bruised, with boot marks near the kidney and chest area and a severe skull fracture, which was evident from the deformation of Ferhat Avdić's head.[2238] His death certificate states that he died on 11 October 1992.[2239]

965. The Indictment alleges that another detainee with the same family name, Ismet Avdić, also died as a consequence of beatings by Serb forces in the building behind the Bileća SJB in the summer of 1992, but his death certificate states that he died on 15 June 1993.[2240]

966. ST145 stated that some detainees were released on 4 October 1992, while he and 36 other inmates were released on 17 December 1992.[2241] On 19 December 1992, ST145 went to Plav, in Montenegro.[2242]

### 3. Factual Findings

967. With regard to specific underlying acts of persecution charged only under count 1, and not under counts 3, 4, 5, 6, 7, 8, 9, and 10, the Trial Chamber finds that on 10 June 1992, Serb police and members of the White Eagles arrested about 140 Muslims from Bileća and its neighbouring villages. Some of the arrested persons were detained until 4 October 1992, while others were detained until 17 December 1992. In this regard, the Trial Chamber notes that an officer at the Moša Piljade barracks told ST145 that he had been arrested because he was a Muslim and that no other explanation was given to the people at the moment of their arrest or during their detention. The Trial Chamber has also considered that, on 10 June 1992, a policeman asked ST028 if there were

[2235] ST145, P2275, Witness Statement, 17 September 1998, p. 8 (confidential).
[2236] ST145, P2275, Witness Statement, 17 September 1998, p. 8 (confidential); ST028, 5 November 2009, T. 2723. The Trial Chamber has considered that there is a discrepancy in ST028's and ST145's accounts in relation to the time of death of Ferhat Avdić: according to ST028 he died at 3:00 a.m., while ST145 stated that he died at 8:00 a.m. However, the Trial Chamber does not consider this minor inconsistency to have any adverse impact upon the reliability of the evidence of the incident.
[2237] ST028, 5 November 2009, T. 2723-2724.
[2238] ST028, 5 November 2009, T. 2724.
[2239] P2466, Proof of Death Database (CHS) "ordinal number" 238.1, Death Certificate of Fikret Hadžiavdić (confidential).
[2240] Adjudicated Fact 1229; P2466, Proof of Death Database (CHS) "ordinal number" 239.1, Death Certificate of Ismet Avdić (confidential).
[2241] ST145, P2275, Witness Statement, 17 September 1998, pp. 9, 10 (confidential).

any other Muslims living in his building and showed him a list containing the names of Muslims who were to be arrested. On the same day, armed men in camouflage uniforms stopped and searched Junuz Murguz and his neighbour and arrested them, together with four other Muslims, even though they had not found anything during the search. The Trial Chamber has considered the claim contained in P165 that Muslims had been isolated for their own safety to prevent possible retribution by paramilitary forces, but finds it to lack any reliability in light of the treatment that Muslims received while in detention, which is amply documented in the evidence discussed above. Therefore, the Trial Chamber finds that the 140 Muslims were arrested on the basis of their ethnicity. It further finds that they were denied due process of law.

968. The Trial Chamber finds that, once the arrest operations began on 10 June 1992, Serb Forces took Muslim property, including by forcing the detainees to relinquish their apartments as a condition for their release, and burned houses in several Muslim villages in the municipality of Bileća. Serb Forces also erected checkpoints and imposed restrictions on the movement of Muslim residents. Finally, from the beginning of 1992, Muslims started being fired from their jobs.

969. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered the evidence on the treatment of the prisoners during their arrest and detention at the police station, at the building behind the police station, and at the Đački Dom. On the basis of this evidence, the Trial Chamber finds that the Bileća police, who were in charge of these detention centres, kept the prisoners in appalling and unsanitary conditions, with insufficient room, food, and water, and that it failed to provide medical care to the prisoners. Such treatment, together with the fear and uncertainty that the detainees had about their future, caused serious bodily and mental harm. For instance, ST145 lost 25 kg during his detention, and Junuz Murguz, who lived in constant fear of not seeing his family again, was hospitalised twice due to the deterioration of his health while in detention.

970. The Trial Chamber further finds that several members of the police, led by or with the approval of Miroslav Duka, as well as members of the White Eagles, systematically and regularly beat prisoners, gave them electric shocks, assaulted them with gas, verbally abused them, and threatened them with guns and knives. In this regard, the Trial Chamber recalls that Duka led a special police unit, also known as the Bileća volunteers. This treatment caused great physical and psychological suffering and long term consequences to their health. For example, ST145 suffered fainting spells and required medical attention for years after his release. As a consequence of the electric shocks ST028 received, he had muscle and kidney pain. Based on the mode of the assaults

[2242] ST145, P2275, Witness Statement, 17 September 1998, p. 10 (confidential).

and on the language used by the attackers, the Trial Chamber also finds that Serb Forces assaulted Muslim prisoners to intimidate them and to discriminate against them on the basis of their ethnicity.

971. With regard to counts 1, 2, 3, and 4, the Trial Chamber finds that on 11 October 1992 Duka and other policemen beat Ferhat Avdić at the Bileća police station and that Avdić died a few hours later as a consequence of the beating. Adjudicated Facts 1229 and 1231 show that a second detainee was killed while detained by Serb Forces in Bileća in 1992. The Indictment alleges that the victim was a man named Ismet Avdić. However, Ismet Avdić's death certificate states that he died on 15 June 1993, a date that falls outside the temporal scope of the Indictment. On this basis, the Trial Chamber is satisfied that Serb Forces killed a second detainee during the Indictment period, However, the evidence does not allow the Trial Chamber to conclude that this detainee was Ismet Avdić.

972. With regard to counts 1, 9, and 10, the Trial Chamber has considered ST028's evidence that on 10 and 11 June 1992 many Muslims tried to escape Bileća primarily in the direction of Montenegro, and the evidence of Draško who in July saw Muslims being bused away from the municipality. The Trial Chamber has also considered P162, an assessment of the situation made by the Trebinje CSB on 19 August 1992, which reports that the activities of disarmament of "extreme" Muslims had caused a massive exodus of Muslims from Bileća. Junuz Murguz, together with his wife and children, left Bileća for Plav, Montenegro, on 10 August 1992 after having been hospitalised due to the deterioration of his health during detention at the Đački Dom. Murguz's parents left in September 1992 after being told at gunpoint to leave. Murguz later found that his house had been occupied by Serbs. The Trial Chamber has further considered ST028's testimony that, a few days before his release, he and other detainees had to sign a form drafted by the Bileća police wherein they stated that they voluntarily left Bileća for Serbia, Montenegro, or another country. According to ST028, this was a condition for their release, and the two inmates who had elected on the form to remain in Bileća were beaten to make them change their minds. Finally, the Trial Chamber has considered the evidence on the ethnic composition of Bileća in 1991 and 1997, and the evidence on the number of displaced persons in 1997 who were residents of Bileća in 1991. On this basis, the Trial Chamber finds that Muslim residents left Bileća as a consequence of the arrest campaign, intimidations, and the looting and destruction of their property and religious buildings carried out by Serb Forces between 10 June 1992 and December 1992. Based on the tesimony of Draško, the Trial Chamber finds that the police and civilian authorities of Bileća took part in the organisation of convoys that transported them out of the municipality.

973. Lastly, the Trial Chamber has considered that Miroslav Duka, the head of the Bileća police, was talking to Jorgić, a JNA officer who led paramilitaries into Bileća, on 10 June 1992, and that

the White Eagles had access to detention centres guarded by the police, where they beat prisoners. On the basis of this evidence, the Trial Chamber finds that the police cooperated with the paramilitaries in the commission of crimes against the Muslims in Bileća.

### 4. Legal Findings

974. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in Bosnia and Herzegovina during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Bileća and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

975. The Trial Chamber finds that the acts of the Serb Forces were linked geographically and temporally with the armed conflict. The arrest campaign carried out by Serb police and paramilitaries, the looting and destruction of Muslim property and cultural heritage, the beatings and assaults in the detention centres, and the restriction of movement constituted an attack against the civilian population, identified as the Muslims of Bileća. The attack occurred on a large scale: at least 140 Muslims were arrested, villages were burned, property was looted, and the arrest campaign caused a massive exodus of Muslims from Bileća. The Trial Chamber has considered (a) the meeting in Bileća that took place a few days before 10 June 1992, during which Karadžić reportedly said that all Muslims who met the "Serbian criteria" were to be arrested; (b) the presence of lists of Muslim people to be arrested and those possessing firearms; (c) the arrests of a large amount of people in the course of one day; and (d) the fact that beatings in prison were carried out on a regular basis. In light of these factors, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. The acts of Serbian police and paramilitary forces against the Muslim civilians were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing in Bileća and that their acts were part of it.

976. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

977. *Counts 2, 3, and 4*. The Trial Chamber finds that the killing of Ferhat Avdić on 11 October 1992 by Miroslav Duka and other Serb policemen constituted murder because they reasonably should have known that the beating of Avdić, which included blows to his throat, could lead to his death. It further finds that the killing of the second detainee in Bileća by Serb Forces constituted murder. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that, by killing Fehrat Avdić and the other detainee, Serb Forces

committed murder, both as a crime against humanity and as a violation of the laws or customs of war.

978. The *actus reus* of extermination requires the killing of a large number of individuals. In light of this requirement, the Trial Chamber is not satisfied that the murder of Fehrat Avdić and of the other detainee satisfy this legal element. The Trial Chamber therefore finds that the crime of extermination has not been proved with regard to the events in Bileća.

979. *Counts 5, 6, 7, and 8.* The Trial Chamber has already found that the assaults carried out by Serb Forces against the Muslim detainees, both during the arrests and in the detention centers, caused them great physical and psychological suffering and long-term consequences to their health and that the assaults were carried out as a form of intimidation and discrimination. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed torture against the Muslim detainees, both as a crime against humanity and as a violation of the laws or customs of war.

980. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

981. *Counts 9 and 10.* The Trial Chamber finds that Serb Forces removed Muslims from Bileća, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law, by means of the arrest campaign, intimidations, and the looting and destruction of their property carried out by Serb Forces between 10 June 1992 and December 1992. Muslims were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Victims were also removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber therefore finds that, between June and December 1992, Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim population of Bileća.

982. *Count 1.* The Trial Chamber finds that Serb Forces arrested Muslims in Bileća without legitimate grounds and on a discriminatory basis and that the arrests constituted unlawful

detentions. It further finds that the taking of Muslim property and the large scale destruction of their homes in several villages constituted plunder of property and the destruction of towns and villages. The Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims of Bileća by restricting their freedom of movement and denying them due process of law upon their arrest.

983. The evidence indicates that, from the beginning of 1992, Muslims were fired from their jobs in Bileća. However, the Trial Chamber has not received evidence of specific episodes after 10 June 1992, which is the time when the Indictment alleges that the imposition of discriminatory measures against Muslims began.

984. The Trial Chamber finds that the acts discussed above under counts 3, 4, 5, 6, 7, 8, 9, and 10—as well as the unlawful detentions, the establishment and perpetuation of inhumane living conditions, the plunder of property, the wanton destruction of towns and villages, and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of the Muslims laid down in customary international law and treaty law. They were also discriminatory in fact, as they selectively and systematically targeted Muslims. On the basis of the pattern of conduct and of statements made by Serb Forces during the arrest campaign or in the detention centers, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against the Muslims because of their ethnicity.

985. On the basis of the above, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims in Bileća.

986. *Conclusion.* The Trial Chamber finds that from 10 June 1992 until December 1992 Serb Forces committed the crimes charged under counts 1, 3, 4, 5, 6, 7, 8, 9, and 10 of the Indictment in the municipality of Bileća.

## J. Bosanski Šamac

### 1. Charges in Indictment

987. The Indictment charges Mićo Stanišić with crimes against humanity and violations of the laws or customs of war allegedly committed in the municipality of Bosanski Šamac as outlined below.

988. Count 1 charges Mićo Stanišić with persecution, as a crime against humanity, through the commission of the following crimes: (a) killings, as specified below under counts 2, 3, and 4; (b) torture, cruel treatment, and inhumane acts in detention facilities as specified below under counts 5,

6, 7, and 8; (c) the unlawful detention of Bosnian Muslims and Bosnian Croats at (i) the SJB building and prison, (ii) the warehouse in Crkvina, (iii) the Mitar Trifunović-Učo Primary School, and (iv) the TO headquarters; (d) the establishment and perpetuation of inhumane living conditions, including a failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities at the same detention facilities from April to December 1992; (e) the forcible transfer and deportation of Bosnian Muslims and Bosnian Croats; (f) the appropriation or plunder of property during and after attacks on non-Serb parts of the town of Bosanski Šamac at least between mid-April and June 1992, in detention facilities, and in the course of deportations or forcible transfers; (g) the wanton destruction and looting of the non-Serb parts of Bosanski Šamac between mid-April and June 1992, including the Bosanski Šamac town mosque and Catholic church; and (h) the imposition and maintenance of restrictive and discriminatory measures against Bosnian Muslims and Bosnian Croats after the takeover of Bosanski Šamac in mid-April 1992.[2243]

989. Counts 2, 3, and 4 charge Mićo Stanišić with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, in relation to the killing of 18 men who were taken out of the warehouse in Crkvina in May 1992.[2244]

990. Counts 5, 6, 7, and 8 charge Mićo Stanišić with torture, both as a crime against humanity and as a violation of the laws or customs of war; cruel treatment, as a violation of the laws or customs of war; and inhumane acts, as a crime against humanity. These acts were committed by Bosnian Serb forces against the non-Serb population of Bosanski Šamac in (a) the SJB building and prison, (b) the warehouse in Crkvina, and (c) the TO headquarters. In relation to the SJB building and prison, detainees were beaten with batons, rifle butts, an electric cable, an iron bar, and boots. At least one man died as a result of the beatings. Six men were ordered to perform fellatio on each other during May and June 1992. In relation to the warehouse in Crkvina, detainees were severely beaten with batons and kicked with boots. In numerous cases, the beatings were so severe that they resulted in serious injury. Several men died as a result of the beatings and shootings. In relation to the TO headquarters, detainees were severely beaten with batons and kicked with boots. Teeth were pulled from prisoners. In numerous cases, the beatings were so severe that they resulted in serious injury. In these three detention facilities, the beatings and humiliation of detainees took place in the presence of their fellow inmates.[2245]

[2243] Indictment, paras 24, 26, Schedules B n. 10.1, C n. 9.1-9.2 and 9.4-9.5, D n. 9.1-9.3, E n. 8, F n. 8, G n. 8.
[2244] Indictment, paras 29- 31, Schedule B n. 10.1.
[2245] Indictment, paras 32, 34, 36, Schedules C n. 9.1-9.2 and 9.4-9.5, D n. 9.1-9.3.

991. Counts 9 and 10 charge Mićo Stanišić with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces against Bosnian Muslims and Bosnian Croats after the takeover of Bosanski Šamac in mid-April 1992.[2246]

2. Analysis of Evidence

992. The municipality of Bosanski Šamac is located in the northern part of BiH. Situated on the banks of the Bosna and Sava Rivers, on the border between Bosnia and Croatia, the town of Bosanski Šamac was an important commercial centre in an industrial region that contained ports, an oil refinery, and duty-free zones. The bridge over the Sava River was vital for the exchange of goods and services between Croatia and BiH.[2247]

993. According to the 1991 census in BiH, the composition of the Bosanski Šamac municipality was ethnically diverse, with approximately 11,902 (44%) Serbs, 11,466 (42.4%) Croats, 1,913 (7.1%) Muslims, and 1,771 (6.5%) persons of other ethnic origin.[2248] However, by 1997, the ethnic composition of Bosanski Šamac had changed significantly and became 1.9% Muslim, 1.3% Croat, 5.3% persons of other ethnic origin, and 91.5% Serb.[2249]

994. On 17 April 1992, the Crisis Staff of the Serbian Municipality of Bosanski Šamac released a proclamation addressed to the citizens of Bosanski Šamac informing them that, under the leadership of the newly established Crisis Staff, the TO of the Serbian Municipality of Bosanski Šamac had taken control of the municipality. The proclamation stated that the Crisis Staff would guarantee all citizens complete security both of their person and property, regardless of nationality or religion.[2250] Although restrictions on the freedom of movement of the civilian population were formally imposed on the civilian population regardless of ethnicity,[2251] the vast majority of those arrested and detained were of non-Serb ethnicity, as is discussed below.

(a) Takeover of Bosanski Šamac

995. Sulejman Tihić—a Muslim lawyer, deputy chairman of the Bosanski Šamac Assembly, and the President of the SDA in Bosanski Šamac[2252]—testified that the JNA began to take weapons away from the Bosanski Šamac TO in early 1990. The view of those within the BiH leadership, including Tihić, was that these weapons belonged to the municipality for the general security of the

[2246] Indictment, paras 37, 38, 41, Schedules F n. 8, G n. 8.
[2247] Agreed Fact 594.
[2248] P1627, Tabeau *et al*. Expert Report, pp. 69, 73, 77, 81. *See also* Agreed Fact 596 (giving similar figures of Serbs (41.3%), Croats (44.7%), Muslims (6.8%), and others (7.2%)).
[2249] P1627, Tabeau *et al*. Expert Report, pp. 69, 73, 77, 81.
[2250] P1980, Proclamation Regarding Control Over the Territory of Serb Municipality of Bosanski Šamac, 17 April 1992.
[2251] Adjudicated Facts AH and AI.

municipality. However, his evidence was that the JNA had the power to confiscate weapons from the TO.[2253]

996. Sometime in January 1992, Sulejman Tihić became aware of the existence of the 4th Detachment of the JNA.[2254] He learned about this from Colonel Stevan Nikolić, who was Commander of the 17th Tactical Group of the JNA at a meeting of the Municipal Assembly where it was announced that the 4th Detachment had been established in the framework of the 17th Tactical Group and that the detachment was formed specifically for the municipality of Bosanski Šamac.[2255] According to Tihić, the Municipal Assembly had effectively divided the town into patrol zones.[2256] The 4th Detachment of the JNA confined itself to patrolling the Bosna and Sava Rivers, and the SDA and HDZ forces patrolled other areas.[2257] On several occasions, there were clashes between the JNA patrols and other patrols in the municipality.[2258] On 6 March 1992, a meeting was held in Dragan Lukač's office about the setting up of a joint police and JNA checkpoint in Gornja Crkvina. Dragan Lukač was a Croat and also a senior member of the police in Bosanski Šamac.[2259] Both Stevan Nikolić and Blagoje Simić were present at this meeting and requested that the checkpoint be set up.[2260]

997. Dragan Lukač testified that around 1990 there was a restructuring of the police.[2261] During this restructuring process, he was appointed Chief of the Criminal Division of the police in Bosanski Šamac.[2262] He stated that from as early as July 1991 the JNA concentrated forces in Bosanska Posavina during its conflict with Croatia.[2263] As a result, several detachments of JNA soldiers were based in the municipality. According to Lukač, one such group was the 4th Detachment of the JNA, which was commanded by Radovan Antić.[2264] The headquarters of the 4th Detachment of the JNA in Bosanski Šamac was the Café AS, which was owned and operated by Miroslav Tadić, who was also deputy commander of the 4th Detachment.[2265] Lukač further testified that there were 23 incidents between 28 November 1991 and 1 April 1992, in which various facilities were destroyed by sabotage including certain business facilities and privately owned

[2252] Sulejman Tihić, P1556.01, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 13 September 2001, T. 1242.
[2253] Sulejman Tihić, P1556.02, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 14 September 2001, T. 1280-1281.
[2254] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1327-1329.
[2255] Adjudicated Facts 609-611; Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1328-1329.
[2256] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1332-1335.
[2257] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1335.
[2258] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1336.
[2259] Dragan Lukač, P2154, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 May 1996, T. 581-582.
[2260] Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1576-1579.
[2261] Dragan Lukač, P2154, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 May 1996, T. 581-582.
[2262] Dragan Lukač, P2154, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 May 1996, T. 582.
[2263] Dragan Lukač, P2154, *Prosecutor v. Tadić*, Case No. IT-94-1-T, 13 May 1996, T. 583-584.
[2264] Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1558, 1581.
[2265] Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1562.

buildings in Bosanski Šamac.[2266] The Trial Chamber notes that Dragan Lukač was clear that the privately owned buildings that were targeted were exclusively owned by Croats and Muslims.[2267] These facilities and businesses were usually sabotaged late at night when they were unoccupied and no citizens were on the streets.[2268] Although the sabotage did not result in casualties, it did cause significant damage.

998. Dragan Lukač gave the Trial Chamber examples of privately owned buildings that were targeted prior to 1 April 1992. In one incident, a shop owned by Grga Zubak, a Croat, was sabotaged. In another such incident, an explosive device was detonated in a boutique owned by a Muslim woman, Mirsada Ceribašić, whose husband was a member of the SDA. Lukač confirmed that, although he could not recall the names of all the owners of the properties involved, he was quite sure that all the properties concerned belonged to Croats and Muslims. From on-site investigations, it was clear to the police that the explosives used in these attacks were similar to those used by the army and that, at that time in Bosanski Šamac, civilians would not have had access to those types of explosives.[2269] Additionally, Lukač said that the manner in which the sabotage was carried out indicated that persons who set the explosives were highly professional and that, at some of the scenes, investigators found impressions left by boots used by the JNA. This led investigators to conclude that, in all likelihood, the perpetrators came from the JNA.[2270] Sulejman Tihić also testified that, as a result of the increase in hostilities in the weeks and months leading up to mid-April 1992, many private homes and social and commercial buildings were blown up. According to Tihić, "as a rule", the perpetrators were never found. Tihić also referred to the attack on the property of Mirsada Ceribašić as an example of such an attack. A building belonging to her husband was also torched. Electricity and communication lines were destroyed.[2271] It was suspected that members of the 4th Detachment of the JNA had carried out these attacks, but the perpetrators were never found.[2272]

999. On 15 April 1992, a Serbian Crisis Staff was appointed in Bosanski Šamac, and Blagoje Simić, the President of the SDS municipal board, became its President.[2273] The Crisis Staff took over the functions of the Municipal Assembly of Bosanski Šamac. By assuming the position of the Municipal Assembly, the Crisis Staff procured the power to govern the municipality and thus

[2266] Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1584-1585.
[2267] Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1584.
[2268] Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1585.
[2269] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1338; Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1585-1587.
[2270] Dragan Lukač, P2159, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 24 September 2001, T. 1587.
[2271] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1338.
[2272] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1340.
[2273] Agreed Fact 630.

became the highest civilian authority in Bosanski Šamac.[2274] On 17, 18, and 19 April, the 4th Detachment of the JNA, paramilitaries, and police participated in the collection of weapons in Bosanski Šamac.[2275] The weapons were predominantly collected from Muslim and Croat civilians.[2276]

1000. Political parties were not active during the period of war operations because of a decision adopted by the RS requiring political parties to freeze their activities. As a result of this decision, the Crisis Staff adopted an order prohibiting political activities in the municipality.[2277] The civilian police, by means of an order signed by Stevan Todorović, who was head of the Serb police station in Bosanski Šamac and a member of the Serb Crisis Staff,[2278] banned meetings of more than three non-Serbs in public places. This order was disseminated via radio broadcasts and posters placed throughout the town.[2279]

(b) Arbitrary arrests and plunder of property

1001. Sulejman Tihić testified that, on the night of 16 and 17 April 1992, the situation in Bosanski Šamac had become tense and the streets were deserted.[2280] At about 2:00 a.m. on 17 April, he and his wife could hear individual gunshots, and after a while it became increasingly intensive.[2281] They then heard a loud explosion outside the house and realised that something serious was going on. While looking through the window to see if there was any damage, Tihić was able to recognise certain members of the 4th Detachment of the JNA who were hiding behind houses and trees with their rifles.[2282] Tihić and his family remained in the house for the rest of the night and noticed at about 3:00 a.m. that the phone lines had been cut.[2283] The phone lines were re-established in the morning. Around 7:00 a.m., Tihić and his family went to a Serb friend's place. From his friend's house, he saw armed men, all of whom were dressed in JNA uniforms.[2284] While at this house, he heard from friends that four JNA tanks had entered the town.[2285] Shortly after getting to his friend's house, it became known that he was there. Between 11:00 a.m. and noon, Tihić received a call from Blagoje Simić—the head of the SDS and also the President of the Crisis Staff in Bosanski Šamac—

[2274] Agreed Fact 633.
[2275] Agreed Fact 648; Adjudicated Fact 647.
[2276] Agreed Fact 651.
[2277] Agreed Fact 658.
[2278] Adjudicated Fact 629; Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1374; Stevan Todorović, 1D607, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 7 June 2002, T. 9108.
[2279] Agreed Fact 659.
[2280] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1357.
[2281] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1358.
[2282] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1358-1360, 1365. Tihić was able to make this night-time identification because there was a light bulb illuminating the entire yard.
[2283] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1358-1359.
[2284] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1358-1360, 1365-1366.

who told him that there would be no negotiations and that the Serb people were at war with Muslims and Croats. Simić demanded that they surrender and turn over their weapons.[2286] Soon thereafter, Tihić and his family moved to the apartment of another friend, a more prominent Serb in the town.[2287]

1002. On 18 April 1992, Tihić's second host, who spoke with Blagoje Simić on the phone, conveyed Simić's message to Tihić that he should go to the Bosanski Šamac police station to be interrogated and that, when the interrogation was over, he would be released.[2288] Tihić's friend then put a white cloth on the handle of the entrance door to the apartment, meaning that it should not be searched. Nonetheless, two men from the reserve police came to his friend's apartment and took both of them to the police station in a police car. While in the car, Stevan Todorović pointed a gun at Tihić and swore at them. When Tihić arrived at the station, he could not believe what he saw: there were different kinds of forces in different uniforms, including Red Berets, Grey Wolves, Serb TO, and JNA soldiers.[2289] The Grey Wolves had a specific insignia, the "four-S" sign in Cyrillic turned upside down and a depiction of a grey wolf.[2290] Among the persons whom Tihić saw at the police station was Stevan Todorović.[2291] Tihić was detained at several different locations until he was released in a prisoner exchange on 14 August 1992.[2292]

1003. Following the takeover of Bosanski Šamac on 17 April 1992, and continuing throughout 1992, large scale arrests of Bosnian Muslims and Bosnian Croats were carried out by Serb Forces in the municipality. Within the first week of the conflict, up to 50 persons had been arrested and detained at the SUP. From May 1992 until the end of the year, the numbers of those arrested and held at the SUP varied from 50 to 100 persons. About 200 persons were detained at the TO during this period in Bosanski Šamac. Large groups of persons were also held at facilities in Zasavica and Crkvina.[2293] Detainees were held at the primary and secondary school gymnasiums, several hundred metres away from the SUP and TO in Bosanski Šamac. The numbers of detainees rose to 50 at the primary school, and between 300 and 500 at the secondary school. The first group of detainees at the primary and secondary school were transferred there on 13 May 1992 from the JNA barracks in Bijeljina. Throughout the spring and summer of 1992, people were brought to the primary and

[2285] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1367.
[2286] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1337, 1367-1369; Adjudicated Fact AB.
[2287] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1371-1372.
[2288] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1372-1373.
[2289] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1373-1374, 1377-1378.
[2290] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1360, 1362, 1364-1365; Adjudicated Fact 622.
[2291] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1373-1376.
[2292] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1376-1377.
[2293] Adjudicated Fact 660.

secondary schools and detained there, including men from the Dom Kulture in Crkvina and from Zasavica. Detainees were held in the schools for months at a time.[2294] Throughout April 1992, armed patrols—including Serb police and military—entered homes, arrested many Croats, and took them to the Crkvina warehouse.[2295]

1004. On 19 April 1992, the President of the Crisis Staff in Bosanski Šamac, Blagoje Simić, declared a state of emergency in the region. The decision on the introduction of a state of emergency held that all bodies and institutions of Bosanski Šamac ceased to operate in their (then) current mandate and that the Crisis Staff would take up their functions, rights, and obligations.[2296] Once it was established, the Crisis Staff—later renamed "War Presidency"—issued a number of orders, policies, decisions, and other regulations.[2297]

1005. The majority of persons arrested in Bosanski Šamac were non-Serb civilians, including women, children, and elderly persons, who were taken from their homes and brought to Zasavica.[2298] They were forced from their homes, rounded-up, and taken to detention facilities where they were prevented from leaving. Detainees were regularly moved from one detention facility to another at a moment's notice. There was no reasonable suspicion that they had committed any criminal offence, they were not informed of any accusation against them, they were not brought before a judge, and no legal proceedings were conducted.[2299] According to Stevan Todorović, the takeover of Bosanski Šamac lasted for one hour, at the most, between 3:00 and 4:00 a.m. on the night between 16 and 17 April 1992.[2300] Todorović conceded that the highest authority for the protection of the detainees following the takeover lay with him. He kept the Crisis Staff informed about prisons and people detained in the municipality. The Crisis Staff approved the continued process of creating new prisons in Bosanski Šamac as the number of prisoners grew.[2301]

1006. Immediately after the forcible takeover of Bosanski Šamac, individual looting on a large scale occurred. Cars, money, and jewellery were plundered from civilians. Furniture, kitchen appliances, and personal belongings were removed from houses and apartments. Commercial properties and farm equipment belonging to civilians in Bosanski Šamac and the neighbouring villages were looted. Sometimes property was taken by force or by threat of use of force. The Trial

[2294] Adjudicated Fact 669.
[2295] Adjudicated Fact 662.
[2296] Adjudicated Fact AB.
[2297] Adjudicated Fact AD.
[2298] Adjudicated Fact 978.
[2299] Adjudicated Fact 979.
[2300] Stevan Todorović, 1D609, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 12 June 2002, T. 9389-9390 (confidential).
[2301] Stevan Todorović, 1D607, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 7 June 2002, T. 9107-9108, 9137-9139.

Chamber notes that property exclusively belonging to non-Serbs was targeted.[2302] From mid-April 1992 onwards, there were several incidents of theft by police personnel reported to the Bosanski Šamac police station. One such incident involved the theft of a TV set, stereo, and VCR by police officers; the Banja Luka CSB command was informed of the incident.[2303]

1007. According to a report on the situation at the Bosanski Šamac SJB written on 19 November 1992, as soon as war operations began in Bosanski Šamac, a Serb paramilitary group under the command of Dragan Đorđević a.k.a. "Crni" began to operate in the municipality. During this time, several Muslims and Croats were murdered. The report states that, before the war had started in Bosanski Šamac, the SDS Main Board suggested to Stevan Nikolić, the Commander of the JNA 17th Tactical Group, that he recruit Crni and Srećko Radovanović a.k.a. "Debeli" and 30 men from Serbia. Eighteen volunteers from Bosanski Šamac were added to this group, placed under Crni's command, and put under the command of the 4th Detachment of the JNA 17th Tactical Group.[2304] Stevan Todorović took part in this recruitment and organised the training of this unit.[2305]

1008. The report outlines that Crni, Slobodan Miljković a.k.a. "Lugar", and members of their unit frequently assumed authority over some police commanders in Bosanski Šamac. Following Crni's arrest in mid-1992, he and his group were expelled by military personnel to the FRY. However, at the end of September or early October 1992, the War Presidency of Bosanski Šamac municipality went to the MUP of the Republic of Serbia with a written request to redeploy Crni and his group to the area where combat operations were ongoing.[2306] According to the report, Stevan Todorović and Blagoje Simić met with Crni and Lugar on a daily basis.[2307] The report states that the criminal investigation service was not functioning as it should have.[2308]

(c) Detention at Bosanski Šamac SJB

1009. Sulejman Tihić testified that on 18 April 1992 he was interrogated and beaten at the SJB building. While he was being beaten with a baton at the SJB by a man called Lugar, whose accent

[2302] Adjudicated Fact 654.
[2303] P2383, Bosanski Šamac Daily Events Logbook, p. 12.
[2304] P406, Information of Serbian MUP on the Situation at the Bosanski Šamac Public Security Station, the Arrest of the Public Security Station Chief by Military Organs and the Closing Down of the Krajina–FRY Corridor, 19 November 1992, p. 2; Adjudicated Facts 613, 615-618.
[2305] Adjudicated Facts 613, 616-618, 620.
[2306] P406, Information of Serbian MUP on the Situation at the Bosanski Šamac Public Security Station, the Arrest of the Public Security Station Chief by Military Organs and the Closing Down of the Krajina–FRY Corridor, 19 November 1992, pp. 2-3.
[2307] P406, Information of Serbian MUP on the Situation at the Bosanski Šamac Public Security Station, the Arrest of the Public Security Station Chief by Military Organs and the Closing Down of the Krajina–FRY Corridor, 19 November 1992, p. 6. *See also* Adjudicated Facts 617, 618, 620.
[2308] P406, Information of Serbian MUP on the Situation at the Bosanski Šamac Public Security Station, the Arrest of the Public Security Station Chief by Military Organs and the Closing Down of the Krajina-FRY Corridor, 19 November 1992, p. 7.

indicated that he was from Serbia, Lugar called his own wife so that she could hear Tihić's moans and the blows that were being administered. Stevan Todorović would, at times, come in and encourage the beatings to continue.[2309] Shortly after arriving at the SJB, Tihić was taken to the duty officer's room, where he saw a man called "Crni", who was the head of the Grey Wolves paramilitary unit.[2310] Crni told him that, if he wanted to live, he would have to go to *Radio Šamac* and tell the Muslims to surrender their weapons.[2311] Tihić was taken to the radio station by two paramilitaries where he was asked to read out a prepared script, inviting those offering resistance to stop doing so and to surrender their weapons. He was also told to say that the authorities of the Serb municipality of Bosanski Šamac would provide full security and would guarantee the lives of those who surrendered.[2312] Tihić's first-hand account was tested over several days of cross-examination, and the Trial Chamber is satisfied that his evidence represents a credible and accurate account of the events.

1010. On either 26 or 27 May 1992, Dragan Lukač was among a group of prisoners detained in a garage in the yard of the police station in Bosanski Šamac.[2313] The group also included Grga Zubak, Franjo Barukčić, and Mato Perković.[2314] Upon his arrival, Lukač heard that there was a large number of people, possibly one hundred persons, detained in the police station.[2315] They only had a cardboard box and a blanket to use as a bed.[2316] They were initially given two meals per day. As time passed, the meals were reduced to just one meal per day.[2317] Even though Lukač was not personally beaten, other men were, notably Grga Zubak. Lukač saw Lugar, whose name he later found out was Slobodan Miljković, and Stevan Todorović beat Zubak and Barukčić on separate occasions. He also saw Lugar press a pistol against Perković's head, pulling the trigger without the pistol firing. Almost every night for a period of one month that he was held in the garage, Lukač would hear screams coming from the police station building late in the evening.[2318] The Serb police took Lukač's car from him and used it.[2319] Lukač was exchanged on 4 September 1992.[2320]

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[2309] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9, 17 September 2001, T. 1384-1386. Tihić's evidence was not clear on exactly who was on the other end of the telephone call made by the police officer, but he said it could have been the officer's wife or girlfriend.
[2310] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1377.
[2311] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1377.
[2312] Sulejman Tihić, P1556.03, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 17 September 2001, T. 1382-1383.
[2313] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1734-1735, 1738-1739, 1742.
[2314] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1742-1744, 1747.
[2315] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1742.
[2316] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1745-1746.
[2317] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1737-1746.
[2318] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1743-1744.
[2319] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1739-1740.
[2320] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1747.

1011. Sulejman Tihić testified about an encounter he had with the man he knew as "Lugar" at the police station in which he was severely beaten. He testified that Lugar had just returned from a funeral for a man called "Luka" when he approached the detainees and said, "I swore on the grave that I will have my revenge." Lugar then looked at Tihić and told him that he would be last and began to beat each person one by one. When he finally came to Tihić, he began to punch and kick him. When Tihić could no longer get up, Lugar jumped on his chest, and Tihić heard something crack.[2321] Lugar continued to beat him, and Tihić feared that Lugar would kill him.[2322]

(d) Detention at TO building

1012. The TO building, which was located across the road from the police station in Bosanski Šamac, was used to detain many non-Serbs taken into custody following the takeover on 17 April 1992. Non-Serbs continued to be brought to the TO building from April and May 1992 and throughout the year. The Trial Chamber notes that some prisoners were brought to the TO directly upon arrest, while others were transferred there from the police station.[2323]

1013. Dragan Lukač testified that he was in custody at the TO building for one week until 26 April 1992.[2324] During his first week in custody at the TO building, Dragan Lukač became aware of "Lugar".[2325]

1014. On 26 April at about 11:30 p.m., 47 prisoners were taken from the TO building and transferred to the JNA barracks in Brčko and detained there.[2326] This group of detainees was held there until the conflict broke out in Brčko on or about 1 May 1992. They were subsequently put on a bus and transferred to Bijeljina.[2327] Dragan Lukač witnessed these 47 detainees being loaded onto a truck and testified that he was sure that military policemen effected this transfer because of the distinctive white belts they wore.[2328]

1015. Up until 26 April 1992, Lukač was beaten and witnessed the beating of detainees by guards while in detention at the TO building. In particular, Lukač was beaten by Lugar who spoke with a Serbian accent. He testified that prisoners were regularly taken out into the courtyard of the TO building, and then two or three members of the special police would severely beat them.[2329] At

[2321] Sulejman Tihić, P1556.05, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 19 September 2001, T. 1430.
[2322] Sulejman Tihić, P1556.05, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 19 September 2001, T. 1430-1431.
[2323] Adjudicated Fact 668.
[2324] Dragan Lukač, P2160, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 September 2001, T. 1685.
[2325] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1680-1681, 1695.
[2326] Dragan Lukač, P2160, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 September 2001, T. 1685.
[2327] Adjudicated Fact 672.
[2328] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1697-1699.
[2329] Dragan Lukač, P2160, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 September 2001, T. 1678, 1680-1681, 1683, 1685-1692.

other times, detainees were beaten in passing as police officers entered the room.[2330] The detainees were also forced to sing Chetnik songs, sometimes for hours.[2331] The day before the 47 prisoners were taken to the military prison in Brčko, Lukač witnessed the first person at the TO building being killed. This person was beaten to death and was the first of many persons killed at the TO building in Bosanski Šamac.[2332]

1016. Lukač was interrogated three times during his first week in custody, including once by Stevan Todorović.[2333] On each occasion, he was taken to the SJB building (discussed in the previous section) by special police, and a written statement was taken from him in relation to events before the war. One of the interviews took place in Lukač's former office, in the presence of Lugar. As Lukač was leaving the TO building and heading to the SJB building, he noticed that, at the door to the entrance of the police station, Lugar was standing there together with a number of special police officers, one of whom wore a red beret. While being escorted to the SJB building, Lugar met Lukač half-way and kicked him in the chest, saying, "Where are you, Inspector?" The special police officer with the red beret said, "Don't beat the man in the street." Based on this event, Lukač concluded that it was the man in the red beret who carried authority within that unit.[2334]

1017. Lukač frequently heard the screams of other prisoners. He described it as painful to hear the screams and moans of other prisoners while they were being beaten in the yard and was of the view that these screams could probably be heard in some parts of town.[2335] Sometime around 6:00 p.m. on 26 April 1992, a gunshot was heard in the detention room at the TO building. A bullet went through the door of the room and stuck in the wall about a metre and a half above the ground. The door was then unlocked, and Lugar walked into the room wearing a white tracksuit. Under his arm, he had a pistol in a holster and a wooden stick in his hand.[2336] As Lugar entered the room, he used the stick to beat several prisoners. One of the prisoners, Anto Brandić, was taken out of the room and shot twice in the head. After a while, the body was driven out of the TO building in a vehicle.[2337] The Trial Chamber notes that this killing was not charged in the Indictment and will therefore not make finding in relation to it.

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[2330] Dragan Lukač, P2160, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 September 2001, T. 1687.
[2331] Dragan Lukač, P2160, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 September 2001, T. 1686.
[2332] Dragan Lukač, P2160, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 September 2001, T. 1687, 1690; Sulejman Tihić, P1556.05, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 19 September 2001, T. 1440-1441; 1D606, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 6 June 2002, T. 9027; Stevan Todorović, 1D607, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 7 June 2002, T. 9139.
[2333] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1693-1694.
[2334] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1695-1696.
[2335] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1698-1699.
[2336] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1697.
[2337] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T. 1697-1698.

1018. Dragan Lukač testified that, sometime in July during the time he was detained by Serb Forces, his head had to be shaved because of an outbreak of lice in the TO warehouse. Detainees generally were not permitted to bathe; he did not take a bath for four months and described the conditions as "great filth".[2338]

1019. ST032 was taken to the TO building on 10 or 11 May 1992. On 13 May the ICRC visited but none of the detainees dared to say anything about the abuses and murders that they had been witnessing. In the room where ST032 was staying, there were between 35 and 56 people, and they could only sit as it was overcrowded. They were not allowed to leave the room to go to the toilet and used a part of the room as a toilet. On most days, the detainees were beaten two or three times. The food they received was insufficient. Stevan Todorović came to the building and took people out to interrogate and beat them. Some detainees were electrocuted while others had their teeth pulled out. A man called "Crni" also came into the room and appeared to be in command. Simo Zarić also visited. ST032 stated that the walls were white when he arrived, but that when he left on 19 October 1992 they were covered with blood.[2339]

(e) Detention at Crkvina warehouse

1020. At the Crkvina warehouse, the prisoners did not have sufficient space, food, or water. They were kept in unhygienic conditions and did not have access to sufficient medical care.[2340] In May 1992, almost 1,000 people were detained at the Crkvina warehouse.[2341]

1021. On the night of 7 May 1992, 16 non-Serb detainees were killed by Lugar and others at the Crkvina warehouse.[2342] ST032 testified that on the night of 7 May 1992, while he was being held at Crkvina, Lugar and men nicknamed "Čika Tralja", "Avram", "Major", "Laki", and "Beli" and entered the room in which he was being detained with others and pushed them towards a barrel and some sacks located in the detention room. The first to be shot was a man called "Marko […] from Domaljevac", who was standing about six metres away from ST032. Lugar questioned another man, a Croat, and then shot him in the head. Lugar then also shot in the head a Muslim who was begging for his life, stating that he had four children. All the shots in the head were from a "pump action gun". ST032 saw Lugar and his men shoot and kill several other men that night, including one person he knew personally, Izet Kahrimanović. All men were either Croats or Muslims. About

[2338] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1806.
[2339] ST032, P2168, Witness Statement, 8, 10 June 1996, pp. 8-10 (confidential).
[2340] Adjudicated Fact 683; ST032, P2168, Witness Statement, 8, 10 June 1996, pp. 3-4.
[2341] Adjudicated Fact 661.
[2342] Adjudicated Fact 638; P406, Information of Serbian MUP on the Situation at the Bosanski Šamac Public Security Station, the Arrest of the Public Security Station Chief by Military Organs and the Closing Down of the Krajina-FRY Corridor, 19 November 1992, p. 2.

ten minutes after Lugar and his group left, civilian police arrived to the scene. The surviving detainees were ordered to load the bodies onto a truck. The truck drove for a short while before arriving at a pit where they were told to offload the bodies. ST032 said he counted 18 bodies.[2343] The Crisis Staff was informed of the killings.[2344] Todorović stated that his deputy, Savo Čančarević, told him that, on Lugar's orders, he and "some villagers" had removed all of the evidence pertaining to this incident during the night. They washed off the blood and buried the bodies.[2345] The Defence did not challenge any of these killings.

1022. The Prosecution has submitted documentary evidence with regard to the deaths of Miro Ćorković,[2346] Ivan Agatić,[2347] Jozo Antunović,[2348] Džemal Balić,[2349] Luka Blažanović,[2350] Niko Brandić,[2351] Luka Gregurević,[2352] Husein Hrnić,[2353] Sead Hurtić,[2354] Izet Kahrimanović,[2355] Franjo Mandić,[2356] Ilija Matić,[2357] Nezir Nadžak,[2358] Josip Oršolić,[2359] Selim Purak,[2360] and Ivo Tuzlak.[2361]

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[2343] ST032, P2168, Witness Statement, 8, 10 June 1996, pp. 3-8 (confidential). Although ST032 was not able to give the names of all the persons he saw killed on 7 May 1992, his evidence is clear that all 18 bodies were loaded onto a truck and dumped into a pit, a short distance away from Crkvina.
[2344] Adjudicated Fact 638; Stevan Todorović, 1D615, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 June 2002, T. 9924 (confidential).
[2345] Stevan Todorović, 1D607, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 7 June 2002, T. 9142; Stevan Todorović, 1D615, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 25 June 2002, T. 9925 (confidential); Stevan Todorović, 1D618, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 28 June 2002, T. 10247 (confidential).
[2346] P2466, Proof of Death Database (CHS), "ordinal number" 243, Autopsy Report (confidential); "ordinal number" 242, Record of Establishment of Identity (confidential).
[2347] P2466, Proof of Death Database (CHS), "ordinal number" 247, Autopsy Report (confidential); "ordinal number" 246, Record of Establishment of Identity (confidential).
[2348] P2466, Proof of Death Database (CHS), "ordinal number" 251, Autopsy Report (confidential); "ordinal number" 250, Record of Establishment of Identity (confidential).
[2349] P2466, Proof of Death Database (CHS), "ordinal number" 255, Autopsy Report (confidential); "ordinal number" 254, Record of Establishment of Identity (confidential).
[2350] P2466, Proof of Death Database (CHS), "ordinal number" 259, Autopsy Report (confidential); "ordinal number" 258, Record of Establishment of Identity (confidential).
[2351] P2466, Proof of Death Database (CHS), "ordinal number" 263, Autopsy Report (confidential); "ordinal number" 262, Record of Establishment of Identity (confidential).
[2352] P2466, Proof of Death Database (CHS), "ordinal number" 267, Autopsy Report (confidential); "ordinal number" 266, Record of Establishment of Identity (confidential).
[2353] P2466, Proof of Death Database (CHS), "ordinal number" 270, Autopsy Report (confidential); "ordinal number" 269, Record of Identification (confidential).
[2354] P2466, Proof of Death Database (CHS), "ordinal number" 274, Autopsy Report (confidential); "ordinal number" 273, Record of Establishment of Identity (confidential).
[2355] P2466, Proof of Death Database (CHS), "ordinal number" 278, Autopsy Report (confidential); "ordinal number" 277, Record of Establishment of Identity (confidential).
[2356] P2466, Proof of Death Database (CHS), "ordinal number" 285, Autopsy Report (confidential); "ordinal number" 284, Record of Establishment of Identity (confidential).
[2357] P2466, Proof of Death Database (CHS), "ordinal number" 289, Autopsy Report (confidential); "ordinal number" 288, Record of Establishment of Identity (confidential).
[2358] P2466, Proof of Death Database (CHS), "ordinal number" 293, Autopsy Report (confidential); "ordinal number" 292, Record of Establishment of Identity (confidential). The Trial Chamber notes that the Prosecution's Final Victims List states that this individual's last name is "Nađak", but based on the documentary evidence provided considers that this is a clerical error and the proper spelling is "Nadžak".
[2359] P2466, Proof of Death Database (CHS), "ordinal number" 297, Autopsy Report (confidential); "ordinal number" 296, Record of Establishment of Identity (confidential).
[2360] P2466, Proof of Death Database (CHS), "ordinal number" 303, Autopsy Report (confidential); "ordinal number" 302, Record of Establishment of Identity (confidential).

The Trial Chamber notes that Dragan Pratljacić[2362] and "LNU Marko from Domaljevac"[2363] are also named in the Prosecution's Final Victims List as killed at the warehouse in Crkvina, but no documentary evidence was adduced in relation to their deaths.

(f) Expulsions and damage to cultural buildings in Bosanski Šamac

1023. On 21 May 1992, the Bosanski Šamac Crisis Staff issued a decision banning all persons from leaving the municipality without permission. The decision stated that no individual was to leave the municipality without a special permit issued by the SJB.[2364] The Trial Chamber notes that, based on the demographic data presented, there was significant displacement of persons throughout 1992 and a significant reduction in the Muslim and Croat population by 1997. However, Ewa Tabeau's demographic report does not allow the Trial Chamber to distinguish between voluntary or involuntary departures of civilians.[2365]

1024. On 4 and 5 July 1992, prisoners—mostly Croats from Hasići and Tišina and some Muslims from Bosanski Šamac—were placed on buses in Bosanski Šamac and driven to Lipovac to be exchanged.[2366] Most of the people who were exchanged were elderly persons, women, and children. About ten prisoners from the Mitar Trifunović-Učo Primary School gym were also exchanged.[2367]

1025. The Trial Chamber heard evidence from Lukač that Perković and Zubak, who were detained with him, were taken for exchange on 4 July 1992.[2368] After this exchange, Lukač was kept alone in his cell until he was exchanged.[2369] On the evening of 3 September 1992, a Serbian policeman came and informed him that he was on a list of people to be exchanged.[2370] At about 11:00 p.m., Lukač and 70 to 80 other detainees (both male and female) were taken by truck to the primary school in Bosanski Šamac.[2371] According to Lukač, none of the detainees were combatants in the ongoing conflict.[2372] The detainees were then placed on a bus outside the primary school and taken to a town called Bosanska Gradiška, which was several hours away from Bosanski Šamac. They were

[2361] P2466, Proof of Death Database (CHS), "ordinal number" 307, Autopsy Report (confidential); "ordinal number" 306, Record of Establishment of Identity (confidential).
[2362] P2466, Proof of Death Database (CHS), "ordinal number" 298 (confidential).
[2363] P2466, Proof of Death Database (CHS), "ordinal number" 280 (confidential).
[2364] 1D621, Decision Banning All People From Leaving the Municipality of Bosanski Šamac, 21 May 1992, p. 1.
[2365] Adjudicated Fact V.
[2366] Adjudicated Fact 684.
[2367] Adjudicated Fact 685.
[2368] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1762.
[2369] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1763.
[2370] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1793.
[2371] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1795; Adjudicated Fact 686.
[2372] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1794-1797.

escorted by uniformed policemen in police cars.[2373] While in Bosanska Gradiška, Lukač saw another four buses arrive with persons to be exchanged, and he later learned that these persons were from Doboj municipality. He said that the exchange took place at a gas station in the village of Dragalić, a village in Croatia controlled by Serb rebels.[2374]

1026. On 2 October 1992, the War Presidency adopted a decision changing the name of the municipality of Bosanski Šamac to "Šamac", removing all reference to the Bosnian heritage of the municipality. The preamble to this decision stated that its aim was "the expungement of all undesirable and imposed symbols and values".[2375]

1027. The Trial Chamber received evidence from András Riedlmayer about the complete destruction of the Bosanski Šamac town mosque and the Catholic church sometime in 1992.[2376] However, the Trial Chamber notes that Riedlmayer was unable to come to any definitive conclusion about how either of these two buildings came to be destroyed, or who is responsible.

### 3. Factual Findings

1028. The Trial Chamber finds that, in the early morning of 17 April 1992, the town of Bosanski Šamac was subjected to a forcible takeover by Serb Forces and that members of the 17th Tactical Group of the JNA commanded by Lieutenant Colonel Stevan Nikolić, with the knowledge and cooperation of Blagoje Simić and the Crisis Staff, participated in the takeover of the town of Bosanski Šamac and also participated in the arrests and detention of Muslims and Croats in 1992.

1029. The Trial Chamber finds that an operation was conducted to collect weapons from the non-Serb population, in the town of Bosanski Šamac on 17 and 18 April 1992 on the instructions of the Bosanski Šamac Crisis Staff, which was headed by Blagoje Simić. Serb Forces forcibly took control of the town and controlled most of the municipality within a few days. Immediately after the takeover, large scale arrests and looting by Serb Forces occurred. The Trial Chamber further finds that property exclusively belonging to non-Serbs was looted or destroyed by the JNA and other Serb Forces and that, in some instances, property was taken by force or by threat of use of force. The Trial Chamber finds that Serb Forces in Bosanski Šamac comprised members of the local police, under the command of SJB Chief Stevan Todorović; the Red Berets; and the Grey Wolves under the command of Dragan Đorđević a.k.a. "Crni". The Trial Chamber finds that the 4th

[2373] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1796; Adjudicated Fact 686.
[2374] Dragan Lukač, P2054, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 27 September 2001, T. 1800.
[2375] Adjudicated Fact 657.
[2376] András Riedlmayer, 2 June 2010, T. 11265-11266; P1405, András Riedlmayer Database of Material Related to Bosanski Šamac, pp. 1-4.

Detachment of the JNA—which was commanded by Radovan Antić—targeted, damaged, and destroyed businesses and private buildings belonging to Croats and Muslims in the town of Bosanski Šamac in April 1992. Although there is evidence that the town mosque and the Catholic church in Bosanski Šamac were destroyed, it has not been proved how this was accomplished. The Trial Chamber therefore is unable to make a finding as to who destroyed the town mosque and the Catholic church in Bosanski Šamac and will not deal with this charge any further in the legal findings section below.

1030. The Trial Chamber finds that, from 17 April 1992 and continuing throughout 1992, arbitrary arrests of Muslims and Croats were carried out by Serb Forces. From May 1992 until the end of the year, 50 to 100 persons were detained at the SUP. Approximately 200 persons were detained at the TO building. Approximately 1,000 persons were taken to facilities in Zasavica and Crkvina.[2377] The Trial Chamber finds that the people in the above detention facilities were detained without justification or explanation and were subjected to poor living conditions. Detainees at the SJB building, the TO building, and the Crkvina warehouse in Bosanski Šamac were regularly beaten by members of the police and other Serb Forces, including members of the Grey Wolves. In numerous cases, the detainees suffered serious injury as a result of the beatings and were not provided with medical care. The Trial Chamber finds that Stevan Todorović and Blagoje Simić met with Dragan Đorđević and Slobodan Miljković on a daily basis. The Trial Chamber also finds that the Red Berets and the Grey Wolves units acted on the instructions of Blagoje Simić and Stevan Todorović.

1031. The Trial Chamber considers that evidence regarding the "primary school" refers to the Mitar Trifunović-Učo Primary School, which is charged in the Indictment. The Prosecution did not adduce evidence in relation to beatings or mistreatment at the Mitar Trifunović-Učo Primary School or the conditions of detention there; as a result, the Trial Chamber only makes a finding that the detainees were held there in an arbitrary and unlawful manner. The Prosecution has also not proved that Muslims and Croats in Bosanski Šamac were removed from positions of authority and dismissed from employment.

1032. The Trial Chamber finds that, on 26 April 1992, 47 detainees were forcibly transferred from the TO building by truck to Brčko by a large number of JNA military policemen and then to Bijeljina. Dragan Lukač and 70 to 80 detainees from Bosanski Šamac, as well as four buses of displaced persons from Doboj, were transferred to a village in Croatia on 4 July 1992 by Serb Forces.

[2377] The Trial Chamber recalls that the Prosecution did not charge the Accused with crimes related to the Zasavica camp.

1033. Based on the testimony of ST032 and documentary evidence, the Trial Chamber finds that members of the Grey Wolves, including Slobodan Miljković a.k.a. "Lugar", killed 17 Muslim and Croat detainees at the Crkvina warehouse on 7 May 1992. In this respect, the Trial Chamber notes that there is no forensic evidence that a man called "Marko […] from Domaljevac" was killed. However, based on the evidence of ST032, the Trial Chamber is satisfied that this individual was one of the 17 persons killed at the Crkvina warehouse.

4. Legal Findings

1034. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Bosanski Šamac and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

1035. The Trial Chamber finds that the acts of the Serb Forces in Bosanski Šamac were linked geographically and temporally with the armed conflict. The Trial Chamber is satisfied that there was an attack by Serb Forces directed at the civilian population of Bosanski Šamac. The arbitrary arrests that began on 17 April 1992, the detention of Muslim and Croat civilians, and the appropriation of property in Bosanski Šamac demonstrate that these attacks were highly organised and carried out in a systematic way. The Trial Chamber therefore finds that the attack against the civilian population was widespread and systematic. The acts of Serbian police and paramilitary forces against the Muslim and Croat civilian population were part of this attack; and, given the high degree of organisation of the attack, the Trial Chamber finds that the perpetrators knew that the attack was ongoing and that their acts were part of it.

1036. The Trial Chamber therefore finds that the general requirements of Articles 3 and 5 have been satisfied.

1037. *Counts 2, 3, and 4.* The Trial Chamber finds that Slobodan Miljković a.k.a. "Lugar" and members of the Grey Wolves unit killed 17 detainees on 7 May 1992 at the Crkvina warehouse. These men were Muslims and Croats from Bosanski Šamac who were not taking an active part in hostilities. Recalling its finding that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that the members of the Grey Wolves committed murder, both as a crime against humanity and a violation of the laws or customs of war.

1038. The *actus reus* of extermination requires the killing of a large number of individuals. In light of this requirement, the Trial Chamber is not satisfied that the murder of 17 individuals at the warehouse in Crkvina satisfies the legal requirements of extermination. The Trial Chamber

therefore finds that the crime of extermination has not been proved with regard to the events in Bosanski Šamac.

1039. *Counts 5, 6, 7, and 8.* The Trial Chamber finds that Serb police and paramilitaries regularly beat detainees at the SJB building, the TO building, and the Crkvina warehouse, often in the presence of their fellow detainees. These beatings were aimed at punishing and intimidating the detainees. Accordingly, the Trial Chamber, recalling that the general requirements of Article 3 and 5 have been satisfied, finds that torture, as a crime against humanity and as a violation of the laws or customs of war, was committed by the Serb Forces against Muslim and Croat members of the population of Bosanski Šamac who were not taking an active part in hostilities. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1040. *Counts 9 and 10.* The Trial Chamber finds that Serb Forces throughout 1992 removed Muslims and Croats of Bosanski Šamac from their homes, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Victims were also removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber therefore finds that Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim and Croatian population of Bosanski Šamac.

1041. *Count 1.* The Trial Chamber finds that Serb Forces unlawfully detained Muslims and Croats in the SJB building, the TO building, the Crkvina warehouse, and the Mitar Trifunović-Učo Primary School and established and perpetuated conditions of detention at the SJB building, the TO building, and the Crkvina warehouse that were inhumane. The Chamber further finds that Serb Forces plundered property and wantonly destroyed Muslim and Croat towns and villages in Bosanski Šamac. Further, Serb Forces imposed and maintained restrictive and discriminatory measures on Muslims and Croats beginning in April 1992 by the denying them freedom of movement, conducting arbitrary searches of their homes, and denying them the right to judicial

process. The Prosecution has not proved the removal from positions of authority and dismissal from employment of Muslims and Croats, as an underlying act of the maintenance of restrictive and discriminatory measures.

1042. The Trial Chamber finds that the acts in the foregoing paragraph—as well as the acts discussed above under counts 3, 4, 5, 6, 7, 8, 9, and 10—infringed upon and denied Muslims and Croats their fundamental rights laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of a particular ethnicity. On the basis of the pattern of conduct—for example, the 2 October 1992 decision of the War Presidency changing the name of the municipality of Bosanski Šamac to "Šamac" to remove reference to the Bosnian heritage of the municipality and to expunge "all undesirable and imposed symbols and values"—, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against the Muslims and Croats because of their ethnicity.

1043. On the basis of the above, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Bosanski Šamac.

1044. *Conclusion.* The Trial Chamber finds that between April 1992 and December 1992 Serb Forces committed the crimes charged under counts 1, 3, 4, 5, 6, 7, 8, 9, and 10 of the Indictment in the municipality of Bosanski Šamac.

## K. Brčko

### 1. Charges in Indictment

1045. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Brčko at the times and locations specified below.

1046. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4;[2378] (b) torture, cruel treatment, and inhumane acts in detention facilities as specified below under counts 5, 6, 7, and 8;[2379] (c) unlawful detention at (i) the SJB building in Brčko ("Brčko SJB building") at least from about 7 May until mid-July 1992, (ii) Luka camp at least between May and July 1992, (iii) Laser Bus Company building at least from about 7 May until mid-July 1992 and (iv) Brčko Partizan Sports Hall at least from about 7 May until mid-July 1992;[2380] (d) the establishment

[2378] Indictment, para. 26(b), Schedule B n. 9.1-9.4.
[2379] Indictment, para. 26(d), Schedule D n. 10.1-10.4.
[2380] Indictment, para. 26(e), Schedule C n. 10.1-10.4.

and perpetuation of inhumane living conditions, including a failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities at the abovementioned detention facilities;[2381] (e) forcible transfer and deportation;[2382] (f) the appropriation or plunder of property during and after attacks on non-Serb parts of the town of Brčko at least between May and August 1992, in detention facilities, and in the course of deportations or forcible transfers;[2383] (g) wanton destruction of the Bijela mosque, Sava mosque, Old Hadži Paša mosque, Dizdaruša mosque, Rijeka mosque, Omerbegova mosque, Palanka mosque, Brčko church, Dubrave church, Gorica church, and Poljaci church at least between May and September 1992, and the looting of residential and commercial property on non-Serb parts of the town of Brčko at least between May and September 1992;[2384] and (h) the imposition and maintenance of restrictive and discriminatory measures after the takeover of Brčko on or about 30 April 1992.[2385]

1047. Under counts 2, 3, and 4, Stanišić is charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, for the killing, by Serb Forces, of (a) a number of men, 16 of whom have been named, at the Luka camp between 8 May and 6 June 1992;[2386] (b) a number of men, three of whom have been named, at the Partizan Sports Hall in Brčko on or about 5 May 1992;[2387] (c) a number of men, two of whom have been named, who were taken out of the Laser Bus Company building on or about 5 and 6 May 1992;[2388] and (d) the killing of a number of men, five of whom have been named, in the Brčko SJB building and in the surrounding areas on or about 7 May 1992.[2389]

1048. Under counts 5, 6, 7, and 8, Stanišić is charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population at the Brčko SJB building, the Luka camp, the Laser Bus Company building, and the Brčko Partizan Sports Hall. In relation to the Brčko SJB building, it is alleged that at least during May and June 1992 detainees were beaten during interrogations with various objects and that some of the detainees were taken outside and shot.[2390] At the Luka camp, it is alleged that at least between May and July 1992 detainees were severely beaten on a regular basis in the presence of fellow inmates; in numerous cases, the beatings were so severe as to result in

[2381] Indictment, para. 26(f), Schedule C n. 10.1-10.4.
[2382] Indictment, para. 26(g).
[2383] Indictment, para. 26(h), Schedule F n. 9.
[2384] Indictment, para. 26(i), Schedules E n. 9, F n. 9.
[2385] Indictment, para. 26(j), Schedule G n. 9.
[2386] Indictment, paras 29-30, Schedule B n. 9.1; Final Victims List, n. 9.1.
[2387] Indictment, paras 29-30, Schedule B n. 9.2; Final Victims List, n. 9.2.
[2388] Indictment, paras 29-30, Schedule B n. 9.3; Final Victims List, n. 9.3.
[2389] Indictment, paras 29-30, Schedule B n. 9.4; Final Victims List, n. 9.4.

serious injury and death. Female detainees were raped, and detainees were forced to sexually assault each other.[2391] At the Laser Bus Company building, it is alleged that at least during May 1992 detainees were daily beaten with various objects; in numerous cases, the beatings resulted in serious injury and death.[2392] In relation to the Brčko Partizan Sports Hall, it is alleged that at least during May 1992 detainees were beaten on a daily basis with the result that many bled and lost consciousness.[2393]

1049. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Brčko on or about 30 April 1992, against the Bosnian Muslim and Bosnian Croat population.[2394]

### 2. Analysis of Evidence

#### (a) Background

1050. The municipality of Brčko is located in north-eastern BiH on the Sava River, which separates BiH from Croatia.[2395] In 1991, the ethnic composition of the municipality of Brčko was approximately 31,186 (42.8%) Muslims, 19,064 (26.1%) Croats, 15,528 (21.3%) Serbs, and 7,148 (9.8%) persons of other or unknown ethnicity.[2396] In 1997, by contrast, it was estimated that Brčko was comprised of 31.4% Muslims, 7.9% Croats, 54.1% Serbs, and 6.6% persons of other or unknown ethnicity.[2397] The Prosecution's Demographic Unit estimated that approximately 36,000 non-Serb individuals who had resided in the municipality of Brčko in 1991 were internally displaced persons or refugees in 1997.[2398]

1051. In February 1992, Brčko SDS officials began to openly call for the division of the municipality along ethnic lines. They demanded that 70% of the town of Brčko and its industrial zone be under Serb control.[2399] Muslims did not agree to the proposal, and Đorđe Ristanić of the

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[2390] Indictment, paras 32, 34-36, Schedules C n. 10.1, D n. 10.1.
[2391] Indictment, paras 32, 34-36, Schedules C n. 10.2, D n. 10.2.
[2392] Indictment, paras 32, 34-36, Schedules C n. 10.3, D n. 10.3.
[2393] Indictment, paras 32, 34-36, Schedules C n. 10.4, D n. 10.4.
[2394] Indictment, paras 37, 38, 41, Schedules F n. 9, G n. 9.
[2395] Isak Gaši, 20 October 2009, T. 1763; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 389; P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[2396] P1627, Tabeau *et al*. Expert Report, pp. 70, 74, 78, 82. *See also* Isak Gaši, 20 October 2009, T. 1768; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 392-393; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 1; Adjudicated Fact 1233. *See also* Herbert Okun, P2194, *Prosecutor v. Krajišnik,* IT-00-39-T, 24 June 2004, T. 4278.
[2397] P1627, Tabeau *et al*. Expert Report, pp. 70, 74, 78, 82.
[2398] P1627, Tabeau *et al*. Expert Report, pp. 102, 106, 114.
[2399] Isak Gaši, 20 October 2009, T. 1765-1768; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 410; P128, Map of Brčko with Witness Markings; Adjudicated Facts 1234, 1235. *See also* P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 1.

SDS warned that the division would be carried out by force if necessary.[2400] In March, the JNA began attacks and takeovers of areas that constituted main entry points into BiH or were situated on major logistics or communications lines.[2401] Brčko was considered of strategic importance because it was necessary to link Bosanska Krajina to other Serb-held territory and the town had a developed infrastructure and the largest river port in BiH.[2402] The JNA distributed weapons to Serb residents and erected checkpoints on major roads around the town of Brčko.[2403] Local Serbs were mobilized, with a total of 3,400 Serbs joining military units.[2404]

1052. In early April 1992, a Serb Crisis Staff was formed in Pale.[2405] Stako Stakić was the president of the Executive Board in the Municipal Assembly.[2406]

1053. In April 1992, tanks and heavy vehicles of the JNA were seen in the town of Brčko.[2407] The JNA dug trenches and set up machine-gun nests.[2408] By the end of April, the JNA had moved artillery, weapons, and ammunition stores out of the town of Brčko and into neighbouring Serb villages.[2409] Many citizens from Brčko began to flee.[2410] On 17 April 1992, SDA members of the Brčko municipal assembly accepted the SDS proposal for physical division of the town of Brčko.[2411]

1054. On 30 April 1992, the two bridges crossing the Sava River and linking the town of Brčko to Croatia were blown up by Serb Forces.[2412] Between 70 and 100 civilians—men, women, and children—were killed.[2413]

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[2400] Isak Gaši, 20 October 2009, T. 1763-1765; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 407-408; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 1; Adjudicated Fact 1235.
[2401] Adjudicated Fact 160.
[2402] P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, pp. 1-2. *See also* Herbert Okun, P2194, *Prosecutor v. Krajišnik,* IT-00-39-T, 24 June 2004, T. 4278.
[2403] Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 3; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 404-405; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 534-536; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 2; Adjudicated Fact 1237. *See also* Isak Gaši, 21 October 2009, T. 1782-1783.
[2404] Adjudicated Fact 1239. *See also* Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 398-399; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 1.
[2405] P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 1.
[2406] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, p. 25.
[2407] Adjudicated Fact 1238. *See also* Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 2.
[2408] Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 2; Adjudicated Fact 1238.
[2409] Adjudicated Fact 1238. *See also* Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 3; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 1.
[2410] Cvjetko Ignjić, 21 October 2009, T. 1853; ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 2; Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 2; P141, Report on Daily Security Situation in Bijeljina, Ugljevik, Lpare, Zvornik, and Brčko, 21 April 1992, p. 2.
[2411] Adjudicated Fact 1236.
[2412] Said Muminović, P2174, Witness Statement, 3-4 April 1995, pp. 2-3; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 411; ST001, P2146, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 564; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 2; Adjudicated Facts 774, 1240.

(b) Takeover and subsequent events

1055. On 1 May 1992 a total of 1,000 Serb Forces, including Serb units of the JNA from Bosnia and Serbia, members of paramilitary groups from other areas of SAO Semberija-Majevica, and members of a TO battalion from Bijeljina, launched an attack on the town of Brčko using heavy weapons, tanks, and artillery.[2414] The attack was initially met with armed resistance from groups using light infantry weapons.[2415] While Serb Forces quickly took control of the town, fierce fighting continued for two months.[2416] Areas of the town of Brčko that were predominantly Muslim were shelled for several days.[2417] On 19 May 1992, the withdrawal of JNA forces from BiH was announced but attacks were continued by the VRS.[2418]

1056. Isak Gaši, an Albanian-Muslim resident of Brčko until the war,[2419] testified that the worst deeds committed in Brčko were not committed by the army but by paramilitary groups.[2420] According to a VRS report, these groups, which had come to Brčko to assist in the takeover, continued to operate outside the control of the military. They used their devotion to "Serbism" as an excuse for robberies, rapes, and murder.[2421]

1057. In particular, a group led by Dragan Vasiljković ("Captain Dragan") arrived in Brčko four to six months before the start of the war and formed a special unit, known as the "Red Berets", which included amongst its ranks a large number of Brčko residents.[2422] When the war started, some members of the unit left and joined the police intervention unit. Nevertheless, the unit grew to

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[2413] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 2; Said Muminović, P2174, Witness Statement, 3-4 April 1995, pp. 2-3; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 413.

[2414] Cvjetko Ignjić, 21 October 2009, T. 1853-1854; ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 2; Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 3; ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 136; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, pp. 3-4; Adjudicated Facts 1241, 1242, 1243. *See also* Cvjetko Ignjić, 22 October 2009, T. 1915.

[2415] Adjudicated Fact 1244.

[2416] Cvjetko Ignjić, 21 October 2009, T. 1861-1862, 22 October 2009, T. 1922-1927; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić; P142, MUP Daily Report, 6 May 1992, signed for Mićo Stanišić, p. 1; Adjudicated Facts 1241, 1244, 1261. *See also* ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 2.

[2417] Adjudicated Fact 1241. *See also* Cvjetko Ignjić, 22 October 2009, T. 1922-1924. Ignjić testified that the shelling was random and that his home was hit.

[2418] Adjudicated Fact 774.

[2419] Isak Gaši, 20 October 2009, T. 1761; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 390, 394, 453; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 522.

[2420] Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 523. *See also* Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 6.

[2421] P154, Report to VRS Main Staff Chief of Intelligence and Security Administration from Eastern Bosnia Corps Command Intelligence Organ, 29 September 1992, p. 1. *See also* Dragomir Andan, 27 May 2011, T. 21414-21415; Cvjetko Ignjić, 22 October 2009, T. 1922.

[2422] P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 3; Dragomir Andan, 1 June 2011, T. 21668-21669; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 495. *See also* Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 6; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2309-2310, 2320-2321.

approximately 70 members.[2423] According to a document prepared by the War Presidency of Brčko, this unit was supposed to be under the command of Pavle Milinković, the commander of the Brčko JNA garrison,[2424] but it became an independent force. On several occasions, the unit attempted to organise the SJB and political leadership.[2425] According to Milorad Davidović, the group came to Brčko after members of the Serb Crisis Staff, including Đorđe Ristanić, Stako Stakić, and Pavle Milinković ("Dr. Beli"), went to Belgrade seeking help "to clean out the Muslims and because of the proximity of Brčko to the frontlines."[2426]

1058. The special unit and other paramilitary groups came to Brčko, one of the richer municipalities in BiH, in order to plunder and loot.[2427] According to a report prepared by the Brčko War Presidency, teams were organised to transport looted items out of Brčko, local police were unable to prevent it, and "some of them probably joined in." The same report claimed that the looting occurred indiscriminately and that the homes of Serb soldiers who were fighting at the front lines were targeted.[2428] Isak Gaši testified that, at one point between 1 May and 10 May, a vehicle with a loudspeaker drove through a Muslim neighbourhood and invited anyone who felt threatened by the combat activities to come out of their homes for transportation to the JNA garrison. After the residents had left, military trucks returned to the neighbourhood and took items from the homes.[2429]

1059. A number of civilians, mostly of Muslim ethnicity, were killed, beaten, or otherwise abused by Serb Forces following the takeover.[2430] Đorđe Ristanić, the president of the municipality, reportedly bragged that 300 people had been killed in Brčko.[2431] Between 216 and 226 persons were buried at a mass grave site outside Brčko near the Bimeks Factory.[2432] Cvjetko Ignjić, a police crime scene technician in Brčko during the Indictment period,[2433] who was sent to the site by the police in May and June 1992 to identify bodies, heard from his colleagues that the bodies had mostly come from Luka camp, the centre of town near the SJB building, and the Posavina hotel.[2434]

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[2423] P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 3.
[2424] P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 3. *See also* Adjudicated Fact 1243.
[2425] P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 3.
[2426] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, pp. 25-26.
[2427] Dragomir Andan, 27 May 2011, T. 21414-21416; Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, pp. 25-26; P154, Report to VRS Main Staff Chief of Intelligence and Security Administration from Eastern Bosnia Corps Command Intelligence Organ, 29 September 1992, p. 1.
[2428] P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 5.
[2429] Isak Gaši, 21 October 2009, T. 1790-1791.
[2430] Adjudicated Fact 1248. *See also* P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 6.
[2431] P154, Eastern Bosnia Corps Command, Extraordinary Report to the VRS Main Staff, 29 September 1992, pp. 1-2.
[2432] Cvjetko Ignjić, 21 October 2009, T. 1869-1870, 1884-1885; P143, Photo of Mass Grave Outside of Brčko; P146, Handwritten Note of Numbers of Bodies in Mass Grave. *See also* P393, Report on the Situation in Prisons and Collection Camps for Prisoners of War, 22 October 1992, p. 3.
[2433] Cvjetko Ignjić, 21 October 2009, T. 1852; P139, List of Employees of the Brčko SJB in September 1992, 7 October 1992, p. 1.
[2434] Cvjetko Ignjić, 21 October 2009, T. 1873-1875.

He testified that a "very high percent" of the bodies were in civilian clothes and had gun shots to the head or chest.[2435] There is also evidence that corpses in civilian clothes were seen around the town of Brčko and floating in the Sava River.[2436]

1060. A large number of Muslim and Croat women, children, and elderly persons were transferred out of the municipality of Brčko.[2437] Jasmin Fazlović, a Muslim who lived and worked as a fire fighter in Brčko,[2438] testified that Ranko Češić, a member of the Red Berets led by Captain Dragan, bragged to him that his unit had the job of searching for individuals who had not fled during the first wave of shelling. They took the individuals to detention facilities for transport out of the municipality.[2439] From May to September 1992, Fazlović saw people being removed from their homes at gunpoint and taken to the police station or elsewhere; men were rounded up in an organised manner from their homes and taken to Batković camp in Bijeljina.[2440] ST036, a Croatian resident of Brčko,[2441] testified that on 4 May 1992 he and his neighbours were forced out of the basement of their apartment building and taken to a nearby field. They were eventually taken to the JNA barracks from which the women, children, and elderly were transported to Brezovo Polje and then to Bijeljina. The men were taken to the Laser Bus Company building.[2442] According to Herbert Okun, a former diplomat involved in the peace negotiations on the former Yugoslavia in 1992 and 1993,[2443] despite the fact that Serbs were a minority in Brčko, the Serb leadership insisted that, for strategic reasons, Brčko be a province in RS. As a result, the Serb leadership required that 60,000 non-Serbs in Brčko be removed.[2444]

1061. In June or July 1992, Serb Forces destroyed the Bijela (white) mosque, the Sava mosque, and the Hadži Paša (wooden) mosque in the town of Brčko—all within minutes of each other.[2445] Jasmin Fazlović testified that the destruction was organised and premeditated.[2446] When he and other fire fighters arrived at the Hadži Paša mosque, he saw soldiers sitting at a school across from the mosque and a man wearing a camouflage uniform coming out of the medical centre located

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[2435] Cvjetko Ignjić, 21 October 2009, T. 1875-1876, 1881.
[2436] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 3; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2304; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 614-615 (confidential).
[2437] Adjudicated Fact 1263. *See also* Herbert Okun, P2194, *Prosecutor v. Krajišnik,* IT-00-39-T, 24 June 2004, T. 4278.
[2438] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 2.
[2439] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 6; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2310-2311.
[2440] Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2311-2312.
[2441] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, pp. 1-2.
[2442] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, pp. 2-3.
[2443] Herbert Okun, P2192, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 22 June 2004, T. 4137, 4139-4141.
[2444] Herbert Okun, P2194, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 24 June 2004, T. 4277-4278.
[2445] ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 620-621 (confidential); Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2314; P1406, Riedlmayer *Karadžić* Database, p. 293;Adjudicated Facts 1260, 1261.
[2446] Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2312-2313.

across from the mosque. The man was swearing and saying, "Why didn't they wait as I told them."[2447] The same man then instructed the fire fighters to let the mosque burn but to ensure that the fire did not spread to the medical centre and nearby houses.[2448] Fazlović also testified that Serb residents in an apartment building near one of the mosques appeared to have been warned prior to the destruction because they had put tape on their windows, whereas the Muslim and Croatian residents were given no warning.[2449] András Riedlmayer reported that the mosques were completely destroyed and the rubble from the Sava mosque was used to cover a mass grave outside of Brčko.[2450]

1062. During 1992, additional Muslim and Catholic monuments, including the Dizdaruša mosque, Rijeka mosque, the Omerbegova mosque, the Brčko Catholic church, and the Catholic church in Gorice, were heavily damaged or destroyed by Serb Forces using explosives or shelling.[2451] The parish house of the Brčko Catholic church was also looted, the archives and library were taken by uniformed Serbs and never seen again, and Serbs stole the bell from the church's belfry.[2452] There is evidence that the Palanka mosque, the Catholic church in Dubrave, and the Catholic church in Poljaci were also heavily damaged by shelling during 1992; however, there is no evidence of who was responsible.[2453]

1063. There is evidence that predominantly Muslim areas of Brčko were shelled.[2454] Fazlović testified that, when fire fighters went to the site of a burning home owned by a Muslim, Serb soldiers prevented them from extinguishing the fire but did allow them to protect any Serb-owned homes surrounding it.[2455]

1064. From 3 May 1992 onwards, Serbs in the municipality of Brčko detained mostly Muslim and Croat civilians in fourteen locations.[2456] In addition to the detention facilities alleged in the Indictment, evidence was presented that individuals were detained at the following locations: Vestfalija Restaurant, a football stadium, Lončari Elementary School, Pelagićevo cooperative

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[2447] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 8; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2322-2324. *See also* ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 620-621 (confidential).
[2448] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 8; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2313, 2322, 2325-2328.
[2449] Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2314-2315.
[2450] András Riedlmayer, 2 June 2010, T. 11262-11263; P1406, Riedlmayer *Karadžić* Database, pp. 280-281, 286-287, 292-294.
[2451] P1406, Riedlmayer *Karadžić* Database, pp. 274-275, 283-285, 289-290, 307-309, 316-318; Adjudicated Fact 1260.
[2452] P1406, Riedlmayer *Karadžić* Database, p. 283.
[2453] P1406, Riedlmayer *Karadžić* Database, pp. 313-315, 325-330; Adjudicated Fact 1260.
[2454] Adjudicated Fact 1241. *See also* Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 4.
[2455] Jasmin Fazlović, P2170, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 19 April 2004, T. 2295-2296.
[2456] Adjudicated Facts 1249, 1259, 1262.

shop,[2457] Kolobara mosque,[2458] Posavina Hotel,[2459] Brčko Hospital,[2460] the fire station,[2461] and the JNA garrison.[2462] During their imprisonment in the detention facilities, detainees were severely beaten with various objects, such as rifles, metal bars, baseball bats, metal chains, police batons, and chair legs.[2463] In addition, from at least June 1992 until 31 December 1992, Muslims and Croats from Brčko were detained by Serb Forces in the Batković camp in the municipality of Bijeljina.[2464]

(c) Brčko SJB building

1065. On 2 May 1992, the TO from neighbouring Bijeljina took control of the Brčko SJB and attempted to organise civilian authorities.[2465] The War Presidency appointed Dragan Veselić as chief of the SJB and began re-staffing the SJB with Serb members of the pre-war police force.[2466] However, there is evidence that the civilian authorities and military command were unable to maintain control and that the Brčko SJB was not performing the basic functions under its jurisdiction.[2467] As of 29 May, the police station did not have a commander.[2468] Police officers, including management, had left the police station following the destruction of the bridges and were being used to secure other important facilities or at the front lines.[2469] Physical assets, such as forensic equipment, logbooks and registers, vehicles, and weapons were removed from the Brčko SJB by Muslim and Croat police officers when they left.[2470] The Brčko SJB was attacked on various occasions by armed Serb paramilitary organisations, and, on several occasions, fire-arms were used

[2457] Adjudicated Fact 1259.
[2458] Adjudicated Fact 1250.
[2459] Adjudicated Fact 1248.
[2460] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 116-118, 133-134, 137-139; ST001, P2146, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 571-580; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 602-603 (confidential); Adjudicated Facts 1246, 1247, 1249.
[2461] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, pp. 2, 4, 9; Jasmin Fazlović, P2170, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 19 April 2004, T. 2294-2297; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2301-2302, 2305-2307, 2315-2318, 2354-2355; Adjudicated Fact 1248.
[2462] Dragan Lukač, P2316, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 26 September 2001, T.1699-1708; Sulejman Tihić, P1556.08, *Prosecutor v. Simić et al.*, Case No. IT-95-9-T, 7 November 2001, T. 3708-3709.
[2463] Adjudicated Facts 679, 1262.
[2464] Adjudicated Fact 1430.
[2465] Cvjetko Ignjić, 21 October 2009, T. 1858-1860; Adjudicated Fact 1245. *See also* P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 4.
[2466] Cvjetko Ignjić, 21 October 2009, T. 1860; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 3; Adjudicated Fact 1245.
[2467] Cvjetko Ignjić, 22 October 2009, T. 1922, 1927-1928; P154, Report to VRS Main Staff Chief of Intelligence and Security Administration from Eastern Bosnia Corps Command Intelligence Organ, 29 September 1992, p. 1; P338, Report on Inspection Conducted and Situation Found at SJB Brčko, SJB Zvornik, and Partially the Situation at SJB Bijeljina, signed Dragomir Andan and Danilo Vuković, 17 June 1992, p. 1.
[2468] P338, Report on Inspection Conducted and Situation found at SJB Brčko, SJB Zvornik, and Partially the Situation at SJB Bijeljina, signed Dragomir Andan and Danilo Vuković, 17 June 1992, p. 1.
[2469] Dragomir Andan, 27 May 2011, T. 21409-21414; ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 2; 1D548, Information on Situation in Brčko SJB, p. 1.
[2470] Physical assets were also stolen by criminals. Cvjetko Ignjić, 22 October 2009, T. 1928; Dragomir Andan, 27 May 2011, T. 21411; P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 3.

in an attempt to gain entry or control.[2471] In a report written by Dragomir Andan, a RS MUP police inspector who was sent by the RS MUP to Brčko at the beginning of June 1992 for a total of two weeks,[2472] at the time of his inspection, he stated that there were a considerable number of "uninvited volunteers" at the Brčko SJB building who caused confusion and problems for the police officers.[2473] Among them was Goran Jelisić who, Andan was told, was crazy and feared by everyone at the Brčko SJB building.[2474] There is also evidence that individuals broke into the police station and stole uniforms.[2475]

1066. On 4 May 1992, Muslim fire fighters, including Jasmin Fazlović, who had been detained at the fire station by JNA soldiers, were beaten by Mirko Blagojević, commander of the paramilitary organisation the Serbian Radicals,[2476] and taken to the Brčko SJB building where they saw other detainees covered in blood.[2477] Fazlović testified that the Brčko SJB building was in chaos.[2478] The fire fighters were ordered to line up facing the wall where they were kept for about half an hour and verbally abused.[2479] A "Chetnik" shot a burst of gunfire over their heads.[2480] Dragan Veselić, the chief of the SJB, said that the fire fighters were to be taken to Luka camp where they would be killed.[2481] However, another officer intervened, and they were returned to the fire station.[2482]

1067. ST001, a Muslim resident of Brčko who worked at the hospital prior to the war, was brought to the Brčko SJB building on the night of 4 May 1992. She saw approximately 50 soldiers in front of the building wearing various kinds of military uniforms. While there, ST001 was interrogated by Dragan Veselić about the whereabouts of their common friends; these friends were in mixed marriages. When she was unable to answer, he threatened to kill her. Eventually, ST001 was

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[2471] Cvjetko Ignjić, 22 October 2009, T. 1927-1928; Dragomir Andan, 27 May 2011, T. 21409, 21421, 21457; P338, Report on Inspection Conducted and Situation found at SJB Brčko, SJB Zvornik, and Partially the Situation at SJB Bijeljina, signed Dragomir Andan and Danilo Vuković, 17 June 1992, p. 3.
[2472] Dragomir Andan, 26 May 2011, T. 21402-21403, 27 May 2011, T. 21406, 21423, 21426, 31 May 2011, T. 21627-21629, 1 June 2011, T. 21636-21637; P338, Report on Inspection Conducted and Situation Found at SJB Brčko, SJB Zvornik, and Partially the Situation at SJB Bijeljina, signed Dragomir Andan and Danilo Vuković, 17 June 1992, p. 1.
[2473] Dragomir Andan, 27 May 2011, T. 21423-21424; 1D548, Information on Situation in Brčko SJB, p. 1.
[2474] Dragomir Andan, 1 June 2011, T. 21642-21643; P338, Report on Inspection Conducted and Situation Found at SJB Brčko, SJB Zvornik, and Partially the Situation at SJB Bijeljina, signed Dragomir Andan and Danilo Vuković, 17 June 1992, p. 3.
[2475] Dragomir Andan, 3 June 2011, T. 21815-21816.
[2476] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 2; Jasmin Fazlović, P2170, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 19 April 2004, T. 2295-2296. *See also* P129, Summary of Events and Situations, War Presidency of Brčko Municipality, signed Đorđe Ristanić, p. 3; Adjudicated Facts 1242, 1243.
[2477] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 3; Jasmin Fazlović, P2170, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 19 April 2004, T. 2297; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2302; Adjudicated Fact 1248.
[2478] Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2302-2303.
[2479] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 3; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2302-2303.
[2480] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 3.
[2481] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 3; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2303.

released.[2483] Upon release, she was taken to a house next to the SUP in Brčko and given a pass that allowed her to travel around the city of Brčko. She left the city on 15 September 1992 after contact with the Red Cross.[2484]

1068. On or around the morning of 7 May, Isak Gaši witnessed at Stari Grad, approximately 50 to 70 metres from the Brčko SJB building,[2485] a police officer wearing a light blue short sleeve shirt—the uniform police officers wore before the war—line up three men wearing civilian clothing against a wall and shoot them in the back.[2486] He also saw approximately 10 soldiers in JNA uniforms kill about 10 to 12 civilians while the man who appeared to be the commander said, "Thirty of them for one of mine."[2487] Death certificates have been admitted indicating that Ahmet Hodžić, Sead Karagić, and Amir Novalić were killed on 7 May 1992 in Brčko.[2488] However, there is not sufficient evidence to prove that they were the victims of the abovementioned killings, nor was evidence adduced to support a finding that Amir Jašarević or Suad LNU were victims of the same.

1069. On 27 May, Gaši was arrested by two members of the Brčko police and taken to the Brčko SJB building.[2489] The police gave no reason for his arrest.[2490] Gaši saw six or seven officers in regular police uniforms and some people in civilian clothes.[2491] Gaši was held for less than an hour and was then taken to Luka camp.[2492] Later, when Gaši was being detained at Luka Camp, he was again taken to the Brčko SJB building and saw, through the window of an office he had been ordered to clean, two police officers shoot two civilians.[2493]

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[2482] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 3; Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2304-2305.
[2483] ST001, P2146, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 562-563; P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 584, 598-600 (confidential).
[2484] ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 619-620 (confidential).
[2485] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 432.
[2486] Isak Gaši, 21 October 2009, T. 1792-1795; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 424-431; P130, Aerial Photo of Brčko Including Stari Grad and SJB; P131, Photo of Site of Killing in Brčko; P132, Photo of Killing In Approximately the Same Location as Killing Described by Witness; P133, Photo of Killing by Officer Wearing the Same Uniform; P134, Photo of Execution.
[2487] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 422, 424-425; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 531-533, 550-551.
[2488] P2466, Proof of Death Database (CHS), "ordinal number" 386.1, Death Certificate of Ahmet Hodžić (confidential); P2466, Proof of Death Database (CHS), "ordinal number" 390.1, Death Certificate of Sead Karagić (confidential); P2466, Proof of Death Database (CHS), "ordinal number" 394.1, Death Certificate of Amir Novalić (confidential).
[2489] Isak Gaši, 21 October 2009, T. 1799-1800; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 440.
[2490] Isak Gaši, 21 October 2009, T. 1799.
[2491] Isak Gaši, 21 October 2009, T. 1800.
[2492] Isak Gaši, 21 October 2009, T. 1800-1801; P137, Photo of Room 13 at Brčko SJB.
[2493] Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 482-484.

1070. Dragomir Andan testified that he did not see any civilians detained at the Brčko SJB building where he was working and sleeping.[2494]

(d) Laser Bus Company

1071. Two hundred Muslim and Croat men, women, and children were detained at the Laser Bus Company approximately 2 km outside the town of Brčko.[2495] ST036 was taken there on 4 May 1992 by military police.[2496] He was told that the guards, whom he recognised as local Serbs who used to work at the bus company, were the personal guards of Pavle Milinković,[2497] the commander of the Brčko JNA garrison.[2498]

1072. At approximately 10:30 p.m. on 5 or 6 May, Goran Jelisić, wearing a light blue civilian police uniform, and two guards in SMB uniforms arrived at the Laser Bus Company.[2499] ST036 was told by one of the guards that Jelisić had only been allowed to enter because he had threatened the guards.[2500] Jelisić told the detainees that he had already killed 80 Muslims and threatened to kill six detainees for each of his four soldiers who had been killed.[2501] He walked through the rows and randomly hit detainees with a piece of cable made into a baton and took their wallets and valuables. Jelisić read the name Kemal Sulejmanović from a piece of paper. He beat Sulejmanović and then took him outside. ST036 heard one shot. Jelisić returned and told the detainees he had killed Sulejmanović. Guards later confirmed this to ST036.[2502] ST036's evidence is supported by the death certificate of Kemal Sulejmanović, which indicates that he died on 6 May 1992 in Brčko.[2503] The Trial Chamber accepts this evidence and is satisfied that Jelisić shot and killed Sulejmanović.

1073. On 7 May, buses transported the women, children, and the elderly to Čelić. The following day, the remaining 80 men, including ST036, were transported to Luka camp.[2504]

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[2494] Dragomir Andan, 27 May 2011, T. 21418.
[2495] Adjudicated Fact 1253; Cvjetko Ignjić, 22 October 2009, T. 1900-1901; P147, Photo of Entrance to Laser Bus Company; P148, Aerial Photo of Laser Bus Company; P152, Map of Brčko with Laser Bus Company Marked. *See also* ST036, P2173, Public Redacted Witness Statement, 21 February 1995, pp. 3-4.
[2496] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, pp. 2-3.
[2497] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 3.
[2498] Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 2.
[2499] Adjudicated Fact 1253; ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 4.
[2500] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 4.
[2501] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 4; Adjudicated Fact 1253.
[2502] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 4.
[2503] P2466, Proof of Death Database (CHS), "ordinal number" 382.1, Death Certificate of Kemal Sulejmanović, (confidential).
[2504] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 5.

(e) Brčko Partizan Sports Hall

1074. On 5 May, Said Muminović, a Muslim resident of Brčko until 6 May 1992, went to the JNA barracks in order to be evacuated. When he arrived, there were approximately 200 Serbs, Muslims, and Croats. The Serb men were issued semi-automatic weapons and were later seen at the Hotel Galeb. The Serb women and children were allowed to leave. The Muslim and Croat women and children were taken away on buses. The approximately 50 Muslim and Croat men, including Muminović, were taken to the Brčko Partizan Sports Hall by JNA soldiers.[2505]

1075. Upon their arrival at the Brčko Partizan Sports Hall, a soldier addressed the detainees saying, "Muslims, what are we going to do with you? Where are your Croat brothers now to help you?" Detainees were forced to sing Serb nationalist songs and some were kicked and beaten. Ranko Češić, wearing a camouflage uniform and carrying a weapon, entered the hall and took Muminović, Sakib Bećirović, and three other men outside. The soldier who had addressed the detainees when they had arrived said, "[S]o these are the ones to be killed." Soldiers removed Bećirović from the group, and Češić fired a burst of gunfire into his back. Muminović fainted and was taken back into the hall. The following day, he saw that the body of Bećirović remained near a tree where he had been shot.[2506] Muminović's evidence is supported by that of Isak Gaši who testified that at Luka camp he was told by a member of the Brčko Partizan Sports Club that Češić had killed Bećirović, along with four or five other men, in a single day at the Brčko Partizan Sports Hall.[2507] Muminović's evidence is also supported by the death certificate of Bećirović, which indicates that he was killed on 6 May 1992 in Brčko.[2508]

1076. Muminović testified that Baka Durmić, Redžep Durmić, and a third man whose name he did not know, were taken to the bathroom and beaten. The same men were then taken outside by soldiers with Serbian accents. Muminović heard the sounds of people being beaten and then approximately 20 gun shots fired individually. Muminović was later told by another detainee that he had moved the bodies of these, and other, men.[2509] There is evidence that the bodies of Baka Durmić and Redžep Durmić were exhumed from a grave site in Brčko.[2510] According to autopsy

[2505] Said Muminović, P2174, Witness Statement, 3-4 April 1995, pp. 2, 4-5; Cvjetko Ignjić, 22 October 2009, T. 1906. *See also* P149, Photo of Exterior of Brčko Partizan Sports Hall; P150, Aerial Photo of the Brčko Partizan Sports Hall; P151, Map of Brčko with Partizan Sports Hall Marked.
[2506] Said Muminović, P2174, Witness Statement, 3-4 April 1995, pp. 5-8.
[2507] Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 515.
[2508] P2466, Proof of Death Database (CHS), "ordinal number" 360.1, Death Certificate of Sakib Bećirović (confidential).
[2509] Said Muminović, P2174, Witness Statement, 3-4 April 1995, p. 7.
[2510] P2466, Proof of Death Database (CHS), "ordinal numbers" 366, 373, ICMP Notice of DNA Reports Submitted, 16 November 2001 – 30 September 2007 (confidential).

reports, both men died as the result of multiple gunshot wounds.[2511] Redžep Durmić's death certificate indicates that he died on 5 May 1992 in Brčko, and reports of the ICRC and the BiH State Commission for Tracing Missing Persons list the dates of death or disappearance for both men as the beginning of May 1992. The Trial Chamber accepts the evidence of Muminović, as supported by forensic evidence, and is satisfied that guards at the Brčko Partizan Sports Hall shot and killed Baka Durmić and Redžep Durmić on or about 6 May 1992.

1077. After these killings, the detainees were given food and cigarettes. One of the soldiers told them that they had killed the ones they were after. The following day, Muminović was bused to Bijeljina in a group of approximately 33 detainees and then released.[2512]

1078. Muminović gave evidence that members of the police and a "Chetnik group" were present at the Brčko Partizan Sports Hall.[2513] However, there is insufficient evidence to establish who authorised or controlled the detention facility.

(f) Luka camp

1079. From 4 May to at least August 1992, Muslims and Croats from the municipality of Brčko were detained at Luka camp approximately 300 to 400 metres from the Brčko SJB building.[2514] Goran Jelisić was initially in charge at Luka camp.[2515] Jelisić was seen at Luka camp wearing a blue uniform that was the same as that worn by police in the former Yugoslavia, however he was also seen wearing a military camouflage uniform; Gaši testified that "[Jelisić] liked to change uniforms very often."[2516] According to Milorad Davidović, a former chief inspector of the federal Yugoslav MUP,[2517] Jelisić was a member of the reserve police. Davidović also gave evidence that he believed that Mauzer and Arkan instructed Jelisić. He believed that Jelisić was given the police uniform by Pantić, the chief of police in Bijeljina and associate of Mauzer and Arkan.[2518] According to witnesses who had been detained at Luka camp, Jelisić appeared to follow the orders of Vojkan Đurković, a member of the SDS who followed orders from Mauzer and who was seen on several

[2511] P2466, Proof of Death Database (CHS) "ordinal number" 367, Autopsy Report (confidential); "ordinal number" 374, Autopsy Report (confidential); "ordinal numbers" 366, 373, ICMP Notice of DNA Reports Submitted, 16 November 2001 – 30 September 2007 (confidential).
[2512] Said Muminović, P2174, Witness Statement, 3-4 April 1995, pp. 7-8.
[2513] Said Muminović, P2174, Witness Statement, 3-4 April 1995, pp. 7-8.
[2514] Isak Gaši, 21 October 2009, T. 1802; P138, Aerial Photo of Luka Camp; Adjudicated Fact 1254. *See also* Cvjetko Ignjić, 22 October 2009, T. 1911-1912; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 453; Adjudicated Facts 1254, 1263.
[2515] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 130-131; ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 58; Adjudicated Fact 1255.
[2516] Isak Gaši, 21 October 2009, T. 1808, 1836, 1838-1840.
[2517] Milorad Davidović, P1557.03, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 9 June 2005, T. 14172.
[2518] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, pp. 28, 30.

occasions at Luka camp.[2519] Dragomir Andan described Jelisić as a member of a paramilitary organisation.[2520]

1080. Andan also testified that the Brčko SJB had no authority over Luka camp and that he was told it was controlled by the army.[2521] There is evidence that members of the Brčko MUP visited Luka camp[2522] and that police officers questioned and occasionally mistreated detainees.[2523] According to witnesses, the guards at Luka camp were Serb soldiers from Serbia, Bijeljina, and Brčko.[2524] Milorad Davidović gave evidence that members of the Red Berets detained Muslims at Luka camp.[2525]

1081. ST001, ST002, and ST036 each arrived at Luka camp at the beginning of May 1992.[2526] When ST001 arrived, Jelisić introduced himself and said that his duty was to hate "Balijas" and to eradicate Muslims because there were too many of them. Jelisić ordered that a detainee be brought into the room, and police officers formed a circle around him. They beat him until he fell to the floor at which point they stomped on him and hit him with the butts of their rifles. He screamed and begged for them to stop. Jelisić told the detainees that this was an example of what could happen to them.[2527] Upon his arrival, ST002, a Muslim resident of Brčko until the war, was beaten and verbally abused by soldiers. Jelisić informed him and other detainees that they had been brought to the camp to be interrogated and that those who were guilty would be killed.[2528] He added that he believed that "there was not a single balija who was not guilty."[2529] ST002 and ST036 both had their valuables confiscated, including watches, rings, and personal documents.[2530]

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[2519] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 76, 124-125; ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 62, 70-71; Isak Gaši, 21 October 2009, T. 1819-1821.
[2520] P338, Report on Inspection Conducted and Situation Found at SJB Brčko, SJB Zvornik, and Partially the Situation at SJB Bijeljina, signed Dragomir Andan and Danilo Vuković, 17 June 1992, p. 3.
[2521] Dragomir Andan, 27 May 2011, T. 21423, 1 June 2011, T. 21646-21647.
[2522] Cvjetko Ignjić, 22 October 2009, T. 1911-1912; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 485-487.
[2523] ST001, P2146, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 581-582; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 603-604 (confidential).
[2524] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 6; ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 56; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 455; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 617-618 (confidential).
[2525] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, p. 26.
[2526] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 5; ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 55; ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 113; ST001, P2146, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 580.
[2527] ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 604-606 (confidential).
[2528] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 54, 58. *See also* ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 101-103.
[2529] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 58-59. *See also* ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 101-103.
[2530] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 63-64; ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 85; ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 5.

1082. Isak Gaši was taken to Luka camp on 27 May 1992 by two men wearing JNA uniforms.[2531] When he arrived at the camp, he was taken into an office, hit on the ear with a pistol by Branko Pudić, a police officer,[2532] and questioned about Muslim barricades and his whereabouts in 1982.[2533]

1083. Detainees at Luka camp were housed in a hangar in crowded and unsanitary conditions.[2534] They slept on cardboard boxes, their clothes, or the concrete floor.[2535] If detainees wanted to leave the hangar to go to the bathroom or latrine, they had to get permission from an armed guard.[2536] Detainees were forced to perform various forms of labour, such as cleaning the toilets, serving food to the guards, and cleaning offices at the camp and Brčko SJB building.[2537] Detainees were also taken into the town and forced to clean the homes of Muslims who had left to prepare them for Serb families.[2538] There is evidence that detainees were given medical care on at least one occasion.[2539] Gaši testified that, when he was ill, Jelisić told him that he would give him a tablet of medicine for every name of a Muslim extremist he told them.[2540]

1084. Detainees at Luka camp were subjected to abuse by Serb guards, particularly by Goran Jelisić and Ranko Češić, and were frequently beaten.[2541] On some occasions, detainees were beaten while being questioned. There is evidence that guards used items such as a fire hose, spade, chair, mace, and police truncheon.[2542] On one occasion, Češić entered a room where ST001 and other detainees were being questioned by a police officer. He pushed the police officer out of the room and fired some shots into the air, cursing the detainees as "Balijas" and saying that he hated all Muslims. Češić began beating a doctor with his fist and the butt of a rifle. Once the doctor fell to the ground, he stomped on him with his boots. Češić then began beating two other detainees until they also fell to the ground. Češić ordered the strongest of the detainees to punch ST001, threatening that if he did not do it hard enough, Češić would hit him. The detainee punched ST001 causing her to fall behind some chairs. Češić ordered ST001 to get up and continued to force the

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[2531] Isak Gaši, 21 October 2009, T. 1800-1801; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 440-442.
[2532] P139, List of Employees of SJB Brčko, p. 4, n. 217.
[2533] Isak Gaši, 21 October 2009, T. 1802-1803; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 444-445, 468; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 526-527.
[2534] Adjudicated Fact 1254. *See also* Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 444-445, 451.
[2535] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 451.
[2536] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 454-455.
[2537] Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 482-484; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 611-613, 619 (confidential).
[2538] ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 614 (confidential).
[2539] Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 487.
[2540] Isak Gaši, 21 October 2009, T. 1809.
[2541] Adjudicated Facts 1256, 1263. *See* ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 145-146.

detainee to punch her. Češić then ordered all the detainees to beat each other.[2543] On another occasion, a soldier entered the hangar, grabbed Ibrahim Lević, a detainee, by the neck and carved a cross into his forehead and kicked him. Lević fell to the ground bleeding.[2544]

1085. Shortly after Gaši arrived at the camp, a man named Ivan, wearing a camouflage uniform with an insignia of Arkan's Men on his arm, and two men in JNA uniforms entered the hangar.[2545] Ivan called out for the "Šiptar", a derogatory term meaning Albanian.[2546] Ivan hit Gaši with a 2 kg fireman's tool similar to a monkey wrench and kicked him in the head and stomach.[2547] Gaši experienced a pain and buzzing in his head for at least some time after the beating.[2548]

1086. Soldiers regularly entered the hangar at night, beat the detainees, and forced them to sing Serb nationalist songs.[2549] On one occasion, a group came into the hangar and distributed cookies, cubes of sugar, and cigarettes to detainees.[2550] The same group then returned and took the detainees who had received the cookies and sugar out of the hangar and beat them. The detainees returned to the hangar bruised.[2551]

1087. ST001 testified that she was repeatedly raped at Luka camp. On the first occasion, shortly after her arrival, Češić forced her into a car and drove her to a bridge where he raped her. He said it was a pleasure to have one more "Balija" woman to rape. On a second occasion, ST001 was taken to a room where she saw a woman lying undressed on the floor with a soldier above her buttoning his pants. ST001 was then raped by two men she referred to as Žućo and Makivija Stojanović. She testified that she was raped by Makivija Stojanović on at least one additional occasion. ST001 became very ill with "problems with [her] urinary organs". She had a high temperature to the point

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[2542] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 129, 146.
[2543] ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 585-587 (confidential).
[2544] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 464.
[2545] Isak Gaši, 21 October 2009, T. 1806; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 468; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 487.
[2546] Isak Gaši, 21 October 2009, T. 1806; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 453.
[2547] Isak Gaši, 21 October 2009, T. 1807; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 468-469; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 527-529.
[2548] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 469.
[2549] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 152; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 456; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 487; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 610-611 (confidential).
[2550] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 463. *See also* Isak Gaši, 21 October 2009, T. 1821-1822.
[2551] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 463.

that she was "delirious or in a coma" for two days. ST001's hair turned grey and she lost a lot of weight.[2552]

1088. Češić bragged to Jasmin Fazlović that he had raped 70 or 80 women and that Muslim women, particularly those who were upper class, were being raped by guards at the camp.[2553] He boasted that women who used to be "ladies" were now nothing.[2554]

1089. On numerous occasions, detainees at Luka camp were taken from the hangar and summarily executed; some were shot by Goran Jelisić.[2555] ST002 testified that guards regularly came to the door of the hangar and yelled, "Come out, balijas, come out. Don't let us come in and select those who will go out." Once four "volunteers" had emerged, they were lined up against a wall, and soldiers beat and cursed them saying, for example, "Balijas, there's no salvation for you." One detainee was then pulled from the line and forced to lie on the asphalt with his head over a grate where he was shot in the back of the head. Detainees who were lined up at the wall were forced to carry the body to a white Bimeks refrigerated truck.[2556] The killing was then repeated with at least one more detainee from the wall.[2557] ST002 testified that this was repeated every night from 11 May to approximately 15 May 1992.[2558] ST002 "volunteered" on two occasions. Even when he was not part of the group taken out, ST002 could hear that the same events were occurring: always a voice saying, "Lie down. Lean your head against the grate", and then a shot.[2559] ST002 calculated that, on each of the five nights that men were taken out, approximately 50 men were killed in this manner.[2560]

1090. This evidence is supported by the evidence of Gaši who heard, from men who were detained at Luka camp at the time, that Jelisić lined up detainees in groups of three at the grate. He then stepped on their heads and shot them.[2561] One detainee told Gaši that he had counted 80 people who had been killed at the grate in one day.[2562]

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[2552] ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 596, 609-610, 612-613 (confidential).
[2553] Jasmin Fazlović, P2169, Witness Statement, 14-15 March 1995, p. 6.
[2554] Jasmin Fazlović, P2171, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 20 April 2004, T. 2312.
[2555] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 68; Adjudicated Fact 1257.
[2556] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 68-69; ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 79-81, 156-157.
[2557] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 69-70.
[2558] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 55, 70-71; ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 85.
[2559] ST002, P2150, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 30 November 1998, T. 65-66.
[2560] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 81, 113-114.
[2561] Isak Gaši, 21 October 2009, T. 1817-1818; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 459-460.
[2562] Isak Gaši, 21 October 2009, T. 1818; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 460.

1091. Approximately three or four days after ST002 arrived at the camp, guards entered the hangar asking if anyone was married to a Serb woman. One man who identified himself was taken from the hangar and beaten. ST002 then heard Jelisić say, "Lie down and put your head against the grate." There was a gun shot, and the man never returned. On another occasion, ST002 saw a detainee severely beaten and shot at the grate for dropping a bottle of water.[2563]

1092. ST036 testified that one man, "Deni", was taken out of the hangar and beaten by a man wearing a light blue police uniform, after having been accused of having a pistol. ST036 heard one shot and never saw Deni again. Approximately 20 minutes later, Jelisić entered the hangar and took two men from Zvornik out of the hangar. Jelisić and two police officers questioned and beat the men with a baton made of cable for approximately ten minutes. ST036 then heard two shots and never saw the detainees again. Later, Češić, who was carrying a pistol, took a man named Ćita out of the hangar. Shortly thereafter, ST036 heard a shot. ST036 was later told by another detainee that he had moved the bodies of these men to a pile of other bodies, which included men and women.[2564] The remains of Ćita were identified at the mass grave site near the Bimeks Factory on 9 May.[2565]

1093. Gaši saw four civilians pushed out of the administration office followed by Češić who then shot them in the back. He saw two of the men fall and heard five or six shots all together.[2566]

1094. Detainees at Luka camp were forced to assist in disposing of the bodies of individuals who had been killed into a canal or the Sava River.[2567] On one occasion, Gaši was instructed to throw a group of approximately 15 to 20 bodies into the river.[2568] All the bodies were wearing civilian clothing, and there was evidence of various injuries, including bloodstains on the clothing, holes in the bodies, and on one body an ear was missing.[2569] He believed that most had been shot.[2570] Some persons killed at Luka camp were also buried in pits and covered with rubble from demolished mosques.[2571]

1095. Evidence was admitted that the following individuals who were alleged to have been killed at Luka camp, died or disappeared in May or June 1992 in Brčko: Sead Ćerimagić,[2572] Jasminko

[2563] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 81-85.
[2564] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, pp. 6-7.
[2565] P144, List of Persons Identified at Brčko Mass Grave, p. 4, n. 37.
[2566] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 461.
[2567] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 155-156; Adjudicated Fact 1257.
[2568] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 464-465, 467.
[2569] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 465; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 553-554.
[2570] Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 465.
[2571] Adjudicated Fact 1258. *See also* P154, Report to VRS Main Staff Chief of Intelligence and Security Administration from Eastern Bosnia Corps Command Intelligence Organ, 29 September 1992, p. 1.
[2572] P2466, Proof of Death Database (CHS), "ordinal number" 309, ICRC Missing Persons Report (confidential).

Čumurović,[2573] Muharem Ahmetović,[2574] Naza Bukvić,[2575] Stipo Glavočević,[2576] Elvedin Salkanović,[2577] Mirsad Mujagić,[2578] and Smail Ribić.[2579] There is also evidence that the body of Muharem Ahmetović was identified at the mass grave site near the Bimeks Factory on 12 May 1992.[2580] However, there has not been sufficient evidence presented to establish that these specifically named men were among those killed at Luka camp.

1096. On 16 May 1992, Jelisić, Đurković, and a man in the uniform of the former JNA entered the hangar and said that they had received an order to stop the killings, the abuse, and the mistreatment.[2581] Thereafter, in late May or June 1992, Jelisić was replaced by Kosta (Kole) Simonović, a local Serb police officer.[2582]

1097. ST036, ST001, and Gaši were released from Luka camp on 8 May 1992, at the end of May 1992, and on 7 June 1992, respectively.[2583] ST002 was transferred to Batković camp in Bijeljina in early July 1992.[2584] According to Gaši, he was released from the camp on the orders of Captain Dragan.[2585]

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[2573] P2466, Proof of Death Database (CHS), "ordinal number" 312, ICRC Missing Persons Report, Table of Solved Deaths (confidential); "ordinal number" 312.1, Death Certificated of Jasminko Čumurović (confidential). The date of death on the death certificate is 21 November 1996.
[2574] P2466, Proof of Death Database (CHS), "ordinal number" 315, ICRC Missing Persons Report (confidential); "ordinal number" 316, Notice of DNA Reports Submitted February 2007 (confidential); "ordinal number" 318.1, Death Certificate of Muharem Ahmetović (confidential).
[2575] P2466, Proof of Death Database (CHS), "ordinal number" 321, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 322, ICRC Missing Persons Report (confidential); "ordinal number" 323.1, Death Certificate of Naza Bukvić, (confidential).
[2576] P2466, Proof of Death Database (CHS), "ordinal number" 326, ICMP DNA Report (confidential); "ordinal number" 327, ICRC Missing Persons Report (confidential); "ordinal number" 328.1, Death Certificate of Stipo Glavočević (confidential).
[2577] P2466, Proof of Death Database (CHS), "ordinal number" 349, ICRC Missing Persons Report, Table of Solved Deaths (confidential); "ordinal number" 350, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 351, ICMP Notice of DNA Reports (confidential); "ordinal number" 352, Autopsy Report (confidential).
[2578] P2466, Proof of Death Database (CHS), "ordinal number" 340.1, Death Certificate of Mirsad Mujagić (confidential); 1D834, Second Response by BiH Government Regarding Status of Victims, dated 9 July 2012, pp. 7-8 (confidential).
[2579] P2466, Proof of Death Database (CHS), "ordinal number" 344, Autopsy Report (confidential); "ordinal number" 345, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 346, ICRC Missing Persons Report, Table of Solved Deaths (confidential); "ordinal number" 347, ICMP Notice of DNA Reports Submitted (confidential).
[2580] P144, List of Persons Identified at Brčko Mass Grave, p. 6, n. 84.
[2581] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 143-145.
[2582] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 130; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 619 (confidential); P139, List of Employees of SJB Brčko, p. 5, n. 252; Adjudicated Fact 1255. *See also* Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 456.
[2583] ST036, P2173, Public Redacted Witness Statement, 21 February 1995, p. 7; Isak Gaši, P125, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 February 2004, T. 454; Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 490-493, 518-519; ST001, P2147, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 6 February 2004, T. 619 (confidential).
[2584] ST002, P2149, *Prosecutor v. Jelisić,* Case No. IT-95-10-T, 1 December 1998, T. 86.
[2585] Isak Gaši, P126, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 5 February 2004, T. 495-497, 513.

1098. In July 1992, Milorad Davidović went to Luka camp and found that 70 Muslims, including children, were imprisoned in the hangar. The detainees were released and instructed to go home.[2586]

3. Factual Findings

1099. With regard to counts 1, 2, 3, and 4, the Trial Chamber accepts the evidence of ST002, as supported by the hearsay evidence of Isak Gaši, that Goran Jelisić and Serb guards executed detainees over a grate at Luka camp. The exact number of men who were killed in this manner cannot be determined; however, the Trial Chamber has considered the evidence of ST002 that approximately 50 detainees were killed each night from at least 11 May to 15 May 1992 and finds that a large number of Muslim and Croat men were killed by Goran Jelisić and Serb guards. The Trial Chamber accepts the evidence of ST036 that a man known as "Ćita", was taken from the hangar at Luka camp by Ranko Češić on 7 May and that shortly thereafter ST036 heard a shot. After also considering evidence that Ćita's body was identified at the mass grave site near the Bimeks Factory on 9 May, the Trial Chamber finds that Ranko Češić shot and killed a man known as "Ćita" at Luka camp. The Trial Chamber accepts the evidence of ST036 that a man known as "Deni" was taken out of the hangar and beaten by a man in a light blue police uniform. There was then a shot and Deni was not seen again. Considering the circumstances at Luka camp, the Trial Chamber finds that a member of the police shot and killed a man known as Deni. The Trial Chamber accepts the evidence of Isak Gaši and finds that Ranko Češić shot and killed four civilians outside the administration office at Luka camp.

1100. The Trial Chamber notes that the remains of Muharem Ahmetović were identified at the mass grave site near the Bimeks Factory on 12 May 1992. However, the Trial Chamber recalls that Cvjetko Ignić testified that the bodies at this site had come not only from Luka camp but also from near the SJB building and the Posavina hotel in the town of Brčko. Therefore, it has not been proved that Muharem Ahmetović was killed at Luka camp. Moreover, the Trial Chamber notes that there has not been sufficient evidence presented in this trial to find that Sead Ćerimagić, Jasminko Čumurović, Naza Bukvić, Stipo Glavočević, Mirsad Glavović, Nihad Jašarević, FNU Kucalović, FNU Novalija, Elvedin Salkanović, Huso Zahirović, Smajil Zahirović, Djoko LNU, Sejdo LNU, Mirsad Mujagić, or Smail Ribić were among those killed at Luka camp.

1101. On the basis of the above, as well as the evidence of ST001, ST002, ST036, and Isak Gaši that they witnessed or heard about the killing of additional unidentified men at Luka camp and the evidence of Gaši that at Luka camp he was forced to throw corpses into the river, the Trial Chamber finds that between 8 May and 6 June 1992, a large number of men, including Ćita, who by virtue of

[2586] Milorad Davidović, P1557.01, Witness Statement, 15 March 2005, p. 27.

the fact that they were detained were taking no active part in hostilities, were shot and killed by Goran Jelisić, Ranko Češić, and Serb guards at Luka camp. After considering evidence that guards at Luka camp, including Jelisić, were seen wearing military camouflage uniforms; that Vojkan Đurković, a member of the SDS in Bijeljina, appeared to exercise authority over Jelisić at the camp; that police officers were involved in the mistreatment and interrogation of detainees; and that after May or June 1992 a member of the police, Kosta (Kole) Simonović, became the commander of Luka camp, the Trial Chamber finds that Luka camp was controlled by either the SDS in Bijeljina or Brčko police under the command of Dragan Veselić. Based on the evidence, the Trial Chamber finds that Jelisić was acting under the instruction of the Bijeljina SDS or the Brčko police and that Češić was a member of the Red Berets led by Dragan Vasiljković ("Captain Dragan").

1102. The Trial Chamber, based on the evidence of Said Muminović, as supported by the hearsay evidence of Isak Gaši and documentary evidence, finds that, on 5 May 1992 at the Brčko Partizan Sports Hall, Ranko Češić, a member of the Red Berets led by Captain Dragan, shot and killed Sakib Bećirović. On the same day, soldiers beat Baka Durmić, Redžep Durmić, and an unidentified detainee. Soldiers, some of whom had Serbian accents, then took the three men outside and shot and killed them. By virtue of their status as detainees, none of the above men were taking an active part in hostilities. While the Prosecution Final Victims List includes two additional persons for this incident of unknown names, there was insufficient evidence admitted to make a finding that they were killed at the Brčko Partizan Sports Hall.

1103. The Trial Chamber, based on the evidence of ST036, as supported by a death certificate, finds that, at approximately 10:30 p.m. on 6 May 1992 at the Laser Bus Company, Goran Jelisić shot and killed Kemal Sulejmanović who, by virtue of his status as a detainee, was taking no active part in hostilities. While there is evidence that Jelisić was wearing a blue civilian police uniform at the time, there is not sufficient evidence for the Trial Chamber to make a finding as to whether he was a member of the Brčko police force at the time of the killing. The Prosecution Final Victims List includes Muzafer Sulejmanović as also killed at the Laser Bus Company, but there was insufficient evidence admitted to make a finding in this regard.

1104. The Trial Chamber, based on the evidence of Isak Gaši, finds that on the morning of 7 May 1992 near the SJB building, a member of the Brčko police force lined three civilian men against a wall and shot and killed them. At the same time, approximately 10 JNA soldiers shot and killed 10 to 12 civilians. There has not been sufficient evidence presented in this trial to make a finding as to the identities of these 13 to 15 men or to find that the individuals specifically named in the Indictment were killed. Gaši also gave evidence that, at some point during his detention at Luka camp from 27 May until 7 June 1992, he saw two police officers shoot and kill two civilians outside

the SJB building. This incident, however, was not included in the Indictment which includes only the killings of men at or near the SJB building on or about 7 May 1992, and therefore will not be further considered.

1105. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered evidence on the treatment of detainees during their arrest and detention at Luka camp, Brčko SJB building, Laser Bus Company, and Brčko Partizan Sports Hall. On the basis of this evidence, the Trial Chamber finds that detainees at Luka camp were kept in inhumane conditions, with insufficient room, food, water, or sanitation facilities and that Serb guards failed to provide sufficient medical care to detainees. Insufficient evidence has been provided to make a similar finding in relation to the remaining detention facilities.

1106. The Trial Chamber finds that Goran Jelisić, Ranko Češić, members of the Brčko police, members of the JNA and VRS, and members of Serb paramilitary organisations regularly beat detainees with objects such as a cable made into a baton, a fire hose, a spade, a chair, a mace, a police truncheon, and the butt of a rifle. Guards at the Luka camp subjected detainees to particularly severe beatings, stomped on detainees who had fallen to the ground, and forced detainees to beat each other. Detainees at all the detention facilities were forced to watch as other detainees were killed and were subjected to death threats themselves. In some cases, detainees were forced to remove the bodies of detainees who had been killed. At Luka camp, female detainees were raped. It has not been proved that detainees at Luka camp were forced to sexually assault each other. The treatment caused great physical and psychological suffering. For example, detainees were seen covered in blood, and Said Muminović lost consciousness after watching another detainee being executed. ST001 became ill and lost a significant amount of weight. Based on the mode of the assaults and on the language used by the attackers, the Trial Chamber finds that Serb Forces assaulted Muslim and Croat detainees to intimidate them or to obtain information and to discriminate against them on the basis of their ethnicity.

1107. Turning to counts 1, 9, and 10, the Trial Chamber has considered the evidence of ST036 that he and his neighbours were forced out of their apartment building. The men were detained at the Laser Bus Company, and the women, children, and elderly were transported to Bijeljina. Jasmin Fazlović saw people being removed from their homes at gunpoint and testified that men were taken to Batković camp in Bijeljina. Fazlović was told by Ranko Češić that members of the special unit led by Captain Dragan took individuals to detention facilities for transport out of the municipality. The Trial Chamber has considered evidence that Muslim neighbourhoods were targeted by shelling and looting, Muslim homes were destroyed or allowed to burn, and Muslim and Catholic religious sites were destroyed. Finally, the Trial Chamber has considered evidence on the ethnic composition

of Brčko in 1991 and 1997. Based on all the evidence, the Trial Chamber finds that Muslim and Croat residents were transported out of Brčko by Serb Forces or left Brčko as a consequence of mistreatment, intimidations, and the looting and destruction of their property and religious buildings carried out by Serb Forces following 1 May 1992.

1108. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber has heard evidence that Serb Forces, in particular members of Serb paramilitary organisations, took property from Muslim-owned homes and transported it out of Brčko. During arrests and detention, guards confiscated valuables from detainees. Therefore, the Trial Chamber finds that Serb Forces unlawfully took the private property of Muslims and Croats and that this was done on the basis of their ethnicity.

1109. The Trial Chamber also considered evidence that the Bijela mosque, Sava mosque, Hadži mosque, Dizdaruša mosque, Rijeka mosque, Omerbegova mosque, Brčko Catholic church, and Catholic church in Gorice were heavily damaged or destroyed by Serb Forces. Based on this evidence, the Trial Chamber finds that Serb Forces unlawfully destroyed religious buildings. While there is evidence that the Palanka mosque, the Catholic church in Dubrave, and the Catholic church in Poljaci were also heavily damaged, it has not been proved that this was done by Serb Forces.

1110. Following the takeover of Brčko on 1 May 1992, members of the Brčko police, members of Serb paramilitary organisations, and members of the JNA and VRS arrested and detained Muslim and Croat individuals at Luka Camp, Brčko SJB building, Laser Bus Company, and Brčko Partizan Sports Hall. Detainees were given no reason for their arrest. The Trial Chamber therefore finds that Muslims and Croats were arrested on the basis of their ethnicity and that they were denied due process of law. The Trial Chamber accepts the evidence of Jasmin Fazlović that fire fighters were prevented from extinguishing fires in Muslim-owned homes whereas they were permitted to prevent fires from spreading to Serb-owned homes and finds that this denied Muslims equal access to public services. While there is evidence that Serb Forces erected checkpoints on major roads around the town of Brčko, there is no evidence that this resulted in a discriminatory restriction on the freedom of movement of Muslims or Croats. The Chamber also considers ST001's testimony that she was given a pass for movement in the town of Brčko from the end of May until September 1992. However, without further information as to why the pass was issued to her specifically, the Chamber cannot find that this constituted a discriminatory measure.

### 4. Legal Findings

1111. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The

Trial Chamber finds that a nexus existed between the acts of the Serb Forces and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in hostilities.

1112. The Trial Chamber finds that the acts of the Serb Forces in Brčko were linked geographically and temporally with the armed conflict. The arrests, theft, destruction of property, and arbitrary killings carried out by members of the Brčko police, members of the JNA and VRS, and members of Serb paramilitary organisations constituted an attack against the civilian population, identified as the Muslims and Croats of Brčko. The attack occurred on a large scale: a large number of individuals were killed at Luka camp and in the town of Brčko, at least 216 of these individuals were buried at a mass grave site near the Bimeks Factory and others were thrown into the Sava River; and Muslims and Croats were detained in at least 14 locations throughout Brčko. In light of these factors, the Trial Chamber finds that the attack against the civilian population in Brčko was both widespread and systematic. The acts of the Serb Forces against the Muslim and Croat residents of Brčko were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was on going and that their acts were part of it.

1113. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1114. *Counts 2, 3, and 4.* The Trial Chamber recalls its finding that Goran Jelisić, Ranko Češić, and other Serb Forces killed a large number of detainees, including a man known as "Ćita", who were taking no active part in hostilities, at Luka camp between 8 May and 6 June 1992. The mode of the killings shows that Jelisić, Češić, and the other Serb camp guards acted with the intent to kill the men. On 5 May 1992, at the Brčko Partizan Sports Hall, Ranko Češić killed Sakib Bećirović, a detainee who was taking no active part in hostilities, and Serb soldiers killed Baka Durmić, Redžep Durmić, and a third unidentified man, all of whom were taking no active part in hostilities. The mode of the killings show that Češić and the Serb soldiers acted with the intent to kill the men. On 5 May 1992, at the Laser Bus Company, Goran Jelisić killed Kemal Sulejmanović who was taking no active part in hostilities. The mode of killing shows that Jelisić acted with the intent to kill Sulejmanović. On the morning of 7 May 1992, a member of the Brčko police killed three unnamed civilian men, and approximately 10 JNA soldiers killed approximately 10 to 12 unnamed civilian men. The mode of the killings shows that they acted with the intention to kill the victims.

1115. Recalling the finding that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that Serb Forces, including Goran Jelisić, Ranko Češić, at least one member of the Brčko police, and members of the JNA committed murder, both as a crime against humanity and a violation of the laws or customs of war.

1116. The Trial Chamber considers that the above killings were carried out in a relatively short time period, approximately 5 to 19 May 1992, and in locations within the town of Brčko. The above killings were perpetrated by Goran Jelisić, Ranko Češić, Serb soldiers, and on at least one occasion a member of the Brčko police. All of the victims were killed by shooting. For these reasons, the Trial Chamber considers that the killings constitute one operation. The number of victims, approximately 250, is sufficiently large so as to satisfy the requirements of extermination. Therefore, and recalling that the general requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, the perpetrators committed extermination as a crime against humanity.

1117. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that the assaults carried out by Goran Jelisić, Ranko Češić, members of the Brčko police, and other Serb soldiers against the Muslim and Croat detainees, both during the arrests and in the detention centres, caused them severe physical and psychological suffering and that the assaults were carried out as a form of intimidation and discrimination, and in some cases with the aim of obtaining information. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that the perpetrators committed torture against the Muslim and Croat detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1118. *Counts 9 and 10.* The Trial Chamber has found that a large number of Muslim and Croat civilians were either forcibly transported out of Brčko by Serb Forces or left Brčko as a consequence of mistreatment, intimidations, and the looting and destruction of their property and religious buildings carried out by Serb Forces following the takeover on 1 May 1992. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Croat and Muslim population of Brčko. There is insufficient evidence that victims were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

1119. *Count 1.* The Trial Chamber finds that Serb Forces arrested Muslims and Croats in Brčko without legitimate grounds and on a discriminatory basis. These arrests constituted unlawful detentions. Muslims and Croats were then held in detention facilities in inhumane living conditions and were subjected to inhumane treatment. The taking of Muslim and Croat property, including during detention, and looting, constituted plunder of property. The destruction of mosques and churches in Brčko as well as the destruction of homes when fire fighters were prevented from extinguishing fires in Muslim- and Croat-owned homes constituted wanton destruction. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims and Croats of Brčko by denying them due process of law and by denying them equal access to public services. It has not been proved that Serb Forces denied Muslims and Croats employment or restricted their freedom of movement.

1120. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, 5, 6, 7, 8, and 10—as well as the unlawful detentions, the establishment and perpetuation of inhumane living conditions, the plunder of property, the wanton destruction of towns and villages, and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim or Croatian ethnicity. On the basis of the pattern of conduct and statements made by Serb Forces during the criminal operations—such as forcing detainees to sing Serb nationalist songs, making statements against Muslims and Croats, and calling detainees "Balijas" and other derogatory terms—the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

1121. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Brčko.

1122. *Conclusion.* The Trial Chamber finds that, from 1 May 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 2, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Brčko.

## L. Doboj

### 1. Charges in Indictment

1123. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Doboj at the times and locations specified below.

1124. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) torture, cruel treatment, and inhumane acts at the Central Prison in Doboj ("Doboj Central Prison") at least during May and June 1992, as specified below under counts 5, 6, 7, and 8;[2587] (b) unlawful detention at the Doboj Central Prison at least between 8 May and December 1992;[2588] (c) the establishment and perpetuation of inhumane living conditions, including a failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities at the Doboj Central Prison at least between 8 May and December 1992;[2589] (d) forcible transfer and deportation;[2590] (e) the appropriation or plunder of property during and after attacks on non-Serb parts of the town of Doboj at least between May and September 1992, in detention facilities, and in the course of deportations or forcible transfers;[2591] (f) wanton destruction of the Gornji Pridjel mosque, Miljkovac old and new mosques, Orašje mosque, Kotorsko mosque, Sjenina mosque, Suho Polje mosque, Town mosque in Doboj, Ševarlije mosque, Catholic church in the town of Doboj, Presade church, and Johovac church at least between May and September 1992, and the looting of residential and commercial property in the non-Serb parts of the town of Doboj at least between May and September 1992;[2592] and (g) the imposition and maintenance of restrictive and discriminatory measures after the takeover of Doboj on or about 2 May 1992.[2593]

1125. Under counts 5, 6, 7, and 8, Stanišić is charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population at the Doboj Central Prison. It is alleged that at least between May and June 1992 detainees were regularly beaten and were subjected to ethnic slurs.[2594]

1126. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Doboj on or about 2 May 1992, against the Bosnian Muslim and Bosnian Croat population.[2595]

[2587] Indictment, para. 26(d), Schedule D n. 11.1.
[2588] Indictment, para. 26(e), Schedule C n. 11.2.
[2589] Indictment, para. 26(f), Schedule C n. 11.2.
[2590] Indictment, para. 26(g).
[2591] Indictment, para. 26(h), Schedule F n. 10.
[2592] Indictment, para. 26(i), Schedules E n. 10, F n. 10.
[2593] Indictment, para. 26(j), Schedule G n. 10.
[2594] Indictment, paras 32, 34-36, Schedule D n. 11.1.
[2595] Indictment, paras 37, 38, 41, Schedules F n. 10, G n. 10.

## 2. Analysis of Evidence

### (a) Background

1127. The municipality of Doboj is located in northern BiH, bordered by the municipalities of Derventa, Modriča, Gradačac, Gračanica, Maglaj, Tešanj, Teslić, and Prnjavor.[2596] According to the 1991 census in BiH, the ethnic composition in the municipality of Doboj was 34,823 (36.2%) Muslims, 39,270 (40.8%) Serbs, 15,102 (15.7%) Croats, and 7,102 (7.3%) persons of other or unknown ethnicity.[2597] In 1997, by contrast, 75.5% of the population in Doboj was Serb, 14.6% was Muslim, 5.1% was Croat, and 4.8% were persons of other or unknown ethnicity.[2598]

1128. There was a large JNA military garrison in Miljkovac in the municipality of Doboj.[2599] Prior to the start of the war, Ćazim Hadžić, a Muslim, was the commander of the JNA 6th Infantry Regiment/Motorised Brigade.[2600] He was also the Doboj garrison commander and as such was responsible for the day-to-day functions of the garrison but did not have command over other units stationed there.[2601] There were also three military warehouses in Potočani, Ševarlje, and Bare, which held ammunition, infantry weapons for the reserve army, and tanks, respectively.[2602]

1129. On 5 October 1991, there was a general mobilisation of reserve soldiers.[2603] Milovan Stanković, a Serb major in the JNA, came to Doboj in the autumn of 1991 to assist Hadžić with the mobilisation.[2604] Major Stanković was never formally subordinated to Hadžić.[2605] Alija Izetbegović instructed Muslims not to respond to the mobilisation.[2606] In fact, most of those who responded to

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[2596] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[2597] P1627, Tabeau *et al*. Expert Report, pp. 70, 74, 78, 82. *See also* Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 1; Adjudicated Fact 1264.
[2598] P1627, Tabeau *et al*. Expert Report, pp. 70, 74, 78, 82.
[2599] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 2; Mirza Lišinović, 10 January 2012, T. 26451-26452. Between October 1991 and May 1992, several units spent time stationed at the Doboj garrison including: the JNA 6th Motorised Brigade which had up to a thousand men (under the 4th Corps of the JNA which was commanded by General Milovan Zorc and, subsequently, General Vojislav Đurđevac); the command of the JNA Partisan Division (under the JNA 17th Corps in Tuzla); the JNA 222nd Mixed Artillery Brigade (under the JNA 1st Military District in Belgrade); and the command of the Doboj TO. ST266, 11 January 2012, T. 26540-26545 (confidential).
[2600] ST266, 11 January 2012, T. 26538-26540 (confidential); Andrija Bjelošević, 14 April 2011, T. 19602.
[2601] ST266, 11 January 2012, T. 26540-26544 (confidential); Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 2; Andrija Bjelošević, 14 April 2011, T. 19602. *See also* ST041, 25 November 2010, T. 17799.
[2602] The Trial Chamber notes that although Hadžović, in his statement, said that there were two military warehouses, he in fact describes three. The Trial Chamber considers that this discrepancy is due to an editorial mistake and is therefore inconsequential. Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 2; Andrija Bjelošević, 15 April 2011, T. 19695-19696.
[2603] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3; ST266, 11 January 2012, T. 26545 (confidential).
[2604] ST041, 25 November 2010, T. 17799; ST266, 11 January 2012, T. 26546.
[2605] ST266, 11 January 2012, T. 26546-26548, 26555-26556 (confidential).
[2606] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3; Edin Hadžović, 26 April 2010, T. 9238.

the mobilisation were Serbs. Muslims and Croats who had not were required to return the uniforms and military equipment they had been issued as reserve soldiers.[2607]

1130. Following the mobilisation, all the weapons from the military warehouses in Potočani and Ševarlije were openly transported to the barracks in Miljkovac. Serbs in Doboj were then seen wearing olive green uniforms and carrying automatic rifles and semi-automatic guns and pistols. Edin Hadžović, a Muslim resident of a predominately Muslim neighbourhood in Doboj, recognised these types of weapons as being the same as ones that had been stored in the military warehouses.[2608]

1131. Due to the low response to the mobilisation order, Stanković, on the order of General Vojislav Đurđevac of the JNA 4th Corps, established volunteer detachments of men who had not been subject to the mobilisation ("Doboj Volunteer Detachments").[2609] Initially, three such detachments were formed, each of approximately 300 to 400 men.[2610] Two of the detachments, located in Ozren, were made up of Serb recruits only. Subsequently two or three more detachments were formed in Becanj.[2611] All members of the Doboj Volunteer Detachments were required to sign a statement that they were members of the JNA.[2612] The Doboj Volunteer Detachments received logistical support, including ammunition and weapons, as well as a salary from the JNA 6th Brigade.[2613] While they were set up under the command of the JNA 6th Brigade, Stanković assisted in co-ordinating the work of these detachments.[2614] Mirza Lišinović, a Muslim member of the Doboj police,[2615] testified that, during the three to four months preceding the takeover of Doboj on 3 May 1992, he saw Stanković at the Doboj CSB.[2616]

1132. A large unit of the White Eagles entered the municipality of Doboj around January or February 1992. The White Eagles consisted of approximately 500 men in olive-drab uniforms who often came to the town's JNA barracks for meals.[2617]

1133. Rajo Božović also brought a group of men from Serbia in April 1992 who trained individuals for combat.[2618] Members of this group wore red berets as part of their uniform and were

[2607] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3; ST266, 11 January 2012, T. 26544-26545 (confidential).
[2608] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3.
[2609] ST266, 11 January 2012, T. 26545-26550 (confidential). *See also* Obren Petrović, 10 May 2010, T. 9836.
[2610] ST266, 11 January 2012, T. 26549, 26556 (confidential).
[2611] ST266, 11 January 2012, T. 26550 (confidential).
[2612] ST266, 11 January 2012, T. 26549 (confidential).
[2613] ST266, 11 January 2012, T. 26551-26554, 26556 (confidential); P2446, Collection of 54 Forms for Material, Technical Equipment, and Weapons, Issued to Serb Military Units in the Doboj Region (confidential).
[2614] ST266, 11 January 2012, T. 26547-26548 (confidential).
[2615] Mirza Lišinović, 10 January 2012, T. 26447-26448.
[2616] Mirza Lišinović, 10 January 2012, T. 26456-26457.
[2617] Adjudicated Fact 1267.

therefore referred to as "Red Berets".[2619] The Red Berets were stationed at Mount Ozren. They were paid by the Doboj CSB and armed by the army.[2620] Petrović saw the assistant chief of the CSB, Miloš Savić, issuing orders to members of the Red Berets and therefore assumed that the Red Berets were on good terms with the CSB chief, Bjelošević.[2621] Petrović also testified that Stanković exercised some control over the group.[2622] Slobodan Karagić ("Karaga")—a Serb actively involved with the SDS whom Hadžović described as a criminal—commanded a unit of these Red Berets.[2623]

1134. In February 1992, the television relay station in Becanj was seised by men in camouflage uniforms and damaged.[2624] After it was repaired, it only broadcast programmes from Belgrade and not from Sarajevo.[2625] According to Petrović, the relay station had been seised by units under the organisation of Milovan Stanković.[2626] ST266 testified that Stanković told him that he would investigate whether members of the Doboj Volunteer Detachments had been involved. At a meeting of the National Defence Council in the municipality of Doboj, it was determined that the tampering had been done by political parties and that a political solution should therefore be sought.[2627]

1135. In March and April 1992, the JNA set up checkpoints in the town of Doboj.[2628] According to Hadžović, the men manning the checkpoints looked like members of a paramilitary organisation. Everyone was stopped and required to identify himself at the checkpoints. According to Hadžović, on one occasion he was stopped at a checkpoint and soldiers provoked his passenger Jasmin Makarević, saying, "And where do you want to go, balija? There is nor [*sic*] room for Muslims in Serbia." No one was physically attacked and they were permitted to continue on their way.[2629]

1136. At the same time, checkpoints were erected around Muslim neighbourhoods and manned by local Muslims who stood guard against a possible attack. Muslims were afraid of being killed.[2630] According to Bjelošević, these areas were under the control of the Green Berets, the Patriotic

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[2618] Goran Šajinović, 17 October 2011, T. 25138-25139; Obren Petrović, 10 May 2010, T. 9839-9840; Predrag Radulović, 26 May 2010, T. 10798-10800.
[2619] Obren Petrović, 10 May 2010, T. 9839; Goran Šajinović, 17 October 2011, T. 25138-25139; Predrag Radulović, 26 May 2010, T. 10798-10800.
[2620] Obren Petrović, 10 May 2010, T. 9840, 9882-9883, 11 May 2010, T. 9924; P1346, RS MUP Doboj CSB Advanced Payment Payroll List for April 1992.
[2621] Obren Petrović, 12 May 2010, T. 10040-10041.
[2622] Obren Petrović, 11 May 2010, T. 9923-9924.
[2623] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 3-4; Edin Hadžović, 26 April 2010, T. 9242, 9274-9275; Obren Petrović, 10 May 2010, T. 9848-9850, 9855; Goran Šajinović, 17 October 2011, T. 25138.
[2624] Obren Petrović, 10 May 2010, T. 9834-9835; ST266, 11 January 2012, T. 26556-26557 (confidential); P2323, Diary of Andrija Bjelošević, p. 3.
[2625] ST266, 11 January 2012, T. 26556-26557 (confidential).
[2626] Obren Petrović, 10 May 2010, T. 9835.
[2627] ST266, 11 January 2012, T. 26557-26558, 22560 (confidential).
[2628] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3; Adjudicated Fact 1265.
[2629] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3.
[2630] Edin Hadžović, 26 April 2010, T. 9241.

League, and Muslim TO units.[2631] Hadžović testified, however, that the checkpoints were not manned by members of the Green Berets or the Patriotic League.[2632]

1137. On 26 March 1992, the Serbian Municipality of Doboj was declared, with Drago Ljubičić as the president of the municipal assembly.[2633] In late March 1992, at the last session of the Doboj municipal assembly, the president of the Doboj SDS, Milan Ninković, proposed a division of the town of Doboj into a Serb section and a Muslim-Croat section.[2634] SDA members of the assembly disagreed with the division and left the session in protest. The division was debated again at a meeting attended by Ninković; Hadžić, the JNA garrison commander; Major Milovan Stanković of the JNA; and Borislav Paravac, who was president of the Doboj SDS and of the Serb Crisis Staff. According to the Serb proposal, all the main municipal facilities and military buildings would be within the Serb-controlled part of the town.[2635]

1138. In April 1992, Hadžović and a Croat woman—the only non-Serb employees at the Association of Physical Education Organisations, which was financed by the municipality—were dismissed from their jobs.[2636] The manager did not give a reason and only said that he had received an order from "above" that all Muslims and Croats be removed from work.[2637] According to Hadžović, the same happened to all other Muslims and Croats in Doboj, regardless of where they worked.[2638] At that time, Muslims, even in positions of authority, had no actual power because Serbs refused to recognise the democratically elected authorities in Doboj.[2639]

(b) Takeover and subsequent events

1139. On 3 May 1992, Serb paramilitaries, including the Red Berets, the JNA, and the police took over the town of Doboj.[2640] According to Andrija Bjelošević, it was Ćazim Hadžić, the Muslim commander of the JNA garrison, who had ordered the operation in order to pre-empt an attack on Doboj by Muslim paramilitary groups stationed to the north.[2641] However, ST266 testified that Hadžić had not issued any order for the takeover of Doboj. He did not know who had.[2642]

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[2631] Andrija Bjelošević, 19 May 2011, T. 20965-20966.
[2632] Edin Hadžović, 26 April 2010, T. 9241.
[2633] 1D423, Decision of the Assembly of the Serbian Municipality of Doboj, 26 March 1992.
[2634] Andrija Bjelošević, 19 May 2011, T. 20964-20965; Adjudicated Fact 1266.
[2635] Adjudicated Fact 1266.
[2636] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3; Edin Hadžović, 26 April 2010, T. 9238-9239.
[2637] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3; Edin Hadžović, 26 April 2010, T. 9239-9240.
[2638] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3. *See also* ST041, 25 November 2010, T. 17795-17796 (confidential).
[2639] Edin Hadžović, 26 April 2010, T. 9240-9241.
[2640] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4; Miroslav Vidić, 27 April 2010, T. 9300; Obren Petrović, 10 May 2010, T. 9838-9841; ST041, 25 November 2010, T. 17795; Andrija Bjelošević, 14 April 2011, T. 19601; Adjudicated Fact 1268.
[2641] Andrija Bjelošević, 14 April 2011, T. 19602-19603.
[2642] ST266, 12 January 2012, T. 26650-26651 (confidential).

1140. According to Bjelošević, the operation to take over Doboj was launched from Mount Ozren and was organised by Major Milovan Stanković of the JNA. Bjelošević claimed that he was not involved in the operation but admitted that he knew the operation was going to take place with the participation of police officers and that he was present at Mount Ozren at the relevant time.[2643]

1141. At approximately midnight on the night of the takeover, three masked men wearing camouflage hats without insignia entered the office of Mirza Lišinović, a Muslim police officer, at the CSB building.[2644] Lišinović was detained in his office for a half hour and heard what sounded to be the men breaking the doors and safes of other offices along the corridor. Lišinović was then taken to the ground floor, where all the police officers present at the CSB that night had been taken. They were all beaten.[2645] The detained police officers were taken to the Doboj Central Prison in the adjacent building. Lišinović saw that two prison guards had already been arrested and they were all beaten again.[2646]

1142. Muslim officers at the Doboj JNA garrison, including Hadžić, were removed and taken to Banja Luka garrison under military police escort.[2647] Major Milovan Stanković of the JNA was then appointed the garrison commander and commander of the town defence.[2648]

1143. Following the takeover, the Serb Crisis Staff took control of the municipality.[2649] Andrija Bjelošević remained chief of the CSB, and Obren Petrović was appointed the chief of the municipal police.[2650] Drago Ljubicić was appointed the president of the Serb municipality of Doboj.[2651] The president of the War Presidency was Boro Paravac.[2652]

1144. Muslims and Croats were ordered to surrender their weapons.[2653] Slobodan Karagić drove through town in a civilian car with a megaphone announcing that all Muslims and Croats who possessed any sort of weapons were to deliver them to the closest police station.[2654] They were

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[2643] Andrija Bjelošević, 19 May 2011, T. 20968-20970.
[2644] Mirza Lišinović, 10 January 2012, T. 26464-26465.
[2645] Andrija Bjelošević, 15 April 2011, T. 19692; 19 May 2011, T. 20967-20968; Mirza Lišinović, 10 January 2012, T. 26466-26467, 11 January 2012, T. 26510-26511; Adjudicated Fact 1268.
[2646] Mirza Lišinović, 10 January 2012, T. 26467.
[2647] ST266, 12 January 2012, T. 26567-26573 (confidential); P2447, Urgent Report No. 12/1-112 Sent by the 5th Corps Department for Organisation, Mobilisation, and Personnel, Addressed to the 17th Corps Command, 5 May 1992.
[2648] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 2; ST041, 25 November 2010, T. 17816.
[2649] Adjudicated Fact 1268. *See also* Andrija Bjelošević, 19 May 2011, T. 20967-20968.
[2650] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 2, 4; Miroslav Vidić, 27 April 2010, T. 9313, 9358; ST041, 25 November 2010, T. 17801; Mirza Lišinović, 10 January 2012, T. 26448.
[2651] ST041, 25 November 2010, T. 17816.
[2652] ST041, 25 November 2010, T. 17816; 1D477, Request to Command of the Doboj Town Defence, signed by Boro Paravac, President of the War Presidency, and Andrija Bjelošević, Chief of the Security Services Centre, 20 July 1992.
[2653] Andrija Bjelošević, 19 May 2011, T. 20973-20974; Adjudicated Fact 1268.
[2654] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 3-4; Edin Hadžović, 26 April 2010, T. 9242, 9274-9275.

given until 4:00 p.m. on 3 May to comply.[2655] Hadžović delivered his weapon to the police and was given a receipt.[2656] Bjelošević testified that approximately an hour before the deadline, armed conflict erupted.[2657] At approximately 4:00 p.m. on 3 May, heavy shelling on Doboj began and lasted until approximately 6:00 p.m.[2658] According to Hadžović, Serb Forces targeted the mosque in the town of Doboj and the minaret was damaged.[2659]

1145. The Crisis Staff issued a curfew allowing citizens in Doboj to be outside their homes only from 8:00 a.m. to 11:00 a.m.[2660] The curfew was announced on the morning of 3 May over the radio and over loudspeakers on police and civilian vehicles.[2661] It remained in place until at least the end of 1992.[2662] In addition to checkpoints that had been erected around the town, police patrolled the area to ensure that the curfew was obeyed.[2663] According to Miroslav Vidić, a Serb employee at Doboj Central Prison,[2664] the curfew applied to all citizens and was imposed due to the shelling.[2665] According to Hadžović, the curfew only applied to Muslims and Croats, who were not allowed to travel in groups of more than three people.[2666] ST041, a Muslim resident of Doboj,[2667] testified that, while in principle the curfew applied to all citizens, in practice only Muslims and Croats were arrested for violating it. Serbs on the other hand were able to move around freely.[2668]

1146. As a result of the Serb takeover of the municipality of Doboj and of rumours of incidents occurring in Bratunac and Bijeljina, thousands of Muslims and Croats left the town of Doboj for Tešanj, a town with a majority of Muslims that was south of Doboj in the municipality of Tešanj.[2669] Muslims established a crisis staff there, as well as a line of defence to the south of the town of Doboj to prevent Serbs from taking control of the entire municipality of Doboj.[2670]

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[2655] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4; Edin Hadžović, 26 April 2010, T. 9242.
[2656] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4.
[2657] Andrija Bjelošević, 14 April 2011, T. 19603, 19 May 2011, T. 20974.
[2658] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4; Edin Hadžović, 26 April 2010, T. 9242-9243.
[2659] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4. *See also* P1337, Report of the Miloš Group, 17 May 1992.
[2660] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 3, 5; Edin Hadžović, 26 April 2010, T. 9222; ST041, 25 November 2010, T. 17800, 17806, 17816; Andrija Bjelošević, 15 April 2011, T. 19692-19693, Adjudicated Fact 1268.
[2661] Edin Hadžović, 26 April 2010, T. 9222; ST041, 25 November 2010, T. 17799-17800.
[2662] ST041, 25 November 2010, T. 17804.
[2663] Miroslav Vidić, 28 April 2010, T. 9376; ST041, 25 November 2010, T. 17800-17801, 17811, 17826. *See also* Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 3. Hadžović gave evidence that soldiers patrolled the area. The affiliation of these soldiers is unclear from his evidence.
[2664] Miroslav Vidić, 27 April 2010, T. 9280, 9284.
[2665] Miroslav Vidić, 28 April 2010, T. 9366-9368. *See also* Andrija Bjelošević, 15 April 2011, T. 19693.
[2666] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 3, 5; Edin Hadžović, 26 April 2010, T. 9222.
[2667] ST041, 25 November 2010, T. 17790-17791, 17793 (confidential).
[2668] ST041, 25 November 2010, T. 17802, 17811, 17824-17825, 17841-17843.
[2669] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4; P1337, Report of the Miloš Group, 17 May 1992; Adjudicated Facts 1268, 1270.
[2670] Adjudicated Fact 1270.

According to Hadžović, 70% of the Muslims and Croats living in the predominately Muslim neighbourhood of Čaršija fled.[2671]

1147. On 6 May 1992, reserve soldiers conducted a raid on the neighbourhood of Čaršija. Groups of 10 or 11 soldiers began inspecting the houses of Muslims who had left. Prisoners were forced to load furniture and everything else they found in the homes on trucks.[2672] All Muslims and Croats who had not fled were arrested, but at least some, including Hadžović, were returned home that evening.[2673] Obren Petrović stated that members of the Red Berets entered homes, arrested residents, and took their possessions.[2674]

1148. On 8 May 1992, at approximately 8:30 a.m., Serb soldiers wearing camouflage military uniforms and red berets came to the home of Edin Hadžović and took him and three of his neighbours to the Doboj CSB building in a small police van.[2675] Hadžović's neighbour, who was a Serb, was not arrested.[2676] The four detainees were initially held in a waiting room at the Doboj CSB building; after a brief discussion with Branislav Petričević, they were taken to the Doboj Central Prison.[2677] At the Doboj CSB building, Hadžović saw members of the police. He also saw soldiers who were apparently cooperating with the police. The four detainees were not mistreated by Petričević.[2678]

1149. After the JNA withdrew on 19 May,[2679] groups of soldiers "ran amok" in Doboj. They were no longer under a unified command and acted as paramilitary formations.[2680] Nikola Jorga, who came from a village in Doboj, commanded a group of men who had been part of the army.[2681] Predrag Kujundžić, a member of the Doboj Volunteer Detachments,[2682] led a group called Predo's Wolves.[2683] According to Bjelošević, Predo's Wolves were members of the military during part of the month of May, but then acted autonomously. They subsequently became part of the reserve

[2671] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4.
[2672] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 4.
[2673] Edin Hadžović, 26 April 2010, T. 9211, 9243-9244.
[2674] Obren Petrović, 10 May 2010, T. 9846.
[2675] The Trial Chamber notes that Hadžović, during direct examination, indicated that this occurred on 11 May. However, after reviewing his evidence as a whole, the Trial Chamber considers that he said that in error and that his evidence establishes that he was arrested for a second time on 8 May. The Trial Chamber considers that this discrepancy is not significant and does not undermine his credibility. Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 4-5; Edin Hadžović, 26 April 2010, T. 9210-9211, 9244.
[2676] Edin Hadžović, 26 April 2010, T. 9211.
[2677] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 4-5; Edin Hadžović, 26 April 2010, T. 9212-9216; P1298, Marked Photograph of the Main Street in Doboj.
[2678] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 5.
[2679] Adjudicated Fact 993.
[2680] Andrija Bjelošević, 15 April 2011, T. 19682.
[2681] Obren Petrović, 10 May 2010, T. 9854-9855.
[2682] ST266, 11 January 2012, T. 26554 (confidential).
[2683] Edin Hadžović, 26 April 2010, T. 9254; Goran Šajinović, 17 October 2011, T. 25137-25138 (confidential).

police for a time.[2684] In the middle of May 1992, Milan Martić came to Doboj from the Krajina in Croatia with a police unit ("Martić's Men") to assist in the breakthrough of a corridor to Brčko.[2685] Predrag Radulović, an inspector in the Banja Luka SDB,[2686] gave evidence that in May 1992 members of the Banja Luka CSB Special Police Detachment led by Ljuban Ecim and Zdravko Samardžija were present in Doboj and committing crimes.[2687]

1150. According to Bjelošević, the population of Doboj was terrorised by these groups. The population was also terrorised by refugees who entered the area to find accommodation and to provide for themselves, even if this meant appropriating other people's property.[2688] Radulović testified that members of paramilitary groups committed crimes against Muslims and Croats in Doboj including rape, mistreatment, murder, and looting.[2689] Slobodan Karagić is alleged to have entered the homes of Muslims and Croats, taken their money, and arrested them without a warrant.[2690] According to a report filed by Obren Petrović in August 1992, a large number of passenger cars were stolen in Doboj following the start of the war. The majority of the vehicles were taken by members of the Red Berets.[2691] According to Bjelošević, the police conducted investigations whenever they heard about criminal acts.[2692] At a meeting, Bjelošević told Radulović that he was unable to do anything about the criminal acts because the criminal groups were stronger than the SJB.[2693]

1151. Property belonging to Muslims, Albanians, and Croats was blown up in Doboj. On-site investigations were conducted by the police, but according to Petrović the perpetrators were never determined. However, he did testify that the setting of the explosives required special training and that therefore an average citizen could not have done it.[2694]

1152. Members of paramilitary groups, including the Red Berets and Martić's Men, arrested Muslims and Croats and took them to the CSB building. There the detainees were beaten by the Red Berets. On occasion, the Red Berets forced other Serbs who were present at the CSB to join in the beating. The detainees were then taken to the Doboj Central Prison.[2695]

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[2684] Andrija Bjelošević, 23 May 2011, T. 21140. *See also* P2340, Submission of Personal Forms for Wounded and Killed Persons, 26 August 1992, p. 2, n. 30.
[2685] Obren Petrović, 10 May 2010, T. 9854.
[2686] Predrag Radulović, 25 May 2010, T. 10713.
[2687] Predrag Radulović, 26 May 2010, T. 10798-10800.
[2688] Andrija Bjelošević, 15 April 2011, T. 19682-19683.
[2689] Predrag Radulović, 26 May 2010, T. 10800-10801.
[2690] Obren Petrović, 10 May 2010, T. 9849.
[2691] P1340, Information on Vehicles Expropriated in Doboj, signed by Obren Petrović, 13 August 1992, p. 1.
[2692] Andrija Bjelošević, 15 April 2011, T. 19683.
[2693] Predrag Radulović, 26 May 2010, T. 10801.
[2694] Obren Petrović, 10 May 2010, T. 9833-9834.
[2695] Obren Petrović, 10 May 2010, T. 9853-9855, 9858.

(c) Doboj Central Prison

1153. Doboj Central Prison was a building in the centre of town on the main street in Doboj, adjacent to the Doboj CSB building.[2696] It was a district prison primarily used to detain individuals convicted of minor offences such as misdemeanours or traffic offences.[2697] There were various services within the prison including an "economic service unit" (known as "Spreča"), which was an agricultural company approximately 3 km from the prison building.[2698] The prison was part of the Ministry of Justice, and all guards were employees of that ministry.[2699] On 4 June 1991, Miroslav Vidić, who had previously served as a educator at the Doboj Prison,[2700] was assigned to perform the duties of the warden because Mirko Slavuljica, the warden at the time, was called to active military service.[2701] However, Slavuljica continued to regularly visit the prison and fulfil functions as the warden.[2702] Between 15 and 20 June 1992, Slavuljica left the prison permanently and Serb Crisis Staff named Vidić as the prison's commissioner.[2703] On 15 July 1992, Vidić was appointed as the chief warden by the Ministry of Justice.[2704]

1154. When Vidić arrived at the prison on the morning of 3 May 1992 following the takeover of Doboj, he saw that the gate of the prison was open and that armed Serb men in camouflage uniforms and painted faces had occupied it.[2705] Vidić learned that they had locked three Muslim prison guards in a cell and called Slavuljica. After being briefed, Slavuljica went to the MUP and the three guards were released thereafter.[2706]

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[2696] Edin Hadžović, 26 April 2010, T. 9214-9215, 9229; Miroslav Vidić, 27 April 2010, T. 9287-9288; P1298, Aerial Photo of Doboj Marked by Edin Hadžović; P1302, Map of Doboj Marked by Edin Hadžović; P1303, Aerial Photo of Doboj Marked by Miroslav Vidić.
[2697] Edin Hadžović, 26 April 2010, T. 9213; Miroslav Vidić, 27 April 2010, T. 9284-9285. *See also* Miroslav Vidić, 27 April 2010, T. 9328-9329; P1309, Decision on the Establishment of a District Prison in Doboj, signed by Radovan Karadžić, 16 July 1992.
[2698] Miroslav Vidić, 27 April 2010, T. 9285-9286. *See also* P1310, Information on the Situation in Doboj District Prison, 12 December 1992, p. 3.
[2699] Miroslav Vidić, 27 April 2010, T. 9304-9306; P1310, Information on the Situation in Doboj District Prison, 12 December 1992, p. 1.
[2700] Miroslav Vidić, 27 April 2010, T. 9284.
[2701] Miroslav Vidić, 27 April 2010, T. 9296-9297; P1304, Order Assigning Miroslav Vidić as Acting Warden of Doboj Central Prison, 4 June 1991; P1306, Letter to Banja Luka Presidency with List of Doboj Central Prison Employees, 15 July 1992.
[2702] Miroslav Vidić, 27 April 2010, T. 9298.
[2703] Miroslav Vidić, 27 April 2010, T. 9313, 9319-9320.
[2704] Miroslav Vidić, 27 April 2010, T. 9328; P1308, Appointment of Miroslav Vidić as Chief Warden, signed by Momčilo Mandić, 15 July 1992.
[2705] Miroslav Vidić, 27 April 2010, T. 9300-9301, 9307-9308.
[2706] Miroslav Vidić, 27 April 2010, T. 9301-9303.

1155. Following the takeover, officials at the prison were unable to communicate with the Ministry of Justice and so worked in accordance with the regulations in force and the instructions of the Serb Crisis Staff in Doboj.[2707]

1156. Between 2 May and 11 December 1992, approximately 1,000 persons were admitted and released from the Doboj Central Prison; this total included some people who were admitted and released on multiple occasions.[2708] Muslim and Croat detainees wearing civilian clothing were brought to the prison by unknown persons without the necessary papers or documents for detention.[2709] The detainees were given no reason for their arrest.[2710] Guards at the prison kept a register of the individuals who were brought in.[2711] Detainees included Edin Hadžović who was arrested during a raid on his neighbourhood;[2712] villagers who were arrested during an attack on the Muslim town of Dragalovći;[2713] Mirza Lišinović, a Muslim member of the Doboj police;[2714] Ilija Tipura, a Croat who was the former director of the railway company and former president of the municipality of Doboj;[2715] Karlo Grgić, a Croat who had been the commander of the Doboj police station prior to retirement;[2716] and Jusuf Sarajlić, a Muslim who was the manager of all shopping malls in Doboj and had been a member of the executive council of the Municipal Assembly of Doboj.[2717]

1157. The capacity at Doboj Central Prison was approximately 100 persons; however, many more were detained there after 3 May.[2718] According to Vidić, there was sufficient food for detainees for

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[2707] Miroslav Vidić, 27 April 2010, T. 9322; 28 April 2010, T. 9372; P1306, Letter to Banja Luka Presidency with List of Doboj Central Prison Employees, 15 July 1992.
[2708] Miroslav Vidić, 27 April 2010, T. 9330-9331; P1310, Information on the Situation in Doboj District Prison, 12 December 1992, pp. 1-2.
[2709] Edin Hadžović, 26 April 2010, T. 9218-9221, 9246-9248; Miroslav Vidić, 27 April 2010, T. 9309-9310, 9312, 9327, 9344, 9359; P1299, Handwritten Record of Detainees at Doboj Central Prison Marked by Edin Hadžović; P1306, Letter to Banja Luka Presidency with List of Doboj Central Prison Employees, 15 July 1992, p. 3. *See also* Mirza Lišinović, 10 January 2012, T. 26467-26468.
[2710] Obren Petrović, 10 May 2010, T. 9855; Edin Hadžović, 26 April 2010, T. 9277.
[2711] Miroslav Vidić, 27 April 2010, T. 9311, 9333-9335, 9355-9357. *See* P1316, Handwritten Record of Detainees at Doboj Central Prison; P1317, Handwritten Alphabetical Register of Detainees at Doboj Central Prison.
[2712] Edin Hadžović, 26 April 2010, T. 9211-9213, 9245, 9277; Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 4-5.
[2713] Adjudicated Fact 1272. The Trial Chamber notes that the prison is referred to as "Spreča prison in Doboj" in Adjudicated Fact 1272. However, Adjudicated Fact 1273, which comes from the same Trial Judgement as Adjudicated Fact 1272, indicates that "Spreča prison" was located near the SUP Building. Evidence in this case shows that the prison that was near the SUP Building was Doboj Central Prison and that Spreča was a unit of the Doboj Central Prison located approximately 3 km from the Doboj Central Prison. Moreover, the Trial Chamber notes that Jozo Garić, who features in Adjudicated Fact 1272, was detained at the Doboj Central Prison. Miroslav Vidić, 27 April 2010, T. 9355-9356; P1316, Handwritten Record of Detainees at Doboj Central Prison, p. 12.
[2714] Obren Petrović, 10 May 2010, T. 9873.
[2715] Miroslav Vidić, 27 April 2010, T. 9357-9358; Andrija Bjelošević, 20 May 2011, T. 21019; P1317, Handwritten Alphabetical Register of Detainees at Doboj Central Prison, p. 20.
[2716] Miroslav Vidić, 27 April 2010, T. 9348-9349, 9358; Andrija Bjelošević, 20 May 2011, T. 21012; P1315, Handwritten Record of Detained Persons in Doboj Central Prison Taken Out for Work and Interrogation, p. 4, n. 82.
[2717] P1317, Handwritten Alphabetical Register of Detainees at Doboj Central Prison, p. 18; Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 5; Edin Hadžović, 26 April 2010, T. 9217-9218.
[2718] Miroslav Vidić, 27 April 2010, T. 9286, 9314.

the first few days. When the supplies ran out, prison employees raided shops, and any reserve food was given to the prison.[2719] Hadžović testified that detainees in his cell were given food and water. They were not allowed to use a toilet and were required to use a bucket.[2720]

1158. In December 1992, Vidić reported that all detainees had beds and bed linen, food was regular, and there was sufficient water. He also reported that there was only occasionally electricity, no heating, and insufficient means to practice good hygiene. On two occasions, the ICRC gave a bar of soap to each prisoner and 140 blankets to the detainees. A doctor came to the prison once per week, and other medical care was provided in the town hospital.[2721]

1159. Following the takeover of Doboj, members of paramilitary groups raided Doboj Central Prison in the evenings and beat detainees.[2722] During the day, a number of detainees were taken to the Doboj CSB building and beaten.[2723] According to Vidić, no one was able to prevent the paramilitaries from entering, and they were not able to take any action to punish them.[2724] According to Vidić and Petrović, officials at the CSB were aware of this ill-treatment.[2725]

1160. Edin Hadžović testified that on 9 May 1992 Jusuf Sarajlić was told to take the bucket used as a toilet out of the cell. In the corridor, soldiers pushed him to the ground and started cursing, punching, and beating him with batons. Soldiers continued to beat Sarajlić for approximately half an hour and then threw him back into the cell. He was black and blue, and his face was covered in blood.[2726] Immediately after the beating of Saraljić, the soldiers called Karlo Grgić out of the cell. The soldiers told Grgić: "Say good-bye to the others, because you will never see him [*sic*] again." Hadžović does not know what happened to Grgić but he has never seen him again.[2727] According to a register kept by guards, Grgić was released from the prison.[2728] Petrović heard that Grgić was taken from the prison and killed by members of the Red Berets.[2729] Following the removal of Grgić, no more detainees were taken from the cell in which Hadžović was held. However, he often heard

[2719] Miroslav Vidić, 27 April 2010, T. 9315.
[2720] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 5.
[2721] Miroslav Vidić, 27 April 2010, T. 9331-9332; P1310, Information on the Situation in Doboj District Prison, 12 December 1992, p. 2.
[2722] Miroslav Vidić, 27 April 2010, T. 9314, 9359; Obren Petrović, 10 May 2010, T. 9853-9854; Adjudicated Fact 1274. *See also* Obren Petrović, 10 May 2010, T. 9873.
[2723] Obren Petrović, 10 May 2010, T. 9853-9854; Adjudicated Fact 1273.
[2724] Miroslav Vidić, 27 April 2010, T. 9317-9318.
[2725] Miroslav Vidić, 27 April 2010, T. 9359; Obren Petrović, 10 May 2010, T. 9858-9859.
[2726] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 5.
[2727] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 5; Edin Hadžović, 26 April 2010, T. 9217-9218, 9264.
[2728] Miroslav Vidić, 27 April 2010, T. 9353-9354; P1315, Handwritten Record of Detained Persons in Doboj Central Prison Taken Out for Work and Interrogation, p. 13, n. 321.
[2729] Obren Petrović, 10 May 2010, T. 9874.

that people were taken from other cells, and he could hear the sounds of beating and screaming, as well as soldiers cursing the detainees.[2730]

1161. Lišinović was released from detention on 16 May 1992 and reported to Bjelošević at the CSB on 18 May.[2731] Bjelosević said that he was not pleased that Lišinović had been detained.[2732] Bjelosević then told Lišinović that the time had come for only Serbs to work in the police.[2733] According to Lišinović, not a single policeman who was not a Serb worked in Doboj after 1 May.[2734]

1162. On 12 June 1992, Bjelošević issued an order prohibiting entry into the premises of Doboj Central Prison and the use of physical intimidation and physical force against individuals imprisoned or detained there.[2735] According to Vidić, there were a few raids by members of paramilitary organisations after this order, but they were not as bad as before. The last such raid was in July 1992.[2736]

1163. At the end of June 1992, a commission was established by the Crisis Staff to screen the detainees at the Doboj Central Prison. It found that the majority of the Muslims and Croats were taken into custody and detained for no reason and without documentation. According to Petrović, the detainees were then released.[2737] The situation in Doboj Prison did not improve until the fall of 1992 when the ICRC was able to bring medicine and clothes. The UNHCR brought food in 1993.[2738]

(d) Arrests

1164. In addition to the facilities mentioned above, Serb authorities detained mainly Muslim and Croat civilians in at least 20 detention centres in the municipality of Doboj in 1992, namely the JNA (Miljkovac) 4th of July barracks, Šešlija camp, a warehouse in Usora, the railway station, SRC Ozren, the high school, the tyre factory in Bare, the Stanari mine, Stanari Elementary School, the handball stadium, Bosanska, the Rudanka transmission line factory, Kotorško village, Majevica

[2730] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 5.
[2731] Mirza Lišinović, 10 January 2012, T. 26469.
[2732] Mirza Lišinović, 10 January 2012, T. 26470.
[2733] Mirza Lišinović, 10 January 2012, T. 26470-26471, 11 January 2012, T. 26526.
[2734] Mirza Lišinović, 10 January 2012, T. 26470, 26472-26473.
[2735] P1305, Order from Doboj CSB, signed by Andrija Bjelošević, 12 June 1992. *See also* Miroslav Vidić, 27 April 2010, T. 9315-9316; Obren Petrović, 10 May 2010, T. 9859-9860.
[2736] Miroslav Vidić, 27 April 2010, T. 9317.
[2737] Obren Petrović, 10 May 2010, T. 9856-9857.
[2738] Miroslav Vidić, 28 April 2010, T. 9373-9375.

hangar, the Putnikovo brdo military premises, Seona, Grapska Elementary School, Piperi shop, the Ševarlije military barracks, and Podnovlje.[2739]

1165. On 12 June 1992, at approximately 6:30 p.m., Hadžović and his brother were arrested by two soldiers wearing camouflage uniforms and red berets with the "four Serb S" insignia who had broken into his home.[2740] Hadžović and his brother were forced out of the house to join approximately 17 or 18 of his neighbours who were already lying on the asphalt; most of these men were around 50 or 60 years old. Hadžović estimated that there were at least 100 soldiers, all wearing the same uniforms as the men who arrested him.[2741] The soldiers beat the men with baseball bats for about half an hour.[2742] All the men were injured, some severely, and covered in blood.[2743] The men were then ordered to crawl into the compartment of a bus that is usually used for luggage.[2744]

1166. The men were taken first to the military warehouse in Usora approximately 1 km to 1.5 km from the centre of town.[2745] When they got off the bus they were forced to lift three fingers for the Serbian greeting and to scream: "This is Serbia. Alija is gay."[2746] The detainees were held in Usora under poor conditions but none of the detainees were beaten or physically mistreated further.[2747]

1167. On 19 June 1992, approximately 100 of the detainees at the warehouse in Usora were transferred to an agricultural estate in Doboj to do forced labour.[2748] The remaining detainees were transported to Perčin's Disco where detainees were held under poor conditions and subjected to beatings and forced labour.[2749] Some detainees died as a result of this treatment.[2750] Guards at Perčin's Disco were soldiers who wore red berets.[2751] These guards and members of the paramilitary group called "Predo's Wolves" used the detainees as human shields.[2752]

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[2739] Adjudicated Fact 1279. *See also* Miroslav Vidić, 27 April 2010, T. 9323 and Andrija Bjelošević, 15 April 2011, T. 19695, in relation to the warehouse in Usora; Andrija Bjelošević, 15 April 2011, T. 19698, in relation to the high school.
[2740] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 6; Edin Hadžović, 26 April 2010, T. 9223, 9245.
[2741] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 6.
[2742] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 6; Edin Hadžović, 26 April 2010, T. 9246.
[2743] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 6.
[2744] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 6; Edin Hadžović, 26 April 2010, T. 9246.
[2745] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 6; Edin Hadžović, 26 April 2010, T. 9229-9230, 9246; P1302, Map of Doboj Marked by Edin Hadžović. *See also* Adjudicated Fact 1275.
[2746] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 6.
[2747] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 6-7; Edin Hadžović, 26 April 2010, T. 9210, 9250.
[2748] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 7.
[2749] Edin Hadžović, P1296, Witness Statement, 12 March 2001, pp. 7-8; Edin Hadžović, 26 April 2010, T. 9225-9228, 9250-9251. *See also* Adjudicated Facts 1277, 1278.
[2750] Edin Hadžović, 26 April 2010, T. 9226-9228; Adjudicated Fact 1277.
[2751] Edin Hadžović, 26 April 2010, T. 9250.
[2752] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 8; Edin Hadžović, 26 April 2010, T. 9252-9253, 9256-9264.

1168. The Trial Chamber notes that the warehouse in Usora and Perčin's Disco were removed from the Indictment as crime sites.[2753] As such, the Trial Chamber will not further consider evidence of the conditions of detention at these facilities in the sections devoted to findings.

(e) Destruction of religious buildings

1169. During May and June 1992, 21 Muslim and Catholic monuments in the municipality of Doboj were either heavily damaged or completely destroyed through shelling or explosives, or, occasionally, both.[2754]

1170. According to András Riedlmayer, the mosque at Gronji Pridjel was almost completely destroyed by explosives. An unidentified resident of the village is reported to have described the perpetrators as "Chetniks", wearing white bands, red caps, or JNA uniforms.[2755] Riedlmayer's reports also indicate that the old mosque at Miljkovac was completely destroyed with only traces of the foundation remaining. A resident of the village, who was present at the time, reported to Riedlmayer that the mosque was burned by Serb forces in the summer of 1992.[2756] The same resident reported that the new mosque at Miljkovac was blown up by Serb members of the police on 6 June 1992. The roof and minaret of the new mosque at Miljkovac were destroyed by an explosion and the interior was gutted.[2757] A resident of Orašje reported to Riedlmayer that he watched as six Serb soldiers in regular JNA uniforms blew up the mosque at Orašje on 6 May 1992. One of the soldiers wore the imam's red fez hat and turban in mockery. According to Riedlmayer, the mosque is completely destroyed with only the stump of the minaret remaining.[2758] The Secretary of the Islamic Community of Doboj reported to Riedlmayer that the Gornja Mahala mosque in Kotorsko was destroyed on 6 May 1992 by rockets fired from a JNA aircraft. Riedlmayer reports that the mosque was completely destroyed and that there is a large projectile crater in the centre of the ruins.[2759]

1171. According to Riedlmayer, the new mosque at Sjenina was vandalised and looted, the interior was smashed, and windows and doors were stolen. The old mosque, which had been located nearby, was reportedly completely destroyed in 1992. Riedlmayer gives no evidence as to when the damage

[2753] *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, Prosecution's Response to Trial Chamber's Invitation to Reduce the Scope of its Indictment, with Confidential Annexes, filed confidentially on 25 April 2008, Confidential Annex A, p. 3.
[2754] Edin Hadžović, 26 April 2010, T. 9230; Adjudicated Fact 1271.
[2755] P1402, Riedlmayer Database, pp. 385-386.
[2756] P1402, Riedlmayer Database, pp. 408-409.
[2757] P1402, Riedlmayer Database, pp. 411-412.
[2758] P1402, Riedlmayer Database, pp. 417-418.
[2759] P1402, Riedlmayer Database, pp. 394-395.

to either mosque occurred or by whom.[2760] The chief imam of the Islamic Community of Doboj reported to Riedlmayer that the Suho Polje mosque was shelled in March 1992 and destroyed in July 1992. According to Riedlmayer, the mosque is badly damaged, the roof and minaret are gone, the interior is gutted, and there are large holes in the façade. There is no evidence as to who were the perpetrators.[2761] Riedlmayer reports that, according to information from the Islamic Community of Doboj, an attack on the Ševarlije mosque occurred on 18 June 1992. The minaret is gone, and there is a large hole in the wall near the stump of the minaret. The windows and doors are gone, and the interior is gutted.[2762] According to Riedlmayer, the Catholic church at Prisade was completely destroyed. He gives no evidence as to when the damage occurred or by whom.[2763] Catholic church authorities reported that the Catholic parish church in Johovac was mined by Serb forces on 8 and 9 May 1992 resulting in heavy damage. There is no indication, however, of the source of this knowledge.[2764]

1172. Turning to the town of Doboj, the Secretary of the Islamic Community of Doboj reported to Riedlmayer that on 2 May 1992 Serbs fired at the minaret of the Selimija mosque in the centre of the town of Doboj resulting in damage. On 3 May 1992, the mosque was mined and completely destroyed, and the mosque was razed by Serbs. According to Riedlmayer, the mosque is completely destroyed.[2765] The parish priest of Sacred Heart Catholic church in Doboj reported that on the night of 4 May 1992 Serbs fired incendiary projectiles at the church, and it burned down. The church was completely destroyed. The priest who was interviewed by Riedlmayer was not the parish priest at the time, and there is no indication of the source of his knowledge.[2766]

(f) Deportation and forcible transfer

1173. According to ST041, from May 1992 through the end of the Indictment period, Muslims and Croats left Doboj on a daily basis.[2767] They were gathered in front of the secondary school and transported by bus from there.[2768] On 27 July 1992, Lišinović and his wife and his child were exchanged and taken to Tešanj.[2769] According to Hadžović, his wife and two children were exchanged with the help of the ICRC and went to Croatia and then Germany. On only one occasion has Hadžović returned to the neighbourhood where he lived prior to the war. He did this in an

[2760] P1402, Riedlmayer Database, p. 432.
[2761] P1402, Riedlmayer Database, pp. 438-439.
[2762] P1402, Riedlmayer Database, pp. 429-430.
[2763] P1402, Riedlmayer Database, pp. 426-428.
[2764] P1402, Riedlmayer Database, pp. 391-392.
[2765] P1402, Riedlmayer Database, pp. 364-365. *See also* Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 9; Edin Hadžović, 26 April 2010, T. 9230.
[2766] P1402, Riedlmayer Database, pp. 373-374. *See also* Adjudicated Fact 1271.
[2767] ST041, 25 November 2010, T. 17811.
[2768] ST041, 25 November 2010, T. 17811-17812.

attempt to claim his house, which was occupied by a Serb. He thinks that only a very small number of Muslims have returned to Doboj and that there are mostly Serbs living there today.[2770]

3. Factual Findings

1174. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered evidence on the treatment of detainees during their arrest and detention at the Doboj Central Prison. Muslim and Croat men wearing civilian clothes were arrested by members of paramilitary organisations, in particular members of the Red Berets and Martić's Men, and taken to the Doboj CSB building and subsequently to the Doboj Central Prison. The Trial Chamber accepts the evidence of Miroslav Vidić, the prison warden, that the capacity of Doboj Central Prison was approximately 100 individuals but that following the takeover this number was exceeded. The Trial Chamber also accepts the evidence of Vidić that there were insufficient means to practice good hygiene and the evidence of Edim Hadžović that detainees were not given access to a toilet and were forced to use a bucket in their cell. The Trial Chamber considers the evidence of Hadžović that he and his fellow detainees were fed and given water and the evidence of Vidić that there was sufficient food and water for detainees at the prison and that medical care was provided.

1175. The Trial Chamber notes that Doboj Central Prison was officially a unit of the RS Ministry of Justice and that guards, including prison warden Miroslav Vidić, were employees of that ministry. However, the Trial Chamber notes that Vidić testified that following the takeover of Doboj he was unable to communicate with his superiors at the Ministry of Justice and that he therefore followed the regulations in force and the instructions of the Serb Crisis Staff in Doboj.

1176. Based on the above evidence, the Trial Chamber finds that detainees at the Doboj Central Prison were held in inhumane conditions with insufficient sanitation facilities by members of the RS Ministry of Justice with the approval of the Serb Crisis Staff in Doboj. The Trial Chamber does not find that it has been proved that detainees were held under conditions with insufficient food or water or that guards failed to provide medical care to detainees.

1177. The Trial Chamber finds that members of paramilitary groups and unidentified "soldiers" raided the Doboj Central Prison and beat detainees on several occasions. In particular, Jusuf Sarajlić was pushed to the ground and beaten for approximately half an hour with fists and batons. As a result, he had bruises, and his face was covered in blood. For the duration of his detention, Hadžović heard the sounds of other detainees being removed from their cells and beaten. Mirza Lišinović was beaten at the Doboj CSB building by members of a paramilitary organisation when

[2769] Mirza Lišinović, 10 January 2012, T. 26471.

he was arrested and after he was brought to the Doboj Central Prison. The Trial Chamber notes that Andrija Bjelošević, the chief of the Doboj CSB, was informed of these beatings by Lišinović as early as 18 May 1992. However, he took no action to prevent these beatings until 12 June 1992, and even that was simply to issue an order prohibiting the use of force. Based on the mode of the assaults and the fact that detainees were exclusively Muslims and Croats, the Trial Chamber finds that members of Serb paramilitary organisations, with the acquiescence of Andrija Bjelošević, brutalised Muslim and Croat detainees to intimidate them and to discriminate against them on the basis of their ethnicity.

1178. Turning to counts 1, 9, and 10, the Trial Chamber finds that on 3 May 1992, Serb paramilitaries including the Red Berets paid by the Doboj CSB, the JNA, and the police took over the town of Doboj. The Trial Chamber, after considering Andrija Bjelošević's evidence that he knew the operation was going to take place with the participation of police officers and that he was present at Mount Ozren at the time the operation was launched, finds that his evidence that he was not involved in the operation to lack credibility. Following the takeover, Muslims and Croats in Doboj were subjected to crimes such as rape, murder, and looting at the hands of members of the Red Berets paid by the Doboj CSB, members of the Banja Luka CSB Special Police Detachment, and various paramilitary groups including Predo's Wolves and Martić's Men. Predrag Radulović informed Andrija Bjelošević of the crimes but the latter said that he was unable to do anything about it.

1179. The Trial Chamber has considered the evidence of Edin Hadžović that thousands of Muslims and Croats left the town of Doboj as a result of the Serb takeover of the municipality and fear of mistreatment. The Trial Chamber has also considered the evidence of ST041 that, from May 1992 through the end of that year, Muslims and Croats left Doboj on a daily basis. Muslims and Croats were collected in front of the secondary school and transported by bus. Mirza Lišinović and his family—as well as the wife and children of Hadžović—were "exchanged" and taken out of the municipality. Hadžović's wife and children went to Croatia and then Germany. The Trial Chamber has considered evidence that Muslim and Croat residents of Doboj were ordered to surrender their weapons, were subjected to a curfew only allowing them out of their homes for three hours per day, and had their property looted and destroyed. Finally, the Trial Chamber has considered evidence on the ethnic composition of Doboj in 1991 and 1997. Based on all the evidence, the Trial Chamber finds that Muslim and Croat residents were transported out of Doboj by Serb Forces or left Doboj as a consequence of mistreatment, intimidations, and the looting and destruction of their property and religious buildings carried out by the Serb Crisis Staff in Doboj and paramilitary groups.

[2770] Edin Hadžović, P1296, Witness Statement, 12 March 2001, p. 9.

1180. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber has heard evidence that Serb soldiers, identified as members of the paramilitary group known as the Red Berets, raided the predominately Muslim neighbourhood of Čaršija and took away property from the homes. The Trial Chamber also considers that Slobodan Karagić, a leader of the Red Berets, entered the homes of Muslims and Croats, took their money, and arrested them. Therefore, the Trial Chamber finds that Serb Forces unlawfully took the private property of Muslims and Croats and that this was done on the basis of their ethnicity.

1181. The Trial Chamber has considered evidence that 21 Muslim and Catholic monuments in Doboj were either heavily damaged or completely destroyed through targeted shelling or explosives. The Trial Chamber accepts that the mosque at Gronji Pridjel, the old mosque in Miljkovac, the mosque in Orašje, the Gornja Mahala mosque in Kotorsko, the Selimjima mosque in the centre of the town of Doboj, and the Catholic church in Doboj were destroyed by Serb Forces during May and June 1992. The Trial Chamber finds that the new mosque at Miljkovac was destroyed by Serb members of the police on 6 June 1992. The Trial Chamber also finds that the new mosque at Sjenina, the Suho Polje mosque, the Ševarlije mosque, the Catholic church at Presade, and the Catholic parish church in Johovac were either damaged or destroyed, but there is insufficient evidence to establish who is responsible for this damage. The Trial Chamber accepts that property belonging to Muslims and Croats was blown up. Based on this evidence, the Trial Chamber finds that Serb Forces unlawfully destroyed religious buildings and residential and commercial property belonging to Muslims and Croats.

1182. Following the takeover of Doboj, the Red Berets paid by the Doboj CSB and various paramilitary groups—including Martić's Men—arrested and detained Muslim and Croat individuals at the Doboj Central Prison. There were no warrants for the arrests, and the detainees were given no reason for the arrests. The Trial Chamber notes that the detainees were predominately Muslim and Croat civilians and, in particular, prominent members of the Muslim and Croat communities. The Trial Chamber therefore finds that Muslims and Croats were arrested on the basis of their ethnicity and that they were denied judicial process.

1183. The Trial Chamber considers that the Serb Crisis Staff issued a curfew allowing citizens in Doboj to go outside their homes only from 8:00 a.m. to 11:00 a.m. The Trial Chamber notes that in theory this curfew applied to all citizens, but accepts the evidence of Edim Hadžović and ST041 and finds that in practice the curfew was only enforced against Muslims and Croats.

1184. Muslims and Croats were removed from their jobs; in particular, Muslims and Croats were removed from bodies funded by the municipality of Doboj based on orders "from above". Muslim

and Croat members of the police were removed from their jobs thus denying Muslims and Croats employment.

### 4. Legal Findings

1185. *General requirements of Articles 3 and 5 of the Statute.* The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Doboj and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in hostilities.

1186. The Trial Chamber finds that the acts of the Serb Forces in Doboj were linked geographically and temporally with the armed conflict. The arbitrary arrests, detention, theft, and destruction of property carried out by members of Serb Forces constituted an attack against the civilian population, identified as the Muslims and Croats of Doboj. The attack occurred on a large scale: at least 1,000 Muslims and Croats were detained in over 20 facilities. In light of this, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. The acts of the Serb Forces against the Muslim and Croat residents of Doboj were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing and that their acts were part of it.

1187. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1188. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that the assaults carried out by Serb Forces against Muslim and Croat detainees, both during the arrests and in the detention centres, caused them severe physical and psychological suffering and that the assaults were carried out as a form of intimidation and discrimination. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that the perpetrators committed torture against the Muslim and Croat detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1189. *Counts 9 and 10.* The Trial Chamber has found that a large number of Muslim and Croat civilians were either forcibly transported out of Doboj by Serb Forces or left Doboj as a consequence of mistreatment, intimidations, and the looting and destruction of their property and

religious buildings carried out by Serb Forces. The Trial Chamber therefore finds that Serb Forces removed Muslims and Croats from the municipality of Doboj, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Victims were also removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber therefore finds that Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim and Croat population of Doboj.

1190. *Count 1.* The Trial Chamber finds that Serb Forces arrested Muslims and Croats in Doboj without legitimate grounds and on a discriminatory basis. These arrests constituted unlawful detentions. Muslims and Croats were then held at the Doboj Central Prison in inhumane living conditions and were subjected to inhumane treatment. The taking of Muslim and Croat property, in particular the looting of their homes, constituted plunder of property. The destruction of religious buildings as well as the destruction of Muslim and Croat property constituted wanton destruction. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims and Croats of Doboj by denying them judicial process, denying them employment, and restricting their freedom of movement. It has not been proved that Serb Forces denied Muslims and Croats equal access to public services.

1191. The Trial Chamber finds that the acts discussed above under counts 5, 6, 7, 8, 9, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living conditions; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to instutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim and Croat ethnicity. On the basis of the pattern of conduct, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

1192. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Doboj.

1193. *Conclusion.* The Trial Chamber finds that, from on or about 2 May 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 5, 6, 7, 8, 9, and 10 of the Indictment in the municipality of Doboj.

## M. Gacko

### 1. Charges in Indictment

1194. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Gacko at the times and locations specified below.

1195. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings,[2771] as specified below under counts 2, 3, and 4; (b) torture, cruel treatment, and inhumane acts in detention facilities,[2772] as specified below under counts 5, 6, 7, and 8; (c) unlawful detention at (i) the SJB building in Gacko ("Gacko SJB building") at least between June and July 1992 and (ii) the Power Station Hotel at least during June 1992;[2773] (d) the establishment and perpetuation of inhumane living conditions including a failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities at the abovementioned detention facilities;[2774] (e) forcible transfer and deportation;[2775] (f) the appropriation or plunder of property during and after attacks on non-Serb parts of the towns of Gacko, Fazlagić Kula, and Čemerno at least between April and August 1992; in detention facilities; and in the course of deportations or forcible transfers;[2776] (g) wanton destruction of the non-Serb parts of the towns of Gacko, Fazlagić Kula, and Čemerno, including the town mosque at least between June and August 1992, and the looting of residential and commercial property during and after attacks on non-Serb parts of the towns of Gacko, Fazlagić Kula, and Čemerno;[2777] and (h) the imposition and maintenance of restrictive and discriminatory measures after the takeover of Gacko at the beginning of April 1992.[2778]

1196. Under counts 2, 3, and 4, Stanišić is charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity,

[2771] Indictment, para. 26(b), Schedule B n. 15.1-15.2.
[2772] Indictment, para. 26(d), Schedule D n. 12.1-12.2.
[2773] Indictment, para. 26(e), Schedule C n. 12.1-12.2.
[2774] Indictment, para. 26(f), Schedule C n. 12.1-12.2.
[2775] Indictment, para. 26(g).
[2776] Indictment, para. 26(h), Schedule F n. 11.
[2777] Indictment, para. 26(i), Schedules F n. 11, E n. 11.

for the killing, by Serb Forces, of (a) a number of men, nine of whom have been named, at the Power Station Hotel at least during June 1992 and (b) the killing of a number of people taken from the Gacko SJB building, nine of whom have been named, on a bridge at a place called Kotlina on or about 13 August 1992.[2779]

1197. Under counts 5, 6, 7, and 8, Stanišić is charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population at the Gacko SJB building and the Power Station Hotel. In relation to the Gacko SJB building, it is alleged that during June and July 1992 detainees were subjected to beatings during and after interrogation. They were beaten with fists, feet, batons, and other objects. They were humiliated and some were beaten to death in the presence of other inmates. At least one woman was raped.[2780] At the Power Station Hotel, it is alleged that at least during June 1992 detainees were subjected to severe and regular beatings and sexual humiliation. A number of men died as a result or were executed.[2781]

1198. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Gacko at the beginning of April 1992, against the Bosnian Muslim and Bosnian Croat population.[2782]

### 2. Analysis of Evidence

#### (a) Background

1199. The municipality of Gacko is located in south-eastern BiH, bordered by Bileća, Nevesinje, Kalinovik, and Foča municipalities, and Montenegro.[2783] According to the 1991 census in BiH, the ethnic composition of the municipality of Gacko was 5,561 (63.3%) Serbs, 3,014 (34.3%) Muslims, 21 (0.2%) Croats, and 189 (2.2%) persons of other or unknown ethnicity.[2784] Outside the town, there

[2778] Indictment, para. 26(j), Schedule G n. 11.
[2779] Indictment, paras 29, 31 and Schedule B n. 15.1-15.2; Final Victims List, n. 15.1-15.2.
[2780] Indictment, paras 32, 34, 36, Schedule D n. 12.1.
[2781] Indictment, paras 32, 34, 36, Schedule D n. 12.2.
[2782] Indictment, paras 37-38, 41, Schedules F n. 11, G n. 11.
[2783] Asim Bašić, 2 February 2010, T. 5979-5980; ST003, P2151, Witness Statement, 27 January 1999, p. 2 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević,* IT-02-54-T, 21 October 2003, T. 27758; P914, Map of Gacko; P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[2784] P1627, Tabeau *et al*. Expert Report, pp. 70, 74, 78, 82. *See also* Asim Bašić, 2 February 2010, T. 5980; ST003, P2151, Witness Statement, 27 January 1999, p. 2 (confidential); ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 2; Adjudicated Fact 1280.

were two towns that were predominately Muslim: Fazlagić Kula and Borac.[2785] In 1997, by contrast, 97.5% of the population in Gacko municipality was Serb and only 0.10% was Muslim.[2786] The Prosecution's Demographic Unit estimated that approximately 3,000 non-Serb individuals who had resided in the municipality of Gacko in 1991 were internally displaced persons or refugees in 1997.[2787]

1200. The Serb Gacko Crisis Staff was formed in May 1991. The leader was Zdravko Zirojević. Other members were Mitar Lažetić, Vlado Kovačević, Obren Govedarica, Vojin Popović (chief of the Gacko SJB), Šarović (a leader of a paramilitary organisation), and Lučić (commander of the TO).[2788] According to ST003, Novak Studo Mandić organised all the events that occurred in Gacko but did not have a political position.[2789] In May or June 1991, the SDS organised a mobilisation of reserve forces.[2790] It was agreed between the SDA and the SDS that Muslims would not answer the mobilisation call, and therefore no Muslims joined.[2791] Even before this mobilisation, the Serbs had organised the "Attacking Battalion", a name used in the Second World War by "Chetniks", led by Ranko Košutić.[2792] According to ST003, the Attacking Battalion later committed many of the atrocities in the area.[2793] Muslim members of the TO were forced to hand in their weapons and equipment whereas Serbs were not.[2794] The JNA brought weapons to Gacko from the TO storage facility in Konjic and distributed them to Serb civilians.[2795]

1201. Prior to the war, there was only a small JNA barracks with a small detachment of guards in Gacko, located at Avtovac, approximately 3 km from the town of Gacko.[2796] A unit of the TO stationed in Gacko, stored its equipment at the Gacko SJB building.[2797] At the end of 1991 and beginning of 1992, JNA troops withdrawing from Croatia were stationed in the municipality of Gacko.[2798]

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[2785] Asim Bašić, 2 February 2010, T. 5980.
[2786] P1627, Tabeau *et al*. Expert Report, pp. 70, 74, 78, 82.
[2787] P1627, Tabeau *et al*. Expert Report, pp. 102, 106, 114.
[2788] ST003, P2151, Witness Statement, 27 January 1999, p. 5 (confidential).
[2789] ST003, P2151, Witness Statement, 27 January 1999, p. 3 (confidential).
[2790] ST003, P2151, Witness Statement, 27 January 1999, p. 3 (confidential). *See also* ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3.
[2791] ST003, P2151, Witness Statement, 27 January 1999, p. 3 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević,* IT-02-54-T, 21 October 2003, T. 27779-27780, 27809-27811; ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3.
[2792] ST003, P2151, Witness Statement, 27 January 1999, p. 3 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević,* IT-02-54-T, 21 October 2003, T. 27778.
[2793] ST003, P2151, Witness Statement, 27 January 1999, p. 3 (confidential).
[2794] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3.
[2795] ST003, P2151, Witness Statement, 27 January 1999, p. 4 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević,* IT-02-54-T, 21 October 2003, T. 27781-27782; Osman Musić, P2177, Witness Statement, 25 February 2008, p. 3.
[2796] Asim Bašić, 2 February 2010, T. 5981-5982; ST003, P2151, Witness Statement, 27 January 1999, p. 2 (confidential); ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3.
[2797] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3.
[2798] ST003, P2151, Witness Statement, 27 January 1999, p. 5 (confidential).

1202. Serbs and Muslims lived together peacefully in Gacko prior to the war,[2799] but tensions began to grow in 1991.[2800] Serbs and Muslims stopped socialising together.[2801] At the end of 1991 or beginning of 1992, Serbs began actively intimidating Muslims.[2802] The exterior of the SDA office and the SDA flag were often shot at during the night.[2803] ST003, a Muslim resident of Gacko and member of the SDA,[2804] complained to the police, but nothing was done about the incidents.[2805] In March, members of a local Serb paramilitary unit arrested and later killed two Muslim men.[2806]

1203. Units of the White Eagles, under the command of Ljubo Jorgić, equipped with artillery and infantry weapons and cooperating with the local JNA, patrolled the town of Gacko.[2807] The White Eagles beat Muslims and looted their property with no response from the authorities.[2808] Local Serbs were also seen armed and wearing uniforms.[2809] Osman Musić, a Muslim resident of Gacko, testified that on one occasion three Serb men, two of whom were wearing camouflage uniforms, came to his home in the middle of the night. They hit Musić with the muzzle of a rifle and demanded to search his home.[2810] Serbs intimidated Muslims by randomly shooting in Muslim villages and at the mosque in Gacko.[2811] Shops, businesses, and homes belonging to Muslims were burned.[2812] According to ST003, Serbs were never abused in this way.[2813] As a result of this intimidation, as well as the outbreak of war in other parts of BiH, Musić sent his family away.[2814]

1204. By April 1992, the town of Gacko was completely under the control of the army, with General Momčilo Perišić as the overall commander of the forces in the area.[2815] Muslim police

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[2799] ST003, P2151, Witness Statement, 27 January 1999, p. 2 (confidential), Osman Musić, P2177, Witness Statement, 25 February 2008, p. 2; ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 2; Asim Bašić, 2 February 2010, T. 5983, 5989.
[2800] ST003, P2151, Witness Statement, 27 January 1999, p. 2 (confidential); ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 2.
[2801] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 2.
[2802] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 2.
[2803] ST003, P2151, Witness Statement, 27 January 1999, p. 5 (confidential).
[2804] ST003, P2151, Witness Statement, 27 January 1999, pp. 2-3 (confidential).
[2805] ST003, P2151, Witness Statement, 27 January 1999, p. 5 (confidential).
[2806] Asim Bašić, 2 February 2010, T. 5989-5990; ST003, P2151, Witness Statement, 27 January 1999, p. 6 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević,* IT-02-54-T, 21 October 2003, T. 27792-27793; ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 4; Adjudicated Fact 1281.
[2807] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 4; ST003, P2151, Witness Statement, 27 January 1999, p. 5 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević*, IT-02-54-T, 21 October 2003, T. 27758-27760, 27786; Adjudicated Fact 1282.
[2808] ST003, P2151, Witness Statement, 27 January 1999, p. 5 (confidential); Adjudicated Facts 1282, 1289.
[2809] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 4.
[2810] Osman Musić, P2177, Witness Statement, 25 February 2008, pp. 2-3.
[2811] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 3.
[2812] Asim Bašić, 2 February 2010, T. 5990; ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 4; Adjudicated Fact 1282.
[2813] ST003, P2151, Witness Statement, 27 January 1999, p. 6 (confidential).
[2814] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 3.
[2815] ST003, P2151, Witness Statement, 27 January 1999, p. 7 (confidential).

officers in the municipality of Gacko had been dismissed and replaced by Serbs.[2816] The Muslim police commander was replaced by the Serb deputy commander, Vitomir Popić.[2817] Vojin Popović was temporarily assigned as the Chief of the Gacko SJB by Mićo Stanišić.[2818] Serb police officers were given new uniforms with what were described by Musić as "Chetnik" patches. The police displayed the Serbian tricolour flag rather than the Yugoslav five-pointed star.[2819] Muslim directors of local businesses, factories, and the health centre were dismissed and replaced by Serbs.[2820] According to ST048, a Muslim resident of Gacko,[2821] Serbs were put in positions for which they were not qualified,[2822] and ST003 testified that all positions of power in the government, as well as in companies, were held by Serbs.[2823]

1205. Gacko was blocked and surrounded by checkpoints on every road. Muslims were not completely prevented from travelling, but they were stopped, harassed, and abused. The checkpoints were manned by "Serbs who had stockings on their heads".[2824] A curfew was imposed; the curfew began at 8:00 p.m. each evening and ran until the following morning. Permits from the police were required in order to go to work. Vitomir Popić issued forced labour duties to Muslims who were in town and not working.[2825] The mistreatment of Muslims became worse, and Muslims were afraid to go outside and to work.[2826]

1206. In May and June 1992, Muslims were arrested. The arrests were coordinated by Vitomir Popić and Captain Ljubo Jorgić, the commander of the White Eagles.[2827] During one arrest, a man in his seventies had his ear cut off.[2828] The majority of the Muslim population in Gacko withdrew to

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[2816] ST003, P2151, Witness Statement, 27 January 1999, p. 8 (confidential); Osman Musić, P2177, Witness Statement, 25 February 2008, p. 2; ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 4; Adjudicated Fact 1283.
[2817] ST003, P2151, Witness Statement, 27 January 1999, pp. 3, 8 (confidential); Asim Bašić, 2 February 2010, T. 5984-5988; ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3; Adjudicated Fact 1283.
[2818] P2016, Temporary Appointment of Gacko SJB Chief, signed Mićo Stanišić, 1 April 1992. *See also* ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3.
[2819] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 2.
[2820] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, pp. 3-4; Asim Bašić, 2 February 2010, T. 5988; Adjudicated Fact 1283.
[2821] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, pp. 1-2.
[2822] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 3.
[2823] ST003, P2151, Witness Statement, 27 January 1999, p. 3 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević,* IT-02-54-T, 21 October 2003, T. 27775-27778.
[2824] ST003, P2151, Witness Statement, 27 January 1999, pp. 4, 7 (confidential).
[2825] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 4.
[2826] Asim Bašić, 2 February 2010, T. 5992, 5996; ST003, P2151, Witness Statement, 27 January 1999, p. 7 (confidential); ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 4.
[2827] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 5; ST003, P2151, Witness Statement, 27 January 1999, pp. 8-9 (confidential).
[2828] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 5.

Fazlagić Kula and Borac.[2829] Approximately 800 women and children who had remained in the town of Gacko were transported to nearby municipalities or to Macedonia.[2830]

1207. The town mosque in Gacko (Mosque of Mehmed-spahija Zvizdić) was mined by "Serbs" in July 1992. The minaret was destroyed and the walls were damaged. The remains of the building were removed after the Dayton Accords.[2831]

1208. On 17 June 1992, Serb Forces, including members of the JNA and the police, attacked Fazlagić Kula.[2832] Muslims had tried to defend themselves, but the Serb Forces used artillery, mortars, and tanks.[2833] Asim Bašić, a resident of Fazlagić Kula, testified that his home was hit by a shell and burned to the ground.[2834] Bašić and his family fled into the nearby mountains.[2835] After the shelling stopped, Bašić saw members of the JNA Užice Corps and Gacko police enter the village; he heard later that they had looted the village.[2836] Serb Forces burned the remaining houses and killed 130 women, children, and elderly persons who were not able to get away.[2837] Approximately 500 to 600 Muslims hid on a nearby mountain for two months.[2838] The Gacko War Presidency sent a message to Muslims hiding in the mountains, asking them to surrender.[2839] The women and children surrendered and were taken by bus to Perković-Stolac.[2840] The able-bodied men travelled through the mountains to Mostar.[2841]

1209. On 31 July 1992, the Gacko War Presidency directed the Muslim residents of Bjelašnica, a village in the municipality, to surrender their weapons and gather at a collection area, where they

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[2829] ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); Adjudicated Fact 1290.
[2830] ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); ST028, P304, Witness Statement, 18-19 September 1998, p. 5; Adjudicated Fact 1290.
[2831] P1404, András Riedlmayer's Database of Material Related to Bileća, Graćko, Teslić, and Vlasenica, p. 11. *See also* ST003, P2151, Witness Statement, 27 January 1999, p. 9-10 (confidential).
[2832] ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); Adjudicated Fact 1285. *See also* Asim Bašić, 2 February 2010, T. 6026-6027. During cross-examination, Asim Bašić accepted the Defence assertion that it occurred on 19 or 20 June 1992.
[2833] Asim Bašić, 2 February 2010, T. 6000; ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); ST003, P2152, *Prosecutor v. Slobodan Milošević,* IT-02-54-T, 21 October 2003, T. 27805; Adjudicated Fact 1285.
[2834] Asim Bašić, 2 February 2010, T. 5979, 6000.
[2835] Asim Bašić, 2 February 2010, T. 6000-6001, 6003.
[2836] Asim Bašić, 2 February 2010, T. 6027-6028.
[2837] Asim Bašić, 2 February 2010, T. 6001-6002; ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); Adjudicated Fact 1285.
[2838] Asim Bašić, 2 February 2010, T. 6003.
[2839] Asim Bašić, 2 February 2010, T. 6004-6005. *See also* P919, Proclamation of Gacko War Presidency to Muslim People in Bjelašnica, 31 July 1992.
[2840] Asim Bašić, 2 February 2010, T. 6004-6005, 6030-6032.
[2841] Asim Bašić, 2 February 2010, T. 6005-6006.

were to be put on buses.[2842] Men were all to be considered prisoners of war and detained in Bileća, with the possibility of being exchanged.[2843]

1210. Throughout the summer of 1992, Serb Forces and local Serb men killed, in total, 137 Muslims in the municipality of Gacko, most of whom were women, children, and elderly persons.[2844] In the municipality, 270 Muslims and Croats were detained in six detention facilities where they were kept in cramped conditions and beaten on a regular basis.[2845] At the JNA barracks, detainees were forced to stand for a long period of time, and on one occasion Serb guards shot over their heads.[2846]

(b) Gacko SJB building

1211. On the night of 9 June 1992, ST048 was arrested by members of the Gacko police, including Vitomir Popić, the police commander, and taken to the Gacko SJB building.[2847] He was questioned by Popić and released the following morning. When he was taken home after being released, Popić and another member of the police searched ST048's home. During an ensuing altercation, ST048 was knocked unconscious and taken back to the Gacko SJB building. At the Gacko SJB building, one of the Serb guards ordered ST048 to spread his legs and then stomped on his genitals.[2848]

1212. ST048 was detained at the Gacko SJB building with a total of seven men in two cells. The detainees slept "piled up against each other". They were not given food regularly. They were given water in one half-litre bottles and were forced to urinate in the same bottle from which they drank. Detainees were beaten by the guards with the butts of guns and bats. A detainee by the name of Faim Zvizdić was beaten so badly that his eyes bulged out of his head.[2849]

1213. On one occasion, five of the seven detainees were lined up against the wall across from the cells. ST048 heard Popić say that the men were condemned to death. The five men were then shot by Popić and other guards. Two detainees were forced to load the bodies onto a truck and clean the blood off the floor and wall.[2850]

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[2842] P919, Proclamation of Gacko War Presidency to Muslim People in Bjelašnica, 31 July 1992, p. 1; Adjudicated Fact 1286.
[2843] P919, Proclamation of Gacko War Presidency to Muslim People in Bjelašnica, 31 July 1992, p. 2; Adjudicated Fact 1286.
[2844] Adjudicated Fact 1287.
[2845] ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); Adjudicated Fact 1288.
[2846] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 4. *See also* ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential).
[2847] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, pp. 5-6; P915, List of Gacko SJB Employees in May 1992; P918, Payroll of Reserve Staff of Gacko SJB April 1992.
[2848] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, p. 6.
[2849] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, pp. 6-7.
[2850] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, pp. 7-8.

1214. On 4 July 1992, ST048 was taken from the cell to an office where he was handcuffed to a radiator by Vitomir Popić. ST048 was forced to watch as two members of the Red Berets raped a close relative. Popić laughed as he watched the rape and ST048's reaction to it. At one point, the woman was able to pull free and jumped through a window in the office, shattering the glass. ST048 saw a member of the Red Berets shoot out the window towards the ground and believed that his relative had fallen there. ST048 has not seen or heard from her since this incident. The member of the Red Berets then kicked ST048 in the face, breaking his nose and cheekbone. ST048 was left in the room chained to the radiator until early the following morning when he was transported to Montenegro. ST048 was eventually released from detention and subsequently moved abroad.[2851]

1215. ST003 testified that in June 1992 he saw Muslims at the Gacko SJB building lined up against the wall with their hands up and blood and other marks of violence on them.[2852] Osman Musić was detained at the Gacko SJB building after being arrested by members of the White Eagles. He recognised some Serb police officers among the guards, including Ranko Vujović. When Musić asked Vujović what was happening, he was told he would find out soon. After Musić persisted, Vujović slapped him. Musić was not given a reason for his arrest.[2853] Musić was later moved to the JNA barracks in Avtovac and eventually to the basement of the Power Station Hotel.[2854] He and other detainees had their belongings, including keys, ID cards, and tenant papers, taken from them.[2855]

1216. Asim Bašić was taken to the Gacko SJB building by reserve police officers after being arrested in Berkovići.[2856] Bašić was with his relatives including Džafer Bašić, Smajo Bašić, and his wife Muvedeta Bašić, Edhem Bašić, Nazif Bašić, Ejub Bašić, Elvir Bašić, Husnija Bašić, Sutko Civić, and a boy named Sulejman.[2857] At the Gacko SJB building, a group of approximately 200 women, children, men, and soldiers beat Bašić and his relatives as they entered the building.[2858] Bašić and his relatives were then put into two cells of approximately 2 by 3 metres, each with

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[2851] ST048, P2176, Public Redacted Witness Statement, 8 December 1999, pp. 8-10.
[2852] ST003, P2151, Witness Statement, 27 January 1999, p. 8 (confidential).
[2853] Osman Musić, P2177, Witness Statement, 25 February 2008, pp. 3-4.
[2854] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 4; ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); Adjudicated Fact 1284. *See also* ST003, P2151, Witness Statement, 27 January 1999, p. 2 (confidential).
[2855] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 9.
[2856] Asim Bašić, 2 February 2010, T. 6007-6010. The attack on Fazlagić Kula occurred on 17 June 1992. Adjudicated Fact 1285. Bašić's evidence was that following this attack he spent two months in the mountains. Asim Bašić, 2 February 2010, T. 6003. It is unclear whether it was during or after these two months that he was arrested. Asim Bašić, 2 February 2010, T. 6006-6007. Directly following his arrest, Bašić was detained at school in Berkovići for two days and then transferred to the Gacko SJB Building. Asim Bašić, 2 February 2010, T. 6008. Bašić was then held at the Gacko SJB Building for four or five days. Asim Bašić, 2 February 2010, T. 6014.
[2857] Asim Bašić, 2 February 2010, T. 6007, 6011. The Trial Chamber notes that in listing the persons present, the transcript reflects an "Elmir Bašić". Given the other references in this transcript to an "Elvir Bašić", the Chamber considers this is the same person. *See* Asim Bašić, 2 February 2010, T. 6007, 6022, 6039, 6043.
[2858] Asim Bašić, 2 February 2010, T. 6010, 6015.

wooden cots.[2859] They were given some canned meat and bread only once and were forced to relieve themselves in the cells.[2860] The detainees were interrogated by Vitomir Popić and beaten by reserve police officers while Popić watched.[2861] When Bašić refused to sign a confession that he had killed Serbs and raped women, he was tied to a chair and beaten by Slobo Todorović, Vlatko Doderović, and Boško Starović.[2862] In total, he was beaten on five or six occasions.[2863]

1217. After being held at the Gacko SJB building for approximately four or five days, the wife of Smajo was interrogated and beaten. She heard Popić saying, "Kill those Turks" and "Kick this Bula in the ass."[2864] Following this, Bašić and his relatives were tied up and forced onto a military truck by members of the police.[2865] A line of women, children, and men beat the detainees with sticks and metal rods as they boarded the truck.[2866] The detainees were driven in the direction of Kula.[2867] At a bridge near Kotlina, the detainees were told to get off the bus and line up at one end of the bridge.[2868] Members of the regular and reserve police, including Slobodan Todorović, Ramo Sudžum, Vlatko Doderović, and Dragan Lazetić lined up across from them.[2869] Bašić heard Lazetić order the police officers to fire and the sound of gun shots.[2870] Bašić was shot in the arm, leg, and stomach.[2871] After Bašić fell to the ground, he saw other detainees lying on the ground and a lot of blood.[2872] Two of the detainees, Sutko and Elvir, began to run and all the police officers, except Lazetić, ran after them.[2873] Lazetić shouted, "They're wounded."[2874] Lazetić began shooting the remaining detainees in the head.[2875] Bašić was able to get up before Lazetić got to him. He ran and hid amongst nearby rocks.[2876] One additional detainee, Nazif, who had fallen off the bridge when initially shot, survived by pretending he was dead until night, after which he also ran away.[2877] Bašić was found by two young men who took him to the home of Dževad Džanković, at least 1 km

[2859] Asim Bašić, 2 February 2010, T. 6011.
[2860] Asim Bašić, 2 February 2010, T. 6011.
[2861] Asim Bašić, 2 February 2010, T. 6012-6013; P918, Payroll of Reserve Staff of Gacko SJB April 1992.
[2862] Asim Bašić, 2 February 2010, T. 6012.
[2863] Asim Bašić, 2 February 2010, T. 6012-6013.
[2864] Asim Bašić, 2 February 2010, T. 6014.
[2865] Asim Bašić, 2 February 2010, T. 6014-6015.
[2866] Asim Bašić, 2 February 2010, T. 6015.
[2867] Asim Bašić, 2 February 2010, T. 6015-6016; P920, Aerial Photo of Gacko.
[2868] Asim Bašić, 2 February 2010, T. 6018, 6043.
[2869] Asim Bašić, 2 February 2010, T. 6018, 6025-6026.
[2870] Asim Bašić, 2 February 2010, T. 6018.
[2871] Asim Bašić, 2 February 2010, T. 6019, 6034-6037. Bašić was confronted on cross-examination with a prior statement he gave to the Mostar police on 6 October 1992 and a television interview he gave in October 1992. In both, he only mentioned one gunshot wound. Bašić was unable to explain the discrepancy, but asserted that he had been shot three times. The Trial Chamber notes that in the interview Bašić merely mentioned one wound but did not exclude the possibility that he was shot more than once. Bašić never signed the statement given to the Mostar police. Asim Bašić, 2 February 2010, T. 6034-6038.
[2872] Asim Bašić, 2 February 2010, T. 6021.
[2873] Asim Bašić, 2 February 2010, T. 6019, 6022, 6039.
[2874] Asim Bašić, 2 February 2010, T. 6039.
[2875] Asim Bašić, 2 February 2010, T. 6019.
[2876] Asim Bašić, 2 February 2010, T. 6019, 6022-6023.

from the bridge.[2878] Bašić was told by Džanković, who was watching through binoculars, that Sutko and Elvir had escaped.[2879]

1218. Bašić testified that Vojin Popović, the chief of the Gacko SJB, and two other members of the police threw the bodies off the bridge. They then threw a live grenade onto the bodies.[2880] Bašić's evidence was unclear as to whether he personally saw Popović and other police officers throw the bodies off the bridge or had been told about it by Džanković.[2881]

1219. Death certificates have been admitted for Samjo Bašić,[2882] Muvedeta Bašić,[2883] Džafer Bašić,[2884] Ejub Bašić,[2885] Edhem Bašić,[2886] Elvir Bašić,[2887] Husnija Bašić,[2888] and a Sulejman Bašić,[2889] which indicate that the date and place of their deaths was 13 August 1992 in Gacko or, in some cases, more specifically Kotlina. A death certificate was admitted for Šemsudin Ćimić which indicates that he died on 22 December 1996 in Gacko.[2890] According to the BiH State Commission for Tracing Missing Persons, Samjo Bašić,[2891] Sulejman Bašić,[2892] Muvedeta Bašić,[2893] Džafer Bašić,[2894] Ejub Bašić,[2895] Edhem Bašić,[2896] Elvir Bašić,[2897] and Husnija Bašić[2898] all disappeared on

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[2877] Asim Bašić, 2 February 2010, T. 6022, 6024, 6038, 6044-6045.
[2878] Asim Bašić, 2 February 2010, T. 6019, 6023, 6039-6040.
[2879] Asim Bašić, 2 February 2010, T. 6019-6020.
[2880] Asim Bašić, 2 February 2010, T. 6013, 6018, 6024, 6038-6039.
[2881] Asim Bašić, 2 February 2010, T. 6019-6020, 6038-6039, 6042-6044.
[2882] P2466, Proof of Death Database (CHS), "ordinal number" 482.1, Death Certificate of Smajo Bašić (confidential).
[2883] P2466, Proof of Death Database (CHS), "ordinal number" 479.1, Death Certificate of Muvedeta Bašić (confidential).
[2884] P2466, Proof of Death Database (CHS), "ordinal number" 464.1, Death Certificate of Džafer Bašić (confidential).
[2885] P2466, Proof of Death Database (CHS), "ordinal number" 470.1, Death Certificate of Ejab Bašić (confidential).
[2886] P2466, Proof of Death Database (CHS), "ordinal number" 467.1, Death Certificate of Ethem Bašić (confidential). *See also* 1D834, List of Names from the BiH Federal Ministry for War Veterans, 30 May 2012, p. 6. The Trial Chamber notes that the Death Certificate lists the first name as "Ethem", but given the slight nature of the spelling variation along with the consistent father's name and date of birth, considers that this document is related to the same "Edham" Bašić as listed in the Prosecution's Final Victims List.
[2887] P2466, Proof of Death Database (CHS), "ordinal number" 473.1, Death Certificate of Elvir Bašić (confidential).
[2888] P2466, Proof of Death Database (CHS), "ordinal number" 476.1, Death Certificate of Husnija Bašić (confidential).
[2889] P2466, Proof of Death Database (CHS), "ordinal number" 484.1, Death Certificate of Sulejman Bašić (confidential).
[2890] P2466, Proof of Death Database (CHS), "ordinal number" 461.1, Death Certificate of Šemsudin Ćimić (confidential).
[2891] P2466, Proof of Death Database (CHS), "ordinal number" 481, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2892] P2466, Proof of Death Database (CHS), "ordinal number" 484, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2893] P2466, Proof of Death Database (CHS), "ordinal number" 478, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2894] P2466, Proof of Death Database (CHS), "ordinal number" 463, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2895] P2466, Proof of Death Database (CHS), "ordinal number" 469, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2896] P2466, Proof of Death Database (CHS), "ordinal number" 466, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2897] P2466, Proof of Death Database (CHS), "ordinal number" 472, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2898] P2466, Proof of Death Database (CHS), "ordinal number" 475, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).

13 August 1992 in Gacko and their remains were exhumed on 16 September 1999 at Juga-Stanica in Gacko with the exception of Elvir Bašić, whose remains were exhumed on 27 September 1999 at Kula, Gacko. According to the same report, Šemsudin Ćimić disappeared on 13 August 1992 from Kotlina, but his remains were exhumed on 13 November 2003 at Rakovik, Gacko.[2899]

(c) Power Station Hotel

1220. More than 150 to 170 Muslim detainees were held in the basement of the Power Station Hotel approximately 500 metres from the Gacko SJB building.[2900] The facility was commanded by Radinko Ćorić and subsequently by Ranko Ignjatović, both members of the police.[2901] According to Osman Musić, who was detained at the Power Station Hotel from 4 June 1992 until the end of the same month, and ST003, all orders at the facility came from Vojin Popović, the chief of the Gacko SJB, and Božidar Vučurević, President of SAO Herzegovina.[2902] Osman Musić identified Budimir Bumbić, Milkan Govedarica, and "Žuti" as guards who mistreated detainees.[2903] Musić also saw Rade Ćeranić, a retired police commander who had returned to the police during the war, and at least one member of Arkan's Men at the detention facility.[2904]

1221. Detainees were subjected to various forms of mistreatment and abuse. On one occasion, a group of 10 detainees were lined up in front of other detainees and sexually assaulted. Budimir Bumbić shot a machine gun over the heads of detainees and threatened to detonate a grenade in the basement where they were held. Bumbić ordered detainees to put their hands on the wall with their fingers spread and shot between their fingers or ordered detainees to line up against the wall with their heads near each other and shot in the little space between them. He cursed one man's "Balija" mother.[2905]

1222. Beginning on 16 June 1992, detainees were taken from the basement to be questioned about the location of weapons and Muslims from Gacko. Detainees were severely beaten during these interrogations, and some were returned to the basement "half dead". Musić was interrogated by police commander Vojin Popić.[2906]

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[2899] P2466, Proof of Death Database (CHS), "ordinal number" 461, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2900] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 4; Asim Bašić, 2 February 2010, T. 5996-5997; ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential); P916, Photo of Power Plant Hotel. *See also* ST028, P304, Witness Statement, 18-19 September 1998, p. 5.
[2901] The Trial Chamber notes that Osman Musić gives the name of the first police officer as "Ranko Ćorić". Osman Musić, P2177, Witness Statement, 25 February 2008, p. 5; P915, List of Gacko SJB Employees in May 1992.
[2902] Osman Musić, P2177, Witness Statement, 25 February 2008, pp. 5-6; ST003, P2151, Witness Statement, 27 January 1999, p. 9 (confidential).
[2903] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 5.
[2904] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 6.
[2905] Osman Musić, P2177, Witness Statement, 25 February 2008, pp. 4-5.
[2906] Osman Musić, P2177, Witness Statement, 25 February 2008, pp. 4, 6.

1223. Musić gave evidence that when he was taking garbage from the basement he witnessed the killing of Arif Jaganjac at the entrance of the Power Station Hotel. He heard a shot and saw Jaganjac fall. He did not, however, know who fired the gun. On a subsequent occasion, Musić and other detainees watched as Žuti shot Osman Osmanović in the neck. After the shooting, another guard, Govedarica, said, "What do you Balijas want, your own Muslim state?" Musić and other detainees were forced to clean up the blood.[2907] The evidence of Musić is supported by a report of the BiH State Commission for Tracing Missing Persons, which indicates that Arif Jaganjac and Osman Osmanović disappeared on 20 June 1992 and 28 June 1992, respectively, in Gacko and that their remains were exhumed on 5 October 1999 in Gacko.[2908] Death certificates for each man were admitted that indicate that Arif Jaganjac died on 20 June 1992 and Osman Osmanović died on 28 June 1992, both in Gacko.[2909] Further evidence states that Osman Osmanović "was liquidated at the Gacko TE hotel camp as a member of the Gacko TO" though specifies that "[h]e was not on combat mission at the time."[2910]

1224. Musić gave evidence that Lato Halilović was taken from the basement. Thereafter, Musić heard the sound of bottles being smashed and screaming. Halilović was returned to the basement on a military blanket with broken glass in his head. After approximately an hour, Bumbić entered the cell and ordered that Halilović be taken out and he was examined by a doctor. Five minutes later, Musić heard three shots in the corridor. Musić believes the shots were fired in celebration of Halilović's death. He explained that Serbs shot three times to show victory for every killing. Three days after the incident, Ranko Ćorić told the detainees that Halilović was recovering well at the hospital.[2911] A death certificate for Lato Halilović indicates that he died in Gacko in 1992;[2912] further documentation indicates that he was killed on 21 June 1992 at the Gacko TE camp as a member of the Gacko TO, though not on combat mission.[2913]

1225. One night at the end of June 1992, at around 2:00 a.m., three guards in masks, one of whom Musić recognised as Bumbić by his voice, removed Mirsad Džeko, Senad Šahović, and Aziz Fazlagić ("Žiko") from the basement. The following morning, Serb guards read their names from a list of detainees who had escaped. Musić believed that this indicated they had been killed because guards had previously listed individuals who had been killed as having escaped.[2914] According to

[2907] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 5.
[2908] P2466, Proof of Death Database (CHS), "ordinal numbers" 449, 454, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2909] P2466, Proof of Death Database (CHS), "ordinal number" 449.1, Death Certificate of Arif Jaganjac (confidential); P2466.1, Death Certificate of Osman Omanović (confidential).
[2910] 1D834, List of Names from the BiH Federal Ministry for War Veterans, 30 May 2012, pp. 5-6.
[2911] Osman Musić, P2177, Witness Statement, 25 February 2008, pp. 5-6.
[2912] P2466, Proof of Death Database (CHS), "ordinal number" 444.1, Death Certificate of Lato Halilović (confidential).
[2913] 1D834, List of Names from the BiH Federal Ministry for War Veterans, 30 May 2012, p. 5.
[2914] Osman Musić, P2177, Witness Statement, 25 February 2008, p. 6.

reports from the ICRC and BiH State Commission for Tracing Missing Persons, Mirsad Džeko and Aziz Fazlagić disappeared in Gacko on 1 June 1992 and 28 June 1992, respectively.[2915] A "List of Fallen Defenders from Gacko", prepared by the BiH War Presidency of Gacko, lists Mirsad Džeko as having been killed in a "Gacko concentration camp",[2916] and a death certificate indicates that he died on 21 June 1992 in Gacko.[2917] A death certificate for Aziz Fazlagić states that he died in Gacko on 29 June 1992.[2918] Additionally, photographs of remains that are purported to be those of Mirsad Džeko and Aziz Fazlagić have been admitted.[2919]

1226. Musić stated that, one evening at approximately 9:30 p.m., detainees were ordered to board a JNA truck. As they were doing so, they were randomly hit. The detainees were taken to the Military School in Bileća where they were detained. According to Musić, when they arrived at this camp they saw that Aziz Hasanbegović and FNU Redžović (son of Džemo) were dead. Musić does not indicate how they were killed but heard Budimir Bumbić and Milkan Govedarica boast of killing them.[2920]

1227. A death certificate for Senad Memić was admitted that indicates that he died in Gacko on 4 July 1992.[2921]

### 3. Factual Findings

1228. The Serb Gacko Crisis Staff was formed in May 1991. The leader was Zdravko Zirojević. Other members were Mitar Lažetić, Vlado Kovačević, Obren Govedarica, Vojin Popović (chief of the Gacko SJB), Šarović (a leader of a paramilitary organisation), and Lučić (commander of the TO).

1229. With regard to counts 1, 2, 3, and 4, the Trial Chamber accepts the evidence of Osman Musić, as supported by documentary evidence, and finds that Arif Jaganjac was shot and killed at the Power Station Hotel in June 1992. There is not sufficient evidence for the Trial Chamber to make a finding as to who killed him. The Trial Chamber also accepts the evidence of Musić, as supported by documentary evidence, and finds that Žuti, a Serb guard at the Power Station Hotel, shot and killed Osman Osmanović. Following this shooting, another guard made derogatory

[2915] P2466, Proof of Death Database (CHS), "ordinal number" 436, ICRC Missing Persons BiH; "ordinal number" 441, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[2916] P2466, Proof of Death Database (CHS), "ordinal number" 434, List of Fallen Defenders from Gacko, BiH War Presidency of Gacko (confidential).
[2917] P2466.3, Death Certificate of Mirsad Džeko (confidential).
[2918] P2466.2, Death Certificate of Aziz Fazlagić (confidential).
[2919] P2466, Proof of Death Database (CHS), "ordinal numbers" 435, 440, Exhumation Photos, photos 26 and 35 (confidential).
[2920] Osman Musić, P2177, Witness Statement, 25 February 2008, pp. 6-7.
[2921] P2466, Proof of Death Database (CHS), "ordinal number" 451.1, Death Certificate of Senad Memić (confidential).

statements such as referring to the detainees as "Balijas". The Trial Chamber, after considering the evidence of Musić, finds that Aziz Hasanbegović and FNU Redžović[2922] were killed while being transported to Bileća by Budimir Bumbić and Milkan Govedarica, Serb guards, who boasted of killing them. By virtue of their status as detainees, none of the above men was taking an active part in hostilities.

1230. After considering the evidence of Musić, the Trial Chamber finds that Lato ("Latif") Halilović was beaten with a glass bottle and returned to the basement with broken glass in his head. The Trial Chamber has considered Musić's evidence that Serb guards fired three shots after Halilović was removed from the basement, which Musić thought was in celebration of Halilović's death. However, Musić's evidence that Radinko Ćorić, a member of the police who was the commander of the detention facility at that time, told detainees that Halilović was receiving medical care and doing well at the hospital leaves open the possibility that Halilović did not die as a result of the beating. Moreover, the documentation is insufficient to show the precise place and cause of death. Consequently, the Trial Chamber is not satisfied that it has been proved beyond a reasonable doubt that Lato Halilović died as a result of the beating he sustained at the Power Station Hotel.

1231. The Trial Chamber accepts the evidence of Musić that Mirsad Djeko ("Džeko"), Senad Sehavaić ("Šahović"), and Aziz Fazlagić were removed from the basement of the Power Station Hotel under conditions that led Musić to believe that they had been killed. The Trial Chamber notes, however, that Musić did not directly witness the men being killed or evidence that they had been. Consequently, the Trial Chamber finds that there is not sufficient evidence that they were killed as alleged. Further, the Trial Chamber notes that while there is sufficient documentary evidence to find that Senad Memić died in Gacko in July 1992, there is no evidence establishing that he was killed at the Power Station Hotel.

1232. Turning to the alleged killings of persons shot on a bridge at Kotlina, the Trial Chamber considers the evidence of Asim Bašić that he was detained at the Gacko SJB Buidling with Džafer Bašić, Smajo Bašić, Edhem Bašić, Nazif Bašić, Ejub Bašić, Elvir Bašić, Husnija Bašić, Sutko Civić, Muvedeta Bašić, and a boy named "Sulejman". The detainees were transported by members of the Gacko police to a bridge near Kotlina where members of the Gacko police shot at the detainees. Considering that death certificates for Smajo Bašić, Muvedeta Bašić, Džafer Bašić, Ejub Bašić, Edhem Bašić, and Husnija Bašić, and a Sulejman Bašić (listed as the 16-year-old son of Smajo and Muvedeta) indicate that they were killed in Gacko, in some cases specifically at Kotlina, on 13 August 1992, the Trial Chamber finds that these persons were shot and killed on the bridge

[2922] Despite the small discrepancy, the Trial Chamber considers that FNU Redžović is the person listed in the

near Kotlina on 13 August 1992 by members of the Gacko police. By virtue of their status as detainees, the above persons were taking no active part in hostilities.

1233. The Trial Chamber notes, however, that while there is documentary evidence showing that Elvir Bašić disappeared or died on 13 August 1992 in Gacko, Bašić testified that Elvir Bašić escaped the killing. Therefore, the Trial Chamber does not find that he was killed as alleged. The Trial Chamber further notes that Bašić did not list Šemsudin Ćimić as having been with the group that was killed on the bridge near Kotlina and that his death certificate indicates that he died on 22 December 1996. Therefore, there is insufficient evidence to find that he was killed on the bridge near Kotlina.

1234. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered evidence on the treatment of detainees during their arrest and detention at the Gacko SJB building. On the basis of this evidence, the Trial Chamber finds that detainees at the Gacko SJB building were held in inhumane conditions with insufficient food, water, or sanitation facilities. Insufficient evidence has been provided to make a similar finding in relation to the Power Station Hotel.

1235. The Trial Chamber finds that Vitomir Popić, a commander of the Gacko police, and other members of the Gacko police, beat detainees at the Gacko SJB building with the butts of guns and bats during and after interrogations. One detainee was beaten so severely that his eyes bulged out of his head, and a Serb guard stomped on the genitals of ST048. Popić and the other guards shot and killed five detainees in the presence of other detainees. Members of the Red Berets, under the observation of Popić, raped a close relative of ST048 in his presence. At the Power Station Hotel, Serb guards severely beat detainees during interrogations to the point that detainees were returned to the basement "half dead". Detainees were subjected to sexual humiliation. Guards cursed the detainees' "Balija mothers". A number of men were executed in front of other detainees. Based on the mode of the assaults and on the language used by members of the Gacko police, members of Serb paramilitary organisations, and other Serb soldiers, the Trial Chamber finds that Serb Forces brutalised Muslim and Croat detainees to intimidate them or to obtain information and to discriminate against them on the basis of their ethnicity.

1236. Turning to counts 1, 9, and 10, the Trial Chamber has considered evidence of ST003 that approximately 800 Muslim women and children were transferred out of the town of Gacko to nearby municipalities or to Macedonia, Montenegro, or another country. Asim Bašić and other residents of Fazlagić Kula were forcibly removed from their homes by members of the JNA and police. Under the orders of the War Presidency the women and children were transported to

Prosecution Final Victims List as FNU Redjović.

Perković-Stolac and the men walked to Mostar. The residents of Bjelagnica were ordered to surrender their weapons by the War Presidency and were transported out of Gacko. The Trial Chamber has considered evidence that Muslim villages, businesses, and homes were looted and burned, Muslim religious sites were destroyed, and Muslims were subjected to other forms of mistreatment. Finally, the Trial Chamber has considered evidence on the ethnic composition of Gacko in 1991 and 1997. Based on all the evidence, the Trial Chamber finds that Muslim residents were transported out of Gacko by Serb Forces or left Gacko as a consequence of mistreatment, intimidations, and the looting and destruction of their property and religious buildings carried out by Serb Forces.

1237. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber has heard evidence that Serb Forces, in particular members of the Užice Corp, took property from Muslim owned homes in Fazlagić Kula. During arrests and detentions, Serb guards, including members of the Gacko police, confiscated valuables from detainees. Therefore, the Trial Chamber finds that Serb Forces unlawfully took the private property of Muslims and that this was done on the basis of their ethnicity.

1238. The Trial Chamber has considered evidence that the town mosque in Gacko was mined by Serb Forces in July 1992. The minaret was destroyed and the walls were damaged. Shops, businesses, and homes belonging to Muslims were burned in the towns of Gacko and Fazlagić Kula. Based on this evidence, the Trial Chamber finds that Serb Forces unlawfully destroyed religious buildings and residential and commercial property belonging to Muslims.

1239. Following the takeover of Gacko, members of the Gacko police and members of Serb paramilitary organisations arrested and detained Muslim and Croat individuals at the Gacko SJB building and Power Station Hotel. Osman Musić was given no reason for his arrest. At the Gacko SJB building Popić was heard saying, “Kill those Turks” and at the Power Station Hotel a guard said, “What do you Balijas want, your own Muslim state?” The Trial Chamber therefore finds that Muslims were arrested on the basis of their ethnicity and that they were denied judicial process. The Trial Chamber accepts the evidence of ST003 that checkpoints were established in Gacko at which Muslims were stopped, harassed, and abused and finds that Serb Forces restricted the freedom of movement of Muslims in Gacko. Moreover, Muslims were removed from their jobs; in particular, Muslims were removed from the police force and the health centre and were replaced by Serbs. As such, Serb Forces denied Muslims employment.

4. Legal Findings

1240. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Gacko and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in hostilities.

1241. The Trial Chamber finds that the acts of the Serb Forces in Gacko were linked geographically and temporally with the armed conflict. The arbitrary killings, arrests, detention, theft, and destruction of property carried out by members of the Gacko police, members of the Užice Corps, and members of Serb paramilitary organisations constituted an attack against the civilian population, identified as the Muslims of Gacko. The attack occurred on a large scale: at least 137 Muslims were killed, and at least 270 Muslims and Croats were detained in six locations throughout Gacko. In light of these factors, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. The acts of the Serb Forces against the Muslim and Croat residents of Gacko were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing and that their acts were part of it.

1242. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1243. *Counts 2, 3, and 4.* The Trial Chamber recalls its finding that "Žuti", Budimir Bumbić, and Milkan Govedarica, Serb guards at the Power Station Hotel, killed Arif Jaganjac, Osman Omanović, Aziz Hasanbegović, and FNU Redžović, who were taking no active part in hostilities. The mode of the killings shows that the perpetrators acted with the intent to kill the men. On 13 August 1992, members of the Gacko police removed Smajo Bašić, Sulejman Bašić, Muvedeta Bašić, Džafer Bašić, Ejub Bašić, Edhem Bašić, and Husnija Bašić from the Gacko SJB building and killed them at a bridge near Kotlina. The mode of killing shows that they acted with the intent to kill the victims.

1244. Recalling the finding that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that Serb guards at the Power Station Hotel and members of the Gacko police, committed murder both as a crime against humanity and a violation of the laws or customs of war.

1245. The Trial Chamber considers that the above killings were carried out in a relatively short time period, June to August 1992, in locations within Gacko, and by members of the Gacko police. While these killings were grave, the Trial Chamber does not find that they were committed on a large scale and thus they do not meet the element of massiveness required for extermination.

1246. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that the assaults carried out by members of the Gacko police, members of Serb paramilitary organisations, and other Serb soldiers against Muslim detainees, both during the arrests and in the detention centres, caused them severe physical and psychological suffering and that the assaults were carried out as a form of intimidation and discrimination, and in some cases with the aim of obtaining information. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that the perpetrators committed torture against the Muslim detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1247. *Counts 9 and 10.* The Trial Chamber has found that a large number of Muslim civilians were either forcibly transported out of Gacko by Serb Forces or left Gacko as a consequence of mistreatment, intimidations, and the looting and destruction of their property and religious buildings carried out by Serb Forces. The Trial Chamber therefore finds that Serb Forces removed Muslims from the municipality of Gacko, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Victims were also removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber therefore finds that Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim population of Gacko.

1248. *Count 1.* The Trial Chamber finds that Serb Forces arrested Muslims in Gacko without legitimate grounds and on a discriminatory basis. These arrests constituted unlawful detentions. Muslims were then held in detention facilities in inhumane living conditions and were subjected to

inhumane treatment. The taking of Muslim property, including during detention and looting, constituted plunder of property. The destruction of the town mosque in Gacko as well as the destruction of homes during attacks on villages constituted wanton destruction. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims of Gacko by denying them judicial process, denying them employment, and restricting their freedom of movement. It has not been proved that Serb Forces denied Muslims equal access to public services.

1249. The Trial Chamber finds that the acts discussed above under counts 3, 4, 5, 6, 7, 8, 9, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living conditions; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of Muslims laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim ethnicity. On the basis of the pattern of conduct and statements made by Serb Forces during the criminal operations—such as calling detainees "Balijas" and "What do you Balijas want, your own Muslim state?"—the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims on the basis of their ethnicity.

1250. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims of the municipality of Gacko.

1251. *Conclusion.* The Trial Chamber finds that, from the beginning of April 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 3, 4, 5, 6, 7, 8, 9, and 10 of the Indictment in the municipality of Gacko.

## N. Ilijaš

### 1. Charges in Indictment

1252. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Ilijaš at the times and locations outlined below.

1253. In count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) unlawful detention at least during June and July 1992 in the SJB building in Ilijaš and at least during June 1992 in the Podlugovi railway station;[2923] (b) torture,

[2923] Indictment, para. 26(e), Schedule C n. 13.1-2.

cruel treatment, and inhumane acts, as specified below under counts 5, 6, 7, and 8;[2924] (c) the establishment and perpetuation of inhumane living conditions during the same time periods at the same detention facilities, including the failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities;[2925] (d) the deportation and forcible transfer of Bosnian Muslims and Bosnian Croats from Ilijaš in mid-May 1992 and continuing throughout the year 1992;[2926] (e) plunder of property (i) during and after attacks on the non-Serb parts of the towns of Ilijaš, Lješevo, and Gornja Bioča, at least between the end of April and August 1992; (ii) in detention facilities; and (iii) in the course of deportations or forcible transfers;[2927] (f) wanton destruction of Bosnian Muslim and Bosnian Croat villages and areas, including the looting of residential and commercial property, during and after attacks on the non-Serb parts of the towns of Ilijaš, Lješevo, and Gornja Bioča, at least between the end of April and August 1992;[2928] and (g) the imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and Bosnian Croats shortly after the takeover of Ilijaš in mid-May 1992 and continuing throughout the year 1992.[2929]

1254. In counts 5, 6, 7, and 8, Stanišić is charged with (a) torture, a crime against humanity and a violation of the laws or customs of war; (b) cruel treatment, a violation of the laws or customs of war; and (c) inhumane acts, a crime against humanity, including beatings, sexual violence, humiliation, harassment, and psychological abuse, at least during June and July 1992 in the SJB building in Ilijaš (detainees were forced to lie down on their stomachs and they were beaten with hands, feet, and batons) and at least during June 1992 in the Podlugovi railway station (detainees suffered from a lack of water; on one occasion, gas was thrown into the cell).[2930]

1255. In counts 9 and 10, Stanišić is charged with deportation and forcible transfer (other inhumane acts), as crimes against humanity, committed by Serb Forces following the takeover of Ilijaš in mid-May 1992 against the Bosnian Muslim and Bosnian Croat population.[2931]

[2924] Indictment, para. 26(d), Schedule D n. 13.1-2.
[2925] Indictment, para. 26(f), Schedule C n. 13.1-2.
[2926] Indictment, para. 26(g).
[2927] Indictment, para. 26(h), Schedule F n. 12.
[2928] Indictment, para. 26(i), Schedule F n. 12. The Trial Chamber notes that the destruction of religious and cultural buildings is not charged in Iljaš. *See* Indictment, paras 26(i), 27(i), Schedule E.
[2929] Indictment, para. 26(j), Schedule G n. 12.
[2930] Indictment, paras 32, 34, 36, Schedule D n. 13.1-2.
[2931] Indictment, paras 37-38, 41, Schedules F n. 12, G.12.

## 2. Analysis of Evidence

### (a) Background and takeover of Ilijaš

1256. In relation to the charges in Ilijaš, the evidence received by the Chamber consisted primarily of that adduced through Witness ST004, several adjudicated facts, and one agreed fact. The cross-examination of ST004 focused on whether Ilijaš was under the control of Serbs or Muslims during the conflict and on prisoner transfers. It did not attack the credibility of the witness in relation to the events he described during his evidence.[2932] None of the adjudicated facts was challenged by the Defence.

1257. Ilijaš was one of ten municipalities making up the city of Sarajevo.[2933] According to the 1991 census, there were 20,718 persons living in Ilijaš municipality, the ethnic composition of which was 9,601 (46.3%) Serbs, 8,411 (40.6%) Muslims, 1,505 (7.3%) Croats, and 1,201 (5.8%) persons of other ethnicity.[2934] The Prosecution's Demographic Unit estimated that approximately 1,648 individuals of Muslim ethnicity and 1,075 persons of Croat ethnicity who had resided in the municipality of Ilijaš in 1991 were displaced persons or refugees in 1997.[2935]

1258. In March 1992, Serb flags were hoisted on the Ilijaš municipal building and police station. SDA and HDZ representatives stopped attending the municipal assembly meetings.[2936] Around the same time, the SJB split along ethnic lines. The Serb part called itself the "Serb police" of SAO Romanija. Muslims and Croats who had been employed at schools, banks, and hospitals were dismissed.[2937]

1259. The Serb Crisis Staff took over all the major military and civilian institutions and facilities in the municipality, including the SDK, banks, a JNA fuel warehouse, and the media.[2938] On 14 June 1992, Ratko Adžić, who was the president of the Serb Crisis Staff of the municipality and the commander of the Serb security forces in Ilijaš, invited Arkan's Men to come to the assistance of the Crisis Staff with at least one platoon.[2939] Milorad Marić was chief of the Ilijaš SJB.[2940]

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[2932] ST004, 30 November 2010, T. 17941-17945.
[2933] Adjudicated Fact 730; P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[2934] P1627, Tabeau *et al*. Expert Report, pp. 71, 75, 79, 83.
[2935] P1627, Tabeau *et al*. Expert Report, pp. 103, 107.
[2936] Adjudicated Fact 1293.
[2937] Adjudicated Fact 1294.
[2938] Adjudicated Fact 1295.
[2939] Adjudicated Fact 1296. *See* P445, Request from President of Crisis Staff of Serbian Municipality of Ilijaš to Serbian National Defence in Belgrade, 14 June 1992; P446, Request from President of Crisis Staff of Serbian Municipality of Ilijaš to Serbian Volunteer Guard in Belgrade, 14 June 1992; Dorothea Hanson, 8 December 2009, T. 4416-4418; Robert Donia, P32, Statement of Expert Witness Robert Donia, Bosnian Serb Leadership and the Siege of Sarajevo, 1990-1995, May 2009 ("Donia Expert Report: Bosnian Serb Leadership and the Siege of Sarajevo"), pp. 28-29.
[2940] P1736.04, List of employees of Public Security Station Ilijaš, 29 June 1992.

1260. During 1992, Serb Forces destroyed a large number of historical and religious sites in Ilijaš, including the Catholic cathedral in Taraćin Do and 21 Muslim religious monuments, including the mosque in Stari Ilijaš, the mosque in Misoča, the mekhtab in Bioča, and a mosque in Srednje.[2941] At least 22 Muslims were killed by Serb Forces in the municipality of Ilijaš in May and June 1992.[2942]

(b) Takeover of Lješevo

1261. Preparations to take over the majority-Muslim village of Lješevo began in March 1992 when Serbs erected checkpoints, distributed arms to the locals, and placed heavy artillery on the surrounding hills.[2943]

1262. In April 1992, the Muslims in the village organised village guards, and in May they formed a Crisis Staff, charged with organising life and work in the village. Also in May, the Serb police ordered the Muslims to surrender their weapons. Most of the Muslims complied, and 60 to 80% of them left the village in fear of an attack.[2944]

1263. On 4 June 1992, Lješevo was hit with gunfire and shells. The shells hit several houses in the Muslim part of the village where no military target was present. On the following day, Serb soldiers entered the village and killed approximately 20 Muslim villagers after capturing them and burning their personal documents. The Serb soldiers forced other villagers from their homes and assembled them at the railway station. From there, the Serb police transported the village residents by bus to a building in the Podlugovi area of Ilijaš, where they were detained for two months.[2945]

(c) Takeover of Gornja Bioča

1264. ST004, a lifelong resident of Gornja Bioča, gave evidence that, about two months before the war, local Serbs in Gornja Bioča started to have weapons, including canons and rifles.[2946]

1265. The day before the attack on Gornja Bioča, Momčilo Mandić, the RS Minister of Justice, told Milanko Mučibabić, a personal friend, during a telephone conversation, "[T]omorrow in Ilijaš […] Ah, no mercy there […] Expel all and that without weapons and please don't come back

[2941] Adjudicated Fact 1302.
[2942] Adjudicated Fact 1303.
[2943] Adjudicated Fact 1297.
[2944] Adjudicated Fact 1298.
[2945] Adjudicated Fact 1299.
[2946] ST004, P1736, Witness Statement, 22 June 1997, p. 2 (confidential).

anymore […] Go to Visoko and […] our people are to be moved in and the buildings and position filled […]."[2947]

1266. According to ST004, the Serb Forces began their attack on Gornja Bioča on 27 May 1992 at 7:30 p.m. with shelling and machine gun fire.[2948] Residents of the village, including women and children, fled to the woods, where they stayed all night.[2949] Members of the SJB Ilijaš participated in the takeover.[2950] The attack ceased around midnight, when a flare was fired, and then recommenced the next morning at around 5:00 a.m. with the Serb Forces shooting into the woods with machine guns and going through the village torching houses.[2951] The Serb Forces burned the houses of ST004 and Raif Šehić, as well as others. They attacked the house of Uzeir Semović who, along with his son, had taken refuge in the garage. They opened fire at the garage, killing Semović and his son and wounding a little girl.[2952]

1267. A group of 28 men and two boys tried to make it to the village of Visoko, but ran into machine gun fire, which killed two of them. They thus returned to Gornja Bioča, were taken into custody, and imprisoned in a garage and then the school in Gornja Bioča.[2953] There were 70 people detained at the school. In addition, women and children were kept in a neighbouring house.[2954] ST004 and a group of men were interrogated; during his interrogation, Srpko Pustivuk and Nedjo Ikonić—policemen and sector leaders in the Ilijaš SJB—asked him where the rest of the Muslims were.[2955]

(d) Events at Ilijaš SJB

1268. On 3 June 1992, ST004 and Paćo Durmić, a Muslim,[2956] were taken by Saša Savić and Čedomir Ikonić to the Ilijaš SJB. Ikonić wore civilian clothing, and Savić wore a camouflage uniform with the insignia of the Serb Military Police. There were four or five other Serbs in the

[2947] P1318.38, Transcript of Intercepted Conversation between Momčilo Mandić and Milanko Mučibabić, 26 May 1992, p. 10. *See* Momčilo Mandić, P1318.06, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 30 November 2004, T. 9065-9067, 9069.
[2948] ST004, 30 November 2010, T. 17926-17927; ST005, P1736, Witness Statement, 22 June 1997, p. 2 (confidential). Adjudicated Fact 1300 states that Serb forces shelled the village on 29 May.
[2949] ST004, P1736, Witness Statement, 22 June 1997, p. 2 (confidential).
[2950] ST004, P1736.02, Witness Statement, 23 June 2010, para. 3 (confidential); P1736.04, List of Employees of Public Security Station Ilijaš, 29 June 1992.
[2951] ST004, 30 November 2010, T. 17927-17928; ST004, P1736, Witness Statement, 22 June 1997, p. 2 (confidential).
[2952] ST004, 30 November 2010, T. 17928.
[2953] ST004, P1736, Witness Statement, 22 June 1997, p. 2 (confidential).
[2954] ST004, P1736, Witness Statement, 22 June 1997, p. 3 (confidential); ST004, 30 November 2010, T. 17929. *See* Adjudicated Fact 1300. Serb authorities also detained mostly Croat and Muslim civilians at nine additional detention centres in the Ilijaš municipality in 1992. Adjudicated Fact 1301.
[2955] ST004, P1736, Witness Statement, 22 June 1997, p. 3 (confidential); ST004, P1736.02, Witness Statement, 23 June 2010, para. 3(b) (confidential); P1736.04, List of Employees of Public Security Station Ilijaš, 29 June 1992, p. 3.
[2956] ST004, 30 November 2010, T. 17929.

truck who also wore the same uniform as Savić.[2957] In his 2010 statement to the Prosecution, ST004 stated that he believed that Savić became a member of the civilian police at some point in 1992.[2958]

1269. ST004 and Durmić were taken to the third floor of the Ilijaš SJB building by Savić, Ikonić, and the other Serbs. They were told to lie down on their stomachs and to put their hands on their heads. The guards then beat them with their hands and feet and a baton for about 15 minutes. Durmić was forced to sing a Serb nationalist song. They were then transferred to a room on the second floor, where there were five other detainees who had been badly mistreated.[2959] Four of these men were Muslim. The fifth was the father of Pero Vujović, who said that he had been arrested for driving too fast. He was released, but the others remained in detention.[2960]

(e) Events at Podlugovi railway station

1270. At around 9:00 a.m. on 4 June 1992, men wearing uniforms with military police insignia put ST004 and others onto a police armoured vehicle and transported them to the railway station in Podlugovi.[2961]

1271. When they arrived at the railway station, they were placed in the basement by Serb guards from Ilijaš, some of whom wore camouflage JNA uniforms and some civilian clothing.[2962] There were about 80 detainees, both Muslims and Croats, from Gornja Bioča, Lješevo, Ilijaš, and Stari Ilijaš. It was crowded and very hot. Some of the detainees asked for water, but this was refused by their Serb captors.[2963] They slept on the floor and received very little food and, on some days, nothing at all.[2964] According to ST004, none of the detainees were involved in the armed resistance against the Bosnian Serb Forces.[2965]

1272. The Serb guards threw two poison gas canisters into the basement. ST004 gave evidence that his throat began to burn and that he felt as if he were on fire. The detainees managed to break open a door and escape the basement; once outside, the Serb soldiers ordered them to lie face down. ST004 again recognised Savić. Some of the detainees were taken away; others, including ST004,

[2957] ST004, P1736, Witness Statement, 22 June 1997, p. 3 (confidential).
[2958] ST004, P1736.02, Witness Statement, 23 June 2010, para. 3(c) (confidential)
[2959] ST004, P1736, Witness Statement, 22 June 1997, p. 3 (confidential); ST004, 30 November 2010, T. 17929-17930; P1731, Aerial Photo of Ilijaš.
[2960] ST004, 30 November 2010, T. 17930.
[2961] ST004, P1736, Witness Statement, 22 June 1997, p. 3 (confidential).
[2962] ST004, P1736, Witness Statement, 22 June 1997, pp. 3-4 (confidential).
[2963] ST004, P1736, Witness Statement, 22 June 1997, p. 3, 11 November 1996, p. 2 (confidential); ST004, 30 November 2010, T. 17933-17934; Adjudicated Fact 1300.
[2964] Adjudicated Fact 1300.
[2965] ST004, 30 November 2010, T. 17934.

remained in the basement for two days, during which they received no food or water.[2966] One of the guards told the detainees that they had been selected for execution.[2967]

1273. From the basement, ST004 asked for help from Serbs whom he saw outside and recognised; they said they would go to see Marinko Vidović, whom ST004 later discovered was the President of the "Crisis Committee" in Ilijaš.[2968]

(f) Events at Iskra warehouse in Podlugovi

1274. Soon thereafter, ST004 was transferred to a warehouse in Podlugovi, where he met the man whom he later learned was the camp commander, Slavko. There were more than 100 detainees at the warehouse, from Ilijaš, Lješevo, Podlugovi, and Bioča.[2969] ST004 was sick from the poison gas, and another detainee, Zlatko Bečej, died from having been exposed to it. The detainees were not fed regularly, no water was supplied, and there were only two toilets. An old local man gave them water when the guards were not looking. The prisoners would be told that they were going to be exchanged, and then it would not happen. ST004 found this very distressful. These conditions persisted for 70 days.[2970]

1275. Slobodan Avlijaš, an official of the Ministry of Justice, testified that he visited the Iskra warehouse in Podlugovi and was told that the detainees were captured during combat operations in the area of Lješevo.[2971] He did not know whether this was true and did not question the detainees on this point.[2972] Avlijaš did not see any of the prisoners wearing a uniform and testified that they were all in civilian clothes.[2973] Momčilo Mandić, Minister of Justice from 19 May to November 1992, testified that the detention centres holding non-Serbs in Ilijaš were "irregular and illegal", had nothing to do with the Ministry of Justice, and were "under the authority of the army".[2974]

1276. In mid-August, the detainees were transferred to a detention centre in Svrake, Vogošća municipality, known as "Planjo's House".[2975] They were transferred in civilian buses by guards

[2966] ST004, P1736, Witness Statement, 22 June 1997, pp. 3-4 (confidential); ST004, 30 November 2010, T. 17930-17931; P1732, Photo of Railway Station in Podlugovi.
[2967] ST004, P1736, Witness Statement, 11 November 1996, p. 2 (confidential).
[2968] ST004, P1736, Witness Statement, 22 June 1997, p. 4 (confidential).
[2969] ST004, P1736, Witness Statement, 11 November 1996, p. 2, 22 June 1997, p. 4 (confidential); P1733, Aerial Photograph of Iskra Warehouse in Podlugovi.
[2970] ST004, P1736, Witness Statement, 22 June 1997, p. 4 (confidential); P1733, Aerial Photograph of Iskra Warehouse in Podlugovi.
[2971] Slobodan Avlijaš, 7 October 2010, T. 15602-15603.
[2972] Slobodan Avlijaš, 7 October 2010, T. 15603-15604.
[2973] Slobodan Avlijaš, 8 October 2010, T. 15616.
[2974] Momčilo Mandić, 4 May 2010, T. 9545.
[2975] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential).

wearing camouflage uniforms with the insignia of the Serb Military Police.[2976] ST004 recognised one of them as Srpko Pustivuk, a policeman and sector leader in the Ilijaš SJB.[2977]

1277. The events at Planjo's House are dealt with in the Vogošća section.

3. Factual Findings

1278. The Trial Chamber finds that, in March 1992, the Ilijaš SJB split along ethnic lines, with the Serb part calling itself the Serb police of SAO Romanija. Muslims and Croats were dismissed from schools, banks, and hospitals. The Serb Crisis Staff took over the major military and civilian institutions and facilities in the municipality, including the SDK, banks, a JNA fuel warehouse, and the media. Ratko Adžić was the president of the Serb Crisis Staff of the municipality and the commander of the Serb security forces in Ilijaš. Milorad Marić was chief of the Ilijaš SJB.

1279. With respect to Lješevo, the Trial Chamber finds that, on 4 June 1992, Serb soldiers attacked the majority-Muslim village of Lješevo. On 5 June 1992, Serb soldiers entered the village and killed approximately 20 Muslim villagers, after capturing them and burning their personal documents. The Serb soldiers forced other villagers from their homes and assembled them at the railway station. From there, the Serb police transported the village residents by bus to a building in the Podlugovi area of Ilijaš, where they were detained for two months.

1280. The day before the attack on Gornja Bioča, Momčilo Mandić, the RS Minister of Justice, told a friend over the phone that, the next day, the people of the village would be expelled and that there would be "no mercy". He also stated that "our people" were to be moved into the village to fill buildings and positions. The Trial Chamber finds that, on 27 May 1992, members of the SJB Ilijaš attacked the village of Gornja Bioča. Residents of the village, including women and children, fled to the woods, where they stayed all night. The attack ceased around midnight and then recommenced the next morning, with the Serb Forces shooting into the woods and going through the village torching Muslim houses. At least two people were killed during this attack and a third, a little girl, was wounded. A group of men from the village were taken into custody and imprisoned in a garage and then the school in Gornja Bioča. There were 70 people detained at the school; in addition, the women and children were kept in a neighbouring house. ST004 was interrogated by Srpko Pustivuk and Nedjo Ikonić—policemen and sector leaders in the SJB Ilijaš—who asked him where the rest of the Muslims were. On 3 June 1992, ST004 and another Muslim, Durmić, were taken by members of the Serb military police to the third floor of the Ilijaš SJB building. They were

[2976] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential).

beaten, and Durmić was forced to sing a Serb nationalist song. On 4 June 1992, members of the Serb Military Police moved ST004 and others to the basement of the railway station in Podlugovi. There were about 80 detainees, both Muslims and Croats, from Gornja Bioča, Lješevo, Ilijaš, and Stari Ilijaš. The guards were Serbs from Ilijaš, some of whom wore camouflage JNA uniforms. The conditions of detention were crowded and very hot; they slept on the floor and received very little food. The Serb guards threw two poison gas canisters into the basement, which caused serious mental and physical suffering to the detainees. Soon thereafter, ST004 was transferred to a warehouse in Podlugovi, where there were over 100 detainees. The detainees were not provided with food and water regularly, and there were only two toilets. These conditions persisted for 70 days. Around 17 August, the detainees were transferred by Serb military police and personnel of the SJB Ilijaš to a detention centre in Vogošća, known as "Planjo's House".

### 4. Legal Findings

1281. *General requirements of Articles 3 and 5 of the Statute.* The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

1282. The Trial Chamber finds that the acts of the Serb Forces were linked geographically and temporally with the armed conflict. The takeovers of Lješevo and Gornja Bioča, which included firing upon and shelling the inhabitants of those villages and torching their houses, constituted an attack against the civilian population. The attack occurred on a large scale and was well organised; it was therefore both widespread and systematic. The acts of Serb police and soldiers against the Muslim and Croat civilians were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing, and that their acts were part of it.

1283. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1284. *Counts 5, 6, 7, and 8.* The Trial Chamber finds that the beatings of the two Muslim detainees at the Ilijaš SJB building, the conditions of detention at the railway station in Podlugovi (including the poisoning with gas), and the conditions of detention at the Iskra warehouse in

[2977] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential); ST004, P1736.02, Witness Statement, 23 June 2010, para. 3(e) (confidential); P1736.04, List of Employees of Public Security Station Ilijaš, 29 June 1992, p. 3.

Podlugovi caused severe physical and psychological suffering to the victims and that these acts were committed by Serb Forces with the intent of punishing and intimidating the victims. None of the victims was taking an active part in the hostilities. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed torture against the detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1285. *Counts 9 and 10.* The Trial Chamber finds that Serb Forces removed Muslim and Croat inhabitants of Lješevo and Gornja Bioča, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Croat and Muslim population of Ilijaš. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

1286. *Count 1.* Based on the factual findings that have been made above, the Trial Chamber finds that the detention in the Ilijaš SJB and Podlugovi railway station constituted unlawful imprisonment and that the conditions there constituted the establishment and perpetuation of inhumane living conditions. During the takeovers of Lješevo and Gornja Bioča, Serb Forces committed wanton destruction in those villages, through the burning of personal documents and the torching of houses, but insufficient evidence was adduced in relation to the plunder of property in those two villages. In relation to the town of Ilijaš, sufficient evidence was not adduced in relation to wanton destruction or the plunder of property. The Trial Chamber finds that Serb Forces imposed and maintained restrictive and discriminatory measures on Muslims and Croats in Ilijaš shortly after the takeover of villages and towns in the municipality in March to June 1992 and continuing throughout the year, including the denial of the freedom of movement, the denial of and dismissal from employment, and the denial of the right to judicial process.

1287. The Trial Chamber finds that the acts in the foregoing paragraph—as well as those discussed above under counts 5, 6, 7, 8, and 10—infringed upon and denied Muslims and Croats their fundamental rights laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim and Croat ethnicity. On the basis of the pattern of conduct and the acts and statements made by Serb Forces during the criminal operations—for example, personnel of the SJB Ilijaš asking ST004 during an interrogation where the rest of the Muslims were and forcing another detainee to sing a Serb nationalist song—the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

1288. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Ilijaš.

1289. *Conclusion.* The Trial Chamber finds that, from mid-May 1992 until mid-August 1992, Serb Forces committed the crimes charged under counts 1, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Ilijaš.

## O. Pale

### 1. Charges in Indictment

1290. The Indictment charges Mićo Stanišić with crimes allegedly committed in Pale at the times and locations specified below.

1291. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4;[2978] (b) torture, cruel treatment, and inhumane acts in detention facilities as specified below under counts 5, 6, 7, and 8;[2979] (c) unlawful detention at (i) the SJB building in Pale ("Pale SJB building") at least between May and July 1992 and (ii) the former Culture Centre in Pale, also known as the Gymnasium ("Pale Gymnasium"), at least between May and August 1992;[2980] (d) the establishment of inhumane living conditions, including a failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities at the abovementioned detention facilities;[2981] (e) forcible transfer and deportation;[2982] (f) the appropriation or plunder of property during and after attacks on non-Serb parts of the towns of Pale and Renovica at least between April

[2978] Indictment, para. 26(b), Schedule B n. 11.
[2979] Indictment, para. 26(d), Schedule D n. 14.1-14.2.
[2980] Indictment, para. 26(e), Schedule C n. 14.1-14.2.
[2981] Indictment, para. 26(f), Schedule C n. 14.1-14.2.
[2982] Indictment, para. 26(g).

and July 1992, in detention facilities, and in the course of deportations or forcible transfers;[2983] (g) wanton destruction of Bosnian Muslim and Bosnian Croat villages and areas, and the looting of residential and commercial property during and after attacks on non-Serb parts of the towns of Pale and Renovica;[2984] and (h) the imposition of discriminatory measures after the takeover of Pale at the end of March 1992.[2985]

1292. Under counts 2, 3, and 4, Stanišić is charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, for the killing, by Serb Forces, of a number of men, six of whom have been named, who died as a result of beatings at the Pale Gymnasium between June and July 1992.[2986]

1293. Under counts 5, 6, 7, and 8, Stanišić is charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population at the Pale SJB building and the Pale Gymnasium. At both locations, it is alleged that between May and August 1992 detainees were beaten and, at the Pale Gymnasium, at least three men died as a result.[2987]

1294. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces against the Bosnian Muslim and Bosnian Croat population following the takeover of Pale at the end of March 1992 and during attacks on the towns of Pale and Renovica at least between April and July 1992.[2988]

### 2. Analysis of Evidence

#### (a) Background

1295. The municipality of Pale, located in the centre of BiH, is one of ten municipalities that made up Sarajevo.[2989] It is bordered by Trnovo, Novo Sarajevo, Stari Grad, Sokolac, Rogatica, Goražde, and Foča.[2990] According to the 1991 census, the ethnic composition of Pale consisted of 9,602 Serbs (69.5%), 3,621 Muslims (26.2%), 113 Croats (0.8%), and 481 (3.5%) persons of other or unknown

[2983] Indictment, para. 26(h), Schedule F n. 13.
[2984] Indictment, para. 26(i), Schedule F n. 13.
[2985] Indictment, para. 26(j), Schedule G n. 13.
[2986] Indictment, paras 29, 31, Schedule B n. 11; Final Victims List, n. 11.1.
[2987] Indictment, paras 32, 34, 36, Schedules C n. 14.1-14.2, D n. 14.1-14.2.
[2988] Indictment, paras 37-38, 41, Schedules F n. 13, G n. 13.
[2989] The other municipalities were Stari Grad (Old Town), Centar (Centre), Novo Sarajevo, Novi Grad, Vogošća, Ilidža, Ilijaš, Hadžići, and Trnovo. Adjudicated Fact 730.
[2990] Adjudicated Fact 730; P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.

ethnicity.[2991] It was the only municipality of Sarajevo in which Serbs constituted an absolute majority.[2992] In 1997, 93% of the population in Pale was Serb and only 2.7% was Muslim.[2993] Furthermore, approximately 3,033 Muslims and Croats who had resided in the municipality of Pale in 1991 were refugees or internally displaced persons in 1997.[2994]

1296. Azem Omerović, a Muslim resident of Donja Vinča, a village in the municipality of Pale,[2995] recalled the situation in Pale as being peaceful before the war, with all ethnic groups working and socialising together.[2996] However, as early as May 1991, tensions between Serbs and Muslims began to develop.[2997] Muslims feared that they would be mistreated and began to stand guard outside their homes.[2998] Serbs were mobilised beginning in January 1992.[2999] Sulejman Crnčalo, a Muslim resident of Pale,[3000] gave evidence that it would not have been possible for a Muslim to volunteer for military service if he had wanted.[3001]

1297. On the night of 2 or 3 March 1992, Sulejman Crnčalo was arrested by three Serb reserve police officers when he was standing guard outside his home.[3002] He stated that his hunting rifle, for which he had a licence, was leaning against the house.[3003] The police officers confiscated his rifle and took it and Crnčalo to the Pale SJB building.[3004] Crnčalo was given no reason for his arrest.[3005] Crnčalo and his neighbour, who had also been arrested, were questioned by a Serb regular police

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[2991] P1627, Tabeau *et al*. Expert Report, pp. 71, 75, 79, 83. *See also* Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5296; Adjudicated Fact 1304.
[2992] In the municipalities of Ilidža and Ilijaš, Serbs formed a simple majority, and in Novo Sarajevo they were in approximately equal numbers to the Muslims. Adjudicated Fact 731. *See also* Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 2; ST127, 16 June 2010, T. 11826, 11832-11833 (confidential); P1449, Croatian Statistics Agency Ethnic Composition Data Map of Sarajevo & Pale.
[2993] P1627, Tabeau *et al*. Expert Report, 4 April 2003, pp. 71, 75, 79, 83.
[2994] P1627, Tabeau *et al*. Expert Report, pp. 103, 107.
[2995] Azem Omerović, P2178, Witness Statement, 20 April 2002, pp. 1-2.
[2996] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 2.
[2997] On 6 May 1991, Vojislav Šešelj led a gathering of members of the Serb Radical Party at Romanija in Pale. While nothing happened during this gathering, it raised fear among the Muslim population that they would be mistreated. Tensions in Pale temporarily lessened until demonstrations in relation to Kosovo began at the beginning of 1992. Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5297- 5301, 5367.
[2998] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5299-5301.
[2999] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5305-5306.
[3000] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5295; Sulejman Crnčalo, 21 June 2010, T. 11955.
[3001] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5306-5308, 5362, 5364-5365; Sulejman Crnčalo, 21 June 2010, T. 11996-11997. Azem Omerović gave evidence that his colleagues were mobilised but that he was not. Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 2.
[3002] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5308-5309, 5316; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 2.
[3003] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5308, 5380; Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 3 September 2004, T. 5385; Sulejman Crnčalo, 21 June 2010, T. 12000-12001.
[3004] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5308-5309; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 2.
[3005] Sulejman Crnčalo, 21 June 2010, T. 11958.

officer named Tomislav Hršum of the Criminal Investigation Unit.[3006] Hršum punched Crnčalo in the face and beat him across the back with a rubber truncheon.[3007] After approximately three hours, someone in civilian clothes pushed away Hršum and told Crnčalo that he would not be beaten anymore.[3008] At around 2:00 a.m. the following morning, Malko Koroman, the Pale Chief of Police,[3009] saw that Crnčalo had been beaten but did not do anything about it.[3010] Koroman said that he had ordered his police officers to stay away from Muslim areas, but warned that he would "raze the Muslim neighbourhood" if any police officers were killed.[3011] Koroman released the men but their hunting rifles were not returned.[3012] Crnčalo was never charged with any crime following this arrest. As a result of the beating, he had internal haemorrhages in his back, and his face was bruised and swollen.[3013]

(b) Establishment of Serb SJB and subsequent events

1298. On 23 March 1992, pursuant to a decision of the Pale Crisis Staff, all Muslim police officers at the Pale SJB were required to hand in their weapons and equipment and were removed from service.[3014] The Crisis Staff was controlled by the SDS and the president was Zdravko Čvoro.[3015] Koroman said that this was in response to the dismissal of Serb police officers at the Stari Grad SJB and that Muslim officers would be allowed to return when Serb police officers were returned to the Stari Grad SJB.[3016] By April 1992 there were no Muslim police officers in Pale.[3017] According to Crnčalo, only Serbs could be members of the reserve police or reserve army.[3018]

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[3006] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5309-5310; Sulejman Crnčalo, 21 June 2010, T. 11959, 11961; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 2; P1452, List of Employees at Pale SJB in April 1992.
[3007] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5309; Sulejman Crnčalo, 21 June 2010, T. 11959, 22 June 2010, T. 12011-12012; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 2.
[3008] Sulejman Crnčalo, 21 June 2010, T. 11959, 11961, 12003.
[3009] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5304, 5324; Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6. ST127, 16 June 2010, T. 11838-11839; 17 June 2010, T. 11923-11924; P1452, List of Employees of Pale SJB in April 1992. *See also* Adjudicated Fact 1306.
[3010] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5310; Sulejman Crnčalo, 21 June 2010, T. 11960, 22 June 2010, T. 12010; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 2.
[3011] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5310; Sulejman Crnčalo, 21 June 2010, T. 11960; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, pp. 2-3.
[3012] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5315; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 3.
[3013] Sulejman Crnčalo, 21 June 2010, T. 11961.
[3014] P650, Statements by Policemen of Muslim Nationality About Their Removal from the Pale and Sokolac SJB, 24 March 1992, p. 2; P1457, Record of Pale SJB Activities in 1992, signed by Commander of Pale SJB, Jovan Škobo, 8 February 1993, p. 1. *See also* ST127, 16 June 2010, T. 11837, 17 June 2010, T. 11883-11884.
[3015] Sulejman Crnčalo, 21 June 2010, T. 11982-11983; ST127, 16 June 2010, T. 11850-11851; P1454, Letter from Pale Serb Crisis Staff to Muslims, 11 April 1992.
[3016] P650, Statements by Policemen of Muslim Nationality About Their Removal from the Pale and Sokolac SJB, 24 March 1992, p. 2. *See also* Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-36-T, 2 September 2004, T. 5312, 5314; Sulejman Crnčalo, 21 June 2010, T. 11960.

1299. During the same month, Serbs began a campaign to convince Muslims to leave the municipality of Pale.[3019] Serb police officers, including Jovan Škobo, an assistant commander at the Pale SJB,[3020] and Radomir Kojić attempted, on a daily basis and for many consecutive weeks, to convince Muslims to leave in peace and thereby avoid trouble later.[3021] Crnčalo described Kojić as a "hauler" before the war who was "probably mobilised into the reserve formation of the Serb army." Crnčalo thought that he was "in some sort of special unit as a member of the military police". Kojić wore a "military camouflage uniform" without any rank or insignia. After observing Kojić's behaviour, and the conduct of the people with him, Crnčalo believed that Kojić exercised authority.[3022] By the beginning of 1992, according to Crnčalo, almost all Serb homes had received weapons from the army barracks in the Pale area.[3023] At the beginning of March, Muslims heard the shooting of automatic and infantry weapons, Muslim homes were fired upon, and grenades were thrown at the home of Bekto Jašarević.[3024]

1300. At the same time, Koroman made an announcement on television inviting all Muslims and Croats to surrender to the police their long-barrelled guns, including hunting rifles and sports rifles.[3025] According to a record prepared by the Serb SJB in Pale of their activities in 1992, non-Serbs were ordered to surrender their weapons, irrespective of whether they had permits for them or not.[3026] All rifles had previously been registered with the police so Muslims and Croats had no choice but to comply.[3027]

1301. In the second half of March 1992, a Muslim delegation from the municipality of Pale had a series of meetings with Koroman and Radislav Starčević, the president of the municipality,[3028] about the threats from Jovan Škobo and the treatment of Muslims in Pale. The members of the

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[3017] ST127, 16 June 2010, T. 11847-11848. *See also* Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-36-T, 2 September 2004, T. 5314, 5337.
[3018] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5337.
[3019] Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 3 September 2004, T. 5386; Adjudicated Fact 1305.
[3020] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5322; ST127, 16 June 2010, T. 11840; P1452, List of Employees of Pale SJB in April 1992.
[3021] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5321-5322; Sulejman Crnčalo, 21 June 2010, T. 11965; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4; Adjudicated Fact 1305.
[3022] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5321-5322.
[3023] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5304-5305; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 2.
[3024] Sulejman Crnčalo, 21 June 2010, T. 11965-11966; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, pp. 2-3.
[3025] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5317-5318; Sulejman Crnčalo, 21 June 2010, T. 11962.
[3026] P1457, Record of Pale SJB Activities in 1992, signed by the Commander of Pale SJB, Jovan Škobo, 8 February 1993, p. 1. *See also* ST127, 16 June 2010, T. 11849-11850, 17 June 2010, T. 11883-11884.
[3027] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5318, 5320; Sulejman Crnčalo, 21 June 2010, T. 11963.

Muslim delegation told Koroman and Starčević that they did not want to leave their homes.[3029] At a meeting with Nikola Koljević and Koroman, the Muslim delegation again informed the Serb leaders that they were not breaking any laws and that they wanted to remain in their homes.[3030] Koljević told the delegation that local Serbs did not want Muslims living in Pale.[3031] Koroman informed the delegation that he could no longer guarantee the safety of Muslims because he could not control the Red Berets who had arrived from Knin.[3032] Based on what the delegation had heard had happened in Knin, Muslims became afraid of violence, arrests, beatings, killings, and suffering at the hands of the Red Berets.[3033]

1302. In March and April 1992, Serb paramilitaries, local police, and reserve soldiers set up checkpoints in Pale that severely restricted the movements of Muslims.[3034] In connection with this, many local Serbs were armed and assisted at the barricades.[3035] At the checkpoints, buses were stopped and some people were taken off and detained on the side of the road.[3036] Individuals and their vehicles were searched.[3037] Azem Omerović was harassed and searched, but stated that no one was beaten or otherwise mistreated.[3038] According to a record prepared by the Serb SJB in Pale of their activities, police officers, in the course of 1992, checked the ID of individuals travelling in Pale.[3039] According to Crnčalo, police officers exercised strict control over the movement of Muslims and did not allow them to move between communes.[3040] Crnčalo testified that young

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[3028] Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 3 September 2004, T. 5412; P2026, Letter to Pale SDS Main Board, signed President of Pale Municipal Assembly, Radislav Starčević, 12 June 1992.
[3029] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5322-5324; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4.
[3030] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5326-5328; Sulejman Crnčalo, 21 June 2010, T. 11963-11964; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, pp. 4-5.
[3031] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5326; Sulejman Crnčalo, 21 June 2010, T. 11963-11964; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, pp. 4-5; Adjudicated Fact 1306.
[3032] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5326-5329; Sulejman Crnčalo, 21 June 2010, T. 11964; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4; Adjudicated Fact 1306.
[3033] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5329; Sulejman Crnčalo, 21 June 2010, T. 11964, 22 June 2010, T. 12031-12032.
[3034] Azem Omerović, P2178, Witness Statement, 20 April 2002, pp. 2-3; Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5332-5333; Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 3 September 2004, T. 5390-5391; Sulejman Crnčalo, 21 June 2010, T. 11997-11998; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4; Adjudicated Fact 1307.
[3035] Adjudicated Fact 1307.
[3036] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 3.
[3037] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5332-5333.
[3038] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 3.
[3039] P1457, Record of Pale SJB Activities in 1992, signed by the Commander of Pale SJB, Jovan Škobo, 8 February 1993, p. 3.
[3040] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5317, 5333-5334.

Muslims were randomly arrested on the street by police, at least once under the direction of Zoran Škobo, who was a professor in Pale and the brother of Jovan Škobo.[3041]

1303. On 9 April, Muslims sent a letter to the Serb Crisis Staff in Pale in which they stated that Muslims were being abused and singled out for unlawful arrest and Muslim apartments were being broken into. Citing these complaints, as well as the disarming of Muslim police officers and the seizure of weapons from Muslims for which they had permits, Muslims requested permission for "persons and families who do not feel safe on the territory of Pale" to leave "without hindrance and in an organised manner."[3042] The Serb Crisis Staff responded that there was no reason for the Muslim population to panic and leave and that the "Serbian Municipality of Pale" would offer full protection to all citizens, "whatever their ethnicity or creed".[3043] According to ST127, this same message was communicated publicly on television or the radio.[3044] Crnčalo testified however that he never received any message that Muslims could stay in Pale.[3045]

1304. By order of the Serb Crisis Staff in Pale issued on 7 May 1992, telephone service to certain Muslims was discontinued whereas the telephone service of Serbs continued to function.[3046] Later in May, Crnčalo and other Muslims were turned away when they arrived for work at the FAMOS company.[3047] The manager explained that it was done to prevent any "unpleasant incident" from happening in response to a conflict that had occurred in Renovica. The Muslims were never called back to work at the factory and Muslims were banned from work at other companies.[3048]

1305. At this time, there was a "mass occurrence" of criminal activities committed by many people and "war profiteers" in Pale.[3049] In particular, there were a large number of burglaries, and cattle was stolen from Muslims who had fled into the forest or had moved to Sarajevo.[3050] Weekend cottages were broken into.[3051] Members of the police took property from residents without properly

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[3041] Sulejman Crnčalo, 21 June 2010, T. 11967-11968; Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5334-5335, 5338.
[3042] P1453, Proposal of Muslim Citizens of Pale, 9 April 1992.
[3043] P1454, Letter from Pale Serb Crisis Staff to Muslims, 11 April 1992.
[3044] ST127, 16 June 2010, T. 11850.
[3045] Sulejman Crnčalo, 21 June 2010, T. 11983-11986.
[3046] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5338-5339; P1466.03, Order of Pale Crisis Staff to Disconnect Phone Lines, 7 May 1992. *See also* 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 3.
[3047] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-36-T, 2 September 2004, T. 5313, 5346-5347; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 3.
[3048] 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 3.
[3049] P1456, Report on the Activities of Criminal Investigations Department of SJB Pale in the Period between 1 April and 31 December 1992, p. 2 (confidential).
[3050] ST127, 16 June 2010, T. 11864-11865; P1456, Report on the Activities of Criminal Investigations Department of SJB Pale in the Period between 1 April and 31 December 1992, p. 2 (confidential).
[3051] ST127, 16 June 2010, T. 11849; P1456, Report on the Activities of Criminal Investigations Department of SJB Pale in the Period between 1 April and 31 December 1992, p. 2 (confidential).

recording it.[3052] The papers of vehicles seised from non-Serbs when they left Pale, as well as other stolen vehicles, were altered at the Pale SJB and sold. Jovan Škobo and other "officials" kept the profits.[3053]

1306. During the period of 1 April to 31 December 1992, 64 criminal reports against 44 persons were filed with the Pale SJB, with roughly two-thirds of the crimes committed by unknown perpetrators. According to a report prepared by the Criminal Investigations Unit, police employees did not assist in solving these crimes.[3054] Despite being informed, Malko Koroman and the MUP did nothing about the police officers refusal to perform police functions.[3055]

(c) Attack on Renovica

1307. Renovica was a predominately Muslim village in the eastern part of the municipality of Pale.[3056] On 22 May 1992, Kemal Hujdur, a Muslim resident of Renovica, was awoken by the sound of shooting. He saw through a window soldiers in a pinzgauer with a machine-gun shooting at the roofs of houses. One bullet entered through the window of Hujdur's house. After approximately 10 minutes of constant shooting, an announcement was made over a megaphone that residents should come out and surrender their weapons. When no one complied, the shooting resumed and lasted for another 15 minutes. Approximately five or ten minutes after the shooting stopped for a second time, a neighbour informed Hujdur and his family that police from Pale had come to check if residents had any weapons and would not harm them. When Hujdur came out of the house with his parents and another man, they were ordered to put their hands up and were searched.[3057]

1308. Hujdur and other residents of Renovica were collected and taken to successive places of detention, including the military apartments in Renovica, which were guarded by men in camouflage uniforms and blue reserve police uniforms.[3058] As they were moved, Hujdur heard constant shooting and saw barns and at least a dozen houses burning.[3059] Hujdur also saw Kasim Sipović being beaten by young men at the main intersection in Renovica and later covered in

[3052] ST127, 16 June 2010, T. 11871; P1456, Report on the Activities of Criminal Investigations Department of SJB Pale in the Period between 1 April and 31 December 1992, pp. 9-10 (confidential); P1460, Conclusions of the Pale Executive Committee and Establishment of Revision Commission, 14 July 1992.
[3053] ST127, 16 June 2010, T. 11840-11843, 17 June 2010, T. 11902-11903.
[3054] P1456, Report on the Activities of Criminal Investigations Department of SJB Pale in the Period between 1 April and 31 December 1992, p. 5 (confidential).
[3055] ST127, 16 June 2010, T. 11867 (confidential), 11872-11873; P1456, Report on the Activities of Criminal Investigations Department of SJB Pale in the Period between 1 April and 31 December 1992, p. 3 (confidential).
[3056] Kemal Hujdur, 6 December 2010, T. 18181-18182; P1748, General Map of Pale.
[3057] Kemal Hujdur, 7 December 2010, T. 18196-18198, 18204, 18206.
[3058] Kemal Hujdur, 7 December 2010, T. 18198-18204, 18218-18219.
[3059] Kemal Hujdur, 7 December 2010, T. 18200, 18206.

blood.[3060] A police officer wearing a reserve police uniform asked Hujdur where his rifle was and hit him in the face.[3061] At around 2:00 p.m., the women, children, and elderly people were released. Approximately 30 men remained.[3062]

1309. At around 4:00 or 4:30 p.m. on the day of the attack, Hujdur and 25 other detainees had their hands tied with rope and were ordered onto a bus to be taken to Pale.[3063] Members of the police got on the same bus, and a convoy, about 1 km long, was formed of military vehicles, including pinzgauers, at least three Pragas, 110 trucks, and at least two buses full of soldiers.[3064] Before leaving for Pale, the convoy stopped in front of the house of Alija Prazina, the president of the SDA in Renovica,[3065] and one of the vehicles fired at the house leaving it completely bullet-ridden.[3066]

1310. The convoy continued on until it stopped in front of the Pale SJB building. Waiting outside the building was a group of 200 or 300 people, including civilians and men in reserve police uniforms, green camouflage uniforms, former JNA uniforms, and blue or grey camouflage uniforms, which the witness believed were the uniforms of special MUP units. The detainees were ordered off the bus, brought inside the Pale SJB building and told to stand against the wall. The group of people outside the building had formed a gauntlet and beat and cursed the detainees, yelling, "Balijas, you killed one of our men. All of them need to be shot." Hujdur was hit a few times. After some time, someone—who, according to Hujdur, was most likely Malko Koroman—ordered that the detainees be taken to the Pale Gymnasium.[3067]

1311. According to ST127, a member of the MUP,[3068] the operation was conducted to disarm non-Serbs. This operation followed an agreement between Koroman and Prazina that Muslims would surrender their weapons. When Serb Forces went to collect the weapons, they were caught in an ambush and two police officers were killed.[3069]

1312. However, Hujdur testified that he was not aware of an arrangement having been made for residents in Renovica to surrender their weapons.[3070] Moreover, his evidence suggests that there was no efficient and organised defence in Renovica at the time that would have had the means to

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[3060] Kemal Hujdur, 7 December 2010, T. 18206-18207.
[3061] Kemal Hujdur, 7 December 2010, T. 18203.
[3062] Kemal Hujdur, 7 December 2010, T. 18204-18205.
[3063] Kemal Hujdur, 7 December 2010, T. 18204-18205. *See also* Sulejman Crnčalo, 21 June 2010, T. 11992.
[3064] Kemal Hujdur, 7 December 2010, T. 18200, 18205.
[3065] ST127, 16 June 2010, T. 11858-11859, 17 June 2010, T. 11932. *See also* Kemal Hujdur, 6 December 2010, T. 18183.
[3066] Kemal Hujdur, 7 December 2010, T. 18205.
[3067] Kemal Hujdur, 7 December 2010, T. 18206-18208. In his testimony, Hujdur refers "the MUP building" in Pale; based on the totality of evidence, the Chamber considers that this is in reference to the Pale SJB Building.
[3068] ST127, 16 June 2010, T. 11826-11827 (confidential).
[3069] ST127, 16 June 2010, T. 11858-11859, 17 June 2010, T. 11931-11932. *See also* P1455, Minutes from 14th Session of the Pale Municipal Assembly, 18 June 1992, p. 3.

conduct such an ambush. According to Hujdur, at the time of the operation, in Renovica there were approximately 30 to 35 rifles in total, comprised of licenced hunting rifles and 15 to 20 M48 rifles, that Alija Prazina had acquired and distributed to residents.[3071] Hujdur did not see any heavy machine guns or heavy military vehicles, and there were no mortar positions, sniper positions, or radio communication systems.[3072] Further, while leaders in Renovica had attempted to organise a village defence, there was distrust among the residents, and everyone ended up guarding their own homes.[3073] In the period leading to the morning of 22 May 1992, neither Hujdur nor any of the other 150 to 200 men in Renovica had engaged in any form of combat or military action.[3074]

1313. The operation in Renovica was discussed at the 14th Session of the Pale Municipal Assembly because members were upset that the two officers were killed. Koroman took the floor and denied that the operation was carried out at his initiative; he claimed that the operation had been carried out in cooperation with the army command. At this meeting, there was no discussion of an agreement that Muslims would surrender weapons or that there had been an ambush.[3075]

(d) Attack on Donja Vinča

1314. On 22 May 1992, soldiers in VRS or JNA uniforms shelled the predominantly Muslim village of Donja Vinča, which was approximately 1 or 2 km from Renovica.[3076] Azem Omerović, a resident of Donja Vinča, gave evidence that his house and those of his brother and neighbours were burned and that he saw a shell hit his neighbour's house.[3077] According to Omerović, Serb Forces encountered no organised resistance from the village.[3078] No one was injured or killed in Donja Vinča during the shelling, but villagers were forced from their homes.[3079] Omerović and a neighbour hid in a nearby creek until nightfall during which time they heard Serbs shouting and telling people to surrender if they did not want to be injured. Later that night, Omerović joined his wife, mother, and 15 other civilians who were hiding in a house. They remained there for approximately 12 days.[3080]

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[3070] Kemal Hujdur, 7 December 2010, T. 18195.
[3071] Kemal Hujdur, 6 December 2010, T. 18184-18187, 7 December 2010, T. 18194.
[3072] Kemal Hujdur, 6 December 2010, T. 18187.
[3073] Kemal Hujdur, 6 December 2010, T. 18186. *See also* Kemal Hujdur, 6 December 2010, T. 18184-18185.
[3074] Kemal Hujdur, 6 December 2010, T. 18188.
[3075] P1455, Minutes from 14th Session of the Pale Municipal Assembly, 18 June 1992, pp. 1, 3. *See also* P1803, Brown Expert Report, pp. 32-33; 1D534, Decision on the Forming, Organisation, Establishment, and Command and Control of the VRS, 15 June 1992, pp. 2-3.
[3076] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 3; Kemal Hujdur, 6 December 2010, T. 18182; Adjudicated Fact 1313.
[3077] Azem Omerović, P2178, Witness Statement, 20 April 2002, pp. 3-4.
[3078] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 4.
[3079] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 4; Adjudicated Fact 1313.
[3080] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 4.

1315. On 3 June, three Serbs entered the basement and took the civilians who were hiding there to a series of houses. On approximately 4 June, Omerović and the three other men in the group were transported to the Pale SJB building by men in military camouflage uniforms driving police cars.[3081] There is no evidence of what happened to the others at that time. Omerović was eventually reunited with his family in Sarajevo.[3082]

1316. Upon arrival at the Pale SJB building, the detainees were searched, and their personal documents were taken. Omerović and the other detainees were beaten, slapped, kicked, and insulted by soldiers in camouflage uniforms. The regular police did not join in the abuse, but did nothing to stop it. Omerović was taken for an hour-long interrogation by a Serb in a camouflage uniform. He was questioned about the location of specific people and the distribution of weapons to Muslims, but was not beaten or otherwise mistreated. He believed the other three men underwent the same interrogation. Following his interrogation, Omerović was taken to the Pale Gymnasium.[3083]

(e) Pale Gymnasium

1317. As a preliminary matter, the Trial Chamber notes that witnesses have referred to the building used by Serbs in Pale as a detention facility by various names including gymnasium,[3084] "Scout House",[3085] sports hall,[3086] the gym behind the police station,[3087] the culture hall,[3088] and the cinema hall.[3089] However, after reviewing the evidence, it is apparent that all the witnesses were referring to the same building, one that was located approximately 20 metres from the police station and used for various purposes.[3090] Crnčalo and Hujdur marked the same building on an aerial photo of Pale while calling it by different names.[3091] Further, witnesses gave evidence that the same group

[3081] Azem Omerović, P2178, Witness Statement, 20 April 2002, pp. 4-5.
[3082] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 9.
[3083] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 5.
[3084] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, pp. 3-4.
[3085] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, pp. 3-4.
[3086] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2410 (confidential).
[3087] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 5.
[3088] Kemal Hujdur, 7 December 2010, T. 18207.
[3089] Sulejman Crnčalo, 21 June 2010, T. 11969-11970; Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5346; ST127, 16 June 2010, T. 11851-11852.
[3090] Sulejman Crnčalo, 21 June 2010, T. 11969-11970; Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 2 September 2004, T. 5346.
[3091] Sulejman Crnčalo, 21 June 2010, T. 11993-11994; Kemal Hujdur, 7 December 2010, T. 18211-18212; P1465, Aerial Photo of Pale with Markings by Sulejman Crnčalo; P1749, Aerial Photo of Pale with Markings by Kemal Hujdur.

of detainees from Bratunac were detained at the sports hall,[3092] the gym,[3093] and the cinema hall,[3094] and that Fehim Hrvo was detained and died at the cinema house or the culture hall.[3095]

1318. The Trial Chamber considers that this was not the former Culture Centre in Pale as alleged in the Indictment. In fact, the Culture Centre in Pale was a different building located approximately 350 to 400 metres from the Pale SJB building, adjacent to the Orthodox church and was temporarily used as the headquarters of the RS government.[3096] Crnčalo specifically testified that there was no prison at this cultural centre.[3097] The Trial Chamber notes that, in the Prosecution's Pre-Trial Brief and Rule 65 *ter* witness summaries, the location is also referred to with various names, including "gym", "scout house", "sports hall", and "cinema hall". Moreover, and importantly, Stanišić in his Final Trial Brief refers to the location as the "gym", and Stanišić has not, throughout the proceedings, taken the position that he was not aware of these charges.[3098] The Trial Chamber is satisfied that Stanišić was sufficiently put on notice of the charges against him. Moreover, the Trial Chamber considers that, when witnesses have described a place by any of the names above, they were referring to the Pale Gymnasium, a building approximately 20 metres from the police station.

1319. According to Slobodan Marković, the Pale Gymnasium was guarded by military police and members of the VRS and not members of the police.[3099] However, according to detainees at the Pale Gymnasium, as well as ST127—who was a member of the MUP—the Pale Gymnasium was guarded by members of the Pale police and reserve police.[3100]

1320. According to Sulejman Crnčalo, his neighbour Fehim Hrvo, a Muslim, was arrested and taken to the Pale Gymnasium, probably at the beginning of March 1992, after a hunting rifle was found in his car at a checkpoint.[3101] Crnčalo stated that Hrvo had a licence for the rifle and that there had not yet been an order for Muslims to turn in their weapons.[3102] A few days later, police said that Hrvo had hanged himself and sought volunteers to retrieve his body from the Pale

[3092] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2410 (confidential).
[3093] Slobodan Marković, 12 July 2010, T. 12656.
[3094] Sulejman Crnčalo, 21 June 2010, T. 11969-11970; Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5346.
[3095] ST127, 16 June 2010, T. 11852; Sulejman Crnčalo, 21 June 2010, T. 11970-11971; Kemal Hujdur, 7 December 2010, T. 18207-18210.
[3096] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5342-5343.
[3097] Sulejman Crnčalo, 22 June 2010, T. 12018-12019.
[3098] Prosecution Pre-Trial Brief, para. 278; Stanišić Final Trial Brief, para. 500.
[3099] Slobodan Marković, 12 July 2010, T. 12657-12659.
[3100] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2412 (confidential); Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 3; ST127, 16 June 2010, T. 11852; Kemal Hujdur, 7 December 2010, T. 18209.
[3101] Sulejman Crnčalo, 21 June 2010, T. 11967, 11970; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4.
[3102] 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4.

Gymnasium.[3103] Crnčalo testified that, when the body was returned, they were prevented from removing Hrvo's clothing and closely examining the body by approximately 10 police officers with their guns trained on them.[3104] However, he stated that there were no markings around Hrvo's neck, which was not covered, that would have indicated that he had been hanged.[3105] He also stated that Hrvo's head was bloody, his knees were swollen, and numerous bruises could be seen on parts of his body that were not covered by clothes.[3106] No documentary evidence has been admitted in relation to the death of Fehim Hrvo.[3107]

1321. On 10 May 1992, Mirsad Smajš, a Muslim resident of Pale,[3108] and eight other detainees were blindfolded and taken from Kula Prison to the Pale Gymnasium where they joined eighty-six other prisoners including mostly Muslims and also some Serbs and Croats.[3109]

1322. On or around 15 May 1992, approximately 430 men, including Rešid Hasanović, arrived in Pale from Bratunac where they had been detained.[3110] Slobodan Marković, a member of the government commission for the exchange of prisoners of war, testified that some of the detainees from Bratunac were in civilian clothes, but most were wearing at least parts of a military uniform.[3111] However, Crnčalo, who saw the truckloads of detainees arrive in Pale, stated that the detainees were dressed in work clothes and boots giving him the impression that they had been picked up in the fields where they had been working.[3112] Hasanović testified that all the men were Muslim civilians who had been rounded up at their homes.[3113]

1323. Upon arrival in Pale, Hasanović saw a desk with civilians and a few police officers. The detainees were told to get off the trucks one by one and to remove their shoelaces and belts. As

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[3103] Sulejman Crnčalo, 21 June 2010, T. 11970-11971; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4.
[3104] Sulejman Crnčalo, 21 June 2010, T. 11971; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4.
[3105] Sulejman Crnčalo, 21 June 2010, T. 11971.
[3106] 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 4. *See also* ST127, 16 June 2010, T. 11852; Kemal Hujdur, 7 December 2010, T. 18209-18210.
[3107] P2466, Proof of Death Database (CHS), "ordinal number" 2366 (confidential).
[3108] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, pp. 1-2.
[3109] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, pp. 3-4.
[3110] Hasanović had been arrested, following an attack on the village of Suha on 10 May, and detained in Bratunac for three days during which he witnessed several beatings and killings. Hasanović was himself severely beaten and slashed with a knife on the head and arm. Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2382-2383, 2392-2395, 2399-2410 (confidential); Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5343-5346; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 5; Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 3; Slobodan Marković, 12 July 2010, T. 12655-12657.
[3111] Slobodan Marković, 12 July 2010, T. 12655-12656.
[3112] He also stated that he heard passers-by say that they were Green Berets or "Balijas" who had been caught in Bratunac. Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5343-5344; Sulejman Crnčalo, 21 June 2010, T. 11969-11970; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 5.
[3113] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2392 (confidential).

Hasanović jumped from the truck, he was kicked by a "very young man" but a second man stopped the abuse citing the fact that Hasanović was a civilian.[3114] After the names of the detainees were recorded, they were taken to the Pale Gymnasium where they were detained.[3115]

1324. Detainees at the Pale Gymnasium were given plastic cups and jugs with which to drink water that was provided in a barrel and from a hose. They could drink as much water as they wanted.[3116] Marković testified that the detainees from Bratunac were given three meals. He added that they were fed fish out of respect for their religious beliefs.[3117] According to Hasanović, however, detainees received food once per day, usually bread and bologna, and that this was far from sufficient.[3118] Smajš stated that he did not receive any food. Detainees were forced to sleep on the floor.[3119]

1325. Often when a detainee asked to use the toilet one of the guards would either kick the detainee or hit him with whatever was available.[3120] At night, soldiers in "all types of uniforms or parts of uniforms" came to the Pale Gymnasium and beat detainees with sticks, police batons, and rifles. Detainees were thrown against the wall, striking their heads.[3121] On one occasion, a man in uniform and claiming to be the Pale police commander, entered the Pale Gymnasium and demanded information from the detainees. When he did not get the information he wanted, he beat detainees on the head with a barrel used to hold water.[3122] Hasanović testified that a Croat man was tied to the radiator at the Pale Gymnasium. The guards told the other detainees to stay away from him because he was an "Ustasha" and that he "had to answer for it." The Croat was taken several times to be interrogated and beaten.[3123] Smajš lost several teeth and had ribs broken at the Pale Gymnasium.[3124]

1326. On the morning of 16 or 17 May 1992, police told the detainees from Bratunac, including Hasanović, that they were going to be exchanged for Serb soldiers.[3125] The detainees were tied

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[3114] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2410 (confidential).
[3115] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2410 (confidential); P179.17, List of 400 Individuals Transported from Bratunac to Pale, signed by Slobodan Marković, Member of the Central Commission for Exchange of Prisoners of War RS MUP. The Trial Chamber notes that this document was also admitted as P263. Sulejman Crnčalo, 21 June 2010, T. 11970; Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5346; Slobodan Marković, 12 July 2010, T. 12656.
[3116] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2413 (confidential).
[3117] Slobodan Marković, 12 July 2010, T. 12657.
[3118] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2413 (confidential)
[3119] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 3.
[3120] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2413 (confidential); Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 3.
[3121] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 3.
[3122] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2413 (confidential).
[3123] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2412 (confidential).
[3124] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 3.
[3125] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 4; Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2413-2416 (confidential).

together in groups of ten and put on a truck.[3126] Civilians, mainly women, threw objects at the detainees and trucks while yelling, "Kill the Ustashas. Why are you taking them to be exchanged?"[3127] As the detainees were driven away, they were forced to sing "Chetnik" songs.[3128] The trucks were escorted from Pale by armed VRS soldiers in combat vehicles.[3129] At Visoko the detainees were released.[3130] According to Marković, it was arranged that the detainees from Bratunac would be released to the Muslim army because it was difficult to keep them safe in Pale from people who had lost family members.[3131] Following his release, Hasanović was hospitalised for "a long time" for treatment of a dislocated kidney resulting from heavy blows he received while in detention.[3132]

1327. On 18 May 1992, Smajš and the remaining detainees, with the exception of twelve Serb detainees, were taken to Hreša to be exchanged. The exchange was monitored by the Red Cross and UNPROFOR.[3133]

1328. On 22 May, Hujdur and the other detainees from Renovica were taken from the Pale SJB building to the Pale Gymnasium. Hujdur testified that they were beaten by a group of civilians and men in uniform as they walked towards the Pale Gymnasium. The group followed the detainees into the facility and continued to beat them. Hujdur saw some 15 to 20 people who were already being detained there.[3134] Omerović was also taken from the Pale SJB building to the Pale Gymnasium on approximately 4 June. When he arrived, he was ordered to stand still and look down or he would be beaten. He was then taken to the main hall where there were approximately 50 other men, including Omerović's neighbour who was bruised and bleeding from having been beaten.[3135]

1329. According to Omerović, the conditions at the Pale Gymnasium were terrible. Detainees had to sleep on wooden floors with no blankets and were only given one slice of bread every two days. Omerović and the other detainees were very weak, starved, and in a bad state of health. They could barely walk, their skin was falling off in places, and they were covered in lice. Omerović and other

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[3126] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2413-2414 (confidential).
[3127] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2416 (confidential).
[3128] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 4.
[3129] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2417 (confidential); Rešid Hasanović, P2181, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 22 April 2004, T. 2469-2470.
[3130] Rešid Hasanović, P2180, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2417-2418 (confidential). *See also* Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 4.
[3131] Slobodan Marković, 12 July 2010, T. 12657-12658.
[3132] Rešid Hasanović, P2181, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 21 April 2004, T. 2418 (confidential).
[3133] Mirsad Smajš, P2179, Witness Statement, 14 January 1998, p. 4.
[3134] Kemal Hujdur, 7 December 2010, T. 18207-18208.
[3135] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 5.

detainees were made to do forced labour at the FAMOS company by a Serb man wearing a camouflage uniform.[3136]

1330. Detainees were beaten on a regular basis.[3137] Omerović gave evidence that he heard that a woman who was associated with the "special police unit" led by Rajko Kušić, a police official in Pale,[3138] came to the Pale Gymnasium and gave orders to beat detainees.[3139] Three Serb men came to the Pale Gymnasium on a regular basis and were allowed to do "whatever they wanted".[3140] On one occasion, a man in a reserve police uniform beat the daughter of Ševko Suljević with a table leg. Ševko Suljević was also beaten on the head by the reserve police officer for 10 to 15 minutes before Koroman arrived and stopped it.[3141]

1331. Hujdur and Omerović gave evidence that at least three men, including Selim Pandžić, Nasko Smajić, and "Brico" died as a result of beatings at the Pale Gymnasium.[3142] According to Hujdur, Selim Pandžić was brutally beaten in front of him, by individuals who were "allegedly special police units from Pale" under the command of Rajko Kušić.[3143] Omerović gave evidence that "Brico" was also stabbed in the chest. Omerović and a few other detainees were asked to take the bodies out of the storage room.[3144] Crnčalo testified that he heard that Nasko Smajić was arrested and killed in prison and that he saw five or six people going toward the cemetery for Smajić's funeral.[3145] There is a death certificate that indicates that Selim Pandžić died on 4 July 1992.[3146] There has been no documentary evidence admitted in relation to the death of Nasko Smajić or a man called "Brico".

1332. Crnčalo testified that he heard that Izet Jašarević and Alija Jusufović were arrested and killed in prison.[3147] He added that from a bus he saw Jašarević being buried.[3148] There are death certificates that indicate that Izet Jašarević died on 2 July 1992 in Pale[3149] and that Alija Jusufović died on 22 November 1996 in Pale.[3150]

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[3136] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 5-6.
[3137] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6; Kemal Hujdur, 7 December 2010, T. 18209.
[3138] Radovan Pejić, 24 June 2010, T. 12152.
[3139] Azem Omerović, P2178, Witness Statement, 20 April 2002, pp. 5-6. *See also* Kemal Hujdur, 7 December 2010, T. 18217-18218.
[3140] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6.
[3141] Kemal Hujdur, 7 December 2010, T. 18208.
[3142] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6; Kemal Hujdur, 7 December 2010, T. 18209-18210.
[3143] Kemal Hujdur, 7 December 2010, T. 18209-18210.
[3144] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6.
[3145] Sulejman Crnčalo, 21 June 2010, T. 11967, 11972, 22 June 2010, T. 12023-12024.
[3146] P2466, Proof of Death Database (CHS), "ordinal number" 2373.1, Death Certificate (confidential).
[3147] Sulejman Crnčalo, 21 June 2010, T. 11967, 11972, 22 June 2010, T. 12024.
[3148] Sulejman Crnčalo, 22 June 2010, T. 12023-12024.
[3149] P2466, Proof of Death Database (CHS), "ordinal number" 2369.1, Death Certificate (confidential).
[3150] P2466, Proof of Death Database (CHS), "ordinal number" 2371.1, Death Certificate (confidential).

1333. According to Omerović, there were no more killings after this.[3151]

1334. Hujdur and Omerović were transferred to Kula Prison in the middle of July and at the beginning of August, respectively.[3152] According to Omerović, they were "totally broken and exhausted" by the time they left the Pale Gymnasium.[3153] Hujdur was detained for an additional 50 days before being exchanged.[3154] Omerović was released on 28 August 1992 after which he went to Sarajevo and was reunited with his family.[3155]

(f) Convoys removing non-Serbs from Pale

1335. In late June and early July 1992, the transfer of a total of 1,042 non-Serbs from the municipality of Pale to the Muslim part of Sarajevo was organised by the Pale SJB with the support of the Serb Crisis Staff and the Pale Municipal Assembly.[3156] Daily announcements were made indicating which Muslims in which streets would be affected.[3157] Muslims were only allowed to take the items they could carry.[3158] Muslims were required to either "exchange" their homes with Serb refugees from Sarajevo or leave the keys to their home at the police station.[3159] Non-Serbs wishing to leave the territory of the municipality of Pale were not allowed to do so until a list was made of their property and it was taken over according to regulations.[3160]

1336. Sulejman Crnčalo left Pale in one such convoy on 2 July 1992.[3161] He repeatedly asserted that his departure from Pale was not voluntary.[3162] He said that Muslims did not want to leave their

[3151] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6.
[3152] Kemal Hujdur, 7 December 2010, T. 18209; Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6.
[3153] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 6.
[3154] Kemal Hujdur, 7 December 2010, T. 18209.
[3155] Azem Omerović, P2178, Witness Statement, 20 April 2002, p. 8-9.
[3156] Specifically, on 30 June, 88 Muslims citizens were transferred in two buses; on 1 July, 544 citzens were transferred in nine buses; and on 3 July, 410 citizens were transferred in seven buses. P1458, Report on Changing the Place of Residence of Muslims and Croats from the Territory of Pale, 6 July 1992; Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5347-5352; ST127, 17 June 2010, T. 11885, 11894; Sulejman Crnčalo, 21 June 2010, T. 11973, 11979, 22 June 2010, T. 12045-12046; P2026, Letter to Pale SDS Main Board, signed President of Pale Municipal Assembly, Radislav Starčević, 12 June 1992; P2027, Pale Municipal Assembly Decision on the Change of Residence of Muslims and Croats, 19 June 1992; P2028, Decision to Grant a Request to Enable Muslims and Croats to Leave Pale, Malko Koroman, 2 July 1992; P2030, Conclusions on Property of Muslims and Croats Leaving Pale, 6 July 1992; P2031, Decision on Unobstructed Passage of Muslims and Croats out of Pale, Malko Koroman, 6 July 1992; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 5; P1457, Record of Pale SJB Activities in 1992, signed by Commander of Pale SJB, Jovan Škobo, 8 February 1993, p. 2; Adjudicated Fact 1312.
[3157] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5347-5349; Sulejman Crnčalo, 22 June 2010, T. 12045-12046; Adjudicated Fact 1312.
[3158] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5351-5352; Sulejman Crnčalo, 21 June 2010, T. 11973, 11979; 1D329, Sarajevo High Court Record of Witness Interview of Sulejman Crnčalo, 23 August 1995, p. 5; Adjudicated Fact 1312.
[3159] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5350-5351; Sulejman Crnčalo, 21 June 2010, T. 11972-11973, 11975. *See* P1463, Contract for Exchange of Property in Pale; P1464, Excerpt from Register of Contracts of Exchange of Flats between Pale and Sarajevo.
[3160] P2030, Conclusions Relating to Protection of Property and Requirements of Those Moving Out, 6 July 1992, p. 1.
[3161] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5351-5352.

homes, but when they saw the situation in Pale and what could happen to them, they decided to save their lives and leave their property "to its fate".[3163] In preparation for his departure, Crnčalo was coerced into entering a contract to exchange houses with a Serb woman from Sarajevo but he was never able to take possession of the house in Sarajevo.[3164] According to Crnčalo, he had no choice in signing the contract.[3165]

### 3. Factual Findings

1337. With regard to counts 1, 2, 3, and 4, after considering the evidence of Sulejman Crnčalo, the Trial Chamber finds that Fehim Hrvo was arrested and taken to the Pale Gymnasium and that Hrvo then died during his detention. The Trial Chamber accepts Crnčalo's evidence that he saw signs of beating on the body of Hrvo. However, the Trial Chamber notes that members of the police reported to Crnčalo and his neighbours that Hrvo had committed suicide by hanging himself and that Crnčalo did not see any signs of hanging on Hrvo's neck. The Trial Chamber further notes that there is no evidence as to when Hrvo was beaten—it could have happened during arrest or detention. The Trial Chamber is therefore not satisfied that it has been proved beyond a reasonable doubt that Fehim Hrvo was beaten at the Pale Gymnasium or that he died as a result of beatings he sustained.

1338. The Trial Chamber accepts the evidence of Kemal Hujdur and Azem Omerović and finds that at least three men died as a result of beatings at the Pale Gymnasium. In particular, the Trial Chamber finds that one of the three men was Selim Pandžić who was beaten by a member of a special police unit under the command of Rajko Kušić, a police official in Pale, and that he died as a result of this beating. The Trial Chamber also finds that Nasko Smajić and "Brico" died as the result of beatings at the Pale Gymnasium. The Trial Chamber notes that the Prosecution's Final Victims List indicates that Selim Pandžić and "Brico" are the same person. However, the Trial Chamber considers that the evidence of Azem Omerović points to three different individuals as killed at the Pale Gymnasium.

1339. The Trial Chamber considers that the Pale Gymnasium was guarded by members and reserve members of the Pale police. These police officers permitted other individuals including,

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[3162] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5356; Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 3 September 2004, T. 5401-5403.
[3163] Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 3 September 2004, T. 5410; Sulejman Crnčalo, 21 June 2010, T. 11975.
[3164] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5350-5351; Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 3 September 2004, T. 5411; Sulejman Crnčalo, 21 June 2010, T. 11972-11973; P1463, Contract for Exchange of Property in Pale.
[3165] Sulejman Crnčalo, P1466.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 2 September 2004, T. 5350-5351; Sulejman Crnčalo, P1466.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 3 September 2004, T. 5411.

"soldiers in all types of uniforms or parts of uniforms", "three Serb men", and members of the special police unit under the command of Rajko Kušić to enter the Pale Gymnasium and beat detainees. Moreover, the Trial Chamber considers that groups of Serb civilians beat detainees as they entered the detention facility and were allowed into the building to continue mistreating detainees. The Trial Chamber finds that Nasko Smajić and the third detainee were killed by members or reserve members of the Pale police or by individuals allowed into the facility by the police. By virtue of their status as detainees, none of the above men was taking an active part in hostilities.

1340. After considering the evidence of Sulejman Crnčalo and the death certificate of Alija Jusufović that indicates that he was killed in Pale on 22 November 1996, the Trial Chamber is not satisfied that it has been proved beyond a reasonable doubt that Izet Jašarević and Alija Jusufović were among the three men who died as a result of beatings at the Pale Gymnasium.

1341. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered evidence on the treatment of detainees during their arrest and detention at the Pale SJB building and the Pale Gymnasium. The Trial Chamber notes that Slobodan Marković testified that detainees at the Pale Gymnasium who had been transported from Bratunac were provided with three meals. The Trial Chamber also notes the evidence of one of these detainees, Rešid Hasanović, that they were given food once a day and that it was insufficient. Considering that Marković, as a member of the Serb Commission for the Exchange of Prisoners of War, had an incentive to paint a positive picture of the treatment of detainees, the Trial Chamber accepts the evidence of Hasanović and finds that the detainees who had been transported from Bratunac were not given sufficient food. On the basis of this evidence, as well as the evidence of other detainees, the Trial Chamber finds that detainees at the Pale Gymnasium were kept in inhumane conditions by members of the Pale police and reserve police, with insufficient room, food, water, or sanitation facilities. There has been no evidence that the Pale police failed to provide sufficient medical care to detainees. Insufficient evidence has been provided to make a finding in relation to the conditions of detention at the Pale SJB building.

1342. The Trial Chamber finds that on the night of 2 or 3 March 1992, Sulejman Crnčalo was arrested outside his home by reserve members of the Pale police. He was taken to the Pale SJB building where he was questioned and beaten by Tomislav Hršum, a member of the Pale police. On or about 4 June 1992, Azem Omerović and other detainees who had been transported to the Pale SJB building from Donja Vinča were searched, had their documents taken, and were interrogated. The detainees were beaten, slapped, kicked, and insulted by soldiers in camouflage uniforms. Members of the police did not join in the abuse, but did not do anything to stop it. At the Pale Gymnasium, members of the Pale police, members of the special police unit under the command of

Rajko Kušić, and other visitors subjected detainees to regular and severe beatings. At least three men died as a result of these beatings and other detainees were forced to remove their bodies. At both locations, men were beaten during interrogation. The treatment caused great physical and psychological suffering. For example, Crnčalo had internal haemorrhages in his back and bruises on his face as the result of beatings he sustained at the Pale SJB building, and Smajš lost several teeth and had his ribs broken at the Pale Gymnasium. Based on the mode of the assaults and on the language used by the attackers, the Trial Chamber finds that Serb Forces assaulted Muslim and Croat detainees to intimidate them or to obtain information and to discriminate against them on the basis of their ethnicity.

1343. Turning to counts 1, 9, and 10, the Trial Chamber finds that Muslims were subjected to a campaign to convince them to leave Pale. As part of this campaign, the Pale Crisis Staff, which was controlled by the SDS and had Zdravko Čvoro as president, ordered that certain Muslims have their telephone service discontinued. Malko Koroman, the chief of the Pale SJB, ordered Muslims and Croats to surrender their weapons, and Muslim police officers were disarmed while at the same time Serbs were armed. As a result of this campaign, as well as the break-ins at their homes, Muslims sought to leave Pale. The Trial Chamber finds that the Pale SJB, on the order of the Serb Crisis Staff and Pale Municipal Assembly, organised the transfer of 1,042 Muslims and Croats out of the municipality of Pale in a series of convoys. After considering the evidence of Sulejman Crnčalo, the Trial Chamber finds that transport on these convoys was not voluntary.

1344. In relation to the operation in Renovica, the Trial Chamber has considered the evidence of ST127, a member of the MUP with knowledge of the operation, that the action was conducted in order to disarm non-Serbs and that there had been an ambush by Muslim residents. The Prosecution notes that the operation and the death of two police officers involved in it were discussed at the 14th Session of the Pale Municipal Assembly. It asserts that, if the residents of Renovica had laid an ambush after breaking an agreement to surrender weapons, this would have also been mentioned at the 14th Session, which it was not.[3166] The Trial Chamber accepts the evidence of Kemal Hujdur that there was no efficient and organised defence in Renovica that would have had the means to conduct such an ambush and therefore rejects ST127's assertion that there had been one. After considering that at the 14th Session of the Pale Municipal Assembly Malko Koroman stated that the operation had been carried out with the cooperation of the army command, that members of the police were seen in Renovica during the operation, and that two police officers were killed during the operation, the Trial Chamber finds that Muslims in the villages of Renovica were arrested,

[3166] Prosecution Final Trial Brief, para. 106.

detained, and then transported from Pale to Muslim held territory by members of the Pale police and VRS.

1345. Finally, the Trial Chamber has considered evidence on the ethnic composition of Pale in 1991 and 1997. Based on all the evidence, the Trial Chamber finds that Muslim residents were transported out of Pale or left Pale as a consequence of mistreatment, intimidations, and destruction of their property carried out by members of the Pale police, the Serb Pale Crisis Staff, the Pale Municipal Assembly, and members of the VRS.

1346. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber has heard evidence that members of the Pale police, confiscated and used or sold property abandoned by Muslims when they left Pale, including vehicles. Prior to leaving Pale, Muslims were forced to sign contracts exchanging their homes for those of Serbs in Sarajevo or to leave their keys at the SJB. During arrests and detentions, Serb guards, including members of the Pale police, confiscated valuables from detainees. Therefore, the Trial Chamber finds that members of the Pale police unlawfully took the private property of Muslims and that this was done on the basis of their ethnicity.

1347. The Trial Chamber has considered evidence that members of the Pale police along with soldiers in VRS or JNA uniforms shelled and burned homes belonging to Muslims in the villages of Renovica and Donja Vinča. Based on this evidence, the Trial Chamber finds that members of the Pale police and JNA or VRS unlawfully destroyed residential property belonging to Muslims.

1348. Members of the Pale police arrested and detained Muslim and Croat individuals at the Pale SJB building and Pale Gymnasium. Sulejman Crnčalo was given no reason for his arrest and was never charged with any crime. At the Pale SJB building, members of a crowd were heard referring to detainees as "Balijas" and Omerović was questioned about the distribution of weapons to Muslims. At the Pale Gymnasium, guards said that a Croat detainee was an "Ustasha" and that he "had to answer for it". The Trial Chamber therefore finds that Muslims and Croats were arrested on the basis of their ethnicity and that they were denied judicial process. The Trial Chamber finds that checkpoints were established in Pale and manned by members of Serb paramilitary groups, the Pale police, reserve soldiers, and local armed Serbs. Muslims were stopped, harassed, and abused at these checkpoints and their freedom of movement was restricted. Moreover, Muslims were removed from their jobs; in particular, Muslims were removed from the police force by Malko Koroman and from the FAMOS company. As such, Malko Koroman denied Muslims employment. By order of the Pale Serb Crisis Staff, telephone service to certain Muslims was discontinued denying Muslims access to this public service.

4. Legal Findings

1349. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Pale and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in hostilities.

1350. The Trial Chamber finds that the acts of the Serb Forces in Pale were linked geographically and temporally with the armed conflict. The arbitrary killings, arrests, detention, theft, and destruction of property carried out by members of the Pale police, JNA or VRS, and Serb paramilitary organisations constituted an attack against the civilian population, identified as the Muslims and Croats of Pale. The attack occurred on a large scale: a total of 1,042 non-Serbs were transported out of Pale on convoys. In light of these factors, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. The acts of the Serb Forces against the Muslim and Croat residents of Pale were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing and that their acts were part of it.

1351. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1352. *Counts 2, 3, and 4.* The Trial Chamber recalls its finding that at least three men, including Selim Pandžić, Nasko Smajić, and "Brico" died as a result of beatings they sustained at the Pale Gymnasium. Selim Pandžić was beaten by a member of a special police unit under the command of Rajko Kušić, and Nasko Samjić and "Brico" were beaten by members or reserve members of the Pale police or by individuals allowed into the facility by the police. The three men were taking no active part in hostilities at the time of their deaths. The evidence shows that the victims were severely beaten and that the perpetrators should reasonably have known that these beatings might lead to death. Recalling the finding that the general requirements of Articles 3 and 5 have been satisfied, the Trial Chamber finds that Serb Forces committed murder both as a crime against humanity and a violation of the laws or customs of war.

1353. The Trial Chamber considers that the above killings were carried out at the Pale Gymnasium in a relatively short time period, June to August 1992, by members or reserve members of the Pale police, members of a special police unit under the command of Rajko Kušić, or other individuals allowed into the facility by the police. While these killings were grave, the Trial Chamber does not

find that they were committed on a large scale, and thus they do not meet the element of massiveness required for extermination.

1354. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that the assaults carried out by members of the Pale police, at least one member of a paramilitary organisation, members of the special police unit under the command of Rajko Kušić, and other opportunistic visitors against Muslim and Croat detainees, both during the arrests and in the detention centres, caused them severe physical and psychological suffering, and that the assaults were carried out as a form of intimidation and discrimination, and in some cases with the aim of obtaining information. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that the perpetrators committed torture against the Muslim and Croat detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1355. *Counts 9 and 10.* The Trial Chamber has found that a large number of Muslim civilians were either forcibly transported out of Pale or left Pale as a consequence of mistreatment, intimidations, and the destruction of their property carried out by members of the Pale police, the Serb Pale Crisis Staff, the Pale Municipal Assembly, and members of the VRS. The Trial Chamber therefore finds that Serb Forces removed Muslims from the municipality of Pale, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Muslim population of Pale. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

1356. *Count 1.* The Trial Chamber finds that Serb Forces arrested Muslims in Pale without legitimate grounds and on a discriminatory basis. These arrests constituted unlawful detentions. Muslims were then held in detention facilities in inhumane living conditions and were subjected to inhumane treatment. The taking of Muslim property, including during detention and as convoys were being formed to move Muslims out of Pale, constituted plunder of property. The destruction of

homes during attacks on villages constituted wanton destruction. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims of Pale by denying them judicial process, denying them employment, restricting their freedom of movement, and denying them equal access to public services.

1357. The Trial Chamber finds that the acts discussed above under counts 3, 4, 5, 6, 7, 8, and 10—as well as the unlawful detentions, the establishment and perpetuation of inhumane living conditions, the plunder of property, the wanton destruction of towns and villages, and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied the fundamental rights of Muslims and Croats laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim and Croat ethnicity. On the basis of the pattern of conduct and statements made by Serb Forces during the criminal operations—including the comment by Koljević that Serbs did not want Muslims living in Pale and calling detainees "Balija" and "Ustasha"—the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

1358. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Pale.

1359. *Conclusion.* The Trial Chamber finds that, from the end of March 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Pale.

## P. Višegrad

### 1. Charges in Indictment

1360. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Višegrad at the times and locations specified below.

1361. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) murder, as specified below under counts 2, 3, and 4; (b) forcible transfer and deportation; (c) the appropriation or plunder of property at least between April and August 1992; (d) wanton destruction of the Gazanfer Bey mosque, the Old mosque at Dobrun, the Drinska mosque, the Bikavac mosque, and the New mosque at Međeđa, at least between April and September 1992; and (e) the imposition of discriminatory measures after the

takeover of Višegrad in mid-April 1992. All the underlying acts of persecution were allegedly committed by Serb Forces against Bosnian Muslims and Bosnian Croats.[3167]

1362. Under counts 2, 3, and 4, Stanišić is charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, for the killing by Serb Forces of (a) 19 men on the bank of the Drina River on or about 7 June 1992 and (b) about 70 people at a house on Pionirska Street on or about 14 June 1992.[3168]

1363. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Višegrad in mid-April 1992, against the Bosnian Muslim and Bosnian Croat population.[3169]

### 2. Analysis of Evidence

#### (a) Background

1364. The municipality of Višegrad is located in south-eastern BiH, bordered on its eastern side by the Republic of Serbia. Its main town, Višegrad, is located on the eastern bank of the Drina River.[3170] In 1991, about 17,883 people lived in the municipality, with approximately 9,000 in the town of Višegrad.[3171] Approximately 63% of the population was of Muslim ethnicity, while about 33% was of Serb ethnicity and the remaining 4% was of Croat or other ethnicity.[3172] In 1997, by contrast, less than 1% of the population in Višegrad was of Muslim ethnicity and approximately 96% of the population was of Serb ethnicity.[3173] The Prosecution's Demographic Unit estimated that approximately 11,000 Muslim individuals who had resided in the municipality of Višegrad in 1991 were internally displaced persons or refugees in 1997.[3174]

1365. ST079, a Muslim resident of Višegrad, testified that he first noticed ethnic tension in Višegrad when the multi-party system came into being in 1990.[3175] From early 1992, Muslim citizens in Višegrad were disarmed or requested to surrender their weapons,[3176] while at the same time Serbs started arming themselves and organised military training.[3177] Muslims also attempted to

[3167] Indictment, paras 24, 26, 28, Schedules A n. 4, B n. 12, E n. 14, F n. 16, G n. 15.
[3168] Indictment, paras 29, 31, Schedules A n. 4, B n. 12; Final Victims List, n. 4.1, n. 12.1.
[3169] Indictment, paras 37, 38, 41, Schedules F n. 16, G n. 15.
[3170] Adjudicated Fact 696.
[3171] P1627, Tabeau *et al*. Expert Report, p. 72. *See also* Adjudicated Fact 697.
[3172] P1627, Tabeau *et al*. Expert Report, pp. 72, 80; Adjudicated Fact 697.
[3173] P1627, Tabeau *et al*. Expert Report, pp. 72, 80.
[3174] P1627, Tabeau *et al*. Expert Report, p. 104; *see also* p. 108.
[3175] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 352, 354-355 (confidential).
[3176] Adjudicated Fact 698.
[3177] Adjudicated Fact 698; ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 355 (confidential).

organise themselves, although they were much less successful in doing so.[3178] Soon after 4 April 1992, both of the opposing groups raised barricades around the municipality, which was followed by random acts of violence including shooting and shelling. In the course of one such incident, mortars were fired at Muslim neighbourhoods. As a result, many civilians fled from their villages fearing for their lives.[3179]

1366. In early April, Murat Šabanović, a Muslim, took control of the local dam and threatened to open it.[3180] On about 13 April 1992, Šabanović released some of the water, damaging properties downstream.[3181] The following day, the Užice Corps of the JNA intervened, took over the dam, and entered Višegrad.[3182]

1367. Many Muslims, including ST079, left Višegrad fearing the arrival of the Užice Corps.[3183] However, the actual arrival of the Corps had, at first, a calming effect.[3184] After securing the town, JNA officers and Muslim leaders jointly led a media campaign to encourage people to return to their homes.[3185] ST079 testified that he heard that anyone who did not return to his job would be fired.[3186] Therefore, he, as well as many others, returned to Višegrad.[3187] On his return trip, he passed through at least five checkpoints.[3188] At one he was ordered off the bus, and his bag was searched.[3189] These checkpoints were manned by JNA soldiers as well as local Serbs, some of whom wore police uniforms.[3190]

1368. Upon returning to his home, ST079 found that the door had been broken and his house searched.[3191] All the Muslim-owned houses in the settlement had been treated in the same manner whereas the Serb-owned houses were not damaged.[3192] He further testified that his home had been "unmolested" before he had left.[3193]

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[3178] Adjudicated Fact 699.
[3179] Adjudicated Fact 700.
[3180] Adjudicated Fact 701.
[3181] Adjudicated Fact 702.
[3182] Adjudicated Fact 703.
[3183] Adjudicated Fact 704; ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 366 (confidential); ST079, P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 375-376 (confidential).
[3184] Adjudicated Fact 704.
[3185] Adjudicated Fact 705.
[3186] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 289 (confidential).
[3187] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 288-289 (confidential); Adjudicated Facts 705, 1450.
[3188] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 289-291 (confidential).
[3189] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 290 (confidential).
[3190] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 290 (confidential); ST079, 29 October 2009, T. 2244.
[3191] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 291, 366 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 375 (confidential).
[3192] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, 291-292, 366 (confidential).
[3193] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 366 (confidential).

1369. Six Muslim monuments in the municipality of Višegrad, including the two mosques in the town of Višegrad, were completely destroyed by fire and explosives during 1992.[3194] András Riedlmayer, an expert witness who testified about the destruction of religious and cultural sites, explained that the former site of the Gazanfer Bey mosque is now an empty square.[3195] In his report, he described that the mosque was completely razed with all traces of it removed.[3196] He further offered evidence that the Bikavac mosque was completely destroyed, the site bulldozed, and the building materials removed.[3197] Lazar Draško, a Bosnian Serb who served as the public prosecutor in Višegrad after 28 August 1992,[3198] testified that a mosque that had been located near the SJB building and a mosque across the river were both completely demolished prior to his arrival in Višegrad in 1992.[3199] However, he testified that, in his capacity as the public prosecutor, he received no criminal reports or investigation reports in relation to the destruction of the mosques from the police.[3200]

1370. Turning to mosques located outside of the town of Višegrad, Riedlmayer reported that the Drinsko mosque was entirely burned, its roof collapsed, portico burned, and minaret decapitated. However, its perimeter walls were left standing.[3201] He also reported that Rasim Bajraktarević, a former resident of Višegrad, informed him in an interview that the Old mosque at Dobrun was burned down and the ruins razed by "Serb forces" in April 1992.[3202] Similarly, Rasim Bajraktarević was reported to have stated that the New mosque at Međeđa was blown up by "Serb forces" in 1992 when the Muslim villagers were forced to flee.[3203] The Trial Chamber notes, however, that there is no indication in the report of the basis for Bajaraktarević's knowledge. Moreover, there is no explanation as to whom he was referring when he stated "Serb forces". Therefore, the Trial Chamber is unable to rely on this evidence to make a finding regarding who destroyed the mosques.

1371. At the same time, returning Serbs began to arm themselves with weapons that had been brought in from Serbia. The Užice Corps supplied local Serbs with weapons and provided them with military training. Serbs were mobilised into the Višegrad reserve police and also formed units that became part of the Serb forces.[3204]

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[3194] Adjudicated Facts 720, 1338.
[3195] András Riedlmayer, 2 June 2010, T. 11263-11264.
[3196] P1402, Riedlmayer Database, pp. 1029-1031.
[3197] P1402, Riedlmayer Database, p. 1035.
[3198] Lazar Draško, 28 June 2010, T. 12263-12267, 12280.
[3199] Lazar Draško, 28 June 2010, T. 12302.
[3200] Lazar Draško, 28 June 2010, T. 12302-12303.
[3201] P1402, Riedlmayer Database, p. 1017.
[3202] P1402, Riedlmayer Database, pp. 1014-1016.
[3203] P1402, Riedlmayer Database, pp. 1026-1027.
[3204] Adjudicated Fact 1450.

1372. Soon after the return of residents, convoys were organised, emptying many villages of their non-Serb population. On one occasion, thousands of non-Serbs from villages on both sides of the Drina River from the area around the town of Višegrad were taken to the football stadium in Višegrad.[3205] There, they were searched for weapons and were addressed by a JNA commander. He told them that the people living on the left bank of the Drina River could return to their villages, which had been cleansed of "reactionary forces", whereas the people from the right side of the Drina River were not allowed to go back.[3206] As a consequence, many people living on the right side of the Drina River either stayed in the town of Višegrad, went into hiding, or fled.[3207] On 13 July 1992, Chief of the Višegrad SJB, Risto Perišić, wrote a report to the RS MUP Ministry in which he stated that over 2,000 Muslims had moved out of Višegrad "in an organised manner" and that continued interest in moving away should be assisted. He further called for "bringing in refugees and residents from other areas to live in the Višegrad area".[3208] Lazar Draško testified that, by August, municipal authorities were declaring that Višegrad had been "ethnically cleansed" and were calling on Serbs to take the homes of Muslims who had left; they set up a commission to reallocate the homes "promising that the Muslims would never return".[3209]

(b) Police force in Višegrad

1373. At the beginning of the war, the police force in the municipality of Višegrad was divided along ethnic lines, as Serb politicians had been repeatedly requesting.[3210] Serb officers remained at the main police station in Višegrad, while Muslim officers went to other police stations in the area. The Serb police force in Višegrad consisted of between 220 and 250 reserve and active duty officers.[3211] Risto Perišić, a teacher, became the chief of police, and Dragan Tomić was the commander.[3212]

1374. The Trial Chamber has taken judicial notice of the adjudicated fact that in June 1992 Milan Lukić was a member of the Serb reserve police force of Višegrad.[3213] It has also taken notice of the adjudicated fact that from May 1992 Milan Lukić was often seen with Dragan Tomić, Tomić's escort Vidoje Andrić, and other police officers at the police station and in and around Višegrad, wearing a blue or camouflage police uniform.[3214] The Trial Chamber notes that the Prosecution and

[3205] Adjudicated Fact 706.
[3206] Adjudicated Fact 707.
[3207] Adjudicated Fact 708.
[3208] P633, Dispatch of 13 July 1992 from Višegrad SJB signed by Risto Perišić, p. 3.
[3209] Lazar Draško, 28 June 2010, T. 12281-12282.
[3210] Adjudicated Facts 1336, 1446.
[3211] Adjudicated Fact 1446.
[3212] Adjudicated Fact 1447.
[3213] Adjudicated Fact 1452.
[3214] Adjudicated Facts 1447, 1451.

Stanišić submitted an agreed fact that Milan Lukić was the leader of a local Serb paramilitary organisation.[3215] Moreover, ST079 testified that, while he saw Milan Lukić wearing a blue camouflage police uniform, he also believed that he was a member of the paramilitary organisation known as the White Eagles[3216] and documentary evidence indicates Milan Lukić's involvement in the *Osvetnici* ("Avengers") group of the Višegrad TO.[3217] The Trial Chamber, being satisfied that Milan Lukić was a member of the Višegrad reserve police force, and after considering the evidence adduced, will rely on the parties' agreed fact and finds that Milan Lukić was also the leader of a paramilitary organisation. It is undisputed that Sredoje Lukić, Milan Lukić's cousin, was an active duty officer of the Višegrad police force.[3218]

(c) Events in Višegrad from May 1992

1375. On 19 May 1992, the JNA withdrew from Višegrad. Paramilitary units stayed behind, and other paramilitaries arrived as soon as the army had left town. Some local Serbs joined them.[3219] These paramilitary organisations carried out widespread operations within the territory of the municipality of Višegrad.[3220] Those non-Serbs who remained in the area, or those who returned to their homes, found themselves trapped, disarmed, and at the mercy of these paramilitaries, who operated with the acquiescence of the Serb authorities, in particular by the then Serb-only police force.[3221]

1376. Non-Serb citizens were subjected to forms of mistreatment and humiliation, such as rapes or beatings.[3222] Muslim homes were looted and often burned down.[3223] Many Muslims were deprived of their valuables by, among others, Milan Lukić and his men.[3224] Lazar Draško testified that people in town complained to him that looting occurred with police involved or present.[3225] ST079 testified that many cars were confiscated or taken from Muslims by the White Eagles.[3226] Specifically, he stated that the vehicle of Avdija Hodžić, a Lada caravan, was taken from Hodžić.[3227] He also heard from his "fellow citizens" that Milan Lukić entered the home of a Muslim woman, Behija Zukić,

[3215] Agreed Fact 726.
[3216] ST079, 29 October 2009, T. 2249.
[3217] P1484, Official Note of Interview with Milan Lukić by Serbia State Security, p. 1.
[3218] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 335-336; Lazar Draško, 28 June 2010, T. 12293-12294; P1480, Public Security Station Višegrad: Salary Payment List of Employees in the Month of October 1992, p. 1, no. 13; P2058, p. 2.
[3219] Adjudicated Fact 709.
[3220] Adjudicated Fact 725.
[3221] Agreed Facts 710, 1337.
[3222] Adjudicated Fact 716.
[3223] Adjudicated Fact 719.
[3224] Agreed Fact 1337.
[3225] Lazar Draško, 28 June 2010, T. 12297.
[3226] ST079, 29 October 2009, T. 2247; ST079, P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 381 (confidential).
[3227] ST079, P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 381 (confidential).

killed her, and took her car, a burgundy Passat.[3228] In an interview, Sredoje Lukić noted that the reserve police used a "metallic maroon" Passat in this time period.[3229] Lazar Draško took a criminal report from a religious official's secretary, who reported that a policeman stopped him in a hotel in Višegrad, beat him with a gun, and took 600 DM from him and some petrol from his car.[3230]

1377. At the same time, Muslims in Višegrad who did not have an appropriate certificate or permit, which could only be obtained at the police station, were not allowed to leave Višegrad or go to their jobs.[3231] ST079 testified that checkpoints remained around Višegrad through which he had to pass everyday on his way to work. These checkpoints were manned by the army and local Serbs, including members of the White Eagles.[3232] At the checkpoints, Muslims were required to show identification, which was checked against a list of names.[3233] ST079 testified that the lists were composed of only the names of Muslims and that he never saw Serbs harassed or arrested at these checkpoints.[3234]

1378. ST079 further testified that the White Eagles abducted and executed Muslim individuals.[3235] Such actions are supported by the words of both Milan and Sredoje Lukić in evidence. In a State Security Department interview of Milan Lukić, he claimed "I personally liquidated many Muslims—extremists in the Višegrad area, who were known to have maltreated the Serbian population".[3236] Likewise, in 1993, Sredoje Lukić told an Užice investigative judge that their group had "organised an operation to cleanse the Višegrad area of Muslims".[3237] At times, the White Eagles drove around in stolen vehicles playing, over loud speakers, the screams of people who had been tortured. As far as ST079 knew, the police did nothing to stop them.[3238] He stated that Višegrad was small and, in his opinion, the police would have had to have been aware of what was happening.[3239] Moreover, ST079 testified that the families of men who had been abducted by the White Eagles complained of it at the SUP.[3240] They were told that no one had control over "those

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[3228] ST079, 29 October 2009, T. 2248-2249; ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 305, 307-308, 364-365 (confidential).
[3229] P2058, Record of Witness Interview of Sredoje Lukić by Užice Investigative Judge, p. 3. *See also* P1484, Official Note of Interview with Milan Lukić by Serbia State Security, p. 1 (stating that, in October 1992, Milan Lukić was in possession of a Passat).
[3230] Lazar Draško, 28 June 2010, T. 12296-12297.
[3231] Adjudicated Fact 1443.
[3232] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 292, 367-368 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 378-380 (confidential).
[3233] ST079, 29 October 2009, T. 2244-2245.
[3234] ST079, 29 October 2009, T. 2244-2246.
[3235] ST079, 29 October 2009, T. 2246-2249; ST079, P179.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 293 (confidential).
[3236] P1484, Official Note of Interview with Milan Lukić by Serbia State Security, p. 2.
[3237] P2058, Record of Witness Interview of Sredoje Lukić by Užice Investigative Judge, p. 2.
[3238] ST079, 29 October 2009, T. 2247.
[3239] ST079, 29 October 2009, T. 2246.
[3240] ST079, 29 October 2009, T. 2246, 2262.

people".[3241] In his report of 13 July 1992, Risto Perišić indicated an awareness of such problems of his forces, citing "a lack of discipline and professionalism, an inclination to various abuses, acquiring material gain and other deficiencies".[3242] He commented that "[t]he work of the police under these conditions is often completely paralysed, especially in cases when these illegal units have links to local criminals and others inclined to crime".[3243]

1379. The Prosecution's Demographic Unit estimated that at least 500 Muslim individuals died or disappeared in Višegrad in June 1992 and the following months.[3244] Approximately 200 non-Serb civilians (mostly Muslims)—women, children, and elderly persons among them—were found to have been killed. Some of them were shot on a bridge over the Drina River and their bodies then pushed over the side. The bodies were exhumed from a number of graves in 2000 and 2001. During these exhumations, it was concluded that the victims' clothing was civilian and that there was no evidence of firearms. Ligatures were found on or near some of the bodies. The majority of the victims died of gunshot wounds, predominantly a single shot. Relatively few wounds were on the lower half of the body, which would suggest closeness of the perpetrator to the victim. Some of the bodies showed signs of blunt force trauma, which indicated injuries caused prior to death by blows from weapons or, less likely, by kicking or falling.[3245] The number of disappearances peaked in June and July 1992, with 62% of those who went missing in the municipality in 1992 disappearing during those two months.[3246]

(d) Killings on Drina River

1380. A month after his return to Višegrad, ST079 decided that it was no longer safe to go to work.[3247] He began hiding in the woods near his house with three of his neighbours. When conditions permitted, their wives brought them food and clothes. His wife also reported to him that the White Eagles were continuing to abduct people in the Bikavac neighbourhood in the town of Višegrad.[3248]

1381. After about 10 days, ST079 could no longer take the conditions of hiding in the woods and returned to his home.[3249] The following day, 7 June 1992, at around 5:30 p.m., Milan Lukić

[3241] ST079, 29 October 2009, T. 2262.
[3242] P633, Dispatch of 13 July 1992 from Višegrad SJB signed by Risto Perišić, p. 2.
[3243] P633, Dispatch of 13 July 1992 from Višegrad SJB signed by Risto Perišić, p. 3.
[3244] P1630, Victims of War Related to the Mićo Stanišić and Stojan Župljanin Indictment, Ewa Tabeau and Jan Zwierzchowski, 18 February 2010, p. 73, Figure A3.51.
[3245] Adjudicated Fact 1339.
[3246] Adjudicated Fact 714.
[3247] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 294 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 378 (confidential).
[3248] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 294 (confidential).
[3249] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 294-295 (confidential).

knocked on his door and entered the house.[3250] ST079 described Milan Lukić as wearing a blue camouflage uniform and blue beret with the cockade and double-headed eagle insignia.[3251] ST079 recalled that he also wore a patch which said "police".[3252] ST079 was able to recognise Milan Lukić when he entered his home because they had gone to school together.[3253] An additional armed man wearing an olive-drab uniform, whom Milan Lukić called Montenegro, waited outside.[3254]

1382. Upon entering, Milan Lukić searched the house. He ordered ST079 to come with him.[3255] As they were leaving the house, Milan Lukić saw Amir Kurtalić, a friend of ST079 who had fled from the village of Kurtalići, and ordered him to come with them.[3256] ST079 and Amir Kurtalić were placed in the back seat of the burgundy Passat reportedly stolen from Behija Zukić.[3257] Milan Lukić drove the car down an adjacent street to a nearby house.[3258] There, a third armed man, wearing a green camouflage uniform, led Meho Džafić, Ekrem Džafić, Hasan Kustura, Hasan Mutapčić, and VG032 from the house.[3259] These men were ordered to enter the Passat and an additional vehicle that was at the house.[3260] ST079 testified that all of the detained men were Muslim.[3261] They were driven to the Vilina Vlas Hotel.[3262] On the way, Milan Lukić occasionally stopped other men on the street and upon learning their names replied, "Oh, you are not a balija," a derogatory term for Muslims.[3263] At one point, the cars were stopped at a police checkpoint, and Milan Lukić told the Serbs manning it that "he had hunted himself a number of balijas".[3264] ST079 had the impression that the Serb police officer approved of Milan Lukić's abduction of the Muslim men.[3265]

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[3250] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 295, 304 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 392 (confidential).
[3251] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 295-296, 299-300 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 392 (confidential).
[3252] ST079, 29 October 2009, T. 2248-2249.
[3253] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 296-298, 300-303, 309-310 (confidential).
[3254] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 296 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 395 (confidential). ST079 described it as an "SMB" uniform.
[3255] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 300 (confidential).
[3256] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 306 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 394 (confidential).
[3257] ST079, 29 October 2009, T. 2248; ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 305-306 (confidential).
[3258] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 307, 310 (confidential).
[3259] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 310 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 394-395 (confidential).
[3260] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 310-312 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 394 (confidential).
[3261] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 310 (confidential).
[3262] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 313 (confidential).
[3263] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 312-313 (confidential); P175.02, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 11 July 2008, T. 410-411 (confidential).
[3264] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 313 (confidential). *See also* ST079, 29 October 2009, T. 2251.
[3265] ST079, 29 October 2009, T. 2251.

1383. At the Vilina Vlas Hotel, Milan Lukić ordered the men out of the cars and into the hotel. He lined them up in front of the reception desk and went in search of the keys to the manager's office.[3266] When he was unable to locate the keys, Milan Lukić ordered the men back into the two cars and, with three armed men, drove in the direction of Višegrad.[3267]

1384. Milan Lukić stopped the cars near the Sase intersection along the Drina River.[3268] ST079 testified that this was approximately 200 to 500 metres from the police checkpoint through which they had earlier passed.[3269] Milan Lukić again ordered the men out of the cars, and they began walking in a column towards the river.[3270] As they were getting close to the water, one of the armed men asked Milan Lukić how they should fire. He responded that they should use single shots. ST079 heard the armed men cocking their weapons and then gunfire.[3271] After the first shot, ST079 threw himself into the water, unharmed. Hasan Mutapčić fell on him, covering the top part of his body.[3272] While in the water, ST079 heard the screams of the other men as they were shot and heard their bodies falling into the water. After a short time, everything went quiet.[3273] Once he thought it was safe, ST079 stood up and saw that the armed men had left.[3274] ST079 saw the bodies of Hasan Mutapčić, Ekrem Džafić, Meho Džafić, Hasan Kustura, and Amir Kurtalić lying in the water and had no doubt that they were dead.[3275] He was able to see the wounds of Hasan Mutapčić, which consisted of a gun shot to the back of his head with the right side of his jaw dislocated.[3276] Remembering that Milan Lukić had said that he had six more men to kill, ST079 and VG032, who had also fallen in the water unhurt, quickly left the site of the killings.[3277]

1385. The ICRC Missing Persons Report indicates that Ekrem Džafić, Meho Džafić, Amir Kurtalić, and Hasan Mutapčić disappeared from Višegrad on or about 7 June 1992.[3278] Forensic evidence indicates that Hasan Kustura was exhumed from a grave site in Slap[3279] and other remains found at the same site were a positive DNA match to Hasan Mutapčić.[3280] Documentary evidence

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[3266] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 313 (confidential).
[3267] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 315-318 (confidential).
[3268] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 318-319 (confidential).
[3269] ST079, 29 October 2009, T. 2252.
[3270] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 319 (confidential).
[3271] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 321 (confidential).
[3272] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 325 (confidential).
[3273] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 321 (confidential).
[3274] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 321, 326 (confidential).
[3275] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 326-327 (confidential).
[3276] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 326 (confidential).
[3277] ST079, P175.01, *Prosecutor v. Lukić and Lukić,* Case No. IT-98-32/1-T, 10 July 2008, T. 322, 326 (confidential).
[3278] P2466, Proof of Death Database (CHS), "ordinal numbers" 6826, 6828, 6834, 6844, ICRC Mising Persons Report, Table of Solved Deaths (confidential). With regard to Amir Kurtalić, the ICRC Missing Persons Report does not indicate a specific date, but does indicate June 1992. P2466, Proof of Death Database (CHS), "ordinal number" 6834, ICRC Missing Persons Report, Table of Solved Deaths (confidential).
[3279] P2466, Proof of Death Database (CHS), "ordinal number" 6836, BiH Missing Persons Commission Exhumations Chart (confidential).
[3280] P2466, Proof of Death Database (CHS), "ordinal number" 6843, ICMP DNA Reports Submitted (confidential).

indicates that Mušan Čančar, Nusret Aljušević, Nedžad Bektaš, Ibrišim Memišević, Hamed Osmanagić, and Džemal Zukić also died or disappeared in Višegrad at the end of May or beginning of June 1992.[3281] However, no further evidence was admitted at trial regarding these individuals or the circumstances of their disappearances or killings. No evidence has been presented in relation to the remaining individuals named in the Prosecution's Final Victims List.[3282]

1386. Lazar Draško testified that he never received any information from police regarding the killing of non-Serbs along the banks of the Drina River or crimes committed by Milan Lukić against non-Serbs in 1992.[3283]

(e) Fire on Pionirska Street

1387. On 14 June 1992, a group comprised mainly of women, children, and the elderly was forced to leave the village of Koritnik ("Koritnik Group"). They traveled on foot to the town of Višegrad in search of a convoy which would take them to Muslim-held territory. In its search for the convoy, the group inquired at the police station and was directed onwards to the Višegrad Hotel.[3284] At the hotel, the group was instructed to spend the night in houses vacated by the fleeing Muslim population in the Mahala neighborhood.[3285] The group eventually settled in a house on Pionirska Street belonging to Jusuf Memić ("Memić House").[3286]

1388. That evening, between 4:30 and 6:30 p.m., a group of armed men, including Milan Lukić, Sredoje Lukić, and Milan Šušnjar, arrived at the Memić House. Some of the armed men entered the house, while others remained outside. Inside the house, the armed men ordered the people in the group to hand over their money and valuables, and subjected them to a strip search. The search and collection of money and valuables took between one to two and a half hours.[3287] The armed men left the house at around 7:00 or 7:30 p.m. and instructed the Koritnik Group to remain in the house for the night. Before they left, some of the armed men took out Jasmina Vila and another woman and raped them.[3288]

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[3281] *See* P2466, Proof of Death Database (CHS), "ordinal numbers" 6819, 6863, ICRC Missing Persons Report (confidential); "ordinal number" 6820, ICMP DNA Results (confidential); "ordinal numbers" 6822, 6824, Višegrad Area War Crimes Victims (confidential); "ordinal number" 6822.1, Death Certificate (confidential); "ordinal number" 6840, Court Record of Exhumation (confidential); "ordinal numbers" 6841, 6862, BiH State Commission for Tracing Missing Persons (confidential); "ordinal numbers" 6853, 6861, BiH Missing Persons Commission Exhumations Chart (confidential).
[3282] *See* Prosecution's Final Victims List, p. 30.
[3283] Lazar Draško, 28 June 2010, T. 12314.
[3284] Adjudicated Fact 1341.
[3285] Adjudicated Fact 1342.
[3286] Adjudicated Fact 1343.
[3287] Agreed Fact 1344.
[3288] Adjudicated Fact 1345.

1389. No earlier than between 8:30 and 9:00 p.m., a car of armed men, including Milan Lukić, Sredoje Lukić, and Milan Šušnjar, returned to the Memić House.[3289] The armed men, carrying flashlights, moved the group to the house of Adem Omeragić ("Omeragić House"), approximately 20 to 50 metres away from the Memić House and next to the creek.[3290]

1390. The Koritnik Group was crowded into a single room on the ground floor of the Omeragić House where there were already a number of other people. Sometime later, the armed men opened the door to the room and introduced an incendiary or explosive device, which ignited a fire.[3291] The house smelled like glue, and the smoke from the fire was of unusual thickness, demonstrating that the house had been prepared in advance with some type of flammable substance.[3292]

1391. Apart from the entrance door, two windows to the side of the room facing the creek provided the only escape routes.[3293] Some of the armed men stood outside underneath the windows and shot at those who were attempting to flee.[3294] Only six of the individuals in the Omeragić House survived.[3295]Approximately 66 people died as a result of the fire.[3296]

1392. The Trial Chamber has analysed the forensic evidence adduced in relation to this incident and was unable to identify any of the 67 persons named in the Prosecution's Final Victims List.[3297] The Trial Chamber has outlined the analysis of this evidence in Annex II of this Judgement.[3298]

1393. Lazar Draško testified that the distance between the SJB building and Pionirska Street was approximately 400 metres but added that it was a long street.[3299] He never received any report from the police in relation to a house fire on Pionirska Street that resulted in the deaths of non-Serbs.[3300]

(f) Police investigation into crimes against non-Serbs

1394. During direct examination, Lazar Draško was shown the Višegrad Prosecutor's Office KT logbook for 1992 through 1994. He explained that KT logbooks were used to record criminal reports brought to the Prosecutor's Office by the police.[3301] Draško confirmed that in 1992 there

[3289] Agreed Fact 1347; Adjudicated Fact 1346.
[3290] Agreed Fact 1347.
[3291] Adjudicated Fact 1348.
[3292] Adjudicated Fact 1349.
[3293] Adjudicated Fact 1349.
[3294] Adjudicated Facts 728, 1350.
[3295] Adjudicated Fact 728.
[3296] Adjudicated Fact 729.
[3297] *See* Prosecution's Final Victims List, pp. 12-13.
[3298] See Annex II, section on Višegrad.
[3299] Lazar Draško, 28 June 2010, T. 12325-12326.
[3300] Lazar Draško, 28 June 2010, T. 12313-12314.
[3301] Lazar Draško, 28 June 2010, T. 12303-12305.

were only five criminal reports recorded.[3302] Of the five crimes reported, the ethnicity of all the victims was Serb.[3303] Moreover, he noted that the Višegrad SJB filed several reports of war crimes committed by Muslims.[3304] Based on the KT logbook, as well as his personal recollection, Draško testified that there was not a single criminal report by the police of crimes committed by Serb perpetrators against non-Serb victims in 1992.[3305]

1395. During cross-examination, Draško agreed that there was a large gap in the entries of the KT logbook starting from March 1992 until August or September of the same year.[3306] He testified that he did not have a registry clerk, whose job it would have been to enter reports into the KT logbook, until 1993.[3307] Further, Draško agreed that one of the basic problems in prosecuting crimes committed at that time was the inability to contact not only the perpetrators of the crimes, but also the victims.[3308] He stated that often victims and witnesses could not be reached because they were in territory that did not belong to RS.[3309] Moreover, he testified that in some situations the ability to investigate was limited because the crime had been committed in a war zone.[3310]

1396. During re-direct examination, Draško stated that, had the police filed a criminal report, it would have been recorded in the KT logbook. He further stated that, even where the perpetrator could not be identified, the crime, if investigated and reported by the police, would have been logged in the KT logbook.[3311] Finally, he testified that he was not aware of any investigations by the police—military or civilian—of war crimes in which the victims were non-Serb.[3312]

### 3. Factual Findings

1397. With regard to counts 1, 2, 3, and 4, the Trial Chamber finds that on or about 7 June 1992 Milan Lukić, along with two armed men, abducted ST079, Amir Kurtalić, Hasan Mutapčić, Ekrem Džafić, Meho Džafić, Hasan Kustura, and VG032, all of whom were Muslims. Milan Lukić forced these men into two vehicles, and they were driven to the Vilina Vlas Hotel. During this trip, Milan Lukić repeatedly made derogatory remarks referring to Muslims as "Balijas", which was indicative of his mindset toward Muslims. After leaving the hotel, Milan Lukić and the three men drove the detained men to an intersection near the Drina River and ordered the detained men to walk towards

[3302] Lazar Draško, 28 June 2010, T. 12305, referring to P1482, Republika Srpska District Prosecution in East Sarajevo: Branch Office Višegrad, KT 1991/1995, p. 2.
[3303] Lazar Draško, 28 June 2010, T. 12305-12308.
[3304] Lazar Draško, 28 June 2010, T. 12309-12310.
[3305] Lazar Draško, 28 June 2010, T. 12308, 12313.
[3306] Lazar Draško, 28 June 2010, T. 12329.
[3307] Lazar Draško, 28 June 2010, T. 12329-12330.
[3308] Lazar Draško, 29 June 2010, T. 12348-12351.
[3309] Lazar Draško, 29 June 2010, T. 12351.
[3310] Lazar Draško, 29 June 2010, T. 12358.
[3311] Lazar Draško, 29 June 2010, T. 12378.

the bank of the river. As they neared it, Milan Lukić and the armed men shot at the detained men. Based on the evidence of ST079, who saw the bodies of the victims as supported by the evidence in the Proof of Death Database, the Trial Chamber is satisfied that these actions resulted in the deaths of Amir Kurtalić, Hasan Mutapčić, Ekrem Džafić, Meho Džafić, and Hasan Kustura. Due to the fact that the men were detained at the time of their killing, the Trial Chamber finds that they were taking no active part in the hostilities.

1398. The Trial Chamber notes that 14 additional men were listed in the Indictment as having been killed on the bank of the Drina River. While documentary evidence was presented for some of these individuals it was insufficient to find that these men were killed as alleged in the Indictment. As such, the Trial Chamber is unable to make any finding as to the manner of, or responsibility for, these killings and will not further consider their deaths in the section below dedicated to legal findings.

1399. The Trial Chamber finds that, on or about 14 June 1992, the Koritnik Group was forced to leave the village of Koritnik. Upon arriving in the town of Višegrad, the group visited the police station and eventually settled into the Memić House on Pionirska Street. That evening, a group of armed men, including Milan Lukić, Sredoje Lukić, and Milan Šušnjar, entered the house and ordered the people to turn over their money and valuables. The armed men subjected the Koritnik Group to a strip search, raped Jasmina Vila and another woman, and then left. At around 8:30 or 9:00 p.m., Milan Lukić, Sredoje Lukić, Milan Šušnjar, and the other armed men returned to the Memić House and forced the Koritnik Group to the Omeragić House. The Trial Chamber is satisfied that the Omeragić House had been prepared in advance with a flammable substance. Once the group was inside the house, the armed men placed an incendiary device into the room, setting it on fire. The armed men sat outside and shot at anyone who attempted to escape through the windows.

1400. The Trial Chamber finds that the acts of Milan Lukić—a member of the Višegrad reserve police and leader of a paramilitary organisation, Sredoje Lukić—a member of the Višegrad police, Milan Šušnjar, and other armed men at the Omeragić House resulted in the death of approximately 66 Muslim civilians. In Annex II of the Judgement, the Trial Chamber was unable to identify the identity of any of the 66 victims.

1401. Turning to counts 1, 9, and 10, the Trial Chamber recalls that it took notice of two adjudicated facts. First, soon after residents of Višegrad returned following the arrival of the Užice Corps, convoys were organised, emptying many villages of their non-Serb population. Second, non-

[3312] Lazar Draško, 29 June 2010, T. 12384-12385.

Serb civilians who had not fled from Višegrad were expelled. The Trial Chamber notes that these facts were uncontested.

1402. The Trial Chamber recalls that it took judicial notice of the adjudicated fact that, after the withdrawal of the JNA on 19 May 1992, Serb paramilitary organisations carried out widespread operations in the municipality of Višegrad. In particular, the Trial Chamber took judicial notice of the adjudicated fact that non-Serb citizens in Višegrad were subjected to mistreatments such as rape and beatings and that Muslim-owned homes were looted and burned. The Trial Chamber heard evidence from ST079 and Lazar Draško that members of the police force of Višegrad, as well as Serb paramilitary organisations, were responsible for these acts. The Trial Chamber heard evidence that members of the Serb paramilitary organisations arbitrarily abducted and executed Muslim individuals with the acquiescence of the Serb police. At least 500 Muslim individuals died or disappeared in Višegrad in June 1992 and the following months.

1403. The Trial Chamber accepts that the ethnic composition of the Višegrad municipality changed drastically following the takeover of the municipality by Serb Forces. In particular, the Trial Chamber notes that Muslims made up approximately 63% of the population in 1991 whereas they comprised less than 1% in 1997. The Trial Chamber accepts that in 1997 approximately 11,000 Muslims who had resided in the Višegrad municipality in 1991 were internally displaced or refugees. The Trial Chamber considers that the only reasonable explanation for the departure of such a large number of Muslims during this time period was the mistreatment and harassment they suffered at the hands of Serb Forces between April 1992 and December 1992.

1404. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber recalls that Stanišić stipulated that Muslims were deprived of their valuables by, among others, Milan Lukić and his men. The Trial Chamber heard evidence from ST079 and Lazar Draško that these crimes were conducted in Višegrad in the presence of police and, at times, by the police. For example, the Trial Chamber accepts the evidence of ST079 that he heard that Milan Lukić, a member of the Serb reserve police force of Višegrad, entered the home of Behija Zukić, killed her, and took her burgundy Passat. While this evidence was in the form of hearsay, the Trial Chamber notes that ST079 testified that Milan Lukić was driving the burgundy Passat at the time he abducted ST079 from his home and that documentary evidence indicates that Milan and Sredoje Lukić had a "metallic maroon" Passat available to them at the time, thus supporting the hearsay evidence that he stole the car. The Trial Chamber accepts the evidence of Lazar Draško that a police officer stopped a man in a Višegrad hotel, beat him with a gun, and took 600 DM from him and petrol from his car. The Trial Chamber notes that these crimes were only committed against Muslims. Therefore, the

Trial Chamber finds that Serb Forces unlawfully took the private property of Muslims and that this was done on the basis of their ethnicity.

1405. It is uncontested that the Gazanfer Bey mosque, the Old mosque at Dobrun, the Drinska mosque, the Bikavac mosque, and the New mosque at Međeđa were damaged or destroyed in 1992. However, the Trial Chamber considers that no reliable evidence was presented in relation to who was responsible for the destruction of the abovementioned mosques. Therefore, although it has been proved that the mosques were indeed destroyed, the Trial Chamber is unable to make a finding as to the circumstances of the destruction or who was responsible for it.

1406. The Trial Chamber is satisfied that as of April 1992, when residents of Višegrad returned following the arrival of the Užice Corps, checkpoints manned by the army and local Serbs, including members of the Višegrad police and the White Eagles, had been established throughout the municipality. ST079 testified that he was required to pass through checkpoints on his return trip to Višegrad and thereafter on his way to and from work. The Trial Chamber recalls its acceptance of the adjudicated fact that Muslims were required to have an appropriate certificate or permit in order to leave or travel around Višegrad. This fact went uncontested. The Trial Chamber accepts the evidence of ST079 that only Muslims were required to show identification at these checkpoints, whereas he never saw non-Serbs arrested or harassed. The Trial Chamber finds that this resulted in a restriction on the freedom of movement of Muslims by Serb Forces on the basis of their ethnicity.

1407. The Trial Chamber recalls the evidence of Lazar Draško, as corroborated by the KT logbook, that during 1992 there were no police reports or investigations into crimes committed by Serb perpetrators against non-Serb victims. The Trial Chamber finds this particularly noteworthy in light of the evidence of such crimes adduced in this trial as well as evidence that the police were aware of their occurrence. In particular, the Trial Chamber notes that Draško specifically testified that there was no police report or investigation in relation to the killings on the banks of the Drina River or the fire on Pionirska Street that resulted in the death of approximately 66 civilians. In light of the evidence of Draško that even where a perpetrator was not identified the crime could have been recorded, the Trial Chamber rejects Stanišić's suggestion that such crimes were not reported by the police because a thorough investigation was not possible. The Trial Chamber notes that crimes committed at the time where the victim was a Serb were appropriately reported. Therefore, the Trial Chamber finds that the police in Višegrad did not investigate crimes committed where the victim was non-Serb. As such, the Trial Chamber finds that the Višegrad police force denied Muslims access to due process of law and public services and that this was done on the basis of their ethnicity.

4. Legal Findings

1408. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

1409. The Trial Chamber finds that the acts of the Serb Forces were linked geographically and temporally with the armed conflict. The abductions, rapes, theft, destruction of property, and arbitrary killings carried out by Serb police and members of paramilitary forces, as well as the imposition of restrictions on movement, constituted an attack against the civilian population, identified as the Muslims of Višegrad. The attack occurred on a large scale: at least 500 Muslim civilians died or disappeared. The attack resulted in a massive exodus of Muslims from Višegrad: approximately 11,000 individuals of Muslim ethnicity who had resided in the municipality of Višegrad in 1991 were internally displaced persons or refugees in 1997. In light of these factors, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. The acts of Serbian police and members of paramilitary forces against the Muslim civilians were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing, and that their acts were part of it.

1410. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1411. *Counts 2, 3, and 4*. The Trial Chamber recalls its finding that Milan Lukić and three additional armed men shot and killed five Muslim men who were in their custody and taking no active part in the hostilities on the bank of the Drina River on or about 7 June 1992. The mode of killing shows that Milan Lukić and the armed men acted with the intent to kill the detained men. The Trial Chamber also recalls its finding that, on or about 14 June 1992, Milan Lukić, Sredoje Lukić, Milan Šušnjar, and other armed men forced the Koritnik Group into a house on Pionirska Street, set the house on fire, and shot at individuals attempting to escape. This resulted in the death of approximately 66 Muslim civilians. The preparation of the house with flammable material and the shooting of individuals as they attempted to escape the fire show that the perpetrators acted with the intent to kill the members of the Koritnik Group. The Trial Chamber further recalls its finding that the general requirements of Articles 3 and 5 have been satisfied. As such, the Trial Chamber finds that Milan Lukić, a member of the Serb reserve police force of Višegrad and leader of a paramilitary group, Sredoje Lukić, a member of the Serb regular police force of Višegrad, and the

other armed men committed murder, both as a crime against humanity and a violation of the laws or customs of war.

1412. The Trial Chamber considers that the above killings were part of one murder operation: the killings were carried out in a short time period, in locations near to each other, and by at least one common perpetrator, Milan Lukić. While there is no numerical minimum number of victims required in order to make out a charge of extermination, the Trial Chamber recalls that the killing must be of a large number of individuals. In the present case, the Trial Chamber is satisfied that the killing of 71 individuals is sufficiently large so as to satisfy the requirements of extermination. Therefore, and recalling that the general requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, the perpetrators committed extermination as a crime against humanity.

1413. *Counts 9 and 10.* The Trial Chamber has found that at least 11,000 Muslim civilians left Višegrad as a consequence of the abductions, rapes, theft, destruction of property, and arbitrary killings carried out by Serb police and members of paramilitary forces between April 1992 and December 1992. The Trial Chamber finds that Serb Forces removed Muslims from the municipality of Višegrad, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Muslim population of Višegrad between mid-April and December 1992. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

1414. *Count 1.* The Trial Chamber finds that the taking of Muslim property, including the confiscation of automobiles, constituted plunder of property. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims of Višegrad by restricting their freedom of movement, by denying them the right to judicial process, and by denying them equal access to public services.

1415. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, and 10—as well as the plunder of property and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied Muslims their fundamental rights laid down in customary

international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim ethnicity. On the basis of the pattern of conduct and statements made by Serb Forces during the criminal operations, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims on the basis of their ethnicity.

1416. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims of the municipality of Višegrad.

1417. *Conclusion.* The Trial Chamber finds that, from mid-April 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 2, 3, 4, and 10 of the Indictment in the municipality of Višegrad.

## Q. Vlasenica

### 1. Charges in Indictment

1418. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Vlasenica at the times and locations specified below.

1419. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4;[3313] (b) torture, cruel treatment, and inhumane acts in detention facilities as specified below under counts 5, 6, 7, and 8;[3314] (c) unlawful detention at (i) the SJB building in Vlasenica ("Vlasenica SJB building") from 22 May 1992, (ii) the prison building in Vlasenica ("Vlasenica Municipal Prison") at least between June and July 1992, (iii) Sušica camp at least between early June and about 30 September 1992, and (iv) the Civil Defence Warehouse at least between May and July 1992;[3315] (d) the establishment of inhumane living conditions including a failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities at the abovementioned detention facilities;[3316] (e) forcible transfer and deportation;[3317] (f) the appropriation or plunder of property during and after attacks on non-Serb parts of the towns of Vlasenica and Drum at least between April and August 1992, in detention facilities, and in the course of deportations or forcible transfers;[3318] (g) wanton destruction of the non-Serb parts of the towns of Vlasenica and Drum including the Town mosque and Drum mosque at least between April

[3313] Indictment, para. 26(a)(b), Schedules A n. 5.1, B n. 13.1-13.4.
[3314] Indictment, para. 26(d), Schedule D n. 15.1-15.4.
[3315] Indictment, para. 26(e), Schedule C n. 15.1-15.4.
[3316] Indictment, para. 26(f), Schedule C n. 15-1-15.4.
[3317] Indictment, para. 26(g).

and September 1992 and the looting of residential and commercial property during and after attacks on non-Serb parts of the towns of Vlasenica and Drum;[3319] and (h) the imposition of restrictive and discriminatory measures after the takeover of Vlasenica on or about 21 April 1992.[3320]

1420. Under counts 2, 3, and 4, Stanišić is charged with murder, both as a crime against humanity and as a violation of the laws or customs of war, and extermination, as a crime against humanity, for the killing, by Serb Forces, of (a) a number of people, 11 of whom have been named, in the village of Drum on or about 2 June 1992; (b) a number of men, 12 of whom have been named, in Sušica camp between June and August 1992; (c) a number of men, one of whom is named, at the Vlasenica SJB building between May and July 1992; (d) a number of men, eight of whom have been named, in the Vlasenica Municipal Prison between May and June 1992; and (e) the killing of a number of men who were taken away from the Civil Defence Warehouse, 30 of whom have been named, at Nova Kasaba on 21 May 1992.[3321]

1421. Under counts 5, 6, 7, and 8, Stanišić is charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment, as a violation of the laws or customs of war; and (c) inhumane acts, as a crime against humanity, committed by Serb Forces against the non-Serb population at the Vlasenica SJB building, the Vlasenica Municipal Prison, Sušica camp, and the Civil Defence Warehouse. In relation to the Vlasenica SJB building, it is alleged that at least between May 1992 and July 1992 detainees were randomly beaten with police batons and other similar objects, in some cases resulting in death.[3322] At the Vlasenica Municipal Prison, it is alleged that between June and July 1992 detainees were beaten regularly with, amongst other items, a chair; in numerous cases, the beatings were so severe as to result in serious injury, disfigurement, and death.[3323] In relation to Sušica camp, it is alleged that at least between May and August 1992 Serb Forces beat detainees on a regular basis; raped female detainees, on at least one occasion in front of other detainees; and killed detainees in the presence of fellow inmates.[3324] In relation to the Civil Defence Warehouse, it is alleged that at least during May 1992 Serb Forces insulted, abused, and beat detainees regularly with rifle butts, metal bars, and police batons, which resulted in the death of some detainees, while other detainees were forced to fight each other.[3325]

[3318] Indictment, para. 26(h), Schedule F n. 14.
[3319] Indictment, para. 26(i), Schedules F n. 14, E n. 15.
[3320] Indictment, para. 26(j), Schedule G n. 14.
[3321] Indictment, paras 29, 31, Schedules A n. 5, B n. 13.1-13.4; Final Victims List, n. 5.1, n. 13.1-13.4.
[3322] Indictment, paras 32, 34, 36, Schedule D n. 15.1.
[3323] Indictment, paras 32, 34, 36, Schedule D n. 15.2.
[3324] Indictment, paras 32, 34, 36, Schedule D n. 15.3.
[3325] Indictment, paras 32, 34, 36, Schedule D n. 15.4.

1422. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Vlasenica on or about 21 April 1992, against the Bosnian Muslim and Bosnian Croat population.[3326]

2. Analysis of Evidence

(a) Background

1423. The municipality of Vlasenica is located in eastern BiH, bordered by the municipalities of Zvornik, Bratunac, Srebrenica, Han Pijesak, Kladanj, and Šekovići.[3327] According to the 1991 census in BiH, the ethnic composition of the municipality of Vlasenica was: 14,261 (53.5%) Muslims, 11,744 (44.1%) Serbs, 33 (0.1%) Croats, and 605 (2.3%) persons of other or unknown ethnicity.[3328] In 1997, by contrast, less than 1% of the population in Vlasenica was of Muslim ethnicity and approximately 97% of the population was of Serb ethnicity.[3329] The Prosecution's Demographic Unit estimated that approximately 14,000 Muslim individuals who had resided in the municipality of Vlasenica in 1991 were internally displaced persons or refugees in 1997.[3330]

1424. ST179, a Serb resident of Vlasenica and member of the RS MUP as of 23 or 24 April 1992,[3331] testified that, prior to the multi-party elections, relations in Vlasenica between Muslims, Serbs, and Croats were good but thereafter the "situation got polarised" and relations deteriorated "day by day".[3332] However, Ibro Osmanović, a Muslim resident of Vlasenica during the Indictment period,[3333] testified that he noticed ethnic tension as early as August 1991.[3334]

1425. At the beginning of April 1992, SDS and local Muslims negotiated the division of the municipality into Serb and Muslim parts.[3335] Both Serbs and Muslims began to arm themselves.[3336] According to ST179, the Serbs were supplied by the JNA and SDS.[3337] At the same time, there was a mass migration: Muslims fled towards Tuzla, Sarajevo, and Kladanj, and Serbs went towards Serbia.[3338]

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[3326] Indictment, paras 37-38, 41, Schedules F n. 14, G n. 14.
[3327] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[3328] P1627, Tabeau *et al*. Expert Report, pp. 72, 76, 80, 84. *See also* Adjudicated Fact 1351.
[3329] P1627, Tabeau *et al*. Expert Report, 4 April 2003, pp. 72, 80.
[3330] P1627, Tabeau *et al*. Expert Report, 4 April 2003, p. 104; *see also* pp. 108, 116.
[3331] ST179, 10 March 2010, T. 7413 (confidential), 7445.
[3332] ST179, 10 March 2010, T. 7418.
[3333] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, pp. 1-2.
[3334] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 2. *See also* Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5250.
[3335] Adjudicated Fact 1354.
[3336] ST179, 10 March 2010, T. 7429. *See also* Ibro Osmanović, 8 March 2010, T. 7333.
[3337] ST179, 10 March 2010, T. 7429.
[3338] ST179, 10 March 2010, T. 7431.

(b) Takeover and subsequent events

1426. On 19 April 1992, the Serb Crisis Staff declared that there was an imminent threat of war and that it would take over power in the municipality of Vlasenica.[3339] On the same day, the Crisis Staff established the TO which was commanded by Captain Božo Stanimirović.[3340] During the night of 20 to 21 April 1992, Serb Forces, consisting of reserve police officers, members of the TO, and members of the Novi Sad Corps of the JNA, both from Šekovići, entered Vlasenica.[3341] Along with local Serbs who were members of the TO, the JNA seised control of all vital functions of the town, including the SJB building, bank, post office, police, and courthouse.[3342] The following day, a police vehicle drove through the streets announcing through a loudspeaker that Serbian Forces had taken control of the town and that all citizens were guaranteed security and safety.[3343]

1427. After the takeover, the Crisis Staff issued an order that all illegal firearms were to be turned over to the JNA or SJB.[3344] ST179 testified that some Muslims understood the order to require that all weapons, whether licenced or not, were to be turned in. Some Muslims with licenced firearms complied.[3345] In effect, it was mostly Muslims who surrendered their weapons.[3346] ST137, a member of the Vlasenica Special Police Unit,[3347] testified that the unit searched homes in the Vlasenica area in order to find weapons.[3348] He believed that a total of 2,000 pieces of weaponry, including hunting rifles, pistols, and automatic rifles, were either seised or voluntarily surrendered.[3349]

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[3339] P1057, Vlasenica Municipality Crisis Staff Decision on an Imminent Threat of War, 19 April 1992; P1058, Vlasenica Municipality Crisis Staff Decision to Take Over Power in the Area of the Municipality of Vlasenica, 19 April 1992. *See also* ST179, 10 March 1992, T. 7430-7435.

[3340] P1064, Vlasenica Municipality Crisis Staff Decision to Establish a Territorial Defence Staff, 19 April 1992. *See also* P1065, Order from the Vlasenica TO Regarding the Takeover of Turalići, 27 April 1992; P1066, Order from Vlasenica TO Regarding the Takeovers of Alihodžići, Zekići, and Beroš, undated.

[3341] ST179, 10 March 2010, T. 7443-7444; ST137, 14 September 2010, T. 14595-14596 (confidential). *See also* Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 2.

[3342] Ibro Osmanović, 8 March 2010, T. 7327; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 2; ST137, 14 September 2010, T. 14595-14596 (confidential); Adjudicated Fact 773.

[3343] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5219-5221; ST137, 14 September 2010, T. 14595 (confidential); Adjudicated Fact 773.

[3344] P1059, Vlasenica Municipality Crisis Staff Decision to Disarm Citizens Possessing Firearms Illegally, 19 April 1992. *See also* Ibro Osmanović, 8 March 2010, T. 7301; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 3; ST179, 10 March 2010, T. 7437-7439; ST137, 14 September 2010, T. 14617 (confidential); Adjudicated Fact 1357.

[3345] ST179, 10 March 2010, T. 7437, 12 March 2010, T. 7531. *See also* Ibro Osmanović, 8 March 2010, T. 7301; ST137, 15 September 2010, T. 14633-14634 (confidential).

[3346] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5225. *See also* ST179, 10 March 2010, T. 7437, 12 March 2010, T. 7531, in which he states that in the beginning Serbs also surrendered illegally owned weapons.

[3347] ST137, 14 September 2010, T. 14602, 14605 (confidential); P1586, List of Special Platoon Members with the Vlasenica SJB (confidential).

[3348] ST137, 14 September 2010, T. 14617, 14620 (confidential) 15 September 2010, T. 14633 (confidential).

[3349] ST137, 14 September 2010, T. 14620 (confidential).

1428. Following the Serb takeover of the town, Muslims were dismissed from their jobs.[3350] ST179 testified that, prior to the multi-party elections, the police force in Vlasenica was approximately 50% Muslim and 50% Serb.[3351] On 19 April 1992, the Vlasenica Crisis Staff issued an order to disarm the active and reserve forces of the Vlasenica SJB and simultaneously issued a decision in which it authorised the chief of the SJB, at that time Radomir Bjelanović, to "engage the required number of active and reserve forces to secure public law and order and safeguard the citizens."[3352] ST179 testified that the effect was that only Serb officers were re-hired, while Muslim police officers were laid off or told to take annual leave.[3353] Later, when Ibro Osmanović—a former volunteer fire fighter—and the Serb commander of the fire unit approached Mane Đurić, who was appointed chief of the SJB in August 1992,[3354] to request that Muslim fire fighters be called in to assist the under-staffed unit, Đurić denied the request without providing an explanation.[3355] At the same time, Muslim shop keepers were afraid to keep their businesses open.[3356] Muslim workers at the local bauxite company stopped being paid, while their Serb colleagues continued to receive salaries.[3357]

1429. A special-purpose unit of the TO was re-subordinated to the Vlasenica SJB on or about 10 May 1992 by decision of the Vlasenica Crisis Staff; ST179 testified that this unit was "causing problems around town, disturbing public order and violating the law".[3358] Pursuant to an order of Mićo Stanišić, on 15 May 1992, this unit was re-organised and some of the members—those meeting the requirements—continued as members of the reserve police and formed the Vlasenica Special Police Unit led by Miroslav Kraljević.[3359] According to ST179, Kraljević reported to Radenko Stanić, the acting commander of the Vlasenica police station.[3360]

1430. On 19 May 1992, the JNA Novi Sad Corps withdrew from Vlasenica.[3361] It left some troops and equipment, including, ST179 believed, automatic weapons, light machine-guns, mortars, grenades, and a couple armoured vehicles, including APCs and tanks.[3362]

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[3350] ST179, 10 March 2010, T. 7445-7446; Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5246 and P1041.02, Witness Statement, 5-7, 10 October 1994, p. 4; Adjudicated Facts 1352, 1370.
[3351] ST179, 10 March 2010, T. 7415-7416.
[3352] P1060, Vlasenica Municipality Crisis Staff Decision to Disarm the Active and Reserve Forces of the Vlasenica Public Security Station, 19 April 1992.
[3353] ST179, 10 March 2010, T. 7441-7442, 7454. *See also* ST137, 14 September 2010, T. 14619 (confidential).
[3354] ST179, 10 March 2010, T. 7413-7414 (confidential).
[3355] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 4.
[3356] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 3; Adjudicated Fact 1352.
[3357] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5258, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 4; Adjudicated Fact 1352.
[3358] ST179, 10 March 2010, T. 7458-7460 (confidential).
[3359] ST179, 10 March 2010, T. 7457, 7462-7464. *See* 1D46, Order No. 01-1/92, signed by Mićo Stanišić, 15 May 1992.
[3360] ST179, 10 March 2010, T. 7457.
[3361] ST179, 10 March 2010, T. 7444-7445; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 5, in which he states that the JNA started to leave between 17 and 18 May 1992.

1431. On the same day, the Crisis Staff, the president of which was Milenko Stanić,[3363] issued an order that residents were required to obtain a travel permit before they could leave the municipality. In order to obtain a travel permit, an individual was required to sign a statement saying that he was leaving of his own free will.[3364] The Crisis Staff also began issuing passes that individuals were required to use in order to move around the municipality, and checkpoints were erected under the authority of Dragiša Milaković, an SDS member.[3365] While the order from the Crisis Staff made no distinction based on ethnicity, there is evidence that, in practical effect, it was applied only to Muslims.[3366] Đokanović testified that when he arrived in Vlasenica on or about 12 June 1992, the town was deserted with only a couple of uniformed people on the main street.[3367]

1432. There is evidence that Muslims were subjected to other discriminatory measures after the takeover of the town of Vlasenica. The Crisis Staff introduced work obligations for Muslims.[3368] Muslims were limited in the amount of money they could withdraw from banks, however there is evidence to suggest that no such limit was imposed upon Serbs.[3369] Ibro Osmanović testified that the stores of Muslims who had left were broken into, and the homes and shops of Muslims had signs posted or painted on them that read "Muslims leave" and "We will kill all Ustasha".[3370]

1433. ST137 testified that in the town of Vlasenica "everybody took what they wanted", including members of the police, from "the houses that the Muslims had abandoned, either voluntarily or involuntarily."[3371] According to ST137, Kraljević, Stanić, and Đurić—all senior members of the MUP—knew this was happening because some of the stolen property was taken to a MUP warehouse.[3372] As far as ST137 is aware, no member of the police or reserve police force was ever suspended or fired for these thefts.[3373]

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[3362] ST179, 10 March 2010, T. 7445; Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5270-5271; P1041.02, Witness Statement, 5-7, 10 October 1994, p. 5.
[3363] *See* P1041.05, Vlasenica Crisis Staff Freedom of Movement Pass.
[3364] P1063, Vlasenica Crisis Staff Instructions on General Procedures for Departure, 19 May 1992.
[3365] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5216-5219; P1041.02, Witness Statement, 5-7 October 1994, pp. 3-4; ST137, 15 September 2010, T. 14631 (confidential); P1041.05, Vlasenica Crisis Staff Freedom of Movement Pass; P1063, Vlasenica Crisis Staff Instructions on General Procedures for Departure, 19 May 1992; Adjudicated Fact 1356.
[3366] ST137, 15 September 2010, T. 14632 (confidential); Ibro Osmanović, P1041.03, Witness Statement, 7 June 2001, p. 3. *See also* ST179, 11 March 2010, T. 7476-7479. ST179 states that there were no restrictions or orders within Vlasenica and that those restrictions in place for those who left Vlasenica were applicable to all citizens, though it applied "mostly" to Muslims and to able-bodied Serb men.
[3367] Dragan Đokanović, P397.02, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 15 March 2005, T. 10583-10584.
[3368] Adjudicated Fact 1357.
[3369] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 4.
[3370] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 3.
[3371] ST137, 15 September 2010, T. 14660-14661 (confidential).
[3372] ST137, 15 September 2010, T. 14661 (confidential).
[3373] ST137, 15 September 2010, T. 14665 (confidential).

1434. The Town mosque in Vlasenica was completely destroyed and all building materials were removed from the site.[3374] Kemal Zukić, of the Centre for Islamic Architecture, reported to András Riedlmayer that the mosque was destroyed by Serbs in August 1992.[3375] ST179 testified that the mosque in Vlasenica was destroyed by the engineering forces of the VRS. He stated that the SJB was notified two to three hours prior to the destruction to ensure that the surrounding area was evacuated.[3376]

1435. Following the takeover of the town of Vlasenica until the end of May, the TO, acting with the JNA and the Vlasenica Special Police Unit, were tasked by the Vlasenica Crisis Staff with establishing control of the villages in the municipality, with emphasis on the seizure of illegally procured weapons.[3377] Their orders were to search for weapons, detain for questioning the men who surrendered, kill the men who tried to escape, and send women and children to the town of Vlasenica.[3378] There is evidence that, prior to at least one operation, Kraljević suggested that all fighting age men should be killed rather than taken prisoner.[3379] The forces were also explicitly ordered to burn all the houses to prevent the owners from returning.[3380] During the operations, a group of individuals followed behind the advancing column to collect property from houses that remained intact; the property was then taken to a warehouse.[3381] Almost all the Muslim-owned houses in the area were destroyed.[3382] The operations were conducted only in Muslim hamlets.[3383]

1436. During these operations, men were arrested and detained at the Vlasenica Municipal Prison and Vlasenica SJB building.[3384] There is evidence that some of the men were interrogated and then killed, while others were taken to Sušica camp.[3385] ST137 testified that, during these operations, some of the men they encountered attempted to surrender but were killed.[3386] ST137 further

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[3374] P1404, András Riedlmayer's Database of Material Related to Bileća, Graćko, Teslić, and Vlasenica, p. 55.
[3375] P1404, András Riedlmayer's Database of Material Related to Bileća, Graćko, Teslić, and Vlasenica, p. 56.
[3376] ST179, 11 March 2010, T. 7523-7524.
[3377] ST179, 11 March 2010, T. 7481-7483; ST137, 15 September 2010, T. 14636-14637, 14647, 16 September 2010, T. 14740 (confidential); P1065, Order from the Vlasenica TO Regarding the Takeover of Turalići, 27 April 1992; P1066, Order from Vlasenica TO Regarding the Takeovers of Alihodžići, Zekići, and Beroš; P1067, Order from Vlasenica TO Regarding the Takover of Begići, Kuljančići, and Džamdžići, 29 April 1992; P1068, Order from Vlasenica TO Regarding the Takeover of Donji Šadići, Dragaši, and Mramor, 29 April 1992; P1069, Order from Vlasenica TO Regarding the Takeover of Gradina, 30 April 1992; P1070, Order from Vlasenica TO Regarding the Takeover of Hrastovac, Šahmanovići, Baćino Brdo, and Džemat, 30 April 1992; Adjudicated Fact 1359.
[3378] ST137, 15 September 2010, T. 14636, 14648 (confidential); Adjudicated Fact 1359.
[3379] ST137, 15 September 2010, T. 14650-14651 (confidential). Specifically, ST137 testified that he asked Kraljević what should be done "with the people who laid down their arms or surrendered, apart from the women, the children, and the elderly. As far as I can recall, he just said tersely, "What prisoners?" Something like that. And I took it to mean that there would be no prisoners."
[3380] ST137, 15 September 2010, T. 14651, 14658 (confidential); Adjudicated Fact 1359.
[3381] ST137, 15 September 2010, T. 14659 (confidential).
[3382] ST137, 15 September 2010, T. 14651, 14658 (confidential); Adjudicated Fact 1359.
[3383] ST137, 15 September 2010, T. 14644-14645, 14651-14652 (confidential). *See also* P1590, Map.
[3384] ST137, 15 September 2010, T. 14636-14637 (confidential); Adjudicated Fact 1359.
[3385] ST137, 15 September 2010, T. 14652-14653 (confidential); Adjudicated Fact 1359.
[3386] ST137, 15 September 2010, T. 14650 (confidential).

testified that he heard that a large number of women and children from the area were taken to Sušica camp, while others were transported to Kladanj and released at the "separation line".[3387]

1437. The Trial Chamber has taken judicial notice of an adjudicated fact that on 16 May 1992 four or five army vehicles, together with a white police car, arrived in Zaklopača.[3388] Zaklopača was a village approximately 7 km from the town of Vlasenica and was majority Muslim.[3389] The men in those vehicles were in army and police uniforms and some wore masks.[3390] ST137 testified that these men were members of a special police unit from Milići.[3391] The population tried to flee, but approximately 80 people, mostly men, were shot dead by the Serbs.[3392] A group of women and children and one elderly man surrendered to the Serbs on the following day. The Serbs took them to the Vlasenica SJB building, where the women were forced to sign statements giving away their houses and property to "the Serbs". They were then put on a bus and dropped off at a point about 10 km outside Kladanj. From there they walked to the town of Kladanj.[3393]

(c) Attack on village of Drum

1438. Early in the morning of 2 June 1992, armed Serbs, supported by an APC with a machine gun, attacked the predominantly Muslim hamlet of Drum near the town of Vlasenica.[3394] The armed Serbs moved from house to house firing automatic weapons and breaking into homes.[3395] More than 20 Muslim men were killed in a few minutes.[3396] ST080, a resident of Drum, witnessed the shooting and killing of Fadil Salihović,[3397] Meho Jahić,[3398] Ekrem Jahić,[3399] and Hadžo Maleševac,[3400] in front of their homes.[3401] Only three of the male residents of Drum, including ST080, survived the attack.[3402] A bus with five or six men in reserve police uniforms arrived from the direction of Vlasenica. ST080 and 27 other residents of Drum, mostly women and children, were put on the bus and driven toward Piskavice.[3403] During the bus trip, but before the bus left Drum, ST080 saw the

[3387] ST137, 15 September 2010, T. 14652, 14667-14668 (confidential).
[3388] Adjudicated Fact 1358.
[3389] ST137, 15 September 2010, T. 14665 (confidential).
[3390] Adjudicated Fact 1358.
[3391] ST137, 15 September 2010, T. 14665-14666 (confidential).
[3392] ST137, 15 September 2010, T. 14665-14666 (confidential); Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 5; Adjudicated Fact 1358.
[3393] Adjudicated Fact 1358.
[3394] ST080, 9 March 2010, T. 7357-7359; P1052, Aerial Photo of Drum; Adjudicated Fact 1360.
[3395] Adjudicated Fact 1360.
[3396] Adjudicated Fact 1360. *See* ST179, 11 March 2010, T. 7490-7492.
[3397] ST080, 9 March 2010, T. 7362.
[3398] ST080, 9 March 2010, T. 7361-7362.
[3399] ST080, 9 March 2010, T. 7361-7362.
[3400] ST080, 9 March 2010, T. 7360.
[3401] ST080, 9 March 2010, T. 7359, 7360. He also saw "Omer" shot and killed but there is no individual by that name in the Indictment relating to this incident.
[3402] Adjudicated Fact 1360.
[3403] ST080, 9 March 2010, T. 7364-7365.

bodies of Braco Salihović, Goro Salihović, Osmo Hodžić, Jasmin Kičić, and Jasmin's brother (FNU Kičić) lying on the ground in front of a café. They had all been shot.[3404] ST080 and the 27 other surviving residents of Drum were taken by bus to Sušica camp.[3405]

1439. Ibro Osmanović, who was being detained at the Vlasenica Municipal Prison at the time, testified that he was forced to bury the bodies of 22 men in the village of Drum.[3406] The bodies had been collected outside a local café.[3407] He recognised the bodies of Ekrem Jahić, Abdulah Jahić, Osmo Hodžić, and Nedžad Hodžić. All the bodies he saw were adult men; and, with one exception, they all had a single gunshot wound between the eyes; Osmo Hodžić had been shot in the chest.[3408] Osmanović was ordered to search all the bodies and collect the valuables before burying them.[3409] Zoran Obrenović, a member of the Special Police Unit, was present in Drum at this time.[3410]

1440. ST179 testified that this was a purely military operation.[3411] An investigation was ordered into the killings, but given the conditions at the time, an adequate on-site investigation was impossible.[3412] The witness believed that a report was sent to a CSB.[3413]

1441. Documentary evidence from the Proof of Death Database was admitted to support the disappearance or death of Osmo Hodžić,[3414] Ekrem Jahić,[3415] Fadil Salihović,[3416] and Nedžad Hodžić[3417] in Vlasenica in June 1992.

(d) Vlasenica SJB building

1442. Around June to September 1992, Muslims aged between 18 and 60 and five minors were detained at the Vlasenica SJB building, where they were repeatedly mistreated and beaten with metal pipes, chains, and other objects.[3418]

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[3404] ST080, 9 March 2010, T. 7366.
[3405] ST080, 9 March 2010, T. 7368-7369; Adjudicated Fact 1360.
[3406] Ibro Osmanović, 8 March 2010, T. 7319; P1041.02, Witness Statement, 5-7, 10 October 1994, p. 8; P1041.03, Witness Statement, 7 June 2001, p. 4.
[3407] Ibro Osmanović, 8 March 2010, T. 7319.
[3408] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 8.
[3409] Ibro Osmanović, 8 March 2010, T. 7319; P1041.02, Witness Statement, 5-7, 10 October 1994, p. 8.
[3410] Ibro Osmanović, 8 March 2010, T. 7319.
[3411] ST179, 11 March 2010, T. 7490; 12 March 2010, T. 7533.
[3412] ST179, 11 March 2010, T. 7491-7492.
[3413] ST179, 11 March 2010, T. 7491.
[3414] P2466, Proof of Death Database (CHS), "ordinal number" 6871, ICRC Missing Persons Report (confidential); "ordinal number" 6872 BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 6873, Autopsy Report (confidential); "ordinal number" 6874, ICMP (confidential).
[3415] P2466, Proof of Death Database (CHS), "ordinal number" 6878, Autopsy Report (confidential); "ordinal number" 6879, ICMP (confidential); "ordinal number" 6880, BiH State Commission for Tracing Missing Persons, Table of Exhumed Persons (confidential).
[3416] P2466, Proof of Death Database (CHS), "ordinal number" 6894, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 6895, ICRC Missing Persons Report, Table of Solved Deaths (confidential); "ordinal number" 6896, Autopsy Report (confidential); "ordinal number" 6897, ICMP (confidential).

1443. Ibro Osmanović testified that on the afternoon of 22 May he was arrested at his home and taken to the Vlasenica SJB building. When he asked to see the written authorisation for his arrest, he was told that written authorisation was not needed.[3419] He was held with up to 20 other Muslim men in two cells, each of approximately two and a half by two metres, for about 11 days.[3420] He testified that he knew all the men and that none of them had participated in military activities.[3421] During this time, he was regularly beaten—sometimes twice per day.[3422] On the first occasion, he was tied to a chair and beaten by four members of the "special military police" with a police baton, metal pipes, and metal chains.[3423] He was also cut with a knife.[3424] He was asked about certain members of the SDA, the location of weapons, and the arming of Muslims.[3425] One detainee had a "necklace" carved into his neck, and another had salt rubbed into his wounds.[3426] Osmanović testified that the detainees were not given any food by the police, except for on one occasion when they were given food that had gone off.[3427] The only other food they had was that which was brought to them by friends or family.[3428] There was no medical care of any kind.[3429] Detainees had access to water and a toilet in the basement of the building but they were beaten on the way to and from it. There were no beds, and the detainees were required to sleep standing or sitting on concrete tiles.[3430]

1444. According to Ibro Osmanović, on 22 May 1992, Džemal Ambešković, who had organised a local referendum on independence, was brought into a cell on the second floor.[3431] Ambešković's face and stomach were bruised and swollen.[3432] After Ambešković had been in the cell with Osmanović for approximately 20 minutes, Stevan Mumović, who was wearing a camouflage

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[3417] P2466, Proof of Death Database (CHS), "ordinal number" 6867, Federal Institute for Statistics (confidential); "ordinal number" 6868, BiH State Commission for Tracing Missing Persons.
[3418] Adjudicated Facts 1364, 1367.
[3419] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 5.
[3420] Ibro Osmanović, 8 March 2010, T. 7304-7306; P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5228-5229; P1041.02, Witness Statement, 5-7, 10 October 1994, p. 5; P1043, Three Photos of Interior of Vlasenica SJB Building.
[3421] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5229.
[3422] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, pp. 5-7.
[3423] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, pp. 5-6.
[3424] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 7.
[3425] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5265-5266; P1041.02, Witness Statement, 5-7, 10 October 1994, p. 7.
[3426] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 7.
[3427] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5229.
[3428] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 7; Ibro Osmanović, P1041.01, *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5229.
[3429] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5229-5230; Adjudicated Fact 1367.
[3430] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5230.
[3431] Ibro Osmanović, 8 March 2010, T. 7306; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 6; Adjudicated Fact 1367.
[3432] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 6.

uniform with a "war police" badge, ordered him out of the cell.[3433] Once Ambešković had crossed the threshold, Osmanović saw him being hit on the back of the head and fall to the ground. He then heard a single shot from a pistol and saw Mumović holster a pistol. He saw no one else in the hallway where the killing occurred.[3434] Osmanović and two other men were ordered to load Ambešković's body into a van outside the building.[3435] An ICRC Missing Persons Report indicates that a man named Džemal Ambešković disappeared in June of 1992 and his remains were later recovered and identified.[3436]

1445. On 2 June 1992, Ibro Osmanović was transferred to the Vlasenica Municipal Prison.[3437]

1446. On 13 June 1992, ST153 and Hajrudin Osmanović were arrested by four policemen, Miroslav Godzunović, Elvis Đurić, Slavia Stanić, and Dragan Stanić, and taken to the Vlasenica SJB building. There they were questioned by police officers about weapons; when they denied having any, they were beaten with the butt of a gun and a police baton. This resulted in bruises on the detainees' backs, heads, and chests. After approximately two hours, ST153 and Hajrudin Osmanović were transferred to Sušica camp.[3438]

(e) Vlasenica Municipal Prison

1447. The Trial Chamber has taken judicial notice of an adjudicated fact that around June to September 1992 approximately 150 detainees were held in very poor conditions in five rooms of the Vlasenica Municipal Prison, under the control of the police.[3439] While ST179 testified that the Vlasenica Municipal Prison was under the competence of the Ministry of Justice, not the MUP, the Trial Chamber is unable to accept this evidence. There is uncontested evidence that from May until June or July 1992 the guards at Vlasenica Municipal Prison were comprised of "a certain number" of policemen,[3440] and the commander of the prison was a policeman by the name of Sukanović.[3441]

1448. Ibro Osmanović testified that upon his arrival at the Vlasenica Municipal Prison on 2 June 1992 he was searched and all his valuables were taken.[3442] He testified that the prison could

[3433] Ibro Osmanović, 8 March 2010, T. 7314; P1041.02, Witness Statement, 5-7, 10 October 1994, p. 6.
[3434] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 6.
[3435] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, pp. 6-7.
[3436] P2466, Proof of Death Database (CHS), "ordinal number" 6993, ICRC Missing Persons Report, Table of Solved Deaths (confidential).
[3437] Ibro Osmanović, 8 March 2010, T. 7316; P1041.02; Witness Statement, 5-7, 10 October 1994, p. 7.
[3438] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 2.
[3439] Adjudicated Facts 1366.
[3440] ST179, 11 March 2010, T. 7504-7508.
[3441] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5231.
[3442] Ibro Osmanović, 8 March 2010, T. 7316; Ibro Osmanović, P1041.02; Witness Statement, 5-7, 10 October 1994, pp. 7-8.

accommodate 50 men but that he estimated there were up to 150 Muslim men detained there.[3443] As far as he knew, none of the detainees were involved in military activities.[3444] The only food the detainees had was that which was brought to them from their homes, except for one occasion when detainees were given leftovers from the guards.[3445] The detainees were permitted to use the toilet twice a day.[3446] They had no access to medical care and were forced to sleep on a parquet floor or shelves that had been used for storage.[3447] Detainees were forced to work: looting the property of Muslims, burying the dead in the village of Drum, and digging trenches at the front line.[3448] Osmanović testified that he was beaten at the prison by guards and local Serbs who were allowed in.[3449] He lost five teeth as a result of beatings.[3450]

1449. On 2 June, 20 men were taken from the cells; only three were later seen at Sušica camp. The men who did not make it to Sušica included Braco Saračević, Sakib Hodžić ("Hadžić"), Salko Muminović, Mehmed Muminović, Bećir Ibrišević ("Ibišević"), Sead Kavazović, and Irfo Kavazović.[3451] Documentary evidence has been admitted that supports the deaths or disappearances of men with some of these names in May or June 1992 in Vlasenica.[3452]

1450. Osmanović was transferred to Sušica camp on 17 or 18 June 1992.[3453]

(f) Sušica camp

1451. Sušica camp was established in the municipality of Vlasenica on 31 May 1992 by order of Svetozar Andrić, commander of the Birač Brigade of the JNA, and pursuant to a decision of the Birač SAO, which regulated the removal of the Muslim population from the territory of Birač.[3454] The camp was located approximately 1.5 to 2 km from the town of Vlasenica.[3455] The camp

[3443] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5231; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 8.
[3444] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5231.
[3445] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5231-5232.
[3446] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5232.
[3447] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5233.
[3448] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5232-5233.
[3449] Ibro Osmanović, 8 March 2010, T. 7317; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 8.
[3450] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 8.
[3451] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 8.
[3452] P2466, Proof of Death Database (CHS), "ordinal numbers" 7001, 7005, Federal Institute for Statistics (confidential); "ordinal numbers" 7002, 7006, BiH State Commission for Tracing Missing Persons (confidential); "ordinal numbers" 6997.1, 6999.1, Tuzla Medical Centre, Records of Identification (confidential); "ordinal numbers" 7004, 7008.2, ICRC Missing Persons Report, Table of Solved Deaths (confidential).
[3453] Ibro Osmanović, 8 March 2010, T. 7316; P1041.02, Witness Statement, 5-7, 10 October 1994, p. 9.
[3454] Adjudicated Fact 1361. *See* ST179, 11 March 2010, T. 7512; ST137, 15 September 2010, T. 14670-14671 (confidential); P1041.08, Aerial Photo of Vlasenica and Sušica Camp; P1591, Photo of Sušica Camp.
[3455] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5239; P1041.08, Aerial Photo of Vlasenica and Sušica Camp.

remained operational for four months, from June to September 1992, during which time approximately 2,000 to 2,500 Muslims of both genders and all ages passed through.[3456]

1452. Sušica camp was under the authority of the municipal organs, and all decisions concerning the camp and detainees, such as decisions on release, visits, and exchanges, were made by the Crisis Staff and MUP, which received daily reports on the situation at the camp.[3457] The guards at Sušica camp, under camp warden Veljko Bašić and deputy Vidosav Mlađenović, were members of the MUP and VRS.[3458] Sometime in June 1992, Dragan Nikolić, a member of the Vlasenica Special Police Unit, was put in charge of Sušica camp.[3459]

1453. On 2 June 1992, the survivors from the village of Drum, including ST080, arrived at Sušica camp.[3460] On the same day, members of Serb paramilitary forces came to the home of ST082, a Muslim resident of Vlasenica,[3461] and ordered him, his wife, and his daughter to come with them.[3462] They joined a large group of people, including their Muslim neighbours, all walking towards Sušica.[3463] When they arrived, the women and children were separated.[3464] The men were searched, their identification was taken, and they were put into the hangar.[3465] By that night, there were over a thousand people—all Muslims.[3466] They were only given food, which was spoiled, the following day.[3467]

1454. A few days later, Serb officials allowed the great majority of the women, more than 800, to leave, after they were stripped of their valuables and had signed a declaration that they were leaving the municipality voluntarily.[3468] Women who refused were threatened with being beaten or killed.[3469] The women were then taken to Kladanj.[3470] Approximately 20 women remained at the camp.[3471]

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[3456] Adjudicated Fact 1364. *See* ST137, 15 September 2010, T. 14670-14671 (confidential).
[3457] ST137, 16 September 2010, T. 14685-14686, 14688 (confidential); P1074, Memo to CSB Sarajevo, 1 September 1992 (confidential); Adjudicated Fact 1363.
[3458] ST080, 9 March 2010, T. 7378-7379; ST137, 16 September 2010, T. 14687-14688 (confidential); 1D163, Report by Major Slobodan Pajić on Sušica Camp, p. 7; Adjudicated Fact 1362.
[3459] ST080, 9 March 2010, T. 7379; ST137, 14 September 2010, T. 14608-14609, 15 September 2010, T. 14671-14672, 16 September 2010, T. 14695 (confidential); Adjudicated Fact 1365. *See* Ibro Osmanović, 8 March 2010, T. 7308-7309; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 9; ST082, P2315, p. 465 (confidential); ST082, P2386, p. 268 (confidential); ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 2.
[3460] ST080, 9 March 2010, T. 7364-7366, 7368-7369.
[3461] ST082, P2315, p. 461 (confidential) and P2386, pp. 263-264 (confidential).
[3462] ST082, P2315, p. 463 (confidential) and P2386, pp. 263-265 (confidential).
[3463] ST082, P2315, p. 463 (confidential).
[3464] ST082, P2315, p. 464 (confidential),
[3465] ST082, P2315, p. 463-464 (confidential) and P2386, p. 266 (confidential).
[3466] ST080, 9 March 2010, T. 7369-7370; Adjudicated Fact 1364.
[3467] ST082, P2386, p. 267 (confidential). *See also* ST080, 9 March 2010, T. 7371.
[3468] ST080, 9 March 2010, T. 7371-7374; ST082, P2315, p. 466-468 (confidential) and P2386, p. 272 (confidential); Adjudicated Fact 1364.
[3469] ST082, P2315, pp. 466-467 (confidential).

1455. ST153 testified that he and Hajrudin Osmanović arrived at Sušica camp on 13 June 1992.[3472] Upon their arrival, they were beaten by Nikolić and Perica Popović with axe handles, iron bars, and rifle butts.[3473] Nikolić and Popović searched the men and took their watches, rings, money, IDs, and car registrations.[3474] They were then put into the hangar with the other detainees.[3475] ST153 estimates that there were approximately 700 people—men, women, and children—in the hangar at that time.[3476] When Ibro Osmanović later arrived on 17 or 18 June 1992,[3477] he estimated that there were approximately 500 to 550 detainees at Sušica camp; six or seven of whom were women.[3478]

1456. Exhibit P1074, a memo from the chief of the Vlasenica SJB to the Sarajevo CSB, indicates that Sušica camp was "a holding centre whose basic purpose [was] to receive people, both Muslims and Serbs, who [had] expressed a desire to leave Vlasenica municipality" and that they were "held only for as long as is necessary to allow the fastest possible transport, personal security, food, and health care."[3479] However, there is significant evidence that only Muslims were detained at the camp and, as exemplified by the conditions of arrival described above, the vast majority were not there voluntarily.[3480] Ibro Osmanović testified that none of the detainees he knew personally at the camp were involved in military activities.[3481]

1457. The living conditions in the camp were extremely bad.[3482] Detainees were housed in the central hangar on a concrete floor.[3483] Some detainees had a blanket or pillow to sleep on whereas Ibro Osmanović and many others slept on the concrete.[3484] There was no toilet, only a "primitive

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[3470] ST082, P2315, p. 467 (confidential).
[3471] ST080, 9 March 2010, T. 7374.
[3472] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 2.
[3473] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, pp. 2-3.
[3474] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 3.
[3475] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 3.
[3476] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 3. *See also* ST137, 16 September 2010, T. 14693-14694 (confidential); P1592, Report from Birač Brigade Command, Major Svetozar Andrić, 14 June 1992; P1593 Report from Birač Brigade Command, Major Svetozar Andrić, 17 June 1992, which indicates that there were approximately 640 detainees.
[3477] Ibro Osmanović, 8 March 2010, T. 7316; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 9 and P1041.03, Witness Statement, 7 June 2001, p. 4.
[3478] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 9; P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5236.
[3479] P1074, Memo to CSB Sarajevo, 1 September 1992 (confidential); ST179, 11 March 2010, T. 7511.
[3480] ST137, 16 September 2010, T. 14701-14702 (confidential); ST082, P2315, p. 464 (confidential) and P2386, p. 272 (confidential); Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5236; P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 37.
[3481] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5237.
[3482] Adjudicated Fact 1364.
[3483] ST137, 15 September 2010, T. 14672 (confidential); ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, pp. 3-4; P1041.08, Aerial Photo of Vlasenica and Sušica Camp; P1591, Photo of Sušica Camp; P1597, Photo of Hangar at Sušica Camp; P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 37.
[3484] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5235-5236.

latrine, obviously poorly maintained and emitting a terrible odour".[3485] At night, detainees were required to use a 10-litre pot which was placed in the hangar.[3486] They were given only one meal per day, which was often rotten and inedible or consisted of only a slice of bread.[3487] Twice per day, one cup of water was distributed to each detainee.[3488] There was no medical care provided.[3489]

1458. The detainees were forced to perform several types of labour, including digging trenches, carrying munitions at the front lines, looting Muslim homes, and manual and skilled labour in the town.[3490] If a detainee refused to do the work, he was beaten.[3491] Ibro Osmanović testified that, if there were two brothers at the camp, one was required to stay at the camp so as to ensure that the other returned.[3492]

1459. Nikolić submitted the detainees to all kinds of mistreatment.[3493] There is evidence that he entered the hangar where the detainees were being held and threatened to detonate a tear gas shell; that he conducted mock executions by cocking his pistol, placing it in the mouths of detainees, and pulling the trigger; on one occasion he shot an automatic rifle at the wall above the heads of the detainees.[3494] The detainees were regularly beaten.[3495] ST153 testified that, on one occasion, in a beating that lasted approximately one and a half hours, he was beaten with iron bars, wooden bats, and rifle butts resulting in a cut on the back of his head, four teeth being knocked out, three ribs being broken, and him passing out.[3496] He had to be carried back into the hangar.[3497] He also witnessed other detainees being beaten to the point that they were unable to walk.[3498] There is

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[3485] P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 38. *See also* ST080, 9 March 2010, T. 7371.
[3486] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5235.
[3487] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5234; ST082, P2315, p. 487 (confidential) and P2386, p. 273 (confidential). *See also* P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 38, in which visitors from the CSCE noted that, while they were unable to "ascertain the quantity, quality and frequency of meals", the detainees "appeared to be haggard, pale and thin" and "there can be little doubt that most are hungry".
[3488] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5234; Adjudicated Fact 1364. *See also* P1599, Report of CSCE Mission on Places of Detention in BiH, 29 August to 4 September 1992, p. 38, in which the visitors noted that water was available from a single faucet, but it was unclear to them whether detainees actually had access to it.
[3489] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5235; Adjudicated Fact 1364.
[3490] ST137, 16 September 2010, T. 14685-14687 (confidential); Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5236; ST082, P2315, pp. 486-487 (confidential); Adjudicated Fact 1364. *See also* ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 6.
[3491] Ibro Osmanović, P1041.01, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 1 September 2004, T. 5236.
[3492] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 9.
[3493] Adjudicated Fact 1365.
[3494] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 11. The Trial Chamber concludes that the gun placed into the mouths of detainees was not loaded and that this was done in order to conduct a mock execution of the detainees.
[3495] Adjudicated Fact 1365. *See* ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, pp. 3-6; ST082, P2386, pp. 271-272 (confidential).
[3496] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, pp. 4-5.
[3497] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 5.
[3498] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, pp. 5-7.

evidence that Nikolić beat detainees whom he suspected of being members of the SDA or in an attempt to get information about family members who were not at the camp.[3499] He used a truncheon and kicked detainees with heavy army boots, resulting in broken ribs and one detainee urinating blood.[3500]

1460. On the night of 21 June, Nikolić entered the hangar and removed Durmo Handžić and Asim Zildžić. ST082 stated that this occurred at approximately 11:30 p.m.,[3501] Ibro Osmanović testified that it occurred at approximately 1:00 a.m. on 22 June,[3502] and ST153 testified that it occurred at around 5:30 or 6:00 p.m. on 16 June.[3503] Osmanović and ST082 heard Nikolić ask Handžić where his son was, and ST082 saw Handžić and Zildžić being beaten.[3504] Dragan Nikolić and Goran Tesić beat the men with a pipe and a spade, respectively, to the point that the spade broke.[3505] ST137 testified that Nikolić hit them a couple of times and kicked them in the stomach with his boot.[3506] According to ST082, the beatings lasted approximately 30 to 40 minutes after which other detainees were required to carry the men back into the hangar.[3507] ST082, who nursed Zildžić, and ST153 both said that Zildžić's head had been badly beaten, his eye was coming out of the socket, he was spitting blood, and he was suffocating.[3508] Handžić's face was swollen.[3509] Zildžić died shortly after he was brought into the hangar.[3510] The detainees informed Nikolić. The following day, Alija Ferhatović, Hasim Ferhatović, and others were ordered to bury the body.[3511] At approximately 1:00 a.m. on the second day, Nikolić entered the hangar.[3512] The witness accounts vary as to whether Nikolić said anything to Handžić: Ibro Osmanović testified that he said, "Can you see, Asim is dead, are you going to answer me",[3513] whereas ST153 testified that Nikolić did not say

[3499] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10; ST082, P2315, pp. 485-486 (confidential).
[3500] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10; ST082, P2315, pp. 485-486 (confidential).
[3501] ST082, P2315, p. 469 (confidential).
[3502] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10.
[3503] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 6.
[3504] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10; ST082, P2315, p. 469 (confidential).
[3505] ST082, P2315, p. 470 (confidential); ST082, P2386, p. 270 (confidential).
[3506] ST137, 16 September 2010, T. 14698 (confidential).
[3507] ST137, 16 September 2010, T. 14698-14699 (confidential); ST082, P2315, pp. 470-471 (confidential); Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10; ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7.
[3508] ST082, P2315, p. 471 (confidential); ST082, P2386, p. 270 (confidential); ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 6.
[3509] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7; ST082, P2315, p. 474 (confidential).
[3510] ST082, P2315, p. 471 (confidential); ST082, P2386, p. 270 (confidential); ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 6; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10.
[3511] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, pp. 6-7; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10; ST082, P2315, p. 473 (confidential). *See also* ST137, 16 September 2010, T. 14698 (confidential).
[3512] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10.
[3513] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10.

anything.[3514] Handžić attempted to go outside, and shortly thereafter he collapsed and also died.[3515] ST137 also testified that both men died as a result of the beatings.[3516] Prior to being beaten on that night, neither victim had any serious injuries.[3517]

1461. The Trial Chamber notes that there are discrepancies between the accounts provided by the witnesses. In particular, they vary as to when the men were taken from the hangar, who was with Nikolić when he entered the hangar and removed the men,[3518] and whether or not Nikolić spoke to Handžić the day after beating him. The Trial Chamber considers that these discrepancies are minor or attributable to the difference in the witnesses' vantage points. The Trial Chamber also notes that Bašić issued a report in which he indicated that Dr. Vuković, a physician, had confirmed that both men had died of a heart attack.[3519] However, ST137 testified that Dr. Vuković never examined the bodies.[3520] The death certificate of Durmo Handžić indicates his cause of death as "uncertain",[3521] as does an expert forensic examination, performed on 18 March 2002; however, the latter indicates "fractures of the arch of the rib".[3522] The death certificate of Asim Zildžić lists a cause of death of "[t]rauma of the thorax".[3523] While a court record of expert forensic investigation on Zildžić, performed on 8 February 2001, indicates the cause of death as "unknown", the nature of death records "[h]ead trauma" and a "[p]erforating wound on the left side of the chest".[3524] Further documentary evidence admitted supports the disappearance or death of these two men in June 1992 in Vlasenica.[3525] The Trial Chamber considers that it has been established that, on or about the night of 21 June 1992, Nikolić beat Durmo Handžić and Asim Zildžić and that these beatings resulted in their deaths.

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[3514] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7.
[3515] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7; Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10; ST082, P2315, p. 474 (confidential); ST082, P2386, p. 270 (confidential).
[3516] ST137, 16 September 2010, T. 14698-14699 (confidential).
[3517] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7.
[3518] ST082 stated that Nikolić and Goran Tesić entered the hangar. ST082, P2315, p. 469. Ibro Osmanović testified that Nikolić entered the hangar alone. Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 10. ST153 testified that Nikolić was accompanied by Perica Popović and Zoran Pantić. ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 6.
[3519] P1594, Report on Death of Detainees at Sušica Camp, Veljko Bašić, 22 June 1992.
[3520] ST137, 16 September 2010, T. 14697 (confidential).
[3521] P2466, Proof of Death Database (CHS), "ordinal number" 6922, Death Certificate of Durmo Handžić (confidential).
[3522] P2466, Proof of Death Database (CHS), "ordinal number" 6924, Court Record of Postmortem Examination (confidential).
[3523] P2466, Proof of Death Database (CHS), "ordinal number" 6984, Death Certificate of Asim Zildžić (confidential).
[3524] P2466, Proof of Death Database (CHS), "ordinal number" 6986, Court Record of Postmortem Examination (confidential).
[3525] P2466, Proof of Death Database (CHS), "ordinal number" 6923, Court Record of Exhumation (confidential); "ordinal numbers" 6925, 6987, List of Missing Civilians in Vlasenica 1992, State Commission for Tracing Missing Persons (confidential); "ordinal numbers" 6926, 6983, ICRC Missing Persons Report (confidential); "ordinal number" 6928, 6982, BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 6985, Record of Identification of Asim Zildžić (confidential).

1462. There is evidence that a couple of nights later Nikolić and Tesić removed Dževad Sarić, Muharem Kolarević, Ismet Zekić,[3526] and Rašid Ferhatbegović from the hangar and killed all four.

1463. According to ST082, these killings occurred on the night of 23 June, and the first men removed were Dževad Sarić and Muharem Kolarević. He testified that the men were taken to the "A" post and that he saw through the door, which had been left ajar, the men being beaten almost to unconsciousness. Then he saw Nikolić and Tesić shoot the men with a submachine gun.[3527] Alija Ferhatović and Hasim Ferhatović were called from the hangar and ordered to move the bodies from the "A" post and to cover the blood from the killings with sand.[3528] Thereafter, the guards called Zekić out of the hangar. He was taken to the guard house where he was accused of killing "Milonja" and then shot with a full cartridge of bullets from a machine gun by Tesić.[3529] ST082 stated that the guards then became aware that the body of Kolarević was missing.[3530] They began a search and called the police, telling them that someone had tried to escape.[3531] When the police entered the hangar, they asked who had tried to escape. An older man who had been sleeping raised his head and said "Rašid Ferhatbegović".[3532] Ferhatbegović was taken out of the hangar, and ST082 heard a gunshot but was unable to see who did the shooting.[3533] He testified that the following day the body of Kolarević was found entangled in razor wire near the perimeter of the camp.[3534]

1464. However, in relation to the same killings, Ibro Osmanović testified that, at around 2:00 a.m. on the night of 26 June, Bato Obrenović, who was wearing a JNA uniform, and Sladjan Pajić and Ljubinko Đurić, both in plain camouflage uniforms, entered the hangar.[3535] They removed Zekić from the hangar and accused him of killing a Serb.[3536] Almost immediately, the guards also took Kolarević out of the hangar, and then Osmanović heard one gun shot.[3537] The same guards returned and took Sarić. Osmanović heard a "terrible scream". Thereafter, Obrenović returned to the hangar yelling, "Who tried to escape?" Osmanović testified that he raised his head too high, which

[3526] The Trial Chamber notes that the Prosecution's Final Victim List includes both an "Ismet (Ibro) Zekić" [DOB: 15 February 1963] and an "Ibrahim (Meho) Zekić" [DOB: 16 April 1920] as being killed at Sušica Camp. *See* Prosecution's Final Victim List, p. 30. The testimony of ST082, Ibro Osmanović, and ST153, as follows, refer to "Ibro", "Musa", and a "Nusret" Zekić interchangeably. Given the ages indicated in the testimony and the information provided in P2466, Proof of Death Database (CHS), "ordinal numbers" 6965-6979, the Chamber considers that the testimony of these witnesses refers to "Ismet" Zekić.
[3527] ST082, P2315, p. 475 (confidential).
[3528] ST082, P2315, pp. 475-476 (confidential).
[3529] ST082, P2315, pp. 476-477 (confidential).
[3530] ST082, P2315, pp. 477-478 (confidential).
[3531] ST082, P2315, pp. 478-480 (confidential).
[3532] ST082, P2315, pp. 479-480 (confidential).
[3533] ST082, P2315, pp. 480 (confidential).
[3534] ST082, P2315, pp. 480-481 (confidential).
[3535] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, pp. 11, 12.
[3536] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 11.
[3537] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, pp. 11-12.

attracted the attention of Obrenović. When Obrenović tried to take Osmanović out of the hangar, Đurić stopped him. The guards took Ferhatbegović instead. Osmanović heard one more shot.[3538]

1465. Finally, in relation to the above killings, ST153 testified that, approximately three days after Handžić and Zildžić had been killed, Nikolić came to the hangar at around 2:00 a.m. and asked who had tried to escape.[3539] ST153 did not see Nikolić but recognised his voice.[3540] Nikolić approached Sarić and told two guards wearing camouflage uniforms who had entered with him to remove Sarić.[3541] They had to drag him because he was unable to walk due to an earlier severe beating.[3542] Nikolić continued through the hangar, shouting, and kicked Kolarević whom the same guards took out of the hangar.[3543] At that point, a man whose name ST153 did not know, raised his head.[3544] Nikolić shouted, "What are you looking at? Well, now, since you raised your head, go out yourself."[3545] At approximately the same time, other men took Zekić out of the hangar.[3546] Shortly thereafter, ST153 heard gun shots not far from the hangar and then a single shot near the door of the hangar.[3547]

1466. All three witnesses testified that the following day Alija Ferhatović and Hasim Ferhatović were ordered to bury the bodies.[3548] They also testified that there was a large pool of blood near the "A" post, which someone had tried to cover with sand.[3549]

1467. The Proof of Death Database contains evidence recording the disappearance and deaths of Dževad Sarić, Muharem Kolarević, Ismet Zekić, and Rašid Ferhatbegović. A report of a pathologist records evidence of gunshot injuries to the men's remains, stating "[t]here is no question that three of these men were shot"; the report goes on to indicate that "[t]he fourth man could well also have been shot" with a single shot to the head "albeit it was not possible to completely prove it." Noting that some reservations occur with skeletonised remains, the pathologist nevertheless determined "it

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[3538] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 12.
[3539] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7.
[3540] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7.
[3541] ST153, P2278, Witness Statement, 6 October 1997, p. 2 (confidential).
[3542] ST153, P2278, Witness Statement, 6 October 1997, p. 2 (confidential).
[3543] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7; ST153, P2278, Witness Statement, 6 October 1997, p. 2 (confidential).
[3544] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 7; ST153, P2278, Witness Statement, 6 October 1997, p. 2 (confidential).
[3545] ST153, P2278, Witness Statement, 6 October 1997, p. 2 (confidential).
[3546] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 8.
[3547] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 8; ST153, P2278, Witness Statement, 6 October 1997, p. 3 (confidential).
[3548] ST153, P2278, Witness Statement, 6 October 1997, p. 3 (confidential); ST082, P2315, pp. 481-483 (confidential). *See also* Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 13.
[3549] Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 13; ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 8; ST153, P2278, Witness Statement, 6 October 1997, p. 3 (confidential).

thus appeared that they died from these injuries".[3550] Autopsy reports similarly indicate gunshot injuries as the cause of death for both Muharem Kolarević[3551] and Ismet Zekić,[3552] while an autopsy report of Rašid Ferhatbegović was inconclusive as to a cause of death.[3553] Numerous documents in evidence detail the disappearance of all four of these men in May or June of 1992 and the recovery and identification of their remains.[3554]

1468. Further documentary evidence was adduced relating to the disappearance or death of Ismet Dedić, Mevludin Hatunić, Galib Music, Hajrudin Osmanović, and Ibrahim Zekić.[3555]

1469. There is also evidence that female detainees were raped as Sušica camp. ST153 testified that one night at around 11:00 p.m. Nikolić took a woman who was struggling and crying out of the hangar. She returned after an hour with her clothes torn and her hair tangled. ST153 heard her tell other women that she was beaten and then raped by Nikolić. For the following three days, Nikolić took her out every night. After this, she was never brought back to the hangar, but ST153 saw her outside Nikolić's office doing dishes.[3556] ST082 stated that he saw young women taken away from the hangar in the evening and returned in the morning in tears with their hair tousled and their clothes torn.[3557]

1470. Beginning on 27 June 1992, busloads of detainees were taken to Batković camp in Bijelina.[3558] ST080, ST082, Ibro Osmanović, and ST153 were transported between 28 June and 30 June 1992.[3559] ST153 testified that detainees were beaten as they boarded the bus and that on the

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[3550] P2466, Proof of Death Database (CHS), "ordinal numbers" 6910, 6941, 6975, Report of Chief Pathologist (confidential). The Chamber notes that while the Pathologist's report is not listed in the CHS in relation to Dževad Sarić he is discussed in the Pathologist's report.
[3551] P2466, Proof of Death Database (CHS), "ordinal number" 6940, Autopsy Report (confidential).
[3552] P2466, Proof of Death Database (CHS), "ordinal number" 6976, Autopsy Report (confidential).
[3553] P2466, Proof of Death Database (CHS), "ordinal number" 6912, Autopsy Report (confidential).
[3554] P2466, Proof of Death Database (CHS), "ordinal numbers" 6908, 6943, 6977, ICRC Missing Persons Report (confidential); "ordinal numbers" 6909, 6945, 6979, BiH State Commission for Tracing Missing Persons (confidential); "ordinal numbers" 6913, 6944, 6978, Identification Report (confidential); "ordinal numbers" 6914, 6948, Federal Institute for Statistics (confidential); "ordinal numbers" 6916, 6946, 6961, 6972, List of Missing Civilians in Vlasenica 1992, State Commission for Tracing Missing Persons (confidential); "ordinal number" 6911, Anthropology Report of Rašid Ferhatbegović (confidential); "ordinal number" 6939, Anthropology Report of Muharem Kolarević (confidential); "ordinal number" 6973, Anthropology Report of Ismet Zekić (confidential).
[3555] P2466, Proof of Death Database (CHS), "ordinal numbers" 6902, 6934, 6954, 6969, ICRC Missing Persons Report (confidential); "ordinal numbers" 6906, 6935, List of Missing Civilians in Vlasenica 1992, State Commission for Tracing Missing Persons (confidential); "ordinal number" 6906.1, Death Certificate of Ismet Dedić (confidential); "ordinal numbers" 6956, 6968 BiH State Commission for Tracing Missing Persons (confidential); "ordinal number" 6958.1, Tuzla Medical Centre, Record of Identification (confidential); "ordinal number" 6966, Court Record of Exhumation (confidential); "ordinal number" 6967, Autopsy Report (confidential). *See also* P1596, p. 4 (confidential); ST137, 16 September 2010, T. 14723 (confidential).
[3556] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 8.
[3557] ST082, P2315, p. 498 (confidential) and P2386, p. 273 (confidential).
[3558] ST082, P2315, p. 488 (confidential).
[3559] ST080, 9 March 2010, T. 7380-7381; ST082, P2315, p. 489 (confidential); Ibro Osmanović, P1041.02, Witness Statement, 5-7, 10 October 1994, p. 13; P1041.04, Witness Statement, 11 October 1995, p. 2; ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 9.

trip the detainees were forced to bow their heads, were beaten, and were forced to sing Serbian national songs.[3560] The events at Batković camp are dealt with in the Bijelina section.

1471. At the end of September 1992, there were approximately 140 men still detained at Sušica camp.[3561] On or about 28 or 29 September, at approximately 10:00 or 11:00 p.m., four police officers arrived at the camp with a car and truck.[3562] The officers had a slip of paper signed by Mane Đurić, the chief of the Vlasenica SJB, instructing that the detainees should be turned over to them.[3563] Earlier that day, there had been a funeral for 29 Serbs from Vlasenica who had been killed by Muslim forces.[3564] The detainees were told that the truck would transport them to a safer location where they would not be threatened with revenge killings. The detainees were taken away.[3565] ST137 later heard that all the detainees had been killed at Debelo Brdo.[3566]

(g) Killing of men at Nova Kasaba

1472. Suad Džafić, a resident of Bratunac, testified that on 18 May 1992 he and his neighbours in a village in Bratunac were rounded up by members of Serb paramilitary groups and loaded onto two buses. The two buses were joined by a third and all were driven with a police escort to Vlasenica.[3567] In Vlasenica, 31 to 32 Muslim men and five minors, including Džafić, were taken from the bus to the "MUP prison" by Serb soldiers with insignias indicating they were members of Arkan's Tigers, Bijeli Orlovi ("White Eagles"), and other special units. The men from Bratunac were detained there and regularly beaten with batons, tubes, rifle butts, and other hard objects.[3568] They were given no food or water before the second day of detention.[3569]

1473. On 21 May, Džafić and the other detainees were taken from their cells by two police officers.[3570] The detainees were again put on buses where soldiers confiscated their personal belongings, including money and documents.[3571] The detained men were forced to sing "Chetnik" songs.[3572] On the outskirts of Nova Kasaba, the bus stopped and the detainees were ordered off the

[3560] ST153, P2279, Public Redacted Witness Statement, 30 September and 1 October 1994, p. 9.
[3561] ST137, 16 September 2010, T. 14702 (confidential).
[3562] ST137, 16 September 2010, T. 14702-14711 (confidential); P1595, Video of Funeral for Serb Soldiers in Vlasenica.
[3563] ST137, 16 September 2010, T. 14717-14719, 14722-14723 (confidential) P1596, List of Missing Civilians in Vlasenica Municipality in 1992 (confidential).
[3564] ST137, 16 September 2010, T. 14710-14711 (confidential).
[3565] ST137, 16 September 2010, T. 14711, 14712-14713 (confidential).
[3566] ST137, 16 September 2010, T. 14714-14715 (confidential).
[3567] Suad Džafić, P2281, Witness Statement, 20 June 2000, pp. 3-4. *See also* ST137, 15 September 2010, T. 14645-14646.
[3568] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 4 and P2280, Witness Statement, undated, p. 2.
[3569] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 4.
[3570] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 5; Adjudicated Fact 1368. In the Adjudicated Fact the detention facility is referred to as the "police station in Vlasenica".
[3571] Suad Džafić, P2283, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 11 February 2004, T. 738; Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 5; Adjudicated Fact 1368.
[3572] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 5; Suad Džafić, P2280, Witness Statement, undated, p. 3.

bus in groups of five. As they got off the bus, the detainees were shot by Serb soldiers using automatic rifles and a machine gun mounted on an armoured vehicle.[3573] Džafić was hit with both automatic rifle and heavy machine gunfire; he fell to the ground but survived.[3574] The soldiers searched for survivors and shot them in the head.[3575] Before they got to Džafić, the soldiers decided to leave.[3576] Džafić fled and managed to reach Muslim-held territory.[3577] Two additional men also escaped.[3578] According to Džafić, Muslim soldiers were sent to retrieve the bodies, but encountered fire from a Serb patrol and were only able to recover the bodies of 16 out of 29 killed detainees.[3579] According to a report from the Milići SJB, the soldiers who committed the killings were members of the "Vukovar Detachment" of the White Eagles.[3580]

1474. Džafić was able to recall that the following individuals were killed: Mehmed Džafić, Ibro Džafić, Hamed Džafić, Osman Džafić, Fahrudin Džafić, Fejzo Džafić, Mirsad Džafić, Huso Džafić, Samir Džafić, Sahin Suljić, Himzo Suljić, Izo Suljić, Suljo Suljić, Ramiz Karić, Arif Karić, Ismet Salihović, Rabib Salihović, Galib Salihović, Hidajet Alić, Ibro Suljagić, and Alija Suljagić.[3581] They were all Muslim.[3582]

1475. The Trial Chamber has analysed the forensic evidence adduced in relation to this incident and was able to identify 28 of the 30 persons named in the Prosecution's Final Victims List.[3583] The Trial Chamber has outlined the analysis of this evidence in Annex II of this Judgement.[3584]

### 3. Factual Findings

1476. With regard to counts 1, 2, 3, and 4, the Trial Chamber finds that on the morning of 2 June 1992 armed Serbs, who were supported by an APC with a machine gun, attacked the predominantly Muslim village of Drum. The armed Serbs moved from house to house firing automatic weapons and breaking into homes. Based on the evidence of ST080, who survived the attack, and Ibro Osmanović, who was forced to bury the victims, as well as the evidence in the Proof of Death Database, the Trial Chamber finds that more than 20 Muslim men were killed during the attack on Drum, including Osmo Hodžić, Ekrem Jahić, Meho Jahić, FNU Kičić, Jasmin Kičić,

[3573] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 6; Adjudicated Fact 1368.
[3574] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 6.
[3575] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 6; Adjudicated Fact 1368.
[3576] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 6.
[3577] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 6 and P2280, Witness Statement, undated, p. 3.
[3578] Suad Džafić, P2281, Witness Statement, 20 June 2000, p. 6.
[3579] Suad Džafić, P2281, Witness Statement, 20 June 2000, pp. 6-7; Adjudicated Fact 1368.
[3580] P866, Report from Milići SJB to Sarajevo SJB, 3 August 1992.
[3581] Suad Džafić, P2283, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 11 February 2004, T. 739; P2282, List of Victims Killed at Nova Kasaba.
[3582] Suad Džafić, P2283, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 11 February 2004, T. 739.
[3583] *See* Prosecution's Final Victims List, p. 13.
[3584] See Annex II, section on Vlasenica.

Hadžo Maleševac, Braco Salihović, Fadil Salihović, Goro Salihović, and Nedžad Hodžić. The Trial Chamber notes that Huso Aličević was also listed in the Indictment as having been killed during this attack. However, it has not been proved that he was one of the 20 men killed, and the Trial Chamber will not further consider his death in the section below dedicated to legal findings. Following the killings, a bus with five or six men in reserve police uniforms arrived from the direction of Vlasenica. The Trial Chamber finds that this corroborates the evidence of ST137 that the attack on Drum was a coordinated operation involving members of the TO, which was commanded by Božo Stanimirović, and the Vlasenica Special Police Unit led by Miroslav Kraljević and ordered by the Vlasenica Crisis Staff. The chief of the SJB at the time was Radomir Bjelanović and the president of the Crisis Staff was Milenko Stanić.

1477. The Trial Chamber, based on the evidence of ST082, Ibro Osmanović, and ST153, as well as the evidence in the Proof of Death Database, finds that on 21 June 1992 Dragan Nikolić—a member of the Vlasenica Special Police Unit—beat Durmo Handžić and Asim Zildžić at Sušica camp and that both men died as a consequence of the beatings.

1478. The Trial Chamber is also able to establish the killings of Dževad Sarić, Muharem Kolarević, Ismet Zekić, and Rašid Ferhatbegović at Sušica camp. The Trial Chamber considers that ST082 was able to observe all of the events on the night of the killing. Moreover, his evidence has been corroborated by the evidence of Ibro Osmanović and ST153 in several respects. For example, Osmanović also testified that Zekić was accused of killing a man before he was killed, and both Osmanović and ST153 testified that guards entered the hangar asking who had tried to escape before the killing of Ferhatbegović, that Alija Ferhatović and Hasim Ferhatović were ordered to bury the bodies, that they heard gunshots, and that they saw a pool of blood covered with sand near the "A" post. The Trial Chamber therefore accepts the evidence of ST082 and finds that, on or about 23 June, guards including Dragan Nikolić—a member of the Vlasenica Special Police Unit—and Goran Tesić beat and then shot Dževad Sarić, Muharem Kolarević, Ismet Zekić, and Rašid Ferhatbegović at Sušica camp, and all four men died as a result. The Trial Chamber considers that the evidence of the Proof of Death Database further supports such a finding. Due to the fact that these men were detained at the time of their killing, they were taking no active part in hostilities.

1479. The Prosecution's Final Victims List also includes Ismet Dedić, Mevludin Hatunić, Galib Musić, Hajrudin Osmanović, Reuf Rešidajić ("Rešidagić"), and Ibrahim Zekić as having been killed at Sušica camp. However, the Trial Chamber considers that the evidence adduced in the Proof of Death Database for Dedić, Hatunić, Musić, Osmanović, and Zekić is not sufficient for a finding that they were killed at Sušica camp. As there was no evidence submitted on the death of Rešidajić, the Trial Chamber cannot find that he was killed as charged in the Indictment.

1480. The Trial Chamber, based on the evidence of Ibro Osmanović, as well as the evidence contained in the Proof of Death Database, finds that on 22 May 1992 Stevan Mumović shot and killed Džemal Ambešković at the Vlasenica SJB building.

1481. Evidence was presented that Braco Saračević, Sakib Hodžić, Salko Muminović, Mehmed Muminović, Bećir Ibrišević ("Ibišević"), Sead Kavazović, and Irfo Kavazović were taken from cells at the Vlasenica Municipal Prison and that Ibro Osmanović never saw them again. However, the Trial Chamber is not satisfied that this is sufficient evidence to establish that the men were killed when they were removed from the cells. The Trial Chamber therefore is not satisfied that it has been proved that these men were killed and will not further consider these deaths in the section below dedicated to legal findings. Further, the Trial Chamber notes that Hajrudin Džodžaljević was also listed in the Indictment as having been killed at the Vlasenica Municipal Prison, but no evidence was adduced to support such a finding.

1482. The killing of approximately 140 men who were removed from Sušica camp and killed at Debelo Brdo at the end of September 1992 was not charged in the Indictment.[3585] The Trial Chamber recalls that it remained open to the Prosecution to lead evidence related to these killings as evidence of a widespread and systematic attack.[3586] After considering that the evidence of ST137 was hearsay and that he was unable to explain how the source of the information knew that the men had been killed, the Trial Chamber does not find that the killings have been proved and will not further consider them in the section below dedicated to legal findings.

1483. The Trial Chamber finds that, on 21 May 1992, 31 to 32 Muslim males from the municipality of Bratunac were removed from a cell at the "MUP prison" by two police officers and put onto buses. Soldiers confiscated their personal belongings, including money and documents. The bus drove in the direction of Bratunac, and during the journey the detainees were forced to sing Serb nationalist songs. The bus stopped outside Nova Kasaba, and the detainees were ordered off the bus in groups of five. As they got off the bus, the detainees were shot by Serb soldiers using automatic rifles and a machine gun. Including Suad Džafić, only three men survived. Based on the evidence of Džafić, as well as the evidence in the Proof of Death Database, the Trial Chamber finds that this resulted in the death of at least 28 men as identified in Annex II of the Judgement. By virtue of the fact that the men were detained and were in the custody of Serb Forces at the time of their killing, they were taking no active part in the hostilities.

[3585] *See Mićo Stanišić and Stojan Župljanin*, IT-08-91-PT, Decision on Motion and Supplementary Motion for Leave to Amend the Indictment, 28 April 2009 ("Decision on Motion to Amend the Indictment"), paras 36, 41-43.
[3586] Decision on Motion to Amend the Indictment, para. 43.

1484. With regard to counts 1, 5, 6, 7, and 8, the Trial Chamber has considered evidence on the treatment of the detainees during their arrest and detention at the Vlasenica SJB building, at the Vlasenica Municipal Prison, and at Sušica camp. On the basis of this evidence, the Trial Chamber finds that prisoners were kept in inhumane conditions, with insufficient room, food, water, or sanitation facilities and that Serb Forces failed to provide medical care to the prisoners. Such treatment, together with the fear and uncertainty that the detainees had about their future, caused serious bodily and mental harm.

1485. The Trial Chamber finds that several members of the police, Special Police Unit, and VRS systematically and regularly beat detainees with objects such as the butt of a rifle, police batons, chains, and metal pipes, and cut detainees with knives in the detention facilities. Guards at the Vlasenica Municipal Prison allowed Serb visitors to beat the detainees. This treatment caused great physical and psychological suffering. For example, Ibro Osmanović lost five teeth, and several detainees were beaten unconscious. On various occasions, detainees were questioned about the arming of Muslims and the location of armaments and relatives while they were being beaten. There is evidence that at least one female detainee at Sušica camp was repeatedly raped. Based on the mode of the assaults and on the language used by the attackers, the Trial Chamber finds that Serb Forces assaulted Muslim detainees on the basis of their ethnicity.

1486. The Trial Chamber notes that Suad Džafić gave evidence that he was held at the "MUP prison". However, it is unclear whether he is referring to the Vlasenica SJB building, Vlasenica Municipal Prison, or a distinct detention facility known as the Civil Defence Warehouse. No other evidence has been presented in relation to the Civil Defence Warehouse. Thus, it will not be further considered below in the section devoted to legal findings.

1487. Turning to counts 1, 9, and 10, the Trial Chamber has considered evidence that, following the takeover of Vlasenica on 21 April 1992 through the end of May of the same year, the Vlasenica Crisis Staff tasked the TO and Vlasenica Special Police Unit with establishing control of the villages in the municipality. During operations in predominately Muslim villages, Serb Forces detained or killed the Muslim men, removed the women and children to the town of Vlasenica and subsequently to Muslim-controlled territory, confiscated property, and destroyed homes. The Trial Chamber has considered the evidence of ST080 that he, along with his Muslim neighbours in the town of Vlasenica, were forced from their homes and taken to Sušica camp at the beginning of June 1992. Women detained at Sušica camp were forced to sign a declaration that they were voluntarily leaving the municipality as a condition of their release. Women who refused were threatened with being beaten or killed. The Trial Chamber has considered evidence on the ethnic composition of Vlasenica in 1991 and 1997 and evidence on the number of displaced persons of

Muslim ethnicity in 1997 who were residents of Vlasenica in 1991. Based on all the evidence, the Trial Chamber finds that Muslim residents left Vlasenica as a consequence of the police operations, intimidations, and the looting and destruction of their property and religious buildings carried out by Serb Forces between 21 April 1992 and December 1992.

1488. With regard to specific underlying acts of persecution charged only under count 1, the Trial Chamber heard evidence from ST137 that, in the town of Vlasenica, members of the police took property from homes abandoned by Muslim residents; in some cases, this property was taken to a MUP warehouse. During police operations in surrounding villages, property was taken from Muslim-owned homes. Ibro Osmanović was forced to collect the valuables off the bodies of people who were killed in the attack on Drum. Ibro Osmanović, ST082, and Suad Džafić had their valuables confiscated during detention. These crimes were only committed against Muslims. Therefore, the Trial Chamber finds that Serb Forces unlawfully took the private property of Muslims and that this was done on the basis of their ethnicity.

1489. The Trial Chamber has considered the evidence that the Town mosque in Vlasenica was destroyed by the engineering forces of the VRS in August 1992. The Trial Chamber has also considered evidence that the homes of Muslims in villages surrounding the town of Vlasenica were destroyed by the Vlasenica Special Police Unit. Based on this evidence, the Trial Chamber finds that Serb Forces unlawfully destroyed religious buildings. The Trial Chamber notes that no evidence has been presented in relation to destruction of the Drum mosque.

1490. The Trial Chamber has considered evidence that, after the takeover of Vlasenica, Muslims were required to obtain a travel permit before they were permitted to leave the municipality and were required to have a pass in order to pass through checkpoints. This, in conjunction with the detention of Muslims at various detention facilities, resulted in a restriction on the freedom of movement of Muslims by Serb Forces on the basis of their ethnicity. The Trial Chamber has also considered the evidence of ST179 and Ibro Osmanović that Muslims were dismissed from positions within the MUP and that Muslim workers at the bauxite company stopped being paid while their Serb colleagues continued to be paid and finds that Muslims were denied employment on the basis of their ethnicity. After the takeover on 21 April 1992, members of the Serb police and TO forces arrested Muslims from Vlasenica and its neighbouring villages, including Zaklopača and Drum. Those who were arrested were detained at the Vlasenica SJB building, Vlasenica Municipal building, and Sušica camp. When Ibro Osmanović asked to see written authorisation for his arrest, he was told that written authorisation was not necessary. The Trial Chamber therefore finds that Muslims were arrested on the basis of their ethnicity and that they were denied judicial process.

4. Legal Findings

1491. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Vlasenica and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

1492. The Trial Chamber finds that the acts of the Serb Forces in Vlasenica were linked geographically and temporally with the armed conflict. The arbitrary killings, arrests, detention, beatings, theft, and destruction of property carried out by Serb police and members of the TO, VRS, and paramilitary organisations, as well as the imposition of restrictions on movement, constituted an attack against the civilian population, identified as the Muslims of Vlasenica. The attack occurred on a large scale: at least 55 individuals were killed and at least 2,000 individuals were detained. The attack resulted in a massive exodus of Muslims from Vlasenica: approximately 14,000 individuals of Muslim ethnicity who had resided in the municipality of Vlasenica in 1991 were internally displaced persons or refugees in 1997. In light of these factors, the Trial Chamber finds that the attack against the civilian population was both widespread and systematic. The acts of Serbian police and members of the TO and VRS against the Muslims were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing, and that their acts were part of it.

1493. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1494. *Counts 2, 3, and 4*. The Trial Chamber recalls its finding that armed Serbs, including members of the TO and the Vlasenica Special Police Unit, killed more than 20 Muslim men who were taking no active part in hostilities during the attack on the village of Drum. The mode of killing shows that the armed Serbs acted with the intent to kill the men. The Trial Chamber also recalls its finding that, on 22 May 1992, Stevan Mumović shot and killed Džemal Ambešković, a detainee who was taking no active part in hostilities, at the Vlasenica SJB building. On 21 June 1992, Dragan Nikolić—a member of the Vlasenica Special Police Unit—beat Durmo Hadžić and Asim Zildžić, detainees who were taking no active part in hostilities, at Sušica camp; both men died as a consequence of the beatings. Nikolić reasonably should have known that the beating of these men, which included kicks to the stomach, might lead to their death. The Trial Chamber recalls its finding that on or about 23 June 1992 guards beat and then shot and killed Dževad Sarić, Muharem Kolarević, Ismet Zekić, and Rašid Ferhatbegović, detainees who were taking no active part in hostilities, at Sušica camp. The mode of killing shows that the perpetrators

acted with the intent to kill. The Trial Chamber has found that on 21 May 1992 a group of at least 28 detained Muslim men who were taking no active part in hostilities were taken from the Vlasenica SJB building to Nova Kasaba and killed. The systematic transportation and shooting of the men shows that the Serb soldiers acted with the intent to kill them. The Trial Chamber recalls its finding that the general requirements of Articles 3 and 5 have been satisfied. As such, the Trial Chamber finds that Serb Forces, including armed Serbs, guards at the Sušica camp, Dragan Nikolić, a member of the Vlasenica Special Police Unit, and Stevan Mumović, committed murder, both as a crime against humanity and a violation of the laws or customs of war.

1495. The Trial Chamber considers that the above killings were carried out in a short time period and in locations near to each other. However, the methods used in the killings varied: they involved beatings, as well as individual and group executions, which were perpetrated by members of different organisations. Therefore, the Trial Chamber does not consider that they constitute one killing operation and will not consider them in the aggregate. After considering the circumstances of the killings in the village of Drum and at Nova Kasaba, the Chamber finds that the killing of more than 20 persons and at least 28 persons, respectively, are each sufficiently large so as to satisfy the requirements of extermination. In relation to the remaining killings, the Chamber does not find that the killings were committed on a large scale and thus do not satisfy the requirements of extermination. Recalling that the general requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, the perpetrators committed extermination, as a crime against humanity with regard to the events in Vlasenica.

1496. *Counts 5, 6, 7, and 8.* The Trial Chamber has found that the assaults carried out by Serb Forces against the Muslim detainees, both during the arrests and transportation and in the detention centres, caused them severe physical and psychological suffering and that the assaults were intentionally carried out as a form of intimidation and discrimination, and in some cases with the aim of obtaining information. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed torture against the Muslim detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1497. *Counts 9 and 10.* The Trial Chamber has found that at least 14,000 Muslims left Vlasenica as a consequence of the police operations, arrests, theft, destruction of property, and arbitrary killings carried out by Serb Forces between April 1992 and December 1992. The Trial Chamber

finds that Serb Forces removed Muslims from the municipality of Vlasenica, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Muslim population of Vlasenica. There is insufficient evidence that detainees were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

1498. *Count 1.* The Trial Chamber finds that Serb Forces arrested Muslims in Vlasenica without legitimate grounds and on a discriminatory basis. These arrests constituted unlawful detentions. Muslims were held in detention facilities under what the Trial Chamber has found to be inhumane living conditions. The taking of Muslim property, including during detention and attacks on villages, constituted plunder of property. The destruction of the Town Mosque in Vlasenica and the destruction of homes during attacks on villages constituted wanton destruction. Moreover, the Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslim population of Vlasenica by restricting their freedom of movement, by denying them employment, and by denying them due process of law. It has not been proved that Serb Forces denied Muslims equal access to public services.

1499. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, 5, 6, 7, 8, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living conditions; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied Muslims their fundamental rights laid down in customary international law and in treaty law. These acts were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim ethnicity. On the basis of the pattern of conduct of Serb Forces during the criminal operations—including forcing detainees to sing Serb nationalist songs—the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims on the basis of their ethnicity.

1500. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims of the municipality of Vlasenica.

1501. *Conclusion.* The Trial Chamber finds that, from on or about 21 April 1992 until December 1992, Serb Forces committed the crimes charged under counts 1, 2, 3, 4, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Vlasenica.

## R. Vogošća

### 1. Charges in Indictment

1502. The Indictment charges Mićo Stanišić with crimes allegedly committed in the municipality of Vogošća at the times and locations specified below.

1503. Under count 1, Stanišić is charged with persecution, as a crime against humanity, through the commission of the following acts: (a) torture, cruel treatment, and inhumane acts in the Bunker in Vogošća at least during May 1992 and in Planjo's House in Svrake at least between August and October 1992;[3587] (b) unlawful detention in the Bunker in Vogošća at least between May and July 1992 and in Planjo's House in Svrake at least from August until December 1992;[3588] (c) the establishment and perpetuation of inhumane living conditions during the same time periods at the same detention facilities, including the failure to provide adequate accommodation or shelter, food or water, medical care, and hygienic sanitation facilities;[3589] (d) forcible transfer and deportation of Bosnian Muslims and Bosnian Croats from Vogošća from April 1992 and continuing throughout that year;[3590] (e) the appropriation or plunder of property in non-Serb parts of Vogošća and Svrake;[3591] (f) wanton destruction of non-Serb parts of Vogošća and Svrake;[3592] and (g) the imposition and maintenance of restrictive and discriminatory measures on Bosnian Muslims and Bosnian Croats shortly after the takeover of Vogošća, from the end of April 1992 and continuing throughout that year.[3593]

1504. In counts 5, 6, 7, and 8, Stanišić is charged with (a) torture, both as a crime against humanity and as a violation of the laws or customs of war; (b) cruel treatment as a violation of the laws or customs of war; and (c) inhumane acts as a crime against humanity. These crimes were allegedly

[3587] Indictment, para. 26(d), Schedule D n. 16.1-16.2.
[3588] Indictment, para. 26(e), Schedule C n. 16.1, 16.4.
[3589] Indictment, para. 26(f), Schedule C n. 16.1, 16.4.
[3590] Indictment, para. 26(g).
[3591] Indictment, para. 26(h), Schedule F n. 15. The Trial Chamber notes that it has received some evidence about the looting of cars from the TAS car factory in Vogošća. *See* ST214, 20 July 2010, T. 13035-13037 (confidential) and P627, Information on the Status and Work of Vogošća SJB, 12 November 1992, pp. 1-3. However, the Prosecution specified in its Pre-Trial Brief that the looting charged in relation to Vogošća concerned Muslim houses and indicated on the record that the theft of vehicles was not relevant to this case. *See* Prosecution's Revised Pre-Trial Brief, 16 February 2007, para. 154; ST214, 20 July 2010, T. 13036 (confidential). The Trial Chamber therefore does not consider this event to be part of the charges against Stanišić.
[3592] Indictment, para. 26(i), Schedule F n. 15.
[3593] Indictment, para. 26(j), Schedule G n. 16.

committed by Serb Forces against the non-Serb population in the Bunker in Vogošća at least during May 1992 (detainees were taken out and severely beaten, lost their teeth, were bleeding, and some were brought back unconscious) and in Planjo's House in Svrake at least between August and October 1992 (detainees were humiliated and many were executed).[3594]

1505. Under counts 9 and 10, Stanišić is charged with deportation and other inhumane acts (forcible transfer), as crimes against humanity, committed by Serb Forces following the takeover of Vogošća at the end of April 1992 and between April and September 1992, against the Bosnian Muslim and Bosnian Croat population.[3595]

## 2. Analysis of Evidence

### (a) Background

1506. Vogošća was one of ten municipalities making up the city of Sarajevo.[3596] According to the 1991 census in BiH, the ethnic composition of Vogošća municipality was 12,499 Muslims (51%), 8,813 Serbs (35-36%), 1,071 Croats (4-5%), 1,730 Yugoslavs, and 34 persons of other or unknown ethnicity.[3597] ST214, a former policeman of Serb enthnicity, testified that by November 1992 between 300 to 500 non-Serbs remained in Vogošća.[3598]

1507. In early March 1992, SDS delegates withdrew from the Vogošća Municipal Assembly and established their own Assembly.[3599] Jovan Tintor, member of SDS Main Board and president of the Vogošća Crisis Staff, Rajko Koprivica, president of the local SDS, and other local SDS leaders wanted the municipality of Vogošća to be divided along ethnic lines. The envisaged division would leave the Serbs with the town centre, important communication links, and all local industry.[3600]

1508. In March 1992, the JNA set up roadblocks around important factories in Sarajevo, including the Pretis artillery and rocket manufacturing plant in Vogošća.[3601] ST214 testified that around 10-15 March 1992, while travelling from Sarajevo to Vogošća, he was stopped five times by uniformed men.[3602] Around this time there were also two barricades manned by, among others, Serb members of the police.[3603]

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[3594] Indictment, paras 32, 34, 36, Schedule D n. 16.1-16.2.
[3595] Indictment, paras 37, 38, 41, Schedules F n. 15, G n. 16.
[3596] Adjudicated Fact 730.
[3597] P1627, Tabeau *et al.* Expert Report, p. 72; Adjudicated Fact 1315; ST155, P1500.01, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 14 April 2005, T. 12095 (confidential).
[3598] ST214, 19 July 2010, T. 12948 and 20 July 2010, T. 13034 (confidential).
[3599] Adjudicated Fact 1316.
[3600] Adjudicated Fact 1317.
[3601] Adjudicated Fact 1318.
[3602] ST214, 19 July 2010, T. 12952-12954 (confidential).
[3603] ST214, 19 July 2010, T. 12952, 12954-12955 (confidential).

1509. ST155, a former policeman of Muslim ethnicity, stated that in early March 1992 he received information that barricades had been set up in four places in Vogošća, blocking roads in those places with lorries and buses.[3604] Around early March 1992, a young Muslim man named Kenan Demirović was killed with an automatic rifle in Kobilja Glava.[3605] ST155 received a letter from Jovan Tintor, president of the SDS in Vogošća and the Vogošća Crisis Staff,[3606] that no investigations regarding this crime, or any other crime, should be conducted in the Serbian settlements.[3607]

(b) Takeover of Vogošća

1510. On 6 April 1992 Boro Radić, a criminal and a member of the Serbian Radical Party, attacked the Vogošća SJB and wounded its commander, Boro Maksimović.[3608] Boro Radić was a commander of "Boro's Unit" comprised of 40 men, some of whom were criminals.[3609] Boro Radić later told ST214 that the actual target of the attack was the deputy commander, Mato Milanović, a Croat.[3610] In the first half of April 1992, "Boro's Unit" was involved in a number of attacks against non-Serbs in Vogošća.[3611]

1511. In late March 1992, the police in Vogošća were divided along ethnic lines.[3612] In April, after the attack on the SJB, Muslims started leaving the police station, with none remaining after 4-5 days, and set up an alternative police station at the transport faculty in Vogošća.[3613] By April 1992, all employees of the Vogošća SJB were Serb.[3614]

1512. Between 4 and 17 April 1992, a large part of Vogošća was brought under Serb control through use of military force by Serb army units and the police organised by the Vogošća Crisis Staff.[3615] The control of the SDS and the Crisis Staff did not extend to the Serb paramilitaries who

[3604] ST155, 1 July 2010, T. 12491; ST155, P1500.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 18 April 2005, T. 12230, 12233 (confidential).
[3605] ST155, P1500.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 18 April 2005, T. 12232 (confidential).
[3606] ST214, 19 July 2010, T. 12961 (confidential).
[3607] ST155, P1500.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 18 April 2005, T. 12232-12233 (confidential).
[3608] ST214, 19 July 2010, T. 12955-12957 and 20 July 2010, T. 13053, 13078 (confidential); 1D341, Letter of Discharge, Sarajevo Medical Centre; ST155, 5 July 2010, T. 12575-12579; ST155, P1500.02, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 18 April 2005, T. 12240 (confidential).
[3609] ST214, 19 July 2010, T. 12960-12961 (confidential).
[3610] ST214, 19 July 2010, T. 12957-12959 (confidential).
[3611] ST214, 19 July 2010, T. 12955, 12962-12963 (confidential).
[3612] Adjudicated Fact 1319.
[3613] ST214, 19 July 2010, T. 12959, 12966 (confidential).
[3614] ST214, 19 July 2010, T. 12967 (confidential); P1497, List of Employees in Vogošća SJB, April 1992; P1505, List of New Employees in the Serb Police Station in Vogošća, 29 April 1992.
[3615] Adjudicated Facts 1320, 1333; P627, Information on the Status and Work of Vogošća SJB, 12 November 1992, p. 1.

appeared in the municipality in the period April to August 1992. Paramilitaries acted in collusion with some members of Vogošća's military command, police force, and municipal authorities.[3616]

1513. On 16 May 1992, the Vogošća Crisis Staff decided to "put on hold" the Muslim and Croat staff of the medical centre in Vogošća.[3617] According to ST214, most of these persons had in fact already left before the start of the conflict.[3618] ST214 also stated that around this time non-Serbs no longer worked at factories or public companies.[3619]

1514. ST214 testified that, during May to November 1992, the non-Serbs living in Vogošća lived in normal conditions and received food in the same way as the Serbs.[3620] He added, however, that non-Serbs were subjected to intimidation (such as banging on the door at night, raiding of apartments, and theft of gold and money) and that there were murders of several civilians.[3621] He stated that these crimes were perpetrated by, among others, Nebojša Lazić, Aleksandar Marin, Dragan Damjanović, "Mićo Chetnik", and Borislav Erak.[3622]

(c) Takeover of Svrake

1515. The village of Svrake is about 4 km from Vogošća, and the majority of its population before the war was Muslim.[3623]

1516. Two months before the start of the war, Ahmed Hido, a Muslim, heard from Serbs living in Svrake that they were told by Jovan Tintor and Kosta Nesić, a local SDS member of a community executive board, that they should leave the village because they would be killed by the Muslims. In April 1992 there was a reserve police force, which was made up of Muslims. They were armed with hunting rifles, guarded houses in the village, and erected checkpoints.[3624]

1517. According to Hido, the attack on Svrake started in the evening of 1 May 1992. He heard shooting which went on all night. Families took shelter inside cellars, while the men defended the houses. The next day, Nebojša Špirić—who Ahmed Hido believed was Tintor's subordinate—drove through the village demanding surrender.[3625] After refusal to do so, two 100 kg bombs were dropped on the village by military aircraft.[3626] Serbs surrounded and shelled Svrake.[3627] Two men

[3616] Adjudicated Fact 1320.
[3617] P1507, Conclusions of the Vogošća Crisis Staff Meeting, 16 May 1992.
[3618] ST214, 19 July 2010, T. 12997 (confidential).
[3619] ST214, 19 July 2010, T. 12997-12998 (confidential).
[3620] ST214, 20 July 2010, T. 13032 (confidential).
[3621] ST214, 20 July 2010, T. 13032-13033 (confidential).
[3622] ST214, 20 July 2010, T. 13034 (confidential).
[3623] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 2; ST214, 19 July 2010, T. 12992 (confidential).
[3624] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 2.
[3625] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 2.
[3626] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 2; Adjudicated Fact 1323.

from the village went to negotiate with SDS representatives who told the villagers that they could go towards Srednje if they surrendered.[3628] Svrake fell under the control of the Serbs on 3 May 1992.[3629] Hido stated that, as people were walking towards Srednje, Tintor, Kusman, and Špirić told them that they would be taken to the Semizovac barracks.[3630]

1518. When Hido arrived at Semizovac barracks, he was put in a large hangar together with about 1,000 other Muslims, including women and children.[3631] According to another source of evidence, the Serbs took 470 Muslim men, women, and children to the barracks in Semizovac in early May 1992.[3632] The detainees were guarded by paramilitaries from Pale, with cockades on their hats, who boasted that they had mercenaries working for them.[3633] After the takeover of villages in Vogošća municipality, Serb Forces arrested Muslims and Croats and detained them under harsh conditions in various detention centres in the municipality.[3634]

(d) The Bunker

1519. On 2 May 1992, pursuant to a decision of the Vogošća Crisis Staff, Slavko Jovanović, acting on behalf of Jovan Tintor, ordered Željka Beganović to provide a room in Motel Kontiki for the SJB and TO to question detained persons.[3635]

1520. ST214 testified that, two or three days after the fall of Svrake, the people detained at the Semizovac barracks were released, except 100 persons who were transferred to the Bunker prison, which was 20-25 metres from Sonja's Place (a.k.a. "Kontiki").[3636] The Bunker prison was located at an old German bunker from the Second World War and was a concrete structure with two floors.[3637] It had a hole in the roof, no toilet, no running water, and no beds; each prisoner received two

[3627] Adjudicated Fact 1323.
[3628] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 2.
[3629] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 2; Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 4.
[3630] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 3; Adjudicated Fact 1324.
[3631] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 3; Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 4; Adjudicated Fact 1324.
[3632] Adjudicated Fact 1324.
[3633] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 3.
[3634] Adjudicated Facts 1331, 1335.
[3635] P1499, Order by Jovan Tintor, 2 May 1992.
[3636] ST214, 19 July 2010, T. 12965, 12994, 13002-13004 and 20 July 2010, T. 13064 (confidential); P1509, Photograph of Sonja's Place (a.k.a. "Kontiki") and the "Bunker" Prison marked by ST214; P1510, Photograph of the "Bunker" Prison. *See also* Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 4.
[3637] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 3; Slobodan Avlijaš, 7 October 2010, T. 15589-15590, 15602; P1634, Photograph marked by Slobodan Avlijaš Indicating Sonja's Place and the "Bunker" Prison; ST155, 1 July 2010, T. 12509-12510; P1491, Photograph of Sonja's Place and the "Bunker" Prison marked by ST155.

blankets.[3638] Branko Vlačo was the warden of the Bunker.[3639] In total, there were around 70-80 detainees at the Bunker.[3640]

1521. Ahmed Hido described how on 4 May 1992 Branko Vlačo and Rade Ivić came to the hangar at the Semizovac barracks and took him and 12 others to a building where several men pointed guns at them. In the building, MUP investigator Ilija Živko, whom Hido recognised, was waiting for them. Branko Vlačo and a man called Šučur were also present. They were all wearing JNA uniforms and fur caps with cockades. Šučur asked the men "what country they wanted". When the prisoners did not answer, he slapped them. The guards then blindfolded the prisoners, bound their hands, and took them to a building that was about 12 metres square and approximately 50 metres away. Hido saw Meša Sulić on the floor bleeding; Sulić told Hido that he had been questioned and beaten.[3641]

1522. From the first day that Hido was at the Bunker, he saw prisoners being taken out; when they returned, they showed signs of having been beaten. Among those who were beaten were Esad Muračević, a journalist, and Zahid Baručija, a teacher, as well as Nijaz Salkić, Alija Udovčić, and Hasan Abaz.[3642] When Baručija returned, he was bleeding, missing teeth, and complained of pain in his kidneys.[3643] Udovčić was heavily bruised and unconscious when he was returned. Muračević had bruises on his head, which he said had been inflicted by the guards. Muračević and Baručija were beaten almost daily for two months. Hido saw Siniša Đurđić and a man nicknamed "Pape", both around 19 years old, beating some of the prisoners.[3644]

1523. Hido stated that, after three or four days in detention, three Serb soldiers entered the Bunker and took Hasan Abaz outside. Hido then heard sounds of beating and Abaz's cries. Hido was ordered out next and saw Branko Vlačo. Abaz was naked and bruised. The soldiers ordered Hido to undress completely and to jump off a wall that was a few metres high and land flat on his front.

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[3638] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 3; ST214, 19 July 2010, T. 13003-13004 (confidential); ST155, 1 July 2010, T. 12521 (confidential).
[3639] ST155, 1 July 2010, 12517-12519, 12520 (confidential); Adjudicated Fact 1330; Slobodan Avlijaš, 7 October 2010, T. 15587-15589 and 8 October 2010, T. 15643-15644; Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4. The Trial Chamber notes that in evidence this man was referred to as "Branislav", "Brano", and as "Branko". Based on documentary evidence, the Trial Chamber is satisfied that this man's first name was "Branko" and that all of the above references to this man in this section refer to one and the same individual. *See*, *e.g.*, P1495, Note by Branko Vlačo, Prison Warden in Vogošća, 30 August 1992; 1D339, Decision by the Ministry of Justice, Serbian Republic of BiH, 21 July 1992; 1D808, Bulletin for 19 October 1992 by the Prison Department of the Serbian Municipality Vogošća, by Branko Vlačo, 20 October 1992. *See also* Slobodan Avlijaš, 8 October 2011, T. 15647.
[3640] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4; ST214, 19 July 2010, T. 13005 (confidential).
[3641] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 3.
[3642] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4.
[3643] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4. Several other witnesses confirmed that Zahid Baručija was often beaten during his detention at the Bunker. *See* ST214, 19 July 2010, T. 13009 (confidential); ST155, 1 July 2010, T. 12522-12523 (confidential); 1D786, Order by Nikola Poplašen, War Commission of the Serbian Municipality of Vogošća, 6 November 1992.
[3644] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4.

They told him to jump better than Abaz. Hido jumped and suffered wounds to his torso and nose as a result. Two of the soldiers kicked Abaz and Hido.[3645]

1524. One of the soldiers then ordered Hido and Abaz to rape each other. Abaz refused, after which one of the soldiers fired shots into the air and said that they would be shot if they did not obey. The soldiers put a pistol to Hido's forehead. Nebojša Špirić, Vlačo's deputy, entered, fired some shots, and asked why they were mistreating the two civilians rather than fighting soldiers. Vlačo and Špirić then quarrelled, and Hido and Abaz were brought back to the Bunker.[3646]

1525. Soon after this incident, military personnel started coming to the Bunker to collect prisoners for work at the front line (cutting grass, digging trenches). Villagers came to get prisoners to do jobs around the house, such as cutting wood.[3647] This happened almost daily.[3648] Hido was taken to dig trenches for a total of about 30 days.[3649] Every morning at 7:00 a.m., the prisoners would line up outside the Bunker. A commander or sergeant, armed and in camouflage uniform, would come in a military truck and say how many people he needed to dig trenches at the front lines. Based on their accents, Hido concluded that these commanders and sergeants were Serbian or Montenegrin. One soldier told him that the men came from the Rajlovac Battalion or were Arkan's or Šešelj's men.[3650] On several occasions in May to July 1992, Hido saw detainees being used as human shields on Žuč hill and in Pretis, with some of the men being wounded and others killed.[3651] The Chamber has received additional evidence that the prisoners at the Bunker were used for the digging of trenches on Žuč hill and that some were killed there.[3652]

1526. Ferid Čutura, a Muslim, also gave evidence about his detention at the Bunker. He was brought to the prison on 13 May 1992 by Boro Radić and a man nicknamed "Nele".[3653] The Chamber has received evidence that Nebojša Lazić, a member of the Vogošća SUP,[3654] was nicknamed "Nele" and that he was involved in interrogations and mistreatment of prisoners at the Bunker.[3655] On the first night at the Bunker, a guard took Čutura to a wooden hut nearby where

[3645] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4.
[3646] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4.
[3647] Ahmed Hido, P2185, Witness Statement, 2 March 1996, pp. 4-5.
[3648] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 4.
[3649] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 5.
[3650] Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 6.
[3651] Ahmed Hido, P2185, Witness Statement, 2 March 1996, pp. 4-5.
[3652] Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 5; ST214, 19 July 2010, T. 13011 (confidential); Adjudicated Fact 1329.
[3653] Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 4.
[3654] ST214, 19 July 2010, T. 12978 (confidential); P1505, List of New Employees in the Serb Police Station in Vogošća, 29 April 1992.
[3655] ST214, 19 July 2010, T. 12978, 13006, 13010 (confidential); P1505, List of New Employees in the Serb Police Station in Vogošća, 29 April 1992.

Vlačo hit and kicked him without explanation.[3656] On later occasions, he was taken to this hut where he was beaten and kicked, mostly by Nele. In 1997, Čutura stated that he still suffered from these beatings. On three occasions, he was taken out of the prison by Peđa, Pape, Siniše, and Šofer who threatened to kill him by cutting his throat with a bayonet.[3657] For a period of 11 days, Čutura only received one meal per day. As a result, he lost 27 kilograms in 17 days and felt depressed.[3658]

1527. A former detainee at the Bunker told ST155 that guard duty at the prison was carried out by the police members of the Serb police station in Vogošća.[3659] Nebojša Lazić, Rajo Krsmanović, and a man named "Jesić" interrogated people at the Bunker.[3660] Official interrogations took place at the nearby motel and were conducted by military personnel or Tintor's men.[3661] In addition, Nebojša Lazić, Dragan Damjanović, and Aleksandar Marin mistreated the non-Serbs at Bunker prison.[3662]

1528. Slobodan Avlijaš, who visited a number of detention facilities in 1992 on behalf of the Ministry of Justice in order to assess their conditions,[3663] testified that in mid June-1992 he had a meeting at Sonja's Place in Vogošća with the leaders of the Vogošća Crisis Staff, SJB representatives (Blagovčanin or Maksimović), Nikola Poplašen, a government commissioner, and Branko Vlačo.[3664] Avlijaš later found out that Branko Vlačo was a police officer.[3665] Slobodan Avlijaš testified that the conditions at the Bunker were "non-existent".[3666] He told those present that it was against the Geneva Conventions to hold people imprisoned under such conditions and that someone would have to answer for it.[3667] Avlijaš was told that the prisoners were captured during combat activities in Semizovac, Svrake, Srednja, Vogošća, and other places.[3668] Avlijaš looked for a better facility that could serve as a prison and identified Planjo's House in Svrake.[3669] The municipality allocated Planjo's House for the purposes of a remand prison and the inmates were transferred there.[3670]

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[3656] Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 4.
[3657] Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 5.
[3658] Ferid Čutura, P2184, Witness Statement, 24 February 1997, p. 4.
[3659] ST155, 1 July 2010, T. 12521 (confidential).
[3660] ST214, 19 July 2010, T. 13006 (confidential). Rajko Krsmanović and Jadranko Jošić are listed as active and reserve policemen of the Vogošća Serb police station dated 28 May 1992. *See* P1506, List of Active and Reserve Police Officers, Serb Police Vogošća Station, 28 May 1992.
[3661] ST214, 19 July 2010, T. 13009 and 20 July 2010, T. 13064-13065 (confidential).
[3662] ST214, 19 July 2010, T. 13010 (confidential).
[3663] Slobodan Avlijaš, 7 October 2010, T. 15560, 15563-15564.
[3664] Slobodan Avlijaš, 7 October 2010, T. 15585-15587 and 8 October 2010, T. 15643-15644, 15646.
[3665] Slobodan Avlijaš, 8 October 2010, T. 15644.
[3666] Slobodan Avlijaš, 7 October 2010, T. 15589-15590, 15602; P1634, Photograph marked by Slobodan Avlijaš Indicating Sonja's Place and the "Bunker" Prison.
[3667] Slobodan Avlijaš, 7 October 2010, T. 15591.
[3668] Slobodan Avlijaš, 7 October 2010, T. 15597-15598, 15611.
[3669] Slobodan Avlijaš, 7 October 2010, T. 15591, 15594-15595.
[3670] Slobodan Avlijaš, 7 October 2010, T. 15600-15601.

(e) Planjo's House

1529. Witness ST214 testified that, upon the creation of the detention facility in Planjo's House, the Bunker was no longer used as a prison.[3671] On 8 July 1992, and pursuant to a decision of the War Staff, the Serb municipality of Vogošća allocated the house of the Planjo family to the Ministry of Justice for the needs of the Prison Department of the municipality.[3672]

1530. On 21 July 1992, the Ministry of Justice appointed Branko Vlačo as the warden of Planjo's House, with Nebojša Špirić as his deputy.[3673] On 1 November 1992, Vlačo became the commander of the police station in Vogošća,[3674] and Špirić replaced him as warden.[3675]

1531. Prisoners from the Bunker were transferred to Planjo's House along with people from other locations.[3676] In total, there were more than 100 persons detained there.[3677] Most of the detainees at Planjo's House were Muslim, but there were also some Croats and one or two Serbs.[3678] Men who were arrested following the fall of Gornja Bioča and men from the village of Lješevo—both in Ilijaš municipality—were detained in Planjo's House.[3679] On 17 August 1992, a group of more than 80 Muslim men, who had previously been detained in Podlugovi in Ilijaš municipality, were transferred by police officers dressed in camouflage uniforms to Planjo's House.[3680]

1532. ST004 was among the prisoners transferred from Podlugovi to Planjo's House in civilian buses.[3681] Among the men who took him to Planjo's House, ST004 recognised Srpko Pustivuk, a policeman and sector leader in the Ilijaš SJB.[3682]

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[3671] ST214, 19 July 2010, T. 13016 (confidential).
[3672] P1327, Ruling of the Secretariat for Urbanism and Other Affairs of Vogošća Serb municipality, 8 July 1992; Agreed Fact 1326. *See also* 1D774, Prisons Rulebook on the Internal Organisation of Butmir-Ilidža Prison, 1 October 1992.
[3673] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential); ST155, 1 July 2010, T. 12517-12520 (confidential); ST214, 19 July 2010, T. 13016-13017 and 20 July 2010, T. 13065-13068 (confidential); Slobodan Avlijaš, 7 October 2010, T. 15607-15609; 1D339, Decision by the Ministry of Justice, Serbian Republic of BiH, 21 July 1992; 1D340, Decision by the Ministry of Justice, Serbian Republic of BiH, 21 July 1992.
[3674] ST214, 19 July 2010, T. 13017, 13019 and 20 July 2010, T. 13066 (confidential).
[3675] ST214, 19 July 2010, T. 13019 (confidential). *See*, *e.g.*, P1512, List of Prisoners Detained at Planjo's House, 19 December 1992.
[3676] ST214, 19 July 2010, T. 13015-13016 and 20 July 2010, T. 13065 (confidential); Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 6.
[3677] ST214, 19 July 2010, T. 13015-13016, 13018-13019 (confidential); P1511, Lists of Prisoners Detained at the "Bunker" and at Planjo's House, 26 July 1992 and 3 September 1992; P1512, List of Prisoners Detained at Planjo's House, 19 December 1992; Adjudicated Fact 1327.
[3678] ST214, 19 July 2010, T. 13018 (confidential); Adjudicated Fact 1327.
[3679] Adjudicated Fact 1325; Agreed Fact 1326; Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 6.
[3680] Adjudicated Fact 1327; Ahmed Hido, P2185, Witness Statement, 2 March 1996, p. 6; ST004, P1736, Witness Statement, 11 November 1996, p. 2, 22 June 1997, p. 5 (confidential).
[3681] ST004, P1736, Witness Statement, 11 November 1996, p. 2, 22 June 1997, p. 5 (confidential).
[3682] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential) and P1736.02, Witness Statement, 23 June 2010, para. 3(e) (confidential); P1736.04, List of Employees of Public Security Station Ilijaš, 29 June 1992, p. 3.

1533. Detainees at Planjo's House were guarded by Serb soldiers and police officers in camouflage uniforms.[3683] The prisoners were held in the basement and on the ground floor. The prisoners received one meal per day. During the first seven days of the prisoners' arrival, they had to stay inside. Later, they were taken out for labour, which included cutting wood and digging trenches.[3684]

1534. ST004 stated that every morning the prisoners would be lined up outside of Planjo's House.[3685] On 18 September 1992, a man called Milošević came to Planjo's House; after a brief conversation with Vlačo, he selected 50 prisoners, including ST004. The prisoners were put on a bus and taken to either Golo Brdo or Žuč.[3686] Once there, they were lined up two-by-two. Men with Serbian accents told them that they would all be killed and that none of them would return to the prison. Minutes later, the prisoners were taken to a hill called "Kota 850" where ST004 saw a lot of "Chetniks".[3687] Twenty-one prisoners were then selected, seven for each platoon, and they were ordered to walk in front of the soldiers towards the Muslim lines. The soldiers would follow about 2-3 meters behind. The shooting then started, and ST004 hid behind a tree.[3688] From there, he saw Enver Činara being killed only a few meters away from him by in-coming gunfire and several other prisoners being wounded.[3689] In the following days, others left to dig trenches and to be used as human shields, but did not return.[3690]

1535. ST004 stated that, during his detention at Planjo's House, he had to dig trenches on more than 20 occasions and was forced to carry ammunition.[3691] Sometimes soldiers who fought at Žuč would come to Planjo's House and take out prisoners in order to beat them.[3692] Hajrudin Šehić, after being injured when used as a human shield, was beaten up by a Serb soldier. This soldier came to Planjo's House and asked Šehić whether he was a Serb or a Muslim; frightened, Šehić lied and said he was a Serb, after which the soldier beat him up.[3693] Between August and November 1992, Serbs from Serbia would go to Planjo's House on weekends and beat detainees and force them to commit sexually humiliating acts.[3694] In October 1992, 172 persons were detained at Planjo's House.[3695]

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[3683] Adjudicated Fact 1327.
[3684] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential).
[3685] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential).
[3686] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential); ST004, 30 November 2010, T. 17937.
[3687] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential).
[3688] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential); ST004, 30 November 2010, T. 17937.
[3689] ST004, P1736, Witness Statement, 22 June 1997, p. 5 (confidential); ST004, 30 November 2010, T. 17937-17938.
[3690] ST004, P1736, Witness Statement, 22 June 1997, pp. 5-6 (confidential); Adjudicated Facts 1328, 1332.
[3691] ST004, P1736, Witness Statement, 22 June 1997, p. 6 (confidential).
[3692] ST004, P1736, Witness Statement, 22 June 1997, p. 6 (confidential); Adjudicated Fact 1327.
[3693] ST004, P1736, Witness Statement, 22 June 1997, p. 6 (confidential).
[3694] Adjudicated Facts 1327, 1335.
[3695] Adjudicated Fact 1327.

1536. The Chamber has received additional evidence that Serb military personnel—including the commander of the Vogošća Brigade and members of the Blagovac, Semizovac, and Krivoglavci Battalions[3696]—used Muslim detainees from Planjo's House to perform manual labour on the front lines in Ravne and on Žuč Hill. The manual labour consisted of digging trenches, carrying ammunition, and removing the bodies of Serb soldiers. A number of the detainees died while carrying out this work. On occasion, detainees from Planjo's House were used as human shields, with some being killed as a result.[3697]

1537. According to a criminal report from the Vogošća SJB dated 12 December 1992 and sent to the Public Prosecutor's Office in Sarajevo (Jahorina), on that date, two members of the Semizovac Battalion saw how in Donja Jošanica, Stanko Knežević, a Serb who was the quartermaster at Planjo's House prison,[3698] had lined up nine Muslim prisoners against a wall of a house and fired his machine gun at them, killing all nine.[3699] It further states that he shot those still alive in the head with his pistol.[3700] ST214 testified that he had received information that these prisoners had been taken from Planjo's House to dig trenches on Žuč Hill.[3701] He further testified that he picked up the bodies and brought them back to Planjo's House.[3702]

1538. ST214 testified that in January 1993 a written request was sent to the Ministry of Justice asking that Planjo's House be closed. He thought that there was no need for the prison because people were detained there without formal accusations and because, at the time, there was a food shortage.[3703] Two to three months later, a decision closing the facility was issued, and prisoners were transferred to other places.[3704]

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[3696] ST214, 20 July 2010, T. 13073 (confidential); P1318.34, Bulletin of the Prison Department of the Serbian Municipality of Vogošća, 19 September 1992; P1514, Request for 50 Prisoners from Commander of the Vogošća Brigade to Vogošća Prison, 17 September 1992; P1515 Bulletin of the Prison Department of the Serbian Municipality of Vogošća, 22 September 1992.

[3697] Adjudicated Fact 1328; ST155, 1 July 2010, 12529-12530 (confidential); ST214, 19 July 2010, T. 13023-13024 and 20 July 2010, T. 17072-13073 (confidential); P1318.34, Bulletin of the Prison Department of the Serbian Municipality of Vogošća, 19 September 1992; P1332, Bulletin of the Prison Department of the Serbian Municipality of Vogošća, 24 September 1992; P1495, Note by Branko Vlačo, Prison Warden in Vogošća, 30 August 1992; P1514, Request for 50 Prisoners from Commander of the Vogošća Brigade to Vogošća Prison, 17 September 1992; P1515, Bulletin of the Prison Department of the Serbian Municipality of Vogošća, 22 September 1992; P1516, Request from the Chief of Vogošća SJB for 8 prisoners, 1 September 1992; P2042, Report by Branko Vlačo, 27 August 1992; 1D808, Bulletin for 19 October 1992 by the Prison Department of the Serbian Municipality Vogošća, by Branko Vlačo, 20 October 1992; 1D809, Report by Branko Vlačo, 1 August 1992.

[3698] ST214, 20 July 2010, T. 13040-13041 (confidential).

[3699] Simo Tuševljak, 17 June 2011, T. 22366-22367 (confidential); 1D189, Criminal Report, SJB Vogošća, 12 December 1992.

[3700] 1D189, Criminal Report, SJB Vogošća, 12 December 1992.

[3701] ST214, 20 July 2010, T. 13040-13041 (confidential).

[3702] ST214, 20 July 2010, T. 13041 (confidential).

[3703] ST214, 19 July 2010, T. 13017, 13028-13029 (confidential).

[3704] ST214, 19 July 2010, T. 13017-13018 (confidential).

### 3. Factual Findings

1539. The Trial Chamber finds that, in late March or early April 1992, the police in Vogošća were divided along ethnic lines. Also in March, the JNA and Serb policemen set up and manned barricades across Vogošća. On 6 April 1992, Boro Radić attacked the Vogošća SJB, targeting its deputy commander, Mato Milovanović, a Croat. Instead, he wounded Boro Maksimović, the commander of the SJB. In the first half of April 1992, Boro Radić's unit staged a number of attacks against non-Serbs in Vogošća.

1540. A large part of Vogošća was brought under Serb control by military force between 4 and 17 April 1992 by Serb army units and the police, organised by the Vogošća Crisis Staff. SDS and Crisis Staff control did not extend to the Serb paramilitaries who appeared in the municipality in the period of April to August 1992. Paramilitaries acted in collusion with some members of Vogošća's military command, police force, and municipal authorities.

1541. Muslim and Croat staff of the medical centre in Vogošća were suspended from their jobs by the Vogošća Crisis Staff.

1542. With regard to Svrake, the Trial Chamber finds that, subsequent to a refusal to surrender, the predominantly Muslim village was bombed by military aircraft. The village was taken over by Serb Forces on or about 3 May 1992. Based on Ahmed Hido's evidence that Jovan Tintor and Kosta Nesić told Serbs in Svrake that they should leave the village because they would be killed by Muslims, that Nebojša Špirić demanded the surrender of Svrake, and that Tintor and others told the villagers from Svrake that they would be taken to Semizovac barracks, the Trial Chamber is satisfied that Jovan Tintor and the local Serb leadership in Vogošća were involved in this operation. Following the takeover of Svrake, the villagers, including women and children, were detained at the Semizovac barracks upon instructions of, among others, Jovan Tintor. There, they were guarded by paramilitaries from Pale. The Trial Chamber finds that between 470 and 1,000 Muslims were detained at the Semizovac barracks following the takeover of Svrake.

1543. Two or three days after the fall of Svrake, all but 100 Muslims were released from the Semizovac barracks. The 100 persons were transferred to a detention facility called the "Bunker". Ahmed Hido was among the persons transferred from the Semizovac barracks to the Bunker, which was established as a detention centre by the Vogošća Crisis Staff on 2 May 1992. The warden of the prison was Branko Vlačo, who was either a member of the police or an official of the RS Ministry of Justice. The Trial Chamber finds that there were between 70 and 100 persons detained at the Bunker. The conditions at the Bunker were very poor. There was a hole in the roof, there was no

toilet or running water, and there were no beds. Some of the prisoners at the Bunker were interrogated by, among others, policemen from Vogošća, members of the military, or Tintor's men.

1544. The Trial Chamber accepts Hido's evidence that prisoners were taken out of the Bunker and returned with injuries from beatings such as bleeding, missing teeth, and bruises. The Trial Chamber is satisfied that, among others, Ahmed Hido, Meša Sulić, Zahid Baručija, Nijaz Salkić, Alija Udovčić, Hasan Abaz, Esad Muračević, a man with the last name "Suljević", and Ferid Čutura were victims of these beatings. In particular, the Trial Chamber received ample evidence about the daily beatings of Zahid Baručija, who was later killed elsewhere. Ferid Čutura lost 27 kg during his 17 days of imprisonment in the Bunker and suffered from the consequences of the beatings for many years.

1545. Some of the beatings were perpetrated by Siniša Đurđić, a man nicknamed "Pape", Nebojša Lazić (a member of the Vogošća SUP), Dragan Damjanović, Aleksandar Marin, and a man nicknamed "Šofer". Prison warden Branko Vlačo was involved in some of the beatings. The Trial Chamber finds that some of the perpetrators and guards at the Bunker were members of the Serb police in Vogošća.

1546. Prisoners from the Bunker were used for forced labour, including for the digging of trenches at the front line. Some of the prisoners were used as human shields. A number of prisoners were killed as a result. The prisoners were taken out for this work by the guards and by the military, some of whom were from Serbia or Montenegro and were members of the Rajlovac Battalion or were Arkan's or Šešelj's men.

1547. The Bunker was no longer used following the creation of a detention facility in Planjo's House on 8 July 1992 by the Serb Municipality of Vogošća. Branko Vlačo became the warden of Planjo's House, with Nebojša Špirić as his deputy. Prisoners from the Bunker, and from other places, such as Ilijaš municipality, were transferred to Planjo's House where more than 100 persons were detained. Most of the detainees were Muslim, with some Croats and one or two Serbs present there as well. The prisoners received one meal per day. Prisoners at Planjo's House were used for different work. They were also sent to the front line where they dug trenches, carried ammunition, and were used as human shields. Some were killed or wounded as a result. Requests for work at the front line came from the Vogošća Brigade and members of the Blagovac, Semizovac, and Krivoglavci Battalions. At times, soldiers would come to Planjo's House and beat the prisoners. A Muslim man with the last name Šehić lied that he was a Serb when asked about his ethnicity but was still beaten. Serbs from Serbia would come to Planjo's House over the weekend and beat the detainees and force them to commit sexually humiliating acts.

4. Legal Findings

1548. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in BiH during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Vogošća and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

1549. The Trial Chamber finds that the acts of the Serb Forces were linked geographically and temporally with the armed conflict. The takeovers of Vogošća and Svrake, which included the shelling and bombing by aircraft of the latter, constituted an attack against the civilian population. The attack occurred on a large scale and was well organised; it was therefore both widespread and systematic. The acts of Serb Forces against the Muslim and Croat civilians were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing, and that their acts were part of it.

1550. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1551. *Counts 5, 6, 7, and 8.* The Trial Chamber finds that the beatings of the Muslim detainees, the forcing of prisoners to commit sexually humiliating acts, and in particular the use of prisoners on the front lines to work in dangerous circumstances to serve as human shields, both at the Bunker and at Planjo's House, as well as the conditions of detention at the Bunker caused severe physical and psychological suffering to the victims and that these acts were committed by Serb Forces with the intent of punishing and intimidating the victims. None of the victims was taking an active part in hostilities. Having found that the general requirements of both Article 3 and Article 5 of the Statute are satisfied, the Trial Chamber finds that Serb Forces committed torture against the detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 of the Statute are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1552. *Counts 9 and 10.* The Trial Chamber finds that Serb Forces removed Muslim and Croat inhabitants of Svrake where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. Muslims and Croats were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community,

without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Having found that the general requirements of Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed other inhumane acts (forcible transfer), as a crime against humanity, against the Croat and Muslim population of Vogošća. There is insufficient evidence that victims were removed across a *de jure* state border or *de facto* border, and therefore the Trial Chamber does not find that Serb Forces committed deportation, as a crime against humanity.

1553. *Count 1.* Based on the factual findings that have been made above, the Trial Chamber finds that the detention in the Bunker and at Planjo's House constituted unlawful imprisonment and that the conditions there constituted the establishment and perpetuation of inhumane living conditions. Sufficient evidence was not adduced for the Trial Chamber to make findings in relation to the plunder of property and wanton destruction that were alleged to have been committed in either Vogošća or in Svrake. The Trial Chamber finds that Serb Forces imposed and maintained restrictive and discriminatory measures on Muslims and Croats in Vogošća shortly after the takeover of Svrake and Vogošća in April and May 1992 and continuing throughout the year, including the denial of the freedom of movement, the denial of and dismissal from employment, and the denial of the right to judicial process.

1554. The Trial Chamber finds that the acts in the foregoing paragraph—as well as those discussed above under counts 5, 6, 7, 8, and 10—infringed upon and denied Muslims and Croats their fundamental rights laid down in customary international law and in treaty law. They were also discriminatory in fact, as they selectively and systematically targeted persons of Muslim and Croat ethnicity. On the basis of the pattern of conduct and the acts and statements made by Serb Forces during the criminal operations—for example, a soldier came to Planjo's House and asked a prisoner whether he was a Serb or a Muslim—the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against Muslims and Croats on the basis of their ethnicity.

1555. For the foregoing reasons, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims and Croats of the municipality of Vogošća.

1556. *Conclusion.* The Trial Chamber finds that, from April 1992 and throughout 1992, Serb Forces committed the crimes charged under counts 1, 5, 6, 7, 8, and 10 of the Indictment in the municipality of Vogošća.

## S. Zvornik

### 1. Charges in Indictment

1557. The Indictment charges Mićo Stanišić with the following crimes allegedly committed in the municipality of Zvornik at the times and locations specified below.

1558. Under count 1, Stanišić is charged with persecution as a crime against humanity, through the commission of the following acts: (a) killings, as specified below under counts 2, 3, and 4; (b) torture, cruel treatment, and inhumane acts in detention facilities as specified below under counts 5, 6, 7, and 8; (c) unlawful detention at the SUP building in Zvornik and prison at least between May and July 1992, Čelopek Dom Kulture at least between May and June 1992, Karakaj Technical School at least between May and June 1992, Gero's Slaughterhouse at least between May and June 1992, Novi Izvor administration building at least between May and July 1992, Drinjača School building (Dom Kulture) at least between May and June 1992, and Ekonomija Farm at least between May and June 1992; (d) the establishment and perpetuation of inhumane living conditions at the foregoing detention facilities; (e) forcible transfer and deportation; (f) appropriation and plunder of property during and after attacks on non-Serb parts of the town of Zvornik, Rašidov Han, Drinjača, Kozluk, Divič, Sapna, and Kovačevići at least between April and September 1992; in detention facilities; and in the course of deportations and forcible transfers; (g) wanton destruction, including the looting of residential and commercial property, of non-Serb parts of the town of Zvornik, Rašidov Han, Drinjača, Kozluk, Divič, Sapna, and Kovačevići at least between April and September 1992, and the destruction of at least 28 mosques between April and November 1992: Đulići mosque, Kula Grad mosque, Kozluk mosque, Divič mosque, Snagovo mosque, Novo Selo mosque, Skočić mosque, Svrake mosque, Drinjača mosque, Glumina mosque, Donja Kamenica mosque, Gornja Kamenica mosque, Klisa mosque, Kovačevići mosque, Rijeka mosque, and Selimovići mosque; (h) the imposition and maintenance of discriminatory measures on Bosnian Muslims and Bosnian Croats shortly after the takeover of Zvornik on or about 9 April 1992.[3705]

1559. Under counts 2, 3, and 4, Stanišić is charged with the following: (a) murder, both as a crime against humanity and as a violation of the laws or customs of war, and (b) extermination, as a crime against humanity, for the killing by Serb forces of (a) a number of men at the Drinjača School on or about 30 May 1992; (b) a number of men at the Čelopek Dom Kulture between 10 and 28 June 1992; (c) a large number of men at the Karakaj Technical School between 1 and 5 June 1992; (d) a large number of men at the Gero's slaughterhouse between 5 and 8 June 1992;

[3705] Indictment, paras. 24, 26, 28; Schedules B n. 14.1-14.5, C n. 18.1-18.5 and 18.7-18.8, D n. 17.1-17.4 and 17.6-17.7, E n. 17, F n. 17, G n. 17.

and (e) a number of men taken from the Novi Izvor administration building between May and June 1992.[3706]

1560. Under counts 5, 6, 7, and 8, Stanišić is charged with the following: (a) torture, both as a crime against humanity and as a violation of the laws and customs of war; (b) cruel treatment, as a violation of the laws and customs of war; and (c) inhumane acts, as a crime against humanity, inflicted by Serb Forces on the non-Serb population of Zvornik. This includes alleged beatings, torture, sexual violence, humiliation, harassment, and psychological abuses at (a) Čelopek Dom Kulture at least during June 1992 (detainees were beaten, mutilated, or humiliated; on one occasion, fathers and sons were forced to sexually abuse each other in the presence of other inmates; a number of men were killed in the presence of fellow inmates); (b) Karakaj Technical School at least during May and June 1992 (detainees were regularly beaten with various objects; a number of times, they were ordered to beat each other; a number of detainees died as a result of the beatings); (c) Gero's Slaughterhouse at least during June 1992 (detainees were executed and those few who survived were left to suffer without help); (d) Novi Izvor administration building at least during May and June 1992 (detainees were taken out and beaten on a regular basis); (e) Drinjača School building at least during May and June 1992 (detainees were regularly beaten with an iron bar and a wooden stick; many men lost consciousness during beatings and some died as a result; a number of men were taken out and executed; and (f) Ekonomija farm at least between 8 and 12 May 1992 (detainees were regularly beaten with various objects; many men lost consciousness during beatings and at least one man died as a result of beatings).[3707]

1561. Under counts 9 and 10, Stanišić is charged with deportation and inhumane acts (forcible transfer), as crimes against humanity, committed by Serb forces against the Bosnian Muslim and Bosnian Croat population following the takeover of Zvornik on or about 9 April 1992.[3708]

### 2. Analysis of Evidence

#### (a) Background

##### (i) Main sources of evidence

1562. With regard to the charges outlined above, the Trial Chamber has reviewed the evidence of Petko Panić, a Serb police officer in Zvornik;[3709] Ramiz Samijlović, a Muslim member of the SDA

[3706] Indictment, paras. 29, 31; Schedule B n. 14.1-14.5.
[3707] Indictment, paras. 32, 34, 36; Schedule D n. 17.1-17.4 and 17.6-17.7.
[3708] Indictment, paras. 37, 38, 41; Schedule G n. 17.
[3709] Petko Panić, 11 November 2009, T. 2867-2868.

detained in the misdemeanour court and the Novi Izvor administration building near the SUP;[3710] Milorad Davidović, a Serb member of the Federal SUP, who, in April 1992, Mićo Stanišić put in charge of creating a special unit within the RS MUP;[3711] ST014, a Muslim detained at the Dom Kulture in Drinjača;[3712] ST015, a Muslim civilian arrested in Klisa and detained at the Karakaj Technical School before being taken to Gero's Slaughterhouse;[3713] ST088, a Muslim from Divič detained at the Čelopek Dom Kulture;[3714] ST105, a representative of the international community in the region at the time of the Indictment;[3715] ST144, a member of Žućo's paramilitary group;[3716] Slobodan Avlijaš, a Serb who held positions in both the Ministry of Interior and the Ministry of Defence.[3717] ST221 and ST215, both of whom were of Serb ethnicity and worked with the Zvornik municipal authorities during the period relevant to the indictment;[3718] and ST222, a Serb police officer.[3719]

(ii) Ethnic composition

1563. The municipality of Zvornik is located in the north-eastern part of BiH, bordering the Republic of Serbia to the east; the municipalities of Bijeljina, Ugljevik, and Lopare to the north; the municipalities of Tuzla, Kalesija, and Šekovići to the west; and the municipalities of Vlasenica and Bratunac to the south.[3720] In 1991, there were around 53,760 people living in the municipality of Zvornik.[3721] Approximately 54.8% of the population was Muslim, 41.9% was of Serb ethnicity, 0.2% was of Croat ethnicity, and 3.1% was of other ethnicities.[3722] In 1997, the percentage of Muslims had dropped to 0.6%.[3723] Approximately 29,245 Muslims and around 31 people of Croat ethnicity who resided in Zvornik in 1991 were internally displaced persons in 1997.[3724]

(iii) Key actors

[3710] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, pp. 1-3; Ramiz Smajilović, 6 November 2009, T. 2746-2747.
[3711] Milorad Davidović, P1557.01, Witness Statement, 14-19 November 2004 and 25-29 January 2005, pp. 2, 12.
[3712] ST014, P292.03, Witness Statement, 15-16 January 2001, pp. 1, 6 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21389, 21890 (confidential).
[3713] ST015, P299.04, Witness Statement, 24 November 1996, pp. 2, 4, 6-7 (confidential); ST015, P299.05, Witness Statement, 9 July 2002, p. 2 (confidential).
[3714] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 1, 6.
[3715] ST105, P2205, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 6 October 2004, T. 6716-6717 (confidential); ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20593 (confidential).
[3716] ST144, 6 November 2009, T. 2792.
[3717] Slobodan Avlijaš, 7 October 2010, T. 15558-15559.
[3718] ST215, 27 September 2010, T. 14856-14857; ST221, P1708, Witness Statement, 17-18 May 2003, pp. 1-3, 9 (confidential).
[3719] ST222, 8 November 2010, T. 17045-17046 (confidential).
[3720] P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[3721] P1627, Tabeau *et al*. Expert Report, p. 72.
[3722] P1627, Tabeau *et al*. Expert Report, pp. 72, 76, 80.
[3723] P1627, Tabeau *et al*. Expert Report, pp. 72, 76.
[3724] P1627, Tabeau *et al*. Expert Report, pp. 104, 108.

1564. At the times relevant to the Indictment, Branko Grujić, an SDS member, was commander of the Crisis Staff in Zvornik as well as president of the interim government of the municipality of Zvornik.[3725] The Zvornik police chief in April 1992 was Milenko Mijić until he was replaced by Miloš Pantelić on 21 April 1992.[3726] The police commander in April 1992 was Dragan Spasojević, a member of the SDS and of the Crisis Staff.[3727] He was replaced by Marinko Vasilić on 9 June 1992.[3728] The commander of the TO was Major Marko Pavlović.[3729] Branko Studen was a military police lieutenant at the Zvornik garrison unit in Karakaj.[3730]

(iv) Deterioration of ethnic relations

1565. At the time the first multi-party elections were held in 1990 in the SFRY, tensions started to arise between the different ethnic groups in Zvornik.[3731] The eruption of the war in Croatia in 1991 led to further deterioration of inter-ethnic relations.[3732]

(b) Takeover of Zvornik

1566. Starting in mid-August 1991 and continuing in January and February 1992, Brane Vujić, a member of the Zvornik SDS and Serb policemen, distributed weapons to the Serb population in Zvornik. On 28 August 1992, Radovan Karadžić was informed of the distribution.[3733] On 22 December 1991, the SDS municipal board of Zvornik formed a Crisis Staff pursuant to Variant B of the Instructions for the Organisation and Operation of Organs of the Serbian People in BiH in Emergency Conditions, which called for the formation of a "Crisis Headquarters of the Serb people."[3734] Branko Grujić was elected as the commander.[3735] On 9 April 1992, the Crisis Staff created an interim government with Branko Grujić as its president.[3736]

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[3725] Petko Panić, 11 November 2009, T. 2871; ST215, 27 September 2010, T. 14860, 14861-14862; Adjudicated Fact 1373; P436, Conclusions of SDS Municipal Board, 22 December 1991, p. 1; 1D378, Crisis Staff Decision on Establishment of a Temporary Government in the Serbian Municipality of Zvornik, 10 April 1992, p. 1

[3726] Petko Panić, 11 November 2009, T. 2873 and 12 November 2009, T. 2998; P325, List of Employees of Public Security Station Zvornik, 21 April 1992, p. 2.

[3727] Petko Panić, 11 November 2009, T. 2873-2874 and 12 November 2009, T. 2978, 2999 and 13 November 2009, T. 3051-3052; ST215, 27 September 2010, T. 14860; P436, Conclusions of SDS Municipal Board, 22 December 1991, p. 1.

[3728] Petko Panić, 11 November 2009, T. 2873.

[3729] P1605, Decision on the Establishment of the Command of the TO of the Serbian Municipality of Zvornik, 28 April 1992, p. 1.

[3730] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 6 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21389 (confidential); 1D557, Handwritten Diary of Dragan Andan, July and August 1992, p. 6.

[3731] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 2 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21411-21412 (confidential).

[3732] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, p. 2.

[3733] P1180, Intercepted Conversation between Radovan Karadžić, Milorad Bogićević, and a Third Unidentified person, 28 August 1992, pp. 2-4; P348, Annual Report on the Activities of the Zvornik SJB, 30 December 1992, p. 20.

[3734] ST215, 27 September 2010, T. 14859; P15, Instruction for the Organization and Activities of the Organs of the Serb People in Bosnia and Herzegovina in a State of Emergency, 19 December 1991, pp. 4-5; P436, Conclusions of SDS Municipal Board, 22 December 1991, p. 1.

1567. Around 7 or 8 March 1992, the Muslims in the village of Divič set up a local guard, composed of 23 men, to protect their families from the paramilitaries.[3737] Members of the guard wore civilian clothes.[3738] Mirsad Halilović was appointed to negotiate with Arkan and the Serb soldiers in relation to the situation in Divič.[3739] During the course of these negotiations, Major Marko Pavlović informed Halilović that the Serbs would not enter Divič if the villagers surrendered all weapons and signed an agreement of loyalty to the Serbs.[3740]

1568. On 5 April 1992, Branko Grujić invited paramilitary groups, including the White Eagles, the Yellow Wasps, and the Red Berets to Zvornik.[3741] The Yellow Wasps formed their headquarters in a building next to the SUP.[3742] The paramilitaries erected barricades throughout the municipality.[3743] On 6 April 1992, the Crisis Staff declared a state of war.[3744] In the same decision, the Crisis Staff tasked the TO and the reserve police with taking over defence operations.[3745]

1569. Up until the conflict broke out in Zvornik in the first week of April 1992, the police had both Muslim and Serb members in its ranks.[3746] On the night of 6 April 1992, Dragan Spasojević ordered all Serb policemen to withdraw to Karakaj, a town located approximately 3.5 km north of Zvornik, and to bring with them all vehicles and equipment in their possession.[3747] ST088, on the other hand, recalled that at the outbreak of the war he had to return his police uniform and weapons to the Serb SUP of the municipality of Zvornik because he was of Muslim ethnicity.[3748] A Serb police station and Serbian "municipality of Zvornik" were established in Karakaj.[3749] However, some weaponry from the SUP went to the Muslim policemen.[3750] At the Alhos factory in Karakaj, the Serb policemen were met by Dragan Spasojević, Branko Grujić, and men from Arkan's and

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[3735] P436, Conclusions of SDS Municipal Board, 22 December 1991, p. 1.
[3736] ST215, 27 September 2010, T. 14878, 14881, 14917-14918 and 28 September 2010, T. 14945, 14961-14962; 1D378, Crisis Staff Decision on Establishment of a Temporary Government in the Serbian Municipality of Zvornik, 8 April 1992, pp. 1-2, 10 April 1992, p. 1; 1D384 Decision on Establishment of Municipal Prison in Zvornik, 19 August 1992, p. 1.
[3737] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15784, 15788, 15790 (confidential).
[3738] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 2-3; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15790 (confidential).
[3739] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3.
[3740] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15729-15730 (confidential).
[3741] Adjudicated Fact 1373.
[3742] Milorad Davidović, P1557.01, Witness Statement, 29 January 2005, p. 34.
[3743] Adjudicated Fact 1374.
[3744] ST215, 27 September 2010, T. 14864; P323, Zvornik Crisis Staff Decision on the Declaration of the State of War, 6 April 1992, p. 1.
[3745] P323, Zvornik Crisis Staff Decision on the Declaration of the State of War, 6 April 1992, p. 1.
[3746] Petko Panić, 11 November 2009, T. 2869.
[3747] Petko Panić, 11 November 2009, T. 2870-2871; Adjudicated Fact 1374.
[3748] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T.15779 (confidential).
[3749] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 3 (confidential); Adjudicated Fact 1374.
[3750] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 2-3; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15781, 15790 (confidential); ST014, P292.03, Witness Statement, 15-16 January 2001, p. 3 (confidential).

Šešelj's paramilitary groups. At this meeting, the police were assigned the task of setting up checkpoints at Mali Zvornik, Tuzla, Sapna, and at Vidakova Njiva.[3751] The TO and paramilitaries, including men led by a certain Milorad Gojić, also manned some of the checkpoints.[3752]

1570. On 7 or 8 April 1992 political representatives of the Serb and Muslim sides met in Mali Zvornik in Serbia.[3753] It was attended by Brano Grujić, the Zvornik police chief Mile Mijić, and the paramilitary leader Arkan, as well as by the Muslim president of the municipality of Zvornik, Abdulah Pašić, and the commander of the Muslim TO, Alija Kapidžić.[3754] The discussion focused on how to divide the municipality between the Muslims and the Serbs and on running joint patrols until there was an agreement on the division. At a certain point in the meeting, Arkan said that there would be no agreement.[3755] Later that day, it was announced that Arkan's unit would enter Zvornik to secure certain facilities.[3756] Petko Panić believed that the decision was made between the paramilitaries and the Crisis Staff.[3757] The SDA erected barricades on the bridge linking Zvornik to Serbia; during the same period, from mid-March to mid-April, residents in Muslim villages such as Divič, Kostijevero, and Drinjača, set up guard duties in order to protect their villages. In some cases, barricades were erected.[3758] The Muslims formed a territorial defence unit stationed at Kula Grad to protect homes and villages.[3759]

1571. On 8 April 1992, Dragan Spasojević ordered Panić and other policemen to follow Arkan's and Šešelj's paramilitaries. Together with the TO and JNA units, they took over the town of Zvornik in a joint operation.[3760] First, they shelled the town, then the paramilitaries occupied the area while the police erected checkpoints and secured vital points in town.[3761] There was no resistance, since the Muslim residents had left in the direction of Kula Grad after hearing that the paramilitaries were about to arrive.[3762] The barricades erected by the SDA on the previous day had been temporarily lifted, allowing hundreds of Muslims and Serbs to leave the municipality.[3763]

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[3751] Petko Panić, 11 November 2009, T. 2871.
[3752] ST215, 28 September 2010, T. 14997; Petko Panić, 11 November 2009, T. 2906.
[3753] Petko Panić, 11 November 2009, T. 2877-2878; ST215, 27 September 2010, T. 14873-14874.
[3754] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3; Petko Panić, 11 November 2009, T. 2877 and 12 November 2009, T. 2975; ST215, 27 September 2010, T. 14873-14874.
[3755] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3; Petko Panić, 11 November 2009, T. 2877; ST215, 27 September 2010, T. 14875-14876 (confidential).
[3756] Petko Panić, 11 November 2009, T. 2876.
[3757] Petko Panić, 11 November 2009, T. 2879.
[3758] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 2-3; ST014, P292.03, Witness Statement, 15-16 January 2001, p. 3 (confidential); Adjudicated Fact 1375.
[3759] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21421 (confidential); ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3; P299.06, Map of Zvornik (confidential).
[3760] Petko Panić, 11 November 2009, T. 2880-2881; ST221, P1708, Witness Statement, 17-18 May 2003, p. 2 (confidential); Adjudicated Facts 1377, 1378.
[3761] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3; Petko Panić, 12 November 2009, T. 2979.
[3762] Petko Panić, 11 November 2009, T. 2880.
[3763] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20611 (confidential); Adjudicated Fact 1375.

After the attack against Zvornik, Serb paramilitary groups set up barricades in nearby villages and isolated Kozluk, a village located north of Zvornik, along the border with Serbia.[3764]

1572. On the day the attack began, ST105, who was travelling from Sarajevo to Belgrade, passed through Zvornik and was stopped by people who seemed to be "terrified", including several men with green berets and light arms, who told him that the Serbs were preparing for a massacre in Zvornik. They also told ST105 that businesses and homes were being shot at. They were imploring the international community to intervene.[3765] Around 11 April 1992, ST105 passed again through Zvornik and met with several hundred Muslims who were terrified, wounded, and trying to escape shelling and light arms fire.[3766] ST105 also witnessed Arkan's Men looting houses and noted a high degree of coordination between them and the JNA.[3767] ST215 testified that around 20 April 1992 the streets in Zvornik were full of debris, many shop windows were broken, and many armed people, whose affiliation with specific forces the witness did not specify, were roaming the streets.[3768] According to a report of the Bijeljina CSB to the Ministry of Interior in Sarajevo, the accuracy of which was confirmed by Petko Panić, by 21 April 1992 the town of Zvornik was under the control of the TO and Serb paramilitaries and was being "mopped up." Judicial organs, with the exception of misdemeanour courts, were working, and the government of the Serbian Municipality of Zvornik was running economic and public life.[3769]

1573. Between 8 and 26 April 1992, after the attack on Zvornik town, many Muslims fled to Kula Grad where lightly armed Muslim forces were concentrated.[3770] At Kula Grad, Serb Forces fought Muslim units led by Captain Almir.[3771] Kula Grad fell to Serb forces on 26 April 1992.[3772]

1574. After the takeover of Zvornik town, the Crisis Staff and the provisional government issued a number of decisions relating to freedom of movement and real property in the municipality.

1575. With regard to freedom of movement, on 10 April 1992 the Crisis Staff issued a decision imposing a curfew on all civilians between 9:00 p.m. and 5:00 a.m. and tasked the TO and the

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[3764] Adjudicated Fact 1389; P299.06, Map of Zvornik (confidential); P2202, Map of Bosnia and Herzegovina Divided by Municipalities, 1991.
[3765] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20610 (confidential).
[3766] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20616 (confidential).
[3767] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20616-20617 (confidential) and P2206, *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, 7 October 2004, T. 6910 (confidential).
[3768] ST215, 27 September 2010, T. 14879-14880.
[3769] Petko Panić, 11 November 2009, T. 2885; P141, Report on the Daily Security Situation in Bijeljina, Ugljevik, Lopare, Zvornik, and Brčko, 21 April 1992, pp. 1-2.
[3770] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21421, 21424 (confidential); Adjudicated Fact 1379.
[3771] ST014, P292.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21434-21435 (confidential); Ramiz Smajilović, 6 November 2009, T. 2766.
[3772] ST014, P292.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21434-21435 (confidential); ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3; Adjudicated Fact 1379.

police with its implementation.[3773] The paramilitaries set up their own checkpoints.[3774] According to ST215, the curfew applied to everyone. However, he also testified that, if upon a check one was identified as a Muslim, he could have been taken elsewhere for "a greater degree of control."[3775] ST221 stated that both Serbs and Muslims had to obtain passes for free movement around Zvornik which were issued at the Alhos factory in Karakaj.[3776] ST222, who was a Serb, testified that in April 1992 he had to move to Zvornik from Kalesija, where he lived on the Muslim side of town, as he was unable to travel between Kalesija and Zvornik due to a roadblock.[3777] Therefore, both Serbs and Muslims suffered restrictions of movement due to barricades erected by Serb paramilitaries.[3778]

1576. With regard to immovable property, on 10 April 1992 the provisional government of Zvornik instructed all persons with tenancy rights in socially owned apartments, as well as all owners of immovable property, to return and lay claim to those properties before 15 May 1992 or face loss of title to the municipality.[3779] On 5 May 1992, the provisional government established a "real estate exchange agency" authorised to execute exchanges of real estate between residents of the municipality of Zvornik and other municipalities.[3780] On 16 May 1992, the provisional government issued a decision seising all abandoned and uninhabited residential and business premises in the municipality.[3781] Pursuant to this decision, ST222 and two other police officers evicted paramilitaries from "Niški's" and "Pivarski's" groups that had broken into and illegally occupied Muslim apartments.[3782]

1577. After the takeover of Zvornik, Serb forces began seising both real and movable property. Around 11 April 1992, ST105 saw Serb soldiers and paramilitaries removing property from houses, including TV sets and furniture.[3783] All 40 of the apartments belonging to Muslims in ST215's apartment complex had been broken into; the other 40, which belonged to Serbs, had been left untouched.[3784] Milorad Davidović testified that there were a number of vehicles and other items taken in Zvornik.[3785] Some of these vehicles were taken to the bordering municipality of

[3773] 1D377, Crisis Staff Zvornik Decision on Imposing Curfew, 10 April 1992, p. 1.
[3774] ST215, 28 September 2010, T. 14996-14997; Adjudicated Fact 1389.
[3775] ST215, 28 September 2010, T. 14996-14997.
[3776] ST221, P1708, Witness Statement, 17-18 May 2003, p. 4 (confidential).
[3777] ST222, 9 November 2010, T. 17103-17105 (confidential).
[3778] ST014, P292.03, Witness Statement, 15 and 16 January 2001, p. 4 (confidential); ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15788 (confidential).
[3779] Adjudicated Fact 1380.
[3780] Adjudicated Fact 1381.
[3781] ST215, 27 September 2010, T. 14895; P1607, Decision Regarding the Formation of the Committee for the Admission and Assistance, 16 May 1992, pp. 1-2.
[3782] ST222, 9 November 2010, T. 17100, 17105-17106 (confidential); P1607, Decision Regarding the Formation of the Committee for the Admission and Assistance, 16 May 1992, pp. 1-2.
[3783] ST105, P2208, *Prosecutor v. Brdanin*, Case No. IT-99-36-T, 28 August 2003, T. 20616 (confidential).
[3784] ST215, 27 September 2010, T. 14880.
[3785] Milorad Davidović, P1557.07, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 27 June 2005, T. 15228 -15229.

Bijeljina.[3786] According to Davidović, the MUP chiefs in Bijeljina either sold them or gave them to their friends as gifts.[3787] On 29 July 1992 several members of Žućo's paramilitary group, the Yellow Wasps, were arrested by Dragomir Andan, a member of the RS MUP, for their involvement in looting and confiscation of multiple VW Golf vehicles from checkpoints in Zvornik.[3788] Several of the people arrested gave statements to the Bijeljina SJB that indicated involvement of paramilitaries in the confiscation of vehicles and other goods at checkpoints in Zvornik.[3789] In particular, these statements pointed to the involvement of three paramilitaries, namely Rade Tanasković, Milan Timotić, and Budimir Živančević, who confiscated approximately 15 to 20 (or more) vehicles at a checkpoint in Karakaj in the municipality of Zvornik.[3790] According to what emerged from the interviews, some of these cars were returned, some sold, some kept for use by the Yellow Wasps, and others stored at Tanacković's home in Čelopek.[3791]

1578. According to a report sent by the Zvornik SJB to the Bijeljina CSB on 29 June 1992, from 1 April 1992 the police had conducted 80 searches of apartments and other premises belonging to "Muslim extremists".[3792]

(i) Takeover of Divič

1579. The town of Divič is located 2 km south of the town of Zvornik and approximately 200 metres across the river from Mali Zvornik in Serbia.[3793]

1580. Even after the fall of Zvornik, the people of Divič wished to remain in their village despite an open route that would have allowed them to flee to Tuzla. The citizens of Divič were constantly told to surrender their weapons and to leave the village. A loudspeaker issued threats from the Serb

[3786] Milorad Davidović, P1557.07, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 27 June 2005, T. 15228.
[3787] Milorad Davidović, P1557.07, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 27 June 2005, T. 15228-15229.
[3788] Milorad Davidović, P1557.01, Witness Statement, 14-19 November 2004 and 25-29 January 2005, pp. 32-34; Dragomir Andan, 26 May 2011, T. 21344; P830, Official Record of a Statement given by Darko Miletić, 3 August 1992, p. 1.
[3789] P320, Statement to Bijeljina Public Security Station Regarding Checkpoint Incidents, 6 August 1992, p. 4 (confidential); P832, Official Record of a Statement given by Dobrivoje Ikonić, 3 August 1992, pp. 1-2; P833, Official Record of Statement given by Miodrag Pavlović, 3 August 1992, p. 2; P844, Official Record of a Statement given by Siniša Filipović, 3 August 1992, p. 2; P2002, Official Record of a Statement given by Goran Stefanović, 2 August 1992, pp. 1-2; P2003, Official Record of a Statement given by Ilija Visić, 3 August 1992, pp. 1, 3; P2004, Official Record of a Statement given by Dragan Pisić, 3 August 1992, p. 2.
[3790] P320, Statement to Bijeljina Public Security Station Regarding Checkpoint Incidents, 6 August 1992, p. 4 (confidential); P826, Official Record of Statement given by Siniša Kovačević, 2 August 1992, pp. 2-3; P832, Official Record of a Statement given by Dobrivoje Ikonić, 3 August 1992, p. 1; P2003, Official Record of a Statement given by Ilija Visić, 3 August 1992, pp. 1, 3.
[3791] P320, Statement to Bijeljina Public Security Station Regarding Checkpoint Incidents, 6 August 1992, p. 3 (confidential); P826, Official Record of Statement given by Siniša Kovačević, 2 August 1992, p. 3; P832, Official Record of a Statement given by Dobrivoje Ikonić, 3 August 1992, pp. 1 -2; P833, Official Record of Statement given by Miodrag Pavlović, 3 August 1992, p. 2.
[3792] P346, Report from the Zvornik SJB to the Bijeljina CSB for the period of 1 April to 30 June 1992, 29 June 1992, p. 2.
[3793] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 2.

command post across the river Drina in Mali Zvornik.[3794] During this period, ST088, a Muslim, was no longer able to go to work due to checkpoints set up by paramilitary formations between Divič and Karakaj.[3795]

1581. ST088 testified that, in late April 1992, after the fall of Kula Grad, the JNA shelled Divič from the direction of the Republic of Serbia.[3796] Other forces then entered Divič from the direction Zvornik, including Arkan's Men, the White Eagles, and reserve police.[3797] As a consequence, 1,000 Muslim civilians fled towards Jošanica, a town in BiH.[3798] When some of them attempted to return in May 1992, they were turned away by Serb Forces.[3799]

1582. On 26 or 28 May 1992, the Yellow Wasps forced 400 to 500 Muslim civilians who had remained in Divič onto Drina-Trans buses and told them that they would be taken to Muslim territory.[3800] The Yellow Wasps took women, children, and the elderly to Crni Vrh, where they were released and allowed to depart on foot.[3801] The Muslim men, who numbered 186, were first detained for two days in a building of the Novi Izvor company, in Zvornik. Here, ST088 heard one of the guards saying to another guard that, although they were detained, these 186 men were not guilty of anything.[3802] At some point in the course of these two days, the paramilitaries selected 11 young men and took them to Divič to help transport booty from the village. ST088 believed that these men were then killed and recalled the names of seven of them: Hasan Tuhčić, Kemal Tuhčić, Mehmed Tuhčić, Alija Tuhčić, Pezerović, Ibrahim Markošević, and Fikret Hadžiavdić.[3803]

1583. The Trial Chamber has reviewed forensic evidence in relation to these alleged killings. Fikret Hadžiavdić, a man from Divič, died in Zvornik on 26 May 1992 of a gunshot wound to the head.[3804] Ibrahim Kuljanin, also from Divič, was determined to have died in Zvornik on 28 May 1992 from a gunshot wound to the chest.[3805] Ahmet Kuršumović died of gunshot wounds to

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[3794] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 3.
[3795] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15788 (confidential).
[3796] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15733 (confidential).
[3797] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 3-4; Adjudicated Fact 1383.
[3798] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 3-4; Adjudicated Fact 1384.
[3799] Adjudicated Fact 1384.
[3800] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 5; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15738 (confidential); Petko Panić, 13 November 2009, T. 3050; Adjudicated Fact 1385. The civilian status of these people is corroborated by the evidence of ST088, discussed above, according to which the defence of Divić in mid-March 1992 numbered just 23 men.
[3801] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 5.
[3802] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 6; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15745 (confidential).
[3803] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 6.
[3804] P2466, Proof of Death Database (CHS), "ordinal number" 7709, Death Certificate of Fikret Hadžiavdić (confidential).
[3805] P2466, Proof of Death Database (CHS), "ordinal number" 7712, Death Certificate of Ibrahim Kuljanin (confidential).

the thorax and to the head.[3806] Salih Omerović, from Divič, was determined to have died on 27 May 1992 in Zvornik of a gunshot wound to the head.[3807] Alija Tuhčić, from Divič, was found to have died on 27 May 1992 in Zvornik of a perforating wound to the forehead.[3808] Hasan Tuhčić, from Divič, was found to have died on 30 May 1992 in Zvornik. The cause of death was determined to be a shattered head and an entry-exit wound to the chest.[3809] Kemal Tuhčić, from Divič, was found to have died in Zvornik on 28 May 1992.[3810] The cause of death was found to be a perforating wound to the head and a gunshot wound to the thorax.[3811] Mehmed Tuhčić, from Divič, was found to have died on 30 May 1992 in Zvornik.[3812] The cause of death was determined to be a perforating gunshot wound to the head.[3813] When the bodies of all of these men were exhumed, they were found to be in civilian clothes.[3814] Ibrahim Markošević and Enver Pezerović, from Divič, died respectively on 8 and 28 May 1992 in Zvornik.[3815]

1584. After two days of detention in the Novi Izvor building, the approximately 170-175 remaining men from the village of Divič were transferred to the Čelopek Dom, where they were detained for a month.[3816] The Trial Chamber will consider the evidence concerning the treatment of the detainees in these detention centres later in this chapter.

(ii) Takeover of Kostijerevo and Drinjača

1585. The village of Kostijerevo is located about 1 to 2 km from Drinjača and 15 km from Zvornik.[3817] ST014 testified that, towards the end of 1991 until the end of March 1992, Mehmed Hodžić organised guards in the Muslim villages of Kostijerevo and Drinjača.[3818] Members of this guard were armed with hunting rifles and a few weapons purchased on the black market.[3819] ST014 testified that, after the fall of Kula Grad on 26 April 1992, he was told that the Serbs had announced

[3806] P2466, Proof of Death Database (CHS), "ordinal number" 7718, Court Record of Post-mortem Examination of Ahmet Kuršumović (confidential).
[3807] P2466, Proof of Death Database (CHS), "ordinal number" 7722, Death Certificate of Salih Omerović (confidential).
[3808] P2466, Proof of Death Database (CHS), "ordinal number" 7733, Death Certificate of Alija Tuhčić (confidential).
[3809] P2466, Proof of Death Database (CHS), "ordinal number" 7740, Death Certificate of Hasan Tuhčić (confidential).
[3810] P2466, Proof of Death Database (CHS), "ordinal number" 7748, Death Certificate of Kemal Tuhčić (confidential).
[3811] P2466, Proof of Death Database (CHS), "ordinal number" 7744, Court Record of Post-mortem Examination of Kemal Tuhčić (confidential).
[3812] P2466, Proof of Death Database (CHS), "ordinal number" 7754, Death Certificate of Mehmet Tuhčić (confidential).
[3813] P2466, Proof of Death Database (CHS), "ordinal number" 7753, Court Record of Post-mortem Examination of Mehmet Tuhčić (confidential).
[3814] P2466, Proof of Death Database (CHS), "ordinal numbers" 7706, 7714, 7718, 7723, 7734, 7739, 7744, 7753, Court Record of Post-Mortem Examinations (confidential).
[3815] P2466, Proof of Death Database (CHS), "ordinal numbers" 7720.1, 7727.1, ICRC Missing Persons Report (confidential).
[3816] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 5-6, 10.
[3817] ST014, 4 November 2009, T. 2624-2625; P293, Map of Zvornik marked by ST014 (confidential).
[3818] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 3 (confidential).
[3819] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 3 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21418 (confidential).

on the radio that all surrounding villages should surrender.[3820] During this period, Serbs fired during the night to scare the Muslim residents.[3821] On 26 April 1992, a Serb policeman, Ljubiša Petrović, came to Kostijerevo and told the villagers that they should prepare themselves to surrender their weapons or the army would confiscate them by force.[3822] Kostijerevo, Drinjača, and all the surrounding villages surrendered within three days.[3823]

1586. On 29 April 1992, JNA and paramilitary units came to Drinjača with Yugoslav flags flying on their military vehicles and seised weapons in possession of the Muslims.[3824] No significant resistance was mounted.[3825] ST014 heard that Marko Pavlović oversaw the seizure of weapons and promised the villagers that they would be safe.[3826] After this date, Muslims from Drinjača who needed to travel to Karakaj in order to get to work were harassed, insulted, or beaten, and forced to turn back.[3827] As a consequence, no one went to work anymore, the Muslims' distrust of their Serb neighbours grew, and the two ethnic groups no longer had any contact.[3828]

1587. On 30 May 1992, military trucks—filled with soldiers in camouflage and ex-JNA uniforms and flanked by two cannons—surrounded the village of Kostijerevo.[3829] According to ST014, Alija Ahmetović, Murat Šabanović, Besim Dautović, Muriz Zahirović, and Mirsad Dautović were shot on the spot for trying to escape.[3830] The soldiers arrested 150 men, women, and children and gathered them in front of a house.[3831] ST014 stated that the soldiers beat, insulted, and mocked them. They told them "let the sovereign Bosnia and Izetbegović help you now if they can."[3832] Thirty soldiers made all the Muslims in the village march to the Dom Kulture in Drinjača, which was located in the same building complex as the Drinjača School.[3833] These soldiers told the

[3820] ST014, P292.03, Witness Statement, 15-16 January 2001, pp. 3-4 (confidential); ST014, 4 November 2009, T. 2644-2645.
[3821] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 4 (confidential).
[3822] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 4 (confidential); ST014, 4 November 2009, T. 2627-2628 (confidential).
[3823] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 4 (confidential); ST014, 4 November 2009, T. 2627 (confidential).
[3824] ST014, P292.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21436 (confidential); ST014, 4 November 2009, T. 2645.
[3825] ST014, 4 November 2009, T. 2627, 2629 (confidential).
[3826] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 4 (confidential); ST014, P292.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21436 (confidential).
[3827] ST014, P292.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21436-21437 (confidential).
[3828] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 4 (confidential).
[3829] ST014, P292.03, Witness Statement, 15-16 January 2001, pp. 2, 5 (confidential).
[3830] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21403 (confidential); P292.06, List of Persons Killed in Drinjača School on or about 30 May 1992, p. 1 (confidential).
[3831] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 5 (confidential); Adjudicated Fact 1400.
[3832] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 5 (confidential).
[3833] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 6 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21387 (confidential); ST014, 4 November 2009, T 2631; P294, Photograph of Drinjača School and Dom Kulture; Adjudicated Fact 1400.

villagers that they would kill anyone who tried to escape.[3834] At 4:00 p.m., more Muslim detainees were brought in from Kostijerevo, Sopotnik, Devanja, and Drinjača.[3835] There were approximately 150 women and children at the Dom Kulture in Drinjača and 91 men, all of whom were Muslim.[3836] Branko Studen, who was lieutenant at the Zvornik garrison unit in Karakaj, ordered the women and children to leave in order to head towards Tuzla.[3837] The Muslim men remained at the Dom Kulture in Drinjača.[3838]

(iii) Takeover of Klisa

1588. On 1 June 1992, in Klisa, there were about 4,000 unarmed Muslim "refugees" from 13 different villages.[3839] On this day, heavily armed Serb paramilitaries and JNA soldiers surrounded the village.[3840] These soldiers fired shots into the air and compelled the 4,000 "refugees" to head towards Đulići, a village about 2 to 3 km from Klisa and also known as Bijeli Potok. The armed Serb soldiers escorted the "refugees".[3841] At a checkpoint between Klisa and Đulići, the Muslim "refugees" were searched for weapons. Those who had cars, tractors, and farming equipment were forced to abandon them.[3842]

1589. In Đulići, members of the army and of the police, including a Muslim officer, separated men from women, children, and the elderly.[3843] The women, children, and the elderly were transported to Memići, which was in Muslim-controlled territory, while about 750 men aged 16 to 70 were taken to the workshop building belonging to the Karakaj Technical School.[3844] Some of the soldiers took money and identification documents from these men.[3845]

(iv) Arrests in Đulići

[3834] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 6 (confidential).
[3835] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 6 (confidential); Adjudicated Fact 1400.
[3836] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21389 (confidential).
[3837] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 6 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21389, 21390 (confidential).
[3838] ST014, P292.03, Witness Statement, 15-16 January 2001, pp. 6-7 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21389-21391 (confidential).
[3839] ST015, P299.04, Witness Statement, 24 November 1996, p. 2 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21468, 21524 (confidential).
[3840] ST015, P299.04, Witness Statement, 24 November 1996, pp. 2-3 (confidential); ST015, 4 November 2009, T. 2661.
[3841] ST015, P299.04, Witness Statement, 24 November 1996, p. 3 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21471 (confidential).
[3842] ST015, P299.04, Witness Statement, 24 November 1996, p. 3 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21471 (confidential).
[3843] ST015, P299.04, Witness Statement, 24 November 1996, p. 3 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21472 (confidential); ST015, 4 November 2009, T. 2661-2662.
[3844] ST015, P299.04, Witness Statement, 24 November 1996, pp. 3-4 (confidential); ST015, P299.05, Witness Statement, 9 July 2002, p. 2 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21473 (confidential); Petko Panić, 11 November 2009, T. 2898-2900, 12 November 2009, T. 2989; ST215, 27 September 2010, T. 14883, 14891-14892.
[3845] ST015, P299.04, Witness Statement, 24 November 1996, p. 3 (confidential).

1590. After the fall of Zvornik town, the Muslims of Đulići were concerned about their safety.[3846] Only 2,500 out of 7,000 Muslims remained in the village.[3847] There was no work or food, all the shops were closed, and no electricity or medication was available. There were daily raids in the village, with men searching houses and carrying out arrests.[3848] The villagers, concerned for their security, were informed by Serb officials that Pavlović and Grujić had stated that there were not enough personnel to guarantee their security, that the villagers were free to leave, that they could take their personal belongings with them, and that buses would be provided for their transport.[3849] According to ST215, the people of Đulići accepted this as their only option.[3850] ST215 was not in Zvornik when the villagers left Đulići, but he later learned that Pavlović had detained a certain number of men at the Karakaj Technical School in Zvornik and sent the others to Serbia.[3851] The men taken to Karakaj were civilians, not combatants. Nevertheless, Pavlović arrested them because he needed them for an exchange with Serb prisoners in Tuzla.[3852]

(v) Kozluk

1591. By the end of May 1992, a large number of Muslims had gathered in Kozluk fearing paramilitaries and Serb forces who harassed them with demands to surrender arms.[3853] On 20 June 1992, the Serb TO began an attack against Kozluk.[3854] On 26 June 1992, the TO and paramilitaries entered the village and informed the Muslims that they had one hour to leave or they would be killed.[3855] Among the group were Branko Grujić, president of the Zvornik SDS and Crisis Staff, Pavlović, commander of the TO, and Jovan Mijatović, a member of the Zvomik Crisis Staff and a deputy to the Bosnian-Serb Assembly.[3856] Serb Forces told the Muslims that they could not take personal belongings with them and made them sign a statement surrendering their property.[3857] Serb Forces organised a convoy of vehicles and transported approximately 1,800 people from Kozluk to Serbia.[3858] With regard to the departure of the Muslims in Kozluk after the Serb attack against their village, the Trial Chamber has also reviewed an entry in Ratko Mladić's diary for the period of 27 May to 31 July 1992. In this entry, Mladić wrote: "We were most active in evicting

[3846] ST215, 27 September 2010, T. 14883, 14891.
[3847] ST215, 27 September 2010, T. 14883, 14892.
[3848] ST215, 27 September 2010, T. 14892.
[3849] ST215, 27 September 2010, T. 14891-14892.
[3850] ST215, 27 September 2010, T. 14892.
[3851] ST215, 27 September 2010, T. 14893.
[3852] ST215, 27 September 2010, T. 14892-14893.
[3853] Adjudicated Fact 1388.
[3854] Adjudicated Fact 1392.
[3855] Adjudicated Facts 1393, 1394.
[3856] Adjudicated Fact 1393.
[3857] Adjudicated Fact 1394.
[3858] Adjudicated Fact 1395.

Muslims, we had brought peace to Sepak, Divič, and Kozluk. Some of them wanted to move out, while we demanded it."[3859]

(vi) Resettlement of Serbs in Muslim villages

1592. In early June 1992, Serbs moved into the villages in the municipality of Zvornik where Muslims had been removed. Some of them had been ordered to do so by the provisional government of the Serb municipality of Zvornik.[3860] According to ST015, Serbs from Brnci, near Živinice, had moved into the homes of Muslims in Đulići, Rakoda, Lupići, Mrkodo, and Musići.[3861] The resettlement of abandoned Muslim villages with Serbs is supported by an entry in Ratko Mladić's diary, according to which, at a meeting on 30 June 1992, Grujić had reportedly made a reference to "32,000 Serbs" and stated, "We have successfully implemented the president's decision to settle Divič and Kozluk with our children."[3862]

(c) Detention centres

(i) SUP building

1593. The evidence shows that, between 1 April and 30 June 1992, the Zvornik SUP interviewed 300 individuals and took 200 statements about activities of "Muslims and other extremist groups and individuals."[3863] It is unclear whether these people were held in the SUP building overnight, released, or transferred to other facilities.

(ii) Čelopek Dom

1594. The Dom Kulture was a community centre located in the town of Čelopek.[3864] It operated as a detention facility from June to July 1992. The detainees were guarded by a small number of reserve police officers of retirement age.[3865]

1595. At the end of May 1992, approximately 175 men who had been taken captive after the takeover of Divič were detained at the Dom.[3866] The prisoners were kept in a room measuring 8 by 15 metres with 7-metre-high ceilings and slept on the tile floors. Upon their arrival, the prisoners

[3859] P1755, Notebook of Ratko Mladić covering the period of 27 May 1992 to 31 July 1992, pp. 253-254.
[3860] Adjudicated Fact 1387.
[3861] ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21474 (confidential).
[3862] ST215, 27 September 2010, T. 14909; P1755, Notebook of Ratko Mladić Covering the Period of 27 May 1992 to 31 July 1992, pp. 249-250.
[3863] P346, Report from the Zvornik SJB to the Bijeljina CSB for the period of 1 April to 30 June 1992, pp. 1-2.
[3864] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 6.
[3865] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 5-9; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15791-15792 (confidential); Petko Panić, 13 November 2009, T. 3054-3056; ST121, 24 November 2009, T. 3760-3761 (confidential); ST222, 8 November 2010, T. 17079.
[3866] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 5-6.

were not provided with food and water for three days and thereafter only received a small amount of food twice a day.[3867]

1596. On the third day of the men's detention, paramilitary groups began arriving at all hours, including a group led by Major Toro, a group called Pivarski, and six or seven men working under Dušan Repić.[3868] The Trial Chamber understands that Repić was—together with his brother, Žućo—a leader of the Yellow Wasps.[3869] The prisoners were locked up with a chain, which the police removed when the paramilitaries came to the prison.[3870] Panić testified that Repić used to come in a long rain coat with a knife in his hand and make the guards move away.[3871] The reserve police officers feared for their own safety and that of their families because most of these officers were from Čelopek.[3872]

1597. The paramilitaries confiscated valuables from the prisoners.[3873] They regularly beat them with iron bars, chains, and "buzdovans" (a metal bar with a fixed spiked ball at one end), causing serious injuries.[3874] They forced the prisoners to slap each other, sometimes to the point where the prisoners would lose consciousness.[3875]

1598. Sometime between 5 and 11 June 1992, paramilitaries of Toro's Group selected three prisoners named Nurija Hadžiavdić, Ramo Alihodžić, and Salih Zahirović. Immediately after they were taken, ST088 recalled hearing "blows and moans and then shots." After some time had passed, two more prisoners were taken, and only one of them returned. The prisoner who returned informed ST088 that he and others had loaded the bodies of Nurija Hadžiavdić, Ramo Alihodžić, and Salih Zahirović into a car. The prisoner told them that Zahirović had been tied to a car and dragged along the street. This was confirmed the next morning by the police who were guarding the prisoners.[3876]

1599. On 11 June 1992, during the Bajram Muslim holiday, Dušan Repić arrived at the Dom Kulture.[3877] One of his men, Pufte, beat Ejub Tuhčić, a Muslim, in front of the witness with a chair

[3867] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 6.
[3868] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 7; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15752 (confidential).
[3869] Milorad Davidović, P1557.01, Witness Statement, 29 January 2005, p. 32; 1D646, Report compiled by Milorad Davidović on the Activities of the Serbian Federal Ministry of Interior, p. 9; Adjudicated Fact 1413.
[3870] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15792 (confidential).
[3871] Petko Panić, 11 November 2009, T. 2903.
[3872] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15792 (confidential); Petko Panić, 12 November 2009, T. 3014-3016; ST222, 9 November 2010, T. 17132.
[3873] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 6-7.
[3874] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 7-8.
[3875] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15753 (confidential).
[3876] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 7.
[3877] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 7; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15753 (confidential).

and other instruments.[3878] Due to his injuries, Ejub lapsed into a coma; ST088 attempted to acquire medical help for this man on two different occasions from a police guard, but it was denied.[3879] Ejub Tuhčić died on 15 June 1995.[3880] Then Repić forced all the prisoners to strip.[3881] Two pairs of fathers and sons, one of which was Almir and Fikret Jajagić, and two cousins were made to perform sexual acts on each other, including intercourse and penetration by a broom handle. At one point the paramilitaries "assisted".[3882] ST088 further testified that the paramilitaries abused the prisoners by cutting off a penis or ear and forcing other prisoners to ingest it. If the prisoner could not eat it, he was killed. Paramilitaries also cut off the fingers of detainees and carved crosses into their foreheads and backs using a home-made curved knife.[3883] Several men were abused and killed in this fashion, including: Zulkarnejn Efendić, Šaban Bikić, Fikret Jajagić, Sakib Kapidžić, and Zajim Pezerović.[3884] Fikret Jajagić and Šaban Bikić's remains were found at Crni Vrh.[3885]

1600. On the same day—11 June 1992—Repić shot Alija Atlić, Salih Hadžiavdić, Hasan Atlić, and Damir Bikić.[3886] The body of Salih Hadžiavdić was exhumed at Crni Vrh on 28 July 2003.[3887] Repić and his men then left, but the reserve police stayed on.[3888] The police officers forced two prisoners to load the dead bodies onto a truck. One prisoner, Husein Salihović, was forced to go with the truck and did not return.[3889] ST088 stated that Repić had been in charge of "the whole incident" of 11 June 1992.[3890]

1601. On 27 June 1992, Repić returned to the Dom Kulture alone carrying an automatic rifle and two magazines of bullets. He ordered the prisoners to line up in rows, he began shooting them one by one. Farid Hadžiavdić was among those shot. Repić was then surrounded by the several of the detainees. He panicked, but managed to push his way out of the circle and angrily ordered the prisoners to line up against a wall.[3891] Repić shot them, killing 20 and wounding 22, after which he ran out of bullets and left.[3892] The police then arranged for two trucks to remove the dead bodies.[3893]

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[3878] ST088, P2188, Witness Statement, 30 June 1996, pp. 1, 7 (confidential).
[3879] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 7.
[3880] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 7.
[3881] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 8; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T.15753 (confidential).
[3882] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15754 (confidential).
[3883] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 8; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15755-15756 (confidential).
[3884] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 8; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15756 (confidential).
[3885] See Annex II, section on Zvornik.
[3886] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 8.
[3887] See Annex II, section on Zvornik.
[3888] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15756 (confidential).
[3889] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 9.
[3890] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 8.
[3891] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 9.
[3892] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 9; ST222, 8 November 2010, T. 17082.
[3893] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 10.

1602. In late June to July 1992 the police, after local Serb women had protested about the killing of men from Divič at the Dom, transferred the detainees.[3894] Pursuant to the orders of the chief of the Zvornik SUP, Marinko Vasilić, a number of active policemen transferred around 104 of the prisoners at the Čelopek Dom back to the misdemeanour court next to the Novi Izvor administration building.[3895] According to ST222, active police were dispatched because they were more experienced than the reserve police who were guarding the detainees. They had to threaten members of the TO, the paramilitaries, and the locals with weapons to carry out the transfer.[3896] ST222's evidence in this regard is, however, partly contradicted by ST088, who stated that the prisoners were escorted to Novi Izvor by the reserve police.[3897]

(iii) Novi Izvor administration building and misdemeanour court

1603. The misdemeanour court and the Novi Izvor administration building were located 20 metres from the SUP within the same building complex in the town of Zvornik.[3898] They operated as detention centres at least in mid-May or early June 1992 and as late as 1993.[3899] Detainees were first processed by military security, brought to Zvornik police station and interrogated, and then placed in the Novi Izvor administration building.[3900]

1604. This detention centre was under the authority of the TO commander, Marko Pavlović.[3901] However, the evidence shows that it was guarded by five reserve police officers, whose numbers increased after about 104 detainees from Divič returned to this detention centre at the end of June 1992. According to ST222, after this transfer these two buildings operated as a single facility.[3902] The reserve police officers were supervised by an active police officer of the Zvornik SJB.[3903] The policemen had been assigned to the detention centre by the assistant commander of the Zvornik SJB, but the orders they received were subject to Pavlović's approval.[3904]

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[3894] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 9-10; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15756 (confidential); Petko Panić, 13 November 2009, T. 3056; ST222, 8 November 2010, T. 17081 (confidential).
[3895] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 10; ST222, 8 November 2010, T. 17081 (confidential) and 9 November 2010, T. 17131-17132.
[3896] ST222, 9 November 2010, T. 17132.
[3897] ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15758 (confidential).
[3898] Petko Panić, 13 November 2009, T. 3061.
[3899] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, p. 2; Ramiz Smajilović, 6 November 2009, T. 2749-2750; Petko Panić, 11 November 2009, T. 2932; ST222, 9 November 2010, T. 17121 (confidential), 17127.
[3900] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 6; ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15746 (confidential); ST222, 8 November 2010, T. 17066, 17059, 17064.
[3901] ST222, 9 November 2010, T. 17164 (confidential).
[3902] ST222, 8 November 2010, T. 17066.
[3903] ST222, 8 November 2010, T. 17055-17056, 17068 (confidential), 17064-17066; ST222, 9 November 2010, T. 17133; P1701, List of Employees of Public Security Station Zvornik in September 1992, p. 4, para. 39.
[3904] ST222, 9 November 2010, T. 17164 (confidential).

1605. On 15 May 1992, 30 men in JNA, camouflage, and reserve police uniforms arrested Ramiz Smajilović, a Muslim from Glumina in the municipality of Zvornik, without giving him any reason for the arrest.[3905] Despite finding only binoculars, Smajilović was arrested by a group led by a man named Simić, a reserve policeman.[3906] The soldiers searched Smajilović's house and then burned it.[3907] Smajilović was taken to the misdemeanour court, where he was detained from 15 May 1992 until he was transferred to the administration building, when the prisoners from Divič arrived at the end of June 1992.[3908] In mid-May 1992, the misdemeanour court was comprised of seven or eight rooms measuring around 3 by 3 metres (or 3 by 4 metres); each held about 12 men of Muslim ethnicity.[3909] The detainees slept on the concrete floor. Smajilović testified that there was not enough food and the prisoners only had access to the toilets three times a day: morning, noon, and evening. There was slightly more access to the latrines at the Novi Zvor administration building.[3910] The prisoners received some medical treatment from either a doctor or a nurse who visited them two or three times.[3911] Aside from the Muslim prisoners, five Serbs accused of murder were kept in the misdemeanour court.[3912]

1606. In the misdemeanour court, Sreten Lazarević, a police officer and the camp's deputy commander, took Smajilović's driver's licence, watch, and about 200 DM.[3913] Lazarević never explained to Smajilović why he had been arrested nor was Smajilović ever shown an arrest warrant.[3914] A police officer named Sredoje Vuković told Smajilović and the other detainees that 90% of the people at the Novi Izvor administration building had done nothing to be there.[3915] An hour after Smajilović arrived, Lazarević escorted him to another room, where a man described as a reserve police officer beat him on his head, shoulders, and hands until he could no longer stand.[3916] With regard to this incident, the Trial Chamber has also received evidence from ST222, who testified that on one occasion a man from Gogić's paramilitary group beat a detainee named Ramiz Smajilović with a baton, but was then chased away by an armed police officer. According to ST222, Gogić's men wore police uniforms and came from Serbia.[3917] ST222's evidence is corroborated by

[3905] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, pp. 1-2.
[3906] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, p. 2; Ramiz Smajilović, 6 November 2009, 2743-2744.
[3907] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, p. 2; Ramiz Smajilović, 6 November 2009, T. 2744-2746.
[3908] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, p. 3; Ramiz Smajilović, 6 November 2009, T. 2747; ST088, P2189, Public Redacted Witness Statement, 30 June 1996, pp. 9-10.
[3909] Ramiz Smajilović, P314, Witness Statement, 15 April 2004, p. 3; Ramiz Smajilović, 6 November 2009, T. 2755-2756.
[3910] Ramiz Smajilović, 6 November 2009, T. 2756.
[3911] ST088, P2189 Public Redacted, Witness Statement, 30 June 1996, p. 10; ST222, 9 November 2010, T. 17133.
[3912] ST222, 9 November 2010, T. 17127.
[3913] Ramiz Smajilović, P314, Witness Statement, 15 April 2005, p. 3; Ramiz Smajilović, 6 November 2009, T. 2747.
[3914] Ramiz Smajilović, 6 November 2009, T. 2746.
[3915] Ramiz Smajilović, 6 November 2009, T. 2751-2752.
[3916] Ramiz Smajilović, P314, Witness Statement, 15 April 2005, p. 3.
[3917] ST222, 8 November 2010, T. 17071-17075 (confidential).

the evidence of Panić, who testified that members of Gogić's group had been issued police uniforms and were paid by the MUP.[3918] As a result of the beating, Smajilović was so swollen he could not move his head for the next three days, but did not receive any medical help.[3919] Smajilović's beating was reported by the police guarding the facility to their superiors, but no investigations were initiated and no action taken.[3920]

1607. Both Smajilović and ST088 testified to a number of beatings they received during their imprisonment at Novi Izvor and the misdemeanour court. These beatings were inflicted by reserve police officers and men in military uniforms, at least once in the presence of Marko Pavlović.[3921] Smajilović still suffers from the injuries he received from his beatings.[3922] A man named "Saša" physically assaulted and sexually abused the prisoners.[3923] ST088 recalled that the prisoners were beaten by people referred to as "Šareni", who beat men in order to extort money from them. Members of the Šareni group promised Ibrahim Halilović that he would be released if Halilović took these men to his house and gave them money. However, after doing so, he was returned to the misdemeanour court.[3924] At an unspecified time between 15 May 1992 and Smajilović's release in September, a man by the name of Gazibegović was killed by police while allegedly trying to escape from the compound hosting the Novi Izvor administration building and the misdemeanour court.[3925]

1608. According to Smajilović, the paramilitaries who entered the camp to injure the detainees only did so with the assistance of the reserve police guarding the building, who unlocked the doors. During the beatings, a police officer was always present.[3926] Panić attributed the paramilitary's access to the fact that they threatened the reserve policemen with weapons in order to enter the prison at Novi Izvor and mistreat the detainees.[3927] According to Panić the paramilitaries, and the military police would not dare to enter if the active police were present.[3928] While the prison warden took some precautions to prevent their access, the beatings continued.[3929]

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[3918] ST222, 8 November 2010, T. 17074 (confidential); Petko Panić, 11 November 2009, T. 2906 and 12 November 2009, T. 2984-2985.
[3919] Ramiz Smajilović, P314, Witness Statement, 15 April 2005, p. 3.
[3920] ST222, 8 November 2010, T. 17074-17075 (confidential).
[3921] Ramiz Smajilović, 6 November 2009, T. 2751, 2757.
[3922] Ramiz Smajilović, 6 November 2009, T. 2757.
[3923] Ramiz Smajilović, P314, Witness Statement, 15 April 2005, p. 5.
[3924] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 10.
[3925] Ramiz Smajilović, P314, Witness Statement, 15 April 2005, pp. 2, 4-5.
[3926] Ramiz Smajilović, 6 November 2009, T. 2754.
[3927] Petko Panić 12 November 2009, T. 3026.
[3928] Petko Panić, 12 November 2009, T. 3027.
[3929] Ramiz Smajilović, 6 November 2009, T. 2778; Petko Panić, 12 November 2009, T. 3027.

1609. ST088 and Smajilović recalled that the police took prisoners out of Novi Izvor and force them to loot Muslim homes.[3930] Grujić sent the prisoners to a Muslim-owned bakery to dismantle the ovens in order to use them in his own bakery in Šćemlija.[3931]

1610. In mid-July 1992, a number of prisoners were transferred from Novi Izvor to the Batković camp in Bijeljina with the help of Serb municipal authorities.[3932] In September 1992, 56 prisoners still remained at Novi Izvor.[3933]

(iv) Drinjača Dom Kulture and Drinjača School

1611. Drinjača was a town located about 15 km south of Zvornik.[3934] The Dom Kulture was used as a detention facility, while the surrounding area and the school were used as killing grounds.[3935] The Dom Kulture operated as a detention centre only on 30 May 1992, when a unit of JNA reserve soldiers stood guard over 91 Muslim men from Kostijerevo, Sopotnik, Devanja, and Drinjača.[3936]

1612. On 30 May 1992, Branko Studen informed these detainees that specialists would come and ask them military questions and that if they cooperated they would be exchanged.[3937] Five to fifteen minutes after Studen left, Arkan's Men entered carrying metal and wooden sticks.[3938] The paramilitaries ordered the prisoners to sing "Chetnik" songs, state repeatedly that they were in Serbia, and "pray like Christians"; if the prisoners did not know how to pray, they were beaten.[3939] The JNA soldiers beat the prisoners with iron bars and wooden sticks to the point where they could not walk or lost consciousness.[3940] Mujo Šabanović was beaten and stabbed. ST014 saw Muriz Abidović being taken into a room by a soldier with an electric cable in his hand. Five minutes later

[3930] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 10; Ramiz Smajilović, P314, Witness Statement, 15 April 2005, p. 3.
[3931] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 10.
[3932] ST088, P2189, Public Redacted Witness Statement, 30 June 1996, p. 10; ST222, 9 November 2010, T. 17133-17135; 1D395, Order and Payment for Receipt for Transportation Services by Drina Trans, 21 July 1992, p. 4; Adjudicated Fact 1415.
[3933] Petko Panić, 13 November 2009, T. 3034, 3036, 3049; P347, Report of Public Security Station Zvornik on Activities of the Zvornik Public Security Station for the months of July, August, and September 1992, p. 2.
[3934] ST014, 4 November 2009, T. 2624-2625, 2631 (confidential); P294, Photograph of Drinjača School and Dom Kulture.
[3935] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21395 (confidential); ST014, P292.03, 16 January 2001, pp. 8-9 (confidential); ST014, 4 November 2009, T. 2631 (confidential); P294, Photograph of the Drinjača School and Dom Kulture.
[3936] ST014, P292.03, Witness Statement, 15-16 January 2001, pp. 5-6 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21387, 21389 (confidential); Adjudicated Fact 1400.
[3937] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 7 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21390 (confidential).
[3938] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21391 (confidential); ST014, P292.03, Witness Statement, 15-16 January 2001, p. 7 (confidential).
[3939] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 7 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, 29 May 2003, Case No. IT-02-54-T, T. 21391-21392 (confidential); Adjudicated Fact 1401.
[3940] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 7 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, 29 May 2003, Case No. IT-02-54-T, T. 21392 (confidential).

he was brought back in very bad condition. In total, the paramilitaries and the soldiers beat around 30 men.[3941]

1613. Also on 30 May 1992, 15 minutes after Arkan's Men left, the White Eagles arrived.[3942] They chose 10 prisoners and started kicking and beating them and swearing their "Ustasha mothers" and "Turkish mothers".[3943] They also yelled, "Down with your heads you Turks, you balijas."[3944] Then they took them out of the Dom.[3945] ST014 heard the paramilitaries yell, "Hurry up you Turkish and Muslim motherfuckers."[3946] The White Eagles shot the prisoners and then returned for another 10 men.[3947] They repeated this process four times until ST014 was chosen and escorted out with another group of 10 and shot.[3948] ST014 was hit in the left hip and fell to the ground.[3949] Members of the White Eagles began kicking people to ascertain whether there was anyone alive.[3950] ST014 was kicked and then shot again in the right shoulder.[3951] Then the paramilitaries left and went back to the Dom to get more ammunition.[3952] ST014 stood up and saw dead people all around him. As he was running away from the execution site, he also saw about 20 dead people in the school compound just behind the Dom.[3953] ST014's father and three brothers were at the Dom,[3954] but none of them survived the shootings.[3955] ST014 remained a permanent invalid from his injuries.[3956] During the course of that day, an estimated 83 to 88 people were killed.[3957] The next day, ST221 loaded the bodies of those killed near the Dom Kulture into trucks and buried them two

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[3941] ST14, P292.03, Witness Statement, 15-16 January 2001, pp. 7-8 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, 29 May 2003, Case No. IT-02-54-T, T. 21392 (confidential).
[3942] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 8 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21392-21393 (confidential).
[3943] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 8 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21395 (confidential); Adjudicated Fact 1402.
[3944] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21394-21395 (confidential).
[3945] ST014, P292.03, Witness Statement, 15-16 January 2001, pp. 8-9 (confidential).
[3946] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21395 (confidential).
[3947] ST14, P292.03, Witness Statement, 15-16 January 2001, p. 9 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21395 (confidential); Adjudicated Fact 1402.
[3948] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 9 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21395-21396 (confidential).
[3949] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 9 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21396-21397 (confidential); ST014, P292.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21451 (confidential).
[3950] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 9 (confidential).
[3951] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 9 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21397, 21398 and 2 June 2003, T. 21451 (confidential).
[3952] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 9 (confidential); ST014, P292.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21452 (confidential).
[3953] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 9 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21397 (confidential).
[3954] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21394 (confidential).
[3955] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21401 (confidential).
[3956] ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21406 (confidential).
[3957] ST221, P1708, Witness Statement, 17-18 May 2003, p. 7 (confidential); ST221, 8 November 2010, T. 17028-17029; Adjudicated Fact 1402.

days later at Ramin Grob, where they were exhumed in 1998.[3958] ST014 compiled a list of names of those who had been at the Dom Kulture with him.[3959] Five of the men listed have been exhumed from Ramin Grob in Glumina: Šaban Osmanović, Bajro Osmanović, Nezir Beganović, Mehmedelija Alić, and Redjo Bjelić.[3960] All died of injuries inflicted from gunshot wounds except for Nezir Beganović whose cause of death was not ascertained.[3961] The Chamber has identified 50 victims from among 50 persons named in the Prosecution's Final Victims List in relation to this incident. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

(v) Ekonomija Farm

1614. Ekonomija Farm was located in the town of Karakaj, a town 3 km north of Zvornik.[3962] Guarded by reserve police officers, in April and May 1992 it held several Muslim detainees brought in after being questioned by the military at the Alhos and Standard factories in Karakaj.[3963]

1615. ST222 testified that both the detainees and the guards lived under similar conditions: they ate food from the same kitchen and slept on wooden planks with blankets.[3964] According to ST222, "given the circumstances, it couldn't have been any better."[3965] However, the Trial Chamber has considered further evidence from ST222 and is not satisfied that the witness's assessment in this regard can be relied upon.[3966] At the Ekonomija Farm, on at least one occasion, paramilitaries mistreated the detainees. In this regard, the Trial Chamber has received evidence that the police staff in the prison, aware of the beatings, tried to take measures to prevent the paramilitaries from entering the facility, including reporting at least one incident to their superiors, but no investigation ensued. However, the elderly policemen guarding the facility did not dare stand up to the paramilitaries. While some evidence indicates that, after these measures were taken, the paramilitaries stopped beatings the inmates, the Trial Chamber is not satisfied that the source was in a position to give reliable evidence on whether the beatings had indeed stopped.[3967]

[3958] ST221, P1708, Witness Statement, 17-18 May 2003, p. 7 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21401 (confidential).
[3959] P292.06, List of Persons Killed in Drinjača, 30 May 1992, pp. 1-3 (confidential).
[3960] P292.06, List of Persons Killed in Drinjača, 30 May 1992, pp. 1-3 (confidential); ST014, P292.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 29 May 2003, T. 21403 (confidential).
[3961] See Annex II, section on Zvornik.
[3962] Adjudicated Fact 1398.
[3963] ST222, 8 November 2010, T. 17050, 17054-17056, 17058 and 9 November 2010, T. 17113-17114 (confidential); Adjudicated Fact 1398.
[3964] ST222, 8 November 2010, T. 17055 and 9 November 2010, T. 17114-17115 (confidential).
[3965] ST222, 9 November 2010, T. 17114 (confidential).
[3966] ST222, 8 November 2010, T. 17055-17056 (confidential).
[3967] ST222, 8 November 2010, T. 17054-17058 and 9 November 2010, T. 17162-17163 (confidential).

1616. Sometime in May to June 1992, the police officers guarding Ekonomija were instructed by their superiors to move the 10 to 12 prisoners at Ekonomija to the Karakaj Technical School.[3968] At this point, Ekonomija ceased to be used as a detention facility.[3969]

(vi) Karakaj Technical School and Gero's Slaughterhouse

1617. The technical school was located in Karakaj, on the right side of the road between the town and Bijeljina.[3970] The workshop where the detainees were held and the actual school building were part of the same courtyard complex.[3971] From 1 to 5 June 1992, the 700 to 750 Muslim detainees from Klisa were held in the school's workshop, located about 30 metres away from the school building.[3972] It was guarded by a unit of the TO called "Karakaj Company".[3973] However, persons wearing many different types of uniforms also came to this detention centre.[3974]

1618. The detainees were held in only one of the three rooms in the workshop.[3975] This room measured about 15 by 10 metres.[3976] The only available water was located in the second room, measuring 3 by 4 metres.[3977] This room was separated from the first one by an iron sheet that the detainees managed to break down, gaining access to the water and extra space.[3978] ST015 stated that during the next five days the guards threw them loaves of bread, and those who could get some were lucky enough to eat.[3979]

1619. ST015 stated that, upon his arrival from Klisa at the technical school, soldiers hit the prisoners with rifle butts and punched and kicked them; those who could not run quickly and the elderly suffered the brunt of the abuse.[3980] On the first night, it was extremely hot; 20 people

[3968] ST222, 8 November 2010, T. 17058; ST222, 9 November 2010, T. 17116 (confidential).
[3969] ST222, 9 November 2010, T. 17117, 17139 (confidential).
[3970] ST015, P299.04, Witness Statement, 24 November 1996, pp. 4, 11 (confidential); ST014, 4 November 2009, T. 2626.
[3971] ST015, P299.05, Witness Statement, 9 July 2002, pp. 2, 4 (confidential); P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21477 (confidential).
[3972] ST015, P299.04, Witness Statement, 24 November 1996, pp. 2, 4 (confidential); ST015, P299.05, Witness Statement, 9 July 2002, p. 2 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21476 (confidential); Adjudicated Fact 1406.
[3973] Petko Panić, 11 November 2009, T. 2897-2898.
[3974] ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21475 (confidential).
[3975] ST015, P299.04, Witness Statement, 24 November 1996, p. 4 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21477 (confidential).
[3976] ST015, P299.04, Witness Statement, 24 November 1996, p. 11 (confidential).
[3977] ST015, P299.04, Witness Statement, 24 November 1996, pp. 4, 11 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21477-21478 (confidential).
[3978] ST015, P299.04, Witness Statement, 24 November 1996, p. 4 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21477-21478 (confidential).
[3979] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21483 (confidential).
[3980] ST015, P299.04, Witness Statement, 24 November 1996, p. 4 (confidential); ST015, 4 November 2009, T. 2663-2664.

suffocated including two men from Klisa, Hrustan Avdić and Nešad Hamzić.[3981] The next day, soldiers singled out four detainees to clean up the dead.[3982] ST015 did not recall seeing these prisoners in the workshop building after that.[3983] The soldiers ordered the detainees to hand over their money, watches, and documents to men dressed in camouflage uniforms and olive-grey uniforms before walking into the third room as the soldiers beat them.[3984] ST015 suffered a broken rib as a result of the beating.[3985] The Chamber has identified 10 victims from among 36 persons named in the Prosecution's Final Victims List in relation to this incident. The Trial Chamber has outlined the analysis of this evidence in Annex II of the Judgement.

1620. Over the next four days, persons referred to as Serb soldiers selected rich or prominent people from among the detainees and took them into the room where they were kept the first night.[3986] The other prisoners could hear moaning and screaming.[3987] And then gun bursts. The Serb soldiers returned to single out a few more men to carry the bodies; these men often did not return.[3988] ST015 recalled the names of five detainees killed: Ramiz Sinanović, Osman Smajlović, Hasan Avdić, and Nurija and Avdo Jašarević.[3989] A father and son who had tried to leave were also killed.[3990] ST015 approximated that between 160 to 180 people were killed in the first room.[3991] On 3 June 1992 another 25 detainees were told that they would be taken for exchange.[3992] ST015 recalled the name of one man, Ismet Ahmetović from Klisa, who was taken this way.[3993] According to the witness, he is unaccounted for.[3994]

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[3981] ST015, P299.04, Witness Statement, 24 November 1996, p. 4 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21477-21478, 21530 (confidential); ST015, 5 November 2009, T. 2666; Petko Panić, 11 November 2009, T. 2896; P301, List of People Killed and List of Guards at Karakaj School Camp by Mehmedalija Gojkić, 29 June 1992, p. 2 (confidential); Adjudicated Fact 1407.
[3982] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential).
[3983] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.05, Witness Statement, 9 July 2002, p. 2 (confidential).
[3984] ST015, P299.04, Witness Statement, 24 November 1996, pp. 5, 11 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21478-21479 (confidential); Adjudicated Fact 1408.
[3985] ST015, 299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21480 (confidential).
[3986] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21480 (confidential).
[3987] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21480-21481 (confidential).
[3988] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21480 (confidential).
[3989] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21481-21482 (confidential); ST015, 5 November 2009, T. 2666-2667; P301, List of People Killed and List of Guards at Karakaj School Camp by Mehmedalija Gojkić, 29 June 1992, p. 2 (confidential).
[3990] ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21482 (confidential).
[3991] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21480, 21482 (confidential); Adjudicated Fact 1409.
[3992] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21482 (confidential).
[3993] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21482 (confidential).
[3994] ST015, P299.04, Witness Statement, 24 November 1996, p. 5 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21482 (confidential).

1621. ST015 stated that he thought all the guards present at the workshop building were involved in the killings.[3995] ST015 also saw men dressed in the old Yugoslav police uniforms after the beating and killings had already started. These men gave no assistance to the prisoners.[3996]

1622. On 5 June 1992, the approximately 550 remaining prisoners were put onto three Drina-Trans buses and taken to a cinema hall in Pilica.[3997] These buses were organised by the municipal authorities.[3998] ST015 testified that on 8 June 1992 he was loaded onto a truck with 64 others and escorted by a police car to Gero's Slaughterhouse in Karakaj.[3999]

1623. Gero's Slaughterhouse was located beside the garage of the Drina-Trans transport company.[4000] It did not operate as a detention centre as such, but rather as an execution site and a place to dispose of bodies of people killed at other sites.[4001] In this regard, ST221 stated that in May 1992 he received orders from Kosta Erić, a member of the TO, and from Nedo Mlađenović to collect bodies and take them to the slaughterhouse.[4002]

1624. Once ST015 and the other 63 detainees entered the building, guards in JNA uniforms ordered them to face the wall and then opened fire.[4003] With regard to the affiliation of the men who executed the detainees, ST221 recalled the presence of men in olive green uniforms, but stated that it was paramilitaries in camouflage who perpetrated the killings.[4004] ST015 lost consciousness.[4005] When ST015 awoke, he heard an injured man begging the guards to kill him.[4006] The guards said

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[3995] ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21486 (confidential).
[3996] ST015, 5 November 2009, T. 2667-2668, 2680 (confidential).
[3997] ST015, P299.04, Witness Statement, 24 November 1996, p. 6 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21486-21488 (confidential); ST015, 5 November 2009, T. 2668-2669 (confidential); Adjudicated Fact 1410; P299.07, Invoice of Drina Trans Coach Company Regarding the Transport of Refugees, Detainees, and Soldiers for the period of 1 June 1992 to 8 June 1992, p. 2 (confidential).
[3998] ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21487-21488 (confidential); P299.07, Invoice of Drina Trans Coach Company Regarding the Transport of Refugees, Detainees, and Soldiers for the period of 1 June 1992 to 8 June 1992, p. 2 (confidential).
[3999] ST015, P299.05, Witness Statement, 24 November 1996, pp. 6-7 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21488-12491, 21508 (confidential); ST015, 5 November 2009, T. 2669, 2680 (confidential); Adjudicated Fact 1410.
[4000] ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21491 (confidential); P299.08, Sketch Depicting the Layout of the Crime Scene at Gero's Slaughterhouse, p. 1 (confidential).
[4001] ST221, P1708, Witness Statement, 17-18 May 2003, pp. 4-5 (confidential).
[4002] ST221, P1708, Witness Statement, 17-18 May 2003, pp. 4-5 (confidential); ST215, 27 September 2010, T. 14860.
[4003] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21493, 21503 (confidential); ST015, P299.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 3 June 2003, T. 21567 (confidential); ST015, 5 November 2009, T. 2672 (confidential); Adjudicated Fact 1410.
[4004] ST221, P1708, Witness Statement, 17-18 May 2003, p. 5 (confidential); ST015, 5 November 2009, T. 2673 (confidential).
[4005] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential); ST015, P299.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 3 June 2003, T. 21552 (confidential).
[4006] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential).

that they would let the "Balija" suffer.[4007] When the soldiers went to get more men, ST015 crawled out from under dead bodies.[4008] He then escaped and hid in the bushes about 200 to 500 metres from the slaughterhouse until around 9:00 p.m.[4009] While he was there, he twice heard more trucks arrive.[4010] Shortly after their arrival, he heard bursts of gun fire.[4011] ST015 approximated that 190 people from the original group detained at Karakaj Technical School were executed at Gero's Slaughterhouse.[4012] Based on the narrative of the events, the Trial Chamber is satisfied that the 190 men were taken from the original group of 550 men detained in Pilica on 5 June 1992.

1625. ST015 identified 14 people who were executed at Gero's Slaughterhouse: Muradif Hasanović, Sejdo Hasanović, Hasan Hasanović, Ejub Jahić, Jahija Omerović, Zeir Omerović, Omer Omerović, Hasim Hamzić, Osman Ibrahimović, Adem Muratović, Idriz Muratović, Smajo Smajlović, Senad Muratović, and Hrusto Hamzić.[4013] The Trial Chamber has reviewed further forensic evidence concerning the identity of three of these 14 victims. According to the BiH State Commission for Tracing Missing Persons, Muradif Hasanović disappeared on 1 June 1992 in Bijeli Potok and his body was exhumed on 28 July 2003 in Crni Vrh.[4014] Sejdo Hasanović disappeared on 1 June 1992 in Bijeli Potok and his body was exhumed on 28 July 2003 in Crni Vrh.[4015] Smajo Smajlović disappeared on 1 June 1992 in Bijeli Potok and his body was exhumed on 28 July 2003 in Crni Vrh.[4016] In addition, ST015 testified that Asim Hamzić was part of the same group of 64 people who were brought to Gero's Slaughterhouse with him. The death certificate of Asim Hamzić states that he died on 1 June 1992 in Bijeli Potok.[4017] The Prosecution has also submitted evidence on the identity of other two victims of this incident, namely Asim Hasanović and Osman Sinanović.

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[4007] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21493 (confidential); ST015, 5 November 2009, T. 2672 (confidential).

[4008] ST015, P299.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 3 June 2003, T. 21567-21568 (confidential).

[4009] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential); ST015, 5 November 2009, T. 2672 (confidential).

[4010] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 2 June 2003, T. 21495, 21507 (confidential); ST015, P299.02, *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-T, 3 June 2003, T. 21555, 21568 (confidential); ST015, 5 November 2009, T. 2673 (confidential).

[4011] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential); ST015, P299.01, 2 June 2003, T. 21495 (confidential).

[4012] ST015, P299.04, Witness Statement, 24 November 1996, p. 7 (confidential); ST015, P299.01, *Prosecutor v. Slobodan Milošević,* Case No. IT-02-54-T, 2 June 2003, T. 21495 (confidential); Adjudicated Fact 1410.

[4013] ST015, 5 November 2009, T. 2674-2675 (confidential); ST015, P299.04, Witness Statement, 24 November 1996, pp. 6-7 (confidential); P299.10, List of Names of People from the Village of Šetci who were Detained at the Karakaj Technical School Hangar between 1 June 1992 and 5 June 1992, p. 1 (confidential).

[4014] P2466, Proof of Death Database (CHS), "ordinal number" 7688, BiH State Commission for Missing Persons (confidential); ST015, 5 November 2009, T. 2675 (confidential).

[4015] P2466, Proof of Death Database (CHS), "ordinal number" 7694, BiH State Commission for Missing Persons (confidential); ST015, 5 November 2009, T. 2675 (confidential).

[4016] P2466, Proof of Death Database (CHS), "ordinal number" 7702, BiH State Commission for Missing Persons (confidential); ST015, 5 November 2009, T. 2675 (confidential).

However, the evidence is insufficient to establish that these persons were executed at Gero's Slaughterhouse on 5 July 1992.[4018]

1626. The Trial Chamber has also received evidence from ST221, who stated that around the second half of June 1992, a truck carried between 50 and 70 Muslims to Gero's Slaughterhouse. They were killed inside the building by Serb paramilitaries. Reservist soldiers were also present, but did not take part in the executions.[4019] This incident is similar to the one narrated by ST015: they both happened around mid-June 1992, and the number of men killed is similar: 64 and between 50 and 70. The Trial Chamber will therefore consider the evidence of ST015 and ST221 to refer to the same incident.

(d) Destruction of mosques

1627. According to the sources interviewed by András Riedlmayer on the ground, "Serb Forces" or "Serb extremists" destroyed various mosques in the municipality of Zvornik between April and December 1992. In April 1992 "Serb extremists" completely destroyed the Gornji Sepak mosque. Heavy equipment was used to remove the ruins, and only traces of the foundation were left.[4020] In April 1992, "Serb extremists" completely destroyed the Kozluk mosque and turned it into a parking lot and rubbish heap.[4021] Also in April 1992, "Serb extremists" completely razed the Beksuja mosque, and the ruins were used as a parking lot and rubbish heap.[4022] In May 1992 "Serb extremists" completely destroyed the Mosque with Five Minarets in Kula Grad.[4023] On 5 May 1992, Serb Forces shelled the Svrake mosque, shot out its windows, and decapitated the minaret with a projectile.[4024] Serb "extremists" hung Serbian flags from the minaret of Rijecanska mosque and played Serb nationalist songs through its loudspeakers before destroying it.[4025] The site thereafter was used as a parking lot and flea market.[4026] The Radžići mosque was damaged by shelling in June 1992 and completely destroyed in October 1992 when Serb forces took over the village.[4027] The mosque was burned out, the roof and minaret were destroyed, and the interior was gutted, but the

[4017] ST015, P299.04, Witness Statement, 24 November 1996, p. 6 (confidential); P2466, Proof of Death Database (CHS), "ordinal number" 7680.1, Death Certificate (confidential).
[4018] P2466, Proof of Death Database (CHS), "ordinal numbers" 7683.1, 7683.2, BiH State Commission for Missing Persons (confidential); "ordinal number" 7697 (confidential).
[4019] ST221, P1708, Witness Statement, 17-18 May 2003, p. 5 (confidential).
[4020] P1402, Riedlmayer Database, pp. 1097-1098.
[4021] P1402, Riedlmayer Database, pp. 1124-1125.
[4022] P1402, Riedlmayer Database, pp. 1175-1176.
[4023] P1402, Riedlmayer Database, p. 1133.
[4024] P1402, Riedlmayer Database, p. 1160.
[4025] P1402, Riedlmayer Database, p. 1170.
[4026] András Riedlmayer, 2 June 2010, T. 11261; P1406, Riedlmayer *Karadžić* Database, pp. 1132-1133; P1402, Riedlmayer Database, pp. 1169-1170.
[4027] P1402, Riedlmayer Database, p. 1063.

four walls remained intact up to the roof line.[4028] ST144 testified that, around 18 July 1992, some mosques in the vicinity of Zvornik and one mosque in the centre of Zvornik were destroyed by an inspector and his men, known as the Wolves, who were saboteurs from Pančevo. Members of the Wolves loaded the copper from the mosques into their cars, which were escorted by army commandos, and took it to the Republic of Serbia.[4029] In October 1992, Serb forces almost destroyed the Novo Selo mosque, which was levelled by an explosion and then destroyed by mining.[4030]

1628. In May 1992, the Great Mosque in Kula Grad was completely destroyed, and its rubble scattered by an explosion. According to Riedlmayer's Database, it was destroyed by Serb extremists.[4031] The Trial Chamber recalls that there was heavy fighting in this area from the beginning of April 1992 until Kula Grad fell on 26 April 1992.[4032]

1629. The Divič mosque was destroyed, and an Serbian Orthodox church was built on the site.[4033] The Trial Chamber recalls that Arkan's Men, the White Eagles, and the reserve police took over the town of Divič in approximately late April to May 1992, assisted by the artillery support of the JNA.[4034]

1630. In May 1992, the Drinjača mosque was heavily damaged by explosives, the roof and minaret were destroyed, the interior was gutted, and the walls showed damage from blasts.[4035] Regarding the perpetrators, the Trial Chamber recalls that the village of Drinjača surrendered to Serb Forces in late April 1992 and that Serb Forces expelled the citizens of Drinjača on 30 May 1992.[4036]

1631. The Klisa mosque's roof, walls, and minaret were badly damaged in May 1992.[4037] In this regard, the Trial Chamber recalls that Serb Forces surrounded and took over the town of Klisa on 1 June 1992.[4038]

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[4028] P1402, Riedlmayer Database, p. 1063.
[4029] P320, Statement to Bijeljina Public Security Station Regarding Checkpoint Incidents, 6 August 1992, p. 6 (confidential).
[4030] P1402, Riedlmayer Database, pp. 1142-1143.
[4031] P1402, Riedlmayer Database, p. 1130.
[4032] ST014, 2 June 2003, T. 21434-21435 (confidential); Ramiz Smajilović, 6 November 2009, T. 2766; P299.06, Map of Zvornik (confidential); Adjudicated Fact 1379.
[4033] P1402, Riedlmayer Database, pp. 1044-1045.
[4034] ST088, P2188, Witness Statement, 30 June 1996, p. 3 (confidential); ST088, P2190, *Prosecutor v. Krajišnik,* Case No. IT-00-39-T, 4 July 2005, T. 15733 (confidential); Adjudicated Fact 1383.
[4035] P1402, Riedlmayer Database, pp. 1072-1073.
[4036] ST014, P292.03, Witness Statement, 15-16 January 2001, p. 4 (confidential); ST014, 4 November 2009, T. 2644; ST014, P292.03, Witness Statement, 15-16 January 2001, p. 5 (confidential); Adjudicated Fact 362.
[4037] P1402, Riedlmayer Database, p. 1115.
[4038] ST015, P299.04, Witness Statement, 24 November 1996, p. 2 (confidential); ST015, 4 November 2009, T. 2661 (confidential).

1632. A number of other mosques were damaged or destroyed in Zvornik, but the evidence does not specify when, by whom, and in which circumstances. They are the Snagovo mosque,[4039] the Zamlaz mosque,[4040] the Đulići mosque,[4041] the Glumina mosque,[4042] the Skocić Mosque,[4043] the Sultanovici mosque,[4044] the Glodi mosque,[4045] the Donji Križevići mosque,[4046] the Vitinika mosque,[4047] the Donja Glumina mosque,[4048] the Donja Kamenica mosque,[4049] the Kovačevići mosque,[4050] the Godus mosque,[4051] the Gornja Sapna mosque,[4052] the mosque at Grbavći,[4053] and the Selimovići mosque.[4054]

### 3. Factual Findings

1633. *Arrests.* The Trial Chamber finds that, on 15 May 1992, 30 men wearing camouflage, JNA, and police uniforms arrested Ramiz Smajilović, a Muslim and an SDA member, and detained him in the compound hosting the misdemeanour court and the Novi Izvor administration building in Zvornik. It further finds that, on either 26, 27, or 28 May 1992, Serb paramilitaries known as the "Yellow Wasps", and also referred to as Žućo or Repić's men, transported between 400 and 500 Muslim residents of Divič, who were either civilians or persons not taking an active part in hostilities, to the Drina stadium. At the stadium, about 180 men were ordered off the buses and transferred first to the Novi Izvor administration building, where they were kept for two days, and then to the Dom Kulture in Čelopek, where they were detained for approximately a month, before being transferred to the misdemeanour court in Zvornik. Some prisoners remained until mid-July, when they were transferred to the Batković camp in Bijeljina, and others at least until September 1992.

1634. The Trial Chamber finds that, on 30 May 1992, Serb men wearing camouflage and ex-JNA uniforms arrived in the village of Kostijerevo, where they arrested 150 Muslim men, women, and children. They beat, insulted, and mocked them, saying, "Let sovereign Bosnia and Izetbegović help you now if they can." The group was then marched to the Dom Kulture in Drinjača, where

[4039] P1402, Riedlmayer Database, p. 1088.
[4040] P1402, Riedlmayer Database, p. 1173.
[4041] P1402, Riedlmayer Database, p. 1047.
[4042] P1402, Riedlmayer Database, p. 1054.
[4043] P1402, Riedlmayer Database, pp. 1154-1155.
[4044] P1402, Riedlmayer Database, p. 1157.
[4045] P1402, Riedlmayer Database, p. 1075.
[4046] P1402, Riedlmayer Database, p. 1069.
[4047] P1402, Riedlmayer Database, p. 1163.
[4048] P1402, Riedlmayer Database, p. 1050.
[4049] P1402, Riedlmayer Database, p. 1057.
[4050] P1402, Riedlmayer Database, p. 1121.
[4051] P1402, Riedlmayer Database, p. 1081.
[4052] P1402, Riedlmayer Database, p. 1095.
[4053] P1402, Riedlmayer Database, p. 1100.
[4054] P1402, Riedlmayer Database, p. 1151.

later other Muslims were brought. Branko Studen let the women and children go, and about 90 Muslim men were kept in the Dom Kulture.

1635. The Trial Chamber finds that, on 1 June 1992, JNA members and paramilitaries attacked the village of Klisa, where there were 4,000 Muslim refugees. They compelled them to head to Đulići, where they separated 750 men from the rest of the group, put them on trucks, and took them to the workshop building of the technical school in Karakaj. They were detained until 5 June 1992, when they were transferred to Gero's Slaughterhouse. After the fall of Zvornik on 8 April 1992, Pavlović, the TO commander, arrested an unspecified number of Muslim men in the village of Đulići and took them to the technical school in Karakaj.

1636. *Plunder of property.* On 1 June 1992, a group of displaced persons and residents of Klisa were surrounded by Serb paramilitaries and JNA soldiers and marched towards Đulići. Personnel manning a checkpoint between Klisa and Đulići confiscated cars, tractors, and farming equipment from about 4,000 Muslims. Later that day, Serb soldiers and paramilitaries took property from about 750 Muslim men who were part of the group of 4,000 people discussed above. The Trial Chamber therefore finds that the people who confiscated the Muslim property were members of Serb Forces.

1637. The Trial Chamber finds that, towards the end of May or beginning of June 1992, Serb paramilitaries belonging to either Toro or Pivarski's groups, or to the Yellow Wasps, took the valuables of about 180 Muslims detained at the Dom Kulture in Čelopek. On 26 June 1992, after attacking the village of Kozluk, TO members under the command of Marko Pavlović took items from Muslim villagers and made them sign a statement surrendering their property.

1638. On or around 2 June 1992, Serb soldiers or paramilitaries guarding detainees in the Karakaj Technical School ordered about 700 Muslim detainees to hand over their money, watches, and documents to men in olive uniforms.

1639. In addition, the police took prisoners detained at the Novi Izvor administration building to loot Muslim houses.

1640. Around 11 April 1992, Serb soldiers and paramilitaries removed TV sets and furniture from houses in the town of Zvornik. In addition, on 11 April 1992, ST105 saw Arkan's Men looting houses. The evidence, however, does not specify if the removed property belonged to citizens of Muslim or Croatian ethnicity. In this regard, the Trial Chamber has considered that both Serbs and Muslims had left the town before the attack commenced on 8 April 1992 and that therefore on 11 April there may have been a high number of both Muslim and Serb houses left unattended. Under

these circumstances, the Trial Chamber is unable to determine the ethnicity of the owners of the goods taken by the perpetrators.

1641. On 20 April 1992, in an apartment complex with 80 apartments in Zvornik town, 40 flats belonging to Muslims were broken into, while the other 40 belonging to Serbs were not. However, the evidence does not specify who broke into these apartments, or which kind of items, if any, were removed.

1642. Towards the end of April 1992, members of the Yellow Wasps confiscated an unspecified number of vehicles at checkpoints in Zvornik. However, the evidence does not specify the ethnicity of the persons to whom the confiscated vehicles belonged.

1643. Under these circumstances, the Trial Chamber will not further consider the above three incidents in its legal findings.

1644. *Destruction of Muslim property and mosques.* The Trial Chamber finds that on 15 May 1992 JNA soldiers burned the house of Ramiz Smajilović, a Muslim.

1645. The evidence shows that, during the Indictment period, a large number of mosques were destroyed in Zvornik. For the majority of these mosques, the only evidence comes from Riedlmayer's Database, P1402. Although the database specifies for some of the mosques that they were destroyed by "Serb Forces" or "Serb extremists", the Trial Chamber does not consider this evidence to be sufficiently precise. The Trial Chamber will only make findings with regard to those instances where it was able to analyse Riedlmayer's evidence together with other evidence concerning military operations against the villages in which mosques were destroyed.

1646. The Trial Chamber finds that, around 18 July 1992, a group of saboteurs from Pančevo, referred to as the "Wolves", destroyed the mosque in Zvornik town, together with a number of other mosques in the municipality.

1647. The evidence shows that the mosque in Drinjača was destroyed in May 1992. Considering that the village had surrendered to Serb Forces in late April 1992 and that Serb Forces expelled its citizens at the end of May 1992, the Trial Chamber is satisfied that Serb Forces destroyed the mosque.

1648. The Trial Chamber finds that in May 1992 Serb Forces destroyed the Mosque with the Five Minarets in Kula Grad, after the town had surrendered on 26 April 1992.

1649. The evidence shows that the mosque in Divič was destroyed and that Serb Forces took over Divič, employing artillery, in late April to May 1992. However, based on the lack of evidence on

when the Divič mosque was destroyed, the Trial Chamber cannot conclude beyond reasonable doubt that the Serb Forces that shelled Divič were responsible for the mosque's destruction.

1650. The evidence shows that the mosque in Klisa was damaged in May 1992. Serb Forces took over the town on 1 June 1992. Given the lack of further evidence in relation to this incident, the Trial Chamber cannot conclude beyond reasonable doubt that the mosque was destroyed by the Serb Forces which took over Klisa.

1651. *Imposition of discriminatory and restrictive measures.* The Trial Chamber finds that, beginning in March 1992, and continuing in April 1992, Serb TO, Zvornik police, and paramilitaries including men led by a certain Milorad Gojić, set up and manned checkpoints in the municipality. While the curfew applied to everyone, Muslims stopped at the checkpoints were subjected to a "greater degree of control". In addition, from 29 April 1992, Serb Forces at checkpoints harassed, beat, and insulted the villagers of Drinjača and prevented them from reaching Karakaj to work, turning them back towards their village. The evidence also shows that, between 1 April and 30 June 1992, the police carried out searches in 80 apartments belonging to "Muslim extremists". Moreover, after the fall of Zvornik, daily raids, searches, and arrests were carried out against the Muslim inhabitants of Đulići, who began fearing for their security. Although ST215 did not specify who carried out these actions in Đulići, based on the forces present in Zvornik at the time and on the fact that "arrests" were carried out, the Trial Chamber finds that the perpetrators were part of Serb Forces.

1652. *Killings.* With regard to the murders allegedly committed by Serb Forces against Muslim and Croats, the Trial Chamber finds that, between 26 and 28 May 1992, paramilitaries of the Yellow Wasps removed 11 Muslim men from Divič from the Novi Izvor administration building in Zvornik. These men were not returned. Among them were Hasan Tuhčić, Kemal Tuhčić, Mehmed Tuhčić, Alija Tuhčić, Enver Pezerović, Ibrahim Markošević, and Fikret Hadžiavdić. Their bodies were exhumed in 1999, and it was determined that all of them were killed by gunshots to the head, thorax, or both. With the exception of Markošević, who died on 8 May 1992, they all died between 26 and 30 May 1992. Based on the evidence of ST088, on the forensic evidence, and on the dates of death of these men, which are consistent with the date on which they were removed from the Novi Izvor building, the Trial Chamber finds that the Yellow Wasps shot and killed Hasan Tuhčić, Kemal Tuhčić, Mehmed Tuhčić, Alija Tuhčić, Enver Pezerović, and Fikret Hadžiavdić. The evidence, however, does not allow the Trial Chamber to conclude whether the Yellow Wasps also killed the remaining men listed in the Prosecution's Final Victims List.

1653. On 30 May 1992, members of the White Eagles shot and killed approximately 85 Muslim men at the Drinjača School, after calling them "Turkish", "Balijas", and "Muslim motherfuckers"

and uttering other ethnical slurs at them. In Annex II of the Judgement, the Trial Chamber has identified 50 individually named victims of this incident from among 50 persons named in the Prosecution's Final Victims List.

1654. The Trial Chamber finds that, during the night between 1 and 2 June 1992, 20 people of Muslim ethnicity suffocated for lack of air in a room in the workshop of the Karakaj Technical School, where they were detained with about 700 other men, under the guard of members of the Serbian TO. Between 1 and 5 June 1992, a detainee named Hasan Avdić was taken out and never returned. Based on the autopsy report, which establish that Avdić died of a gunshot wound to the head and on the high number of killings perpetrated at the technical school between 1 and 5 June 1992, the Trial Chamber finds that the only reasonable inference is that members of the TO killed Hasan Avdić. The Trial Chamber also finds that, in the same period of time, one of the guards shot and killed Osman Smajlović. Finally, between 2 and 5 June 1992 members of the Karakaj TO company and other uniformed Serbs systematically killed approximately 160 Muslim detainees in the school. In Annex II of the Judgement, the Trial Chamber has identified 10 of the victims killed between 1 and 5 June 1992 in Karakaj from among 36 persons named in the Prosecution's Final Victims List.

1655. On one occasion between 1 and 5 June 1992, TO members at the Karakaj Technical School took four detainees from the workshop building, and ST015 never saw them again. The evidence—including forensic evidence—does not provide further information regarding what happened to these four men. The Trial Chamber therefore is unable to determine whether they were killed and will not further consider the incident in the section below dedicated to legal findings.

1656. The Trial Chamber finds that, around 8 June 1992, JNA soldiers or paramilitaries, which were both present, executed about 190 people of Muslim ethnicity at Gero's Slaughterhouse. The victims had previously been detained at the technical school in Karakaj. The Trial Chamber was able to identify five individually named victims of this incident from among eight persons named in the Prosecution's Final Victims List. They are: Muradif Hasanović, Sejdo Hasanović, Asim Hamzić, Hasim Hamzić, and Smajo Smajlović. Based on the evidence of ST015, the Trial Chamber has also identified 10 other victims of this incident, namely Hasan Hasanović, Ejub Jahić, Jahija Omerović, Zeir Omerović, Omer Omerović, Osman Ibrahimović, Adem Muratović, Idriz Muratović, Senad Muratović, and Hrusto Hamzić.

1657. Between 5 and 11 June 1992, paramilitaries belonging to Toro's Group, shot and killed Nurija Hadžiavdić, Ramo Alihodžić, and Salih Zahirović at the Čelopek Dom. Shortly thereafter, the paramilitaries took two other prisoners out of their cell, and only one of them returned. While this circumstance indicates that one prisoner may have been killed, the Trial Chamber has

considered that the detainee who returned did not mention the killing of his inmate. The failure of the detainee to return does not allow, on its own, for a conclusion beyond reasonable doubt that he was killed. Under these circumstances, the Trial Chamber will not further consider this incident in its legal findings.

1658. The Trial Chamber finds that, on 11 June 1992 at the Čelopek Dom, one of the paramilitaries of Dušan Repić's group, the Yellow Wasps, beat a Muslim man named Ejub Tuhčić with a chair and other instruments. As a consequence, Tuhčić lapsed into a coma and, left untreated, died on 15 June 1992. On the same day, members of the Yellow Wasps killed Fikret Jajagić, Šaban Bikić, Sakib Kapidžić, Zajim Pezerović, and Zulkarnejn Efendić after having tortured them and abused them. In addition, Repić himself shot and killed Alija Atlić, Salih Hadžiavdić, Hasan Atlić, and Damir Bikić.

1659. After the 11 June 1992 killings, police officers forced two prisoners to load the bodies onto a truck and ordered one of the two, Husein Salihović, to go with the truck. Salihović did not return and his body was exhumed in Crni Vrh on 28 July 2003. On the basis of the forensic evidence adduced in relation to this individual analysed in Annex II, the Trial Chamber finds that the only reasonable inference is that Husein Salihović was killed after burying the bodies of his fellow inmates on or about 11 June 1992.

1660. Moreover, the Trial Chamber finds that on 27 June 1992, Dušan Repić killed 20 persons, among whom Farid Hadžiavdić. The Trial Chamber was able to identify 14 individually named victims of the killings in Čelopek Dom from among 50 persons named in the Prosecution's Final Victims List.

1661. Towards the end of May 1992, a police officer shot and killed a man, whose family name was Gazibović, who had tried to escape from the Novi Izvor administration building.

1662. In conclusion, having considered the above discussed incidents, the Trial Chamber finds that, during the Indictment period, Serb soldiers and paramilitaries killed at least 497 Muslims who were either civilians or *hors de combat* at the time they were killed.

1663. *Conditions of detention and treatment of prisoners.* With regard to the alleged cruel treatment, inhumane acts, and torture perpetrated in the detention centres against the non-Serb population, the Trial Chamber finds that, at the Dom Kulture in Čelopek, members of the Yellow Wasps and of two groups known as Pivarski and Toro's groups, beat detainees with iron bars and spiked weapons, causing them serious injuries. The paramilitaries also carved crosses on some of the detainees' foreheads. Repić and his men sexually abused inmates, obliged them to perform

sexual acts on each other, and cut off their penises in some cases and their ears in others. These acts caused serious bodily and mental harm to the detainees. The detainees at the Dom Kulture were Muslim men from Divič. Although the beatings were carried out by paramilitaries, reserve police officers guarding the facility were aware of their actions and did not take effective measures to stop them. At the end of June or beginning of July 1992, the police, upon the exercise of pressure by local Serb women who complained about the beatings perpetrated by the paramilitaries at the Dom Kulture, transferred the detainees to the Novi Izvor administration building.

1664. The Trial Chamber finds that, starting in mid-May and until at least September 1992, up to 100 or more Muslims were detained at the Novi Izvor administration building and at the misdemeanour court in Zvornik, two buildings part of the same compound which run as a single detention centre. Five Serbs accused of murder were also detained there. The police guarded the detention centre, but received orders and directions from Marko Pavlović, commander of the TO. The detainees were not given enough food and had to sleep on the floor.

1665. The detainees, including witness Smajilović, were beaten by the police and men in other uniforms, and seriously injured. Based on the control exercised by Pavlović on this prison and on his presence during at least one of the beatings, the Trial Chamber finds that the other men in uniforms were members of the TO. With regard to the police involvement in the beatings, Smajilović testified that, on one occasion, he was beaten by a police officer. In analysing Smajilović's testimony, the Trial Chamber has considered ST222's evidence, who testified that one of Gogić's paramilitaries was responsible for Smajilović's beating and that these men wore the same uniforms as the Zvornik police officers. On this basis, the Trial Chamber finds that Smajilović was beaten by a member of Gogić's group. Further, on the basis Panić's evidence that Gogić's men were given police uniforms and were paid by the MUP, the Trial Chamber finds that Gogić's men were integrated into the police.

1666. On 30 May 1992, Arkan's Men beat about 30 detainees at the Dom Kulture in Drinjača, causing them serious bodily harm. On one occasion, they used electric cable to beat an inmate. On the same day, members of the Yellow Wasps beat the inmates and uttered ethnical slurs, such as "Balijas" and "Turks" to them, before executing more than 80 of them. The detainees were Muslim men.

1667. Between April and May 1992, paramilitaries mistreated Muslim detainees at the Ekonomija farm in the town of Karakaj.

1668. Finally, from 1 to 5 June 1992, 700 to 750 Muslims from the village of Klisa were kept in the workshop of the technical school in Karakaj, where they were given so little air and space that

20 detainees died of suffocation during the first night. The facility was guarded by TO members, who did not feed the prisoners, aside from occasionally throwing them some bread. TO members beat the detainees using various objects, including rifle butts, causing serious injuries.

1669. Having considered that the detainees in these detention centres were almost exclusively of Muslim ethnicity, the severity of the assaults, and the ethnical slurs uttered against the victims, the Trial Chamber finds that the mistreatment and assaults described above were committed on the basis of the victims' ethnicity.

1670. *Forcible transfer and deportation.* Beginning shortly before the takeover of Zvornik town on 8 April 1992, the Muslim residents fled in the direction of Kula Grad after discovering that paramilitaries were approaching. Both on 8 and 11 April 1992, ST105 met hundreds of Muslims who reported that their businesses and homes were being shot at, that they were scared, and that they were trying to escape. After the takeover of Zvornik town, in April and May 1992, Serb Forces—comprised of paramilitaries, JNA, and the TO—expelled the Muslim population from a number of villages in the municipality. After 8 April 1992, the Muslim population of Đulići was subjected to daily raids, house searches, and arrests. They requested to meet with the Serbian authorities in Zvornik, who replied that they could not guarantee their security. As a consequence, about 4,500 Muslims left Đulići. In late April 1992, 1,000 Muslims left Divič after Arkan's Men and the White Eagles shelled the village. On 26 or 28 May 1992, members of the Yellow Wasps, JNA, and police expelled another 400 or 500 Muslims from Divič. On 30 May 1992 Serb uniformed persons expelled the Muslim population from Kostijerevo, Sopotnik, Devanja, and Drinjača. Based on the presence of military hardware and a military truck, the Trial Chamber is satisfied that they were Serb soldiers. On 1 June 1992, paramilitaries and JNA units expelled 4,000 Muslim refugees from Klisa, where they had gathered after having left their villages of origin. Finally, the demographic evidence shows a decrease of more than 91% in the number of Muslims residing in Zvornik in 1997 compared to 1991; and, in 1997 more than 29,000 Muslims were internally displaced persons from Zvornik.

1671. On the basis of this evidence, the Trial Chamber finds that starting in April 1992 thousands of Muslims left the municipality of Zvornik. In some instances, Muslims left because they were frightened by the crimes against them and their property, as well as by acts of intimidation, committed by Serb Forces. In other instances, Serb Forces forcibly removed the Muslim population from their villages by loading them onto trucks or buses and often, after having separated the able-bodied men, drove them either to Serbia or to Muslim controlled territory.

4. Legal Findings

1672. *General requirements of Articles 3 and 5 of the Statute*. The Trial Chamber recalls its finding that an armed conflict existed in Bosnia and Herzegovina during the time period relevant to the Indictment. The Trial Chamber finds that a nexus existed between the acts of the Serb Forces in Zvornik and the armed conflict. Moreover, the victims of the crimes, as detailed below, were not taking an active part in the hostilities.

1673. The Trial Chamber finds that the acts of the Serb Forces were linked geographically and temporally with the armed conflict. The Trial Chamber has considered the evidence that, upon orders of the Zvornik Crisis Staff, on 8 April 1992 Serb paramilitaries, TO members, JNA members, and members of the police launched an attack against the town of Zvornik. During April and May 1992, Serb Forces attacked and took over a number of Muslim villages in the municipality of Zvornik. During these attacks, Serb Forces threatened entire Muslim villages, including Divič and Kozluk, shot at Muslim homes, confiscated their property, shot and killed people on the spot, and destroyed mosques. In the Muslim village of Đulići, after 8 April 1992 the residents did not have food, water, electricity, or medication. Furthermore, after Serb Forces gained control of an area, Muslim women and children were forced to leave their homes and were transported to Muslim-held territory. In Kositjerevo, Serb Forces beat, insulted, and mocked the Muslim residents. After attacking Divič, Kostijerevo, Drinjača, and Klisa, Serb Forces detained the Muslim men in harsh conditions, beat them, and killed a large number of them. Some Muslim prisoners were still detained in September 1992. On this basis, the Trial Chamber finds that the acts of Serb Forces described above constituted an attack against a civilian population, identified as the Muslim population of Zvornik, which lasted from 8 April 1992 until at least September 1992. Considering the large number of victims and the system of detention centres organised in the municipality, the Trial Chamber finds that the attack was both widespread and systematic. The acts committed by Serb Forces against the Muslim civilians were part of this attack. Given the magnitude of the attack, the Trial Chamber finds that the perpetrators knew that an attack was ongoing in Zvornik and that their acts were part of it.

1674. On the basis of the above, the Trial Chamber finds that the general requirements of Articles 3 and 5 of the Statute have been satisfied.

1675. *Counts 2, 3, and 4*. The Trial Chamber finds that the killing between 26 and 28 May 1992 of six Muslim men at the Novi Izvor administration building by the Yellow Wasps; the killing on 30 May 1992 of approximately 85 Muslim men at the Drinjača School by paramilitaries from the White Eagles and Arkan's Men; the killing, between 1 and 5 June 1992, of about 180 Muslim men at the Karakaj Technical School by members of the Karakaj TO company and other uniformed

Serbs; the killing of Hasan Avdić and Osman Smajlović also at the Karakaj Technical School by members of the Karakaj TO company between 1 and 5 June 1992; the killing, on 8 June 1992, of about 190 Muslim men at Gero's Slaughterhouse by men in olive-green-gray uniforms worn by the JNA; and finally the killing, between 5 and 11 June 1992, of 34 detainees at the Dom Kulture in Čelopek by the Yellow Wasps and paramilitaries of Toro's Group, constituted murder. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that, by killing these men, Serb Forces committed murder, both as a crime against humanity and as a violation of the laws or customs of war.

1676. The Trial Chamber further finds that, by locking up more than 700 men in a 10 by 15 metres room in the workshop of the technical school in Karakaj, Pavlović and the TO members, who were in charge of the prison, intended to cause them serious bodily harm, which they should reasonably have known might lead to their death. Therefore, the Trial Chamber finds that the suffocation of 20 Muslim men on 1 June 1992 in the school's workshop constituted murder.

1677. The Trial Chamber has considered the killing by a police officer, in late May 1992, of a man named Gazibović who was attempting to escape from the Novi Izvor administration building. In relation to this incident, it has first considered its finding below that the detention at the Novi Izvor administration building and the misdemeanour court in Zvornik was unlawful. It has also considered that five Serbs accused of murder were kept in the misdemeanour court. Unlike the men from Divič, the detention of the five Serbs appears to have been based upon legitimate grounds. Considering that the court and the administration building were part of the same complex, the Trial Chamber cannot exclude that the man trying to escape was one of the five Serbs. Under these circumstances, and considering the vagueness of the evidence of this incident, the Trial Chamber cannot conclude beyond reasonable doubt that the killing of Gazibović constituted murder.

1678. The Trial Chamber finds that the killing of approximately 85 Muslim men at the Drinjača School by members of the paramilitary groups, the White Eagles and Arkan's Men, on 30 May 1992 is sufficiently large so as to satisfy the requirements of extermination.

1679. The Trial Chamber finds that the killing of about 162 Muslim men (including Hasan Avdić and Osman Smajlović) at the Karakaj Technical School between 1 and 5 June 1992 and the killing of 190 Muslim men at Gero's Slaughterhouse on 8 June 1992 were carried out in a relatively short time period, in a similar manner, and involved men who had been detained at the Karakaj Technical School. The Trial Chamber therefore finds they were part of the same operation. The number of victims in both killings, amounting to about 352 victims, is sufficiently large so as to satisfy the requirements of extermination. The Trial Chamber however considers that even if considered separately, each of the killings is sufficiently large so as to satisfy those requirements.

1680. The Trial Chamber notes that 20 men died as the result of suffocation also at the Karakaj Technical School. However, considering that the mode of killing in respect of these victims is significantly different from the 352 victims, the Trial Chamber considers these killings not to have been part of the same operation. After considering the circumstances in which the killings occurred, the Chamber finds that the number of killings, amounting to 20 victims, is sufficiently large so as to satisfy the requirements of extermination.

1681. The Trial Chamber finds that the killing of 34 men at the Čelopek Dom in June 1992 was part of the same operation as the men were killed in a relatively short time period, at the same location, and by the same perpetrators. The Chamber finds that the number of killings, amounting to 34 victims, is sufficiently large so as to satisfy the requirements of extermination

1682. Therefore, and recalling that the general requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, the perpetrators committed extermination, as a crime against humanity.

1683. With regard to the killing of six men by the Yellow Wasps at the Novi Izvor Administration Building between 26 and 30 May 1992, the Trial Chamber does not find that these killings were part of any of the abovementioned operations. Moreover, the killing of six men is not sufficiently large so as to satisfy the requirements of extermination.

1684. Recalling that the general requirements of Article 5 have been satisfied, the Trial Chamber finds that, through their acts, Serb Forces committed extermination as a crime against humanity in respect of the killing of 85 men at the Drinjača School, the killing of 352 detainees from Karakaj Technical School, and the killing of 20 men, by suffocation, also at the Karakaj Technical School.

1685. *Counts 5, 6, 7, and 8.* The Trial Chamber finds that the assaults carried out by Serb Forces against the Muslim detainees, both during the arrests and in the detention centres, caused great physical and psychological suffering and long term consequences to their health and that the assaults were carried out as a form of intimidation and discrimination. Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber finds that Serb Forces committed torture against the Muslim detainees, both as a crime against humanity and as a violation of the laws or customs of war. Having found that the general requirements of both Article 3 and Article 5 are satisfied and that torture was committed, the Trial Chamber also finds that Serb Forces committed other inhumane acts, as a crime against humanity, and cruel treatment, as a violation of the laws or customs of war, against the detainees.

1686. *Counts 9 and 10.* The Trial Chamber finds that, starting in April 1992, Serb Forces removed Muslims from Zvornik, where they were lawfully present, by expulsion or other coercive acts and without grounds permitted under international law. The Trial Chamber has considered the threats, ultimatums, and harassment by Serb Forces against the Muslim villages of Divič, Kostijerevo, Drinjača, Klisa, Djuliči, and Kozluk. Notably, on 26 June 1992 TO units told the Muslims in Kozluk that they had one hour to leave or they would be killed. The Trial Chamber has also considered the words of the TO in light of an entry in General Mladić's diary, where Mladić wrote: "We are most active in evicting Muslims, we had brought peace to Sepak, Divič, Kozluk. Some of them wanted to move out, while we demanded it." Finally, the Trial Chamber has considered the evidence that Serb authorities resettled Serbs in the houses left empty by the Muslims who had left. Muslims were removed within a national boundary (forcible transfer). This transfer was of similar seriousness to the instances of deportation in this case, as it involved a forced departure from the residence and the community, without guarantees concerning the possibility to return in the future, and with the victims suffering serious mental harm. Victims were also removed across a *de jure* state border. On this basis, the Trial Chamber finds that Serb Forces, through their acts and omissions, intended to displace the victims across the relevant national border (as in deportation) or within the relevant national border (as in forcible transfer). Having found that the general requirements of both Article 3 and Article 5 are satisfied, the Trial Chamber therefore finds that Serb Forces committed other inhumane acts (forcible transfer) and deportation as crimes against humanity against the Muslim population of Zvornik.

1687. *Count 1.* With regard to the arrests of Muslims, the Trial Chamber has considered that there was little or no resistance in each village, except for Kula Grad. Petko Panić testified that the men arrested in Divič were "primarily civilians". Nevertheless, Muslim men were indiscriminately detained and often killed. Some of the Muslim civilians from Đulići were brought to the technical school in Karakaj simply because Pavlović needed some prisoners to exchange with Serb prisoners in Tuzla. Smajilović was arrested without any explanation, and heard a prison guard telling another one that 90% of the detainees at the Novi Izvor administration building had no reason to be there. Similarly, ST088 heard one of the guards at Novi Izvor say that the detainees had done nothing. Furthermore, the Trial Chamber has considered that Serb Forces took over Muslims towns in the municipality of Zvornik according to a pattern whereby they rounded up men, women, and children, deported the women and children and detained the men, including men at least as young as 16 and at least as old as 70. Serb Forces did not attempt to differentiate civilians from enemy combatants. On this basis, the Trial Chamber finds that Serb Forces unlawfully imprisoned Muslims in Zvornik without legitimate grounds and on a discriminatory basis.

1688. The Trial Chamber finds that the taking of Muslim property, the destruction of Smajilović's house, and the destruction of mosques constituted plunder of property and destruction or wilful damage to institutions dedicated to religion. Serb Forces imposed discriminatory measures on the Muslims of Zvornik by denying them judicial process upon their arrest and by restricting the freedom of movement of Muslims by preventing them from reaching their workplace. The Trial Chamber finds that Serb Forces imposed discriminatory measures on the Muslims inhabitants of Đulići by carrying out daily raids, searching their houses, and carrying out arrests after the fall of Zvornik. The Trial Chamber has considered the evidence showing that, between 1 April and the end of June 1992, Serb police searched 80 houses belonging to "Muslim extremists". However, because of the very general nature of this evidence, the Trial Chamber is unable to conclude whether these searches were arbitrary.

1689. The Trial Chamber finds that the acts discussed above under counts 2, 3, 4, 5, 6, 7, 8, 9, and 10—as well as the unlawful detentions; the establishment and perpetuation of inhumane living conditions; the plunder of property; the wanton destruction of towns and villages, including destruction or wilful damage done to institutions dedicated to religion and other cultural buildings; and the imposition and maintenance of restrictive and discriminatory measures—infringed upon and denied Muslims their fundamental rights laid down in customary international law and treaty law. They were also discriminatory in fact, as they selectively and systematically targeted Muslims. On the basis of the pattern of conduct and of statements made by Serb Forces during the arrest campaign or in the detention centres—such as referring to the prisoners as "Balijas", "Ustashas" and "Turks", uttering statements such as "let the Balija suffer," forcing prisoners to sing Serbian songs, and beating prisoners if they did not know how to "pray like Christians"—, the Trial Chamber finds that Serb Forces carried out these actions with the intent to discriminate against the Muslims because of their ethnicity.

1690. On the basis of the above, the Trial Chamber finds that Serb Forces committed persecution as a crime against humanity against the Muslims in Zvornik.

1691. *Conclusion.* The Trial Chamber finds that from 8 April 1992 until at least September 1992 Serb Forces committed the crimes charged under counts 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of the Indictment in the municipality of Zvornik.